

Chapter 90 - UNIFIED DEVELOPMENT ORDINANCE

Footnotes:

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Editor's note— Printed herein is the Unified Development Ordinance adopted June 11, 2015, by Ord. No. 2015-CO-056. The ordinance has been printed as adopted, except that obviously misspelled words and typographical errors have been corrected without notation. Words added for clarification have been added in brackets. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. See the Code Comparative Table for a complete history of former Ch. 90.

ARTICLE 1: - TITLE, PURPOSE AND INTENT

Sec. 1.1. - Title.

This ordinance shall officially be known and referred to as the "Winnebago County Unified Development Ordinance." All references herein to "this ordinance" or "Unified Development Ordinance" shall be interpreted as referring to the Winnebago County Unified Development Ordinance.

Sec. 1.2. - Authority.

This ordinance is adopted pursuant to the statutory authority conferred in 55 ILCS 5/5-1041, 55 ILCS 5/5-1062, 55 ILCS 5/5-12001, 605 ILCS 5/6-325 and 615 ILCS 5/4.9 et seq.

Sec. 1.3. - Applicability and Jurisdiction.

This Ordinance shall apply to all development, public or private, in unincorporated Winnebago County. All structures and land uses constructed or commenced hereinafter, and all enlargements of, additions to, or changes in and relocations of existing structures and uses occurring hereafter shall be subject to this Ordinance, Statutes of the State of Illinois, Winnebago County Building Codes and all other applicable Winnebago County Ordinances.

This Ordinance shall also govern properties in the County of Winnebago that have an annexation agreement with a municipality that is more than 1.5 miles from the property, unless after receiving a request for jurisdiction from the annexing municipality, the County of Winnebago agrees, by the affirmative vote of a majority of its members, that the property covered by the annexation agreement shall be subject to the ordinances, control, and jurisdiction of the annexing municipality.

Sec. 1.4. - Effective Date.

These regulations shall become effective as of the date this Ordinance is adopted and approved by the Winnebago County Board. Upon such date, these regulations shall supersede, repeal and replace the previous Winnebago County Zoning Ordinance, Chapter 90, and any amendments thereof, and the previous Winnebago County Subdivision Ordinance, Chapter 74, and any amendments thereof.

Sec. 1.5. - Purpose and Intent.

The purpose of this Ordinance is to provide for the citizens of the county adequate light, pure air and safety from fire and other dangers, to conserve the value of land and buildings, to lessen or avoid congestion of traffic on the public roads and to promote the public health, safety, comfort, convenience, morals and general welfare; to protect the character and the stability of the residential, agricultural, business, and industrial areas within the county and to promote the orderly and beneficial development of such areas; to establish restrictions in order to attain these objectives by adopting a zoning ordinance which will revise the districts into which the county is divided, the restrictions upon the uses to which land and buildings may be devoted, the restrictions upon the location

and height of buildings, the restrictions upon the intensity of the use of land and buildings, the requirements for yards, the requirements for off-street parking facilities, the provisions for administration and enforcement of this chapter, the penalties for violation of this chapter, and the procedure, powers and duties of the board of appeals. These purposes shall be achieved in part through the implementation of goals, objectives, and policies of the Winnebago County 2030 Land Resource Management Plan, adopted on May 28, 2009, and as may be amended. This Ordinance sets forth regulations that control the use of land and structures in unincorporated Winnebago County. These regulations are specifically designed to:

- A. Protect the character and the stability of the residential, agricultural, business, and industrial areas within the county and to promote the orderly and beneficial development of such areas.
- B. Establish restrictions in order to attain these objectives by adopting a Unified Development Ordinance which will revise the districts into which the county is divided, the restrictions upon the uses to which land and buildings may be devoted, the restrictions upon the location and height of buildings, the restrictions upon the intensity of the use of land and buildings, the requirements for yards, the requirements for off-street parking facilities, the provisions for administration and enforcement of this chapter, the penalties for violation of this chapter, and the procedure, powers and duties of the board of appeals.
- C. Preserve agricultural land.
- D. Provide a variety of quality housing stock to meet the needs of County residents, while establishing an efficient land development pattern.
- E. Promote economic development throughout the County that balances the needs of the current and future economy with a high quality of life standard.
- F. Promote growth that supports the principals of balanced growth by preserving open space and natural areas, reducing traffic congestion, utilizing existing infrastructure and resources, and preserving the quality of life within our community.
- G. Preserve Winnebago County's green infrastructure by protecting, conserving, restoring and properly managing such assets.
- H. Maintain, develop, and plan for public facilities and utilities in an economical and environmentally sound manner.
- I. Plan, construct and maintain an accessible, efficient, multi-modal, regional transportation system that meets the needs of the public and commerce, while minimizing risks to health, safety and the environment.
- J. Plan for and install state-of-the-art telecommunication infrastructure, attract high-tech businesses, and train a local workforce that can staff such businesses.

Sec. 1.6. - Flood Warning and Disclaimer of Liability.

The degree of flood protection provided by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Nonetheless, greater floods may occur on occasion and by human made or natural causes. The Ordinance does not imply that areas outside floodplain areas or that land uses permitted within such areas will be forever free from flooding or flood damages. This Ordinance shall not create any liability on the part of or a cause of action against Winnebago County or any other officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Sec. 1.7. - Conflicting Provisions.

If the provisions of this Ordinance are inconsistent with those of the State or Federal Government, the more restrictive provision will control, to the extent permitted by law.

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision will control. No text amendment, zoning variance or condition of approval placed on a special use or other form of development approval under this Ordinance shall have the effect of nullifying, abrogating or diminishing the provisions of any other County ordinance.

This ordinance is not intended to abrogate, annul or otherwise interfere with any private easement, agreement, covenant, restriction or other private legal relationship. The county does not enforce private agreements, easements, covenants or restrictions except those specifically required for the administration and enforcement of this Ordinance.

Sec. 1.8. - Transition Rules.

The following rules shall govern the transition to the new Winnebago County Unified Development Ordinance:

Complete zoning applications submitted prior to the effective date of this Ordinance may be reviewed wholly under the terms of the previous zoning ordinance or wholly under the terms of this Ordinance. Whether such review takes place wholly under the provisions of the previous zoning ordinance or under this Ordinance is at the applicant's discretion.

Applications for special use permits and variance applications that were submitted in complete form and are pending approval before the effective date of this Ordinance may be reviewed wholly under the terms of the zoning ordinance in effect immediately before the effective date of this Ordinance or they may be reviewed wholly under the terms of this Ordinance. Whether such review takes place under the provisions of the previous zoning ordinance or under this Ordinance is the decision of the applicant. The applicant's decision about which ordinance applies, once submitted, may not be changed. All development applications submitted on or after the effective date of this ordinance will be reviewed wholly under the terms of this Ordinance.

Any development or structure for which a final zoning clearance was issued before the effective date of this Ordinance may be completed in conformance with the issued zoning clearance and other applicable permits and conditions, even if such development or structure does not fully comply with the provisions of this Ordinance. If construction is not commenced and pursued within the time allowed under the original permit or any extension granted, then the development or structure must be constructed, completed and occupied only in strict compliance with the standards of this Ordinance.

All special use permits, including planned unit developments, vested rights, subdivision plans, site plan approvals, sign permits and variances granted prior to the effective date of this Ordinance shall remain in full force and effect under the terms and conditions of the approval and the ordinance in effect immediately before this Ordinance, subject to the expiration limitations of Article 4, Section 4.3. Any change of use in a previously approved special use will require compliance with this Ordinance.

Any violation of the previous zoning and subdivision ordinances shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under Article 6 (Enforcement), unless the use, development, construction or other activity complies with the provisions of this Ordinance. Payment shall be required for any civil penalty assessed under the previous Ordinances, even if the original violation is no longer considered a violation under this ordinance. The adoption of this ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous Ordinance that occurred before the effective date specified in Section 1.4 of this Article.

The Winnebago County Planning and Zoning Officer may review or extend the time of a previous approval of a zoning clearance if the project complies with all the requirements of this Ordinance. Any extension granted shall not exceed one (1) year in length, and no more than one (1) extension shall be granted. Any re-application for an expired project shall meet the standards in effect at the time of re-application.

Any legal nonconformity under the previous ordinances will also be a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous ordinance continues to exist. If the nonconformity under the previous ordinance becomes conforming because of the adoption of this Ordinance, then the situation will no longer be

nonconforming. A situation that was unauthorized and did not constitute a nonconforming situation under the previously adopted ordinance does not achieve nonconforming status under this Ordinance merely by repeal of the previous zoning ordinance.

When a lot is used for a purpose that was a lawful use before the effective date of this Ordinance, and this Ordinance no longer classifies such use as either a permitted use or special use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by the provisions of Article 21 (Nonconformities) of this Ordinance.

Any lawfully established structure or lot that existed on the effective date of this Ordinance does not meet the standards set forth in this Ordinance, such structure or lot shall be considered nonconforming and shall be controlled by the provisions of Article 21 (Nonconformities) of this Ordinance.

Sec. 1.9. - Severability.

If any court of competent jurisdiction shall declare any provisions of this Ordinance to be invalid, such ruling shall not affect any other ordinance provision not specifically included in such ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular lot, structure or use, such ruling it shall not affect the application of such ordinance provision to any other lot, structure or use not specifically included in such ruling.

Sec. 1.10. - Exempted Uses.

The following uses are exempted by this Ordinance and permitted in any zoning district: Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications, electric power, gas, water and sewer lines, except cell towers, solar panels or wind turbines; provided that the installations shall conform to Federal Communications Commission and Federal Aeronautics Administration rules and regulations and the regulations of other authorities having jurisdiction.

The provisions of this Ordinance shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes or with respect to the erection, maintenance, repair, alteration, remodeling, or extension of structures used or to be used for agricultural purposes upon such land, except that such structures for agricultural purposes may be required to conform to yard or setback lines and such structures may be required to be inspected pursuant to the Building Department.

ARTICLE 2: - ADMINISTRATIVE BOARDS, COMMITTEES AND OFFICIALS

Sec. 2.1. - County Board.

As used in this Ordinance, the "County Board" shall mean the duly elected County Board of Winnebago County, Illinois. The County Board shall be the ultimate decision making authority for all final decisions, as set forth in this Ordinance. Unless otherwise required by this Ordinance, or other applicable law, the County Board's decisions shall be made independently, and without obligation to, any other advisory or preliminary committee which may first hear the matter.

Without limiting any authority, powers, or duties granted to, or vested in, the County Board by state law or by other ordinances of Winnebago County, the County Board shall have the following powers and duties with respect to this ordinance, to be carried out in accordance with terms of this ordinance:

- 1) To determine whether or not to adopt amendments to the text of this ordinance and amendments to the zoning district maps after receiving recommendations from the ZBA and designated committees of the County Board;
- 2) To determine whether or not to approve, with or without conditions, or deny applications for zoning variations,

- special uses, including planned unit developments, subdivision variations, final plat subdivisions; and
- 3) To determine whether or not to adopt amendments to and updates of the Winnebago County 2030 Land Resource Management Plan. If the County Board finds cause for revisions or amendments, it shall consider the zoning committee's recommendation with regard to the changed language or plan map, and upon approval, shall cause the plan to be amended and/or adopted for the County of Winnebago, in the State of Illinois.

Sec. 2.2. - Zoning Committee.

The Zoning Committee shall have all of the powers and duties specifically assigned in this Ordinance including, but not limited to:

- 1) Reviewing proposed text amendment, zoning map amendment, special use, including planned unit development, and variation applications and recommending that the County Board approve, approve with conditions or to deny such applications.
- 2) Reviewing proposed final plat subdivision and vacation requests and recommending that the County Board approve, approve with conditions or to deny such applications. To approve, conditionally approve or to deny tentative plats with regard to conformity with all pertinent policies, laws, rules, regulations and particularly with the technical requirements of this Ordinance.
- 3) Reviewing proposed 2030 Land Resource Management Plan amendment requests and recommending that the County Board approve such amendments, approve subject to changes or to deny such applications.

Sec. 2.3. - Zoning Board of Appeals.

The Zoning Board of Appeals shall have all of the powers and duties specifically assigned in this Ordinance, including the following general duties and responsibilities.

- (a) *Creation and membership.* Membership shall be regulated by the following:
 - (1) A Zoning Board of Appeals is hereby created, such board to consist of seven members appointed by the Chairman of the County Board, by and with the consent of the County Board.
 - (2) The word "Board," when used in this Ordinance, shall be construed to mean the Zoning Board of Appeals. All members of the board shall be residents of the County. No member of the Board shall hold an elective office in the City or County government. All members of the Zoning Board of Appeals shall be residents of separate congressional townships at the time of their appointment.
 - (3) The members of the Zoning Board of Appeals shall serve for the following terms, or until their respective successors are appointed and qualified:
 - a. One (1) or a term of one (1) year;
 - b. One (1) for a term of two (2) years;
 - c. One (1) or a term of three (3) years;
 - d. One (1) for a term of four (4) years; and
 - e. Three (3) for terms of five (5) years.
 - (4) Thereafter, as their terms expire, each new appointment shall be for a term of five (5) years. One (1) of the members of the Board shall be designated by the Chairman of the County Board, with the consent of the County Board, as Chairman and shall hold office as Chairman until his successor is appointed. The Chairman of the County Board shall have the power to remove any member of the Zoning Board of appeals for cause and after a public hearing. Vacancies upon the Zoning Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant, in the manner provided in this section for the appointment of such members.

- (b) *Meetings and Rules.* All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. All hearings conducted by the Board shall be open to the public. Any person may appear at a hearing, either in person or by a duly authorized agent, or attorney. The Chairman, or in his/her absence, the acting Chairman may administer oaths and compel the attendance of witnesses. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof and every requirement, decision or determination of the board shall be filed immediately in the zoning office and shall be a public record. The Zoning Board of Appeals shall adopt its own rules of procedure not in conflict with this Article or with the applicable statutes, a copy of which shall be filed in the zoning office.
- (c) *Offices.* The County Board shall provide suitable offices for the storage and presentation of records, documents and accounts, and a place for the public to examine the same.
- (d) *Appropriations.* The County Board shall appropriate funds to carry out the duties of Zoning Board of Appeals and the Zoning Board of Appeals shall have the authority to expend, under regular procedure, all sums appropriated to it for the purposes and activities authorized in this section.
- (e) *Compensation.* Compensation and expenses of the Zoning Board of Appeals shall be determined by resolution by the County Board.
- (f) *Jurisdiction.* The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:
- (1) Establish rules of procedure, and such other rules as it deems necessary, not in conflict with Illinois law.
 - (2) To hear and decide appeals from any order, requirement, decision or determination made by the Planning and Zoning Officer under this Ordinance. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the board may decide to be fitting and proper in the premises, and to that end, the Board shall also have all the powers of the Officer from whom the appeals are taken.
 - (3) Compel the attendance of witnesses at hearings and administer oaths.
 - (4) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
 - (5) To hear all applications for zoning variations, special use permits, ordinance text amendments and zoning map amendments and make a report and/or findings and recommendation to the County Board.
 - (6) File minutes of its proceedings and any written recommendations from any County Department, States Attorney, or other official bodies; show the vote of each member on every question or, if a member is absent or fails to vote, indicate such fact; and keep records of its examinations and other official actions.
- (g) *Decisions of the Zoning Board of Appeals.* The concurring vote of four (4) members of Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Planning and Zoning Officer or to recommend/decide in favor of the applicant on any matter upon which it is authorized by this chapter to render recommendations/decisions. All final administrative decisions of the Zoning Board of Appeals shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, 735 ILCS 5/4-101 et seq., as appropriate.

Sec. 2.4. - Reserved.

Sec. 2.5. - Planning and Zoning Officer.

The Planning and Zoning Officer, or his/her duly appointed and acting designee, shall administer and enforce this Ordinance. It shall be the duty of the Planning and Zoning Officer to:

- 1) Interpret, construe and apply the provisions of this Ordinance;
- 2) Conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance,

and, in cases of any violation, notify the person or person responsible, specifying the nature of the violation and ordering corrective action;

- 3) Order discontinuance of uses of land, buildings or structures; order removal of buildings or structures and alterations or structural changes thereof; order discontinuance of work being done; or take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions;
- 4) Enforce all regulations contained in special use permits;
- 5) Maintain in current status the Official Zoning District Maps;
- 6) Maintain records required by this Ordinance, including, but not limited to, records related to zoning inspections, zoning violations, subdivisions, and all official action on appeals, variations, zoning map amendments, zoning text amendments, and special uses, including planned unit developments;
- 7) Provide to the public, as requested, copies of the Zoning District Maps, the compiled text of this Ordinance, and the rules and application forms for seeking zoning actions. Fees for the production may be charged to persons requesting said copies;
- 8) Act as custodian of the records of the Hearing Officer in lieu of ZBA, if applicable;
- 9) Receive on behalf of the Hearing Officer all such appeals and zoning variation application forms, when completed and executed by the appellant or applicant, or his agent or attorney, if applicable;
- 10) Discharge such other duties as may be placed upon the Planning and Zoning Officer by this Ordinance;
- 11) Refer any unabated violation of this Ordinance to the Code Hearing Unit for adjudication or other appropriate action when deemed necessary;
- 12) Delegate responsibilities to other personnel within the Planning and Zoning Division of the Department of Regional Planning and Economic Development, as necessary, to properly administer and enforce the provisions of this Ordinance;
- 13) Provide clerical and technical services to the County Board or its designee on issues related to this Ordinance, including maintaining records thereof, including review, analysis, reports and recommendations on:
 - a. Map amendments to the Official Zoning District Maps;
 - b. Text Amendments to this Ordinance;
 - c. Special Use Permit Applications;
 - d. Planned Unit Developments;
 - e. Subdivision of Property;
 - f. Variations;
 - g. Appeals of decisions by the Planning and Zoning Officer; and
- 14) Require the provision of additional pertinent information, submissions and review processes, or waive, if authorized herein, the provision of otherwise required information, submissions and reviews, for applications for site plan/zoning permit review, variations, appeals, special use permits, including planned unit developments, map amendments, and text amendments.

The Planning and Zoning Officer, or his/her authorized representatives, are hereby empowered in the performance of their function to enter upon any land in the unincorporated area of Winnebago County for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs or placards to effectuate the purpose and provisions of this Ordinance.

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 Ordinance. The Sheriff's Department shall aid in enforcing this Ordinance including posting stop-work or stop-use notices when requested by the Planning and Zoning Officer.

Sec. 2.6. - County Building Official.

The County Building Official will oversee all aspects of the Building Division of the Department of Regional Planning and Economic Development including but not limited to, plan review, issuing of building permits, building code enforcement, supervision of building inspectors and general public relations.

Sec. 2.7. - Plat Officer.

The Planning and Zoning Officer is designated as the Plat Officer. The Plat Officer shall retain copies of plats, documents, correspondence, plans, specifications and other data as permanent public records.

It shall be the duty of the Plat Officer, or his/her designee, to review and process all preliminary plats of subdivision that are prepared and submitted in accordance with the provisions of this Ordinance.

It shall be the duty of the Plat Officer, or his/her designee, to review and process all final plats of subdivision that are prepared and approved in accordance with the provisions of this Ordinance and review and approve all plats of survey prepared in accordance with Article 5 of this Ordinance.

Sec. 2.8. - County Engineer.

The County Engineer shall have the following responsibilities with regard to this Ordinance:

- 1) Review of preliminary and final subdivision plats for compliance with engineering design standards for streets, sidewalks, storm water, water distribution, wastewater collection systems and other public improvements, as applicable, the cost of which shall be borne by the developer or owner. The same engineering design review shall be provided on plans submitted under planned unit development procedures;
- 2) Monitor construction and enforce compliance to applicable standards of public improvements approved as part of subdivision, and determine compliance with the instrument to guarantee improvements;
- 3) Review and when appropriate approve all permits and certifications requiring approval of the County Engineer;
- 4) Review and approve traffic impact analyses and other studies prepared by the applicant as may be required;
- 5) The County Engineer may delegate these responsibilities to other personnel within the department or professional consulting firms as necessary.

The County Engineer shall review all subdivision plans concerning street and drainage design standards and engineering specifications as stipulated in this Ordinance and forward recommendations to the Plat Officer. When the County Engineer desires additional technical data or professional assistance in completing his review, he/she may, with concurrence of the Plat Officer, take whatever measures are reasonably necessary to obtain such information or services. The costs of such data and assistance will be borne by the applicant.

ARTICLE 3: - ADMINISTRATIVE PROCEDURES

Sec. 3.1. - Filing of Applications.

The general provisions of this Article apply to all development applications and procedures under this Ordinance unless otherwise stated. The application for any zoning amendment, special use or variation shall be filed with the Winnebago County Planning and Zoning Officer using forms provided. A hearing date for an amendment, special use, or variation will be set by the Zoning Board of Appeals or Hearing Officer when all of the filing requirements of this Ordinance have been met. Neither the Zoning Board of Appeals nor Hearing Officer will consider the sufficiency of the application and evidence until after a public hearing has

been held and all parties have been given an opportunity to address such application, evidence and documents. After said hearing, the Zoning Board of Appeals or Hearing Officer shall make a finding as to the sufficiency of the application, evidence, documents and testimony and shall report this finding in its recommendation to the Winnebago County Board.

The Planning and Zoning Officer shall determine whether the application is complete based on the requirements of this ordinance. The Planning and Zoning Officer shall notify the applicant that the application is complete or inform the applicant of any deficiencies. The Planning and Zoning Officer shall take no steps to process the application until all deficiencies are remedied. Once the Planning and Zoning Officer determines that the application is complete, the application shall be scheduled for consideration by the appropriate board, commission or official.

Unless otherwise stated, all applications under this Article shall be initiated and filed pursuant to state law.

The following rules shall apply where applicable:

1. If property is under contract: If the subject property is under contract for sale, the purchaser of the subject property shall be a petitioner. The owner of the subject property is encouraged to join the petition in either an active or silent role.
2. If property is held in trust: If the subject property is governed by a land trust agreement, the trustee of the land trust shall be a petitioner or co-petitioner. When the petitioner or co-petitioner is a land trust or trustee of a land trust, the application shall identify each beneficiary of such land trust by name and address and define each beneficiary's interest therein. All applications shall be verified by the applicant, petitioner, or co-petitioner in his/her capacity as trustee.
3. If owner is a corporation: When the petitioner or co-petitioner is a corporation, the petition or application shall include the correct names and addresses of all officers and directors, as well as all stockholders or shareholders owning any interest in excess of twenty percent (20%) of all outstanding stock of such corporation.
4. If owner is a business entity: When the petitioner or co-petitioner is a business entity doing business under an assumed name, the petition or application shall include the names and addresses of all true and actual owners of such business or entity.
5. If owner is joint venture: When the petitioner or co-petitioner is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include the names and addresses of all partners, joint ventures, syndicate members, or members of the unincorporated voluntary association.

Applications will contain at a minimum, a completed application form obtained from the County, site plan (map), the nature of the request, a legal description, permanent parcel number and common description of the property, a statement of the present zoning of the subject property and surrounding properties, the current address of the petitioners, and a verification by the owners or their authorized agent attesting to the truth and correctness of all facts, statements and information presented.

If application is made by the trustee or beneficiary of any land trust for any zoning amendment, variation or special use, the application and notice shall identify each beneficiary of such land trust by name and address and define his interest therein.

All such applications shall be verified by the applicant in the applicant's capacity as trustee or by the beneficiary(s) as a beneficial owner(s) of an interest in such land trust.

No application for an amendment which has been denied wholly or partly by the County Board shall be resubmitted for a period of one year from the date of such denial, except on the grounds of new evidence not known to the applicant at the time of hearing on the first application, or as proof of changed conditions found to be valid by the Zoning Board of Appeals.

Sec. 3.2. - General Notice Requirements.

All notices required under this Ordinance, at the minimum, shall include the following:

- 1) The time, date, and place of the public hearing or date of action that is the subject of the notice;
- 2) A description of the subject property including both commonly known street address, as well as full legal description if required;
- 3) A concise description of the nature, scope and purpose of the application or proposal; and
- 4) Instructions where additional information on the matter can be obtained.

When provisions of this Ordinance require that notice to the neighbors be provided, the petitioner shall mail notice to all property owners of record who will be affected by the development or activity that is the subject of the application. At a minimum, notice shall be mailed to all record owners of property adjacent to the subject property, excluding rights-of-way. Ownership information shall be obtained from the Winnebago County Geographic Information System (WinGIS).

When notice to the neighbors is required, the petitioner shall also provide written notice to the following reviewing agencies and individuals, when applicable, as deemed appropriate by the Planning and Zoning Officer in light of the subject matter, including but not limited to:

- a) Cable Television Company
- b) Reserved
- c) Electric company
- d) Fire department/protection district
- e) Gas company
- f) Illinois Department of Natural Resources
- g) Illinois Department of Transportation
- h) JULIE
- i) Winnebago County Forest Preserve District
- j) WinGIS
- k) All municipalities within a 1.5-mile radius of the subject property
- l) Reserved
- m) Soil and Water Conservation District
- n) Sanitary District, if applicable
- o) Superintendent, grade school district
- p) Superintendent, high school district
- q) Telephone company
- r) Township Assessor
- s) Township Highway Commissioner
- t) Township Supervisor
- u) Water District, if applicable
- v) Others as may be required by Planning and Zoning Officer

Failure to provide notice to reviewing agencies or other interested parties shall not invalidate any action taken.

When the provisions of this Ordinance require that notice be published in the newspaper, the petitioner shall ensure that notice is published in a newspaper of general circulation in the township in which the subject property is located. In the case of Ordinance text amendments or when there is no newspaper of general circulation in the township, the notice shall be published in a newspaper of general circulation in the County.

When the provisions of this Ordinance require that notice be posted, the petitioner shall post the notice on the subject property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each adjacent street.

Substantial Compliance with Notice

Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements, and all requirements are substantially complied with. However, requirements providing for notice of the time, date, and place of a public hearing, the timing requirements of the notice, and location of the subject matter property shall be strictly construed. Questions as to the validity and substantial compliance of the notice shall be determined by a formal finding of the body conducting the hearing or meeting.

Sec. 3.3. - Public Hearings.

A hearing shall be held on any proposed text or map amendment, variation or special use in the Winnebago County Administration Building. If the owner of any property affected by such proposed amendments, variations or special uses so requests, such hearings shall be held in the township affected. All requests for hearings in a township must be filed with the Winnebago County Clerk and served upon the petitioner and the petitioner's attorney at least five (5) days before the scheduled date of the hearing. Any additional costs incurred as a result of changing the location of the hearing, including costs for re-notification, shall be borne by the requester(s). Property located in two (2) or more townships will be considered as existing in that township in which the major portion of the property is located.

The petitioner shall present clear and convincing evidence to the Zoning Board of Appeals or Hearing Officer at the hearing with regard to the requested amendment, special use or variation that the standards required by this ordinance have been met.

Requirements for noticing a public hearing before the Zoning Board of Appeals or Hearing Officer shall be met by the petitioner according to the following:

Every lot, parcel or zoning lot involved in a request for a map amendment, special use permit, or variation shall be posted with a zoning poster. Such posting shall be performed by the petitioner, and proof of posting will be required (i.e. by filing an affidavit or other similar instrument serving the same purpose) stating the time, date and place of the hearing. Posters must be placed on the principal road frontage of the subject property at such intervals as are determined by the Planning and Zoning Officer. If the parcel or zoning lot(s) has no principal road frontage, posters must be placed at such locations as are determined by the Planning and Zoning Officer. Zoning posters shall be provided by the Planning and Zoning Officer, and they shall be posted at least fifteen (15) days before each hearing and shall be removed by the petitioner as soon as possible after the hearing.

Notice (or the final notice for those notices which require multiple publications by law) of the time and place of any public hearing required by this Ordinance for amendments, variations and special uses shall be published not less than fifteen (15) days and not more than thirty (30) days before such hearing in a newspaper of general circulation that is published in the township or road district affected by the proposed amendment, variation or special use, or if there is none such, in a newspaper of general circulation published in Winnebago County. A Certificate of Publication shall be furnished to the Planning and Zoning Officer no less than four (4) business days prior to the scheduled date of the hearing.

ARTICLE 4: - LAND USE APPLICATIONS AND DEVELOPMENT REVIEW PROCEDURES

Sec. 4.1. - Amendments.

4.1.1 *Initiation of Amendments.* For the purposes of this section, the term "text amendment" means an amendment to the text of this ordinance, which affects the whole county, and the term "map amendment" means an amendment to the Zoning Map which affects an individual parcel or parcels of land. Map amendments may be proposed by the County Board, the Zoning Board of Appeals or by any person, firm, corporation, or other legal entity per state law. Text amendments may be proposed by the same entities listed above, but shall only be processed if the proposal is agreed to be initiated by the Zoning Board of Appeals or the County Board. Proposed amendments shall then be directed to the Zoning Board of Appeals for consideration and report to the County Board for approval. The application for an amendment under this section shall be accompanied by a fee, in accordance with the fee schedule adopted by the County Board, to cover the cost of processing the application. Additionally, the applicant shall pay the cost or charges of any required publication notice.

4.1.2 *Public Hearing.* No amendment to this ordinance shall be made without a hearing before the Zoning Board of Appeals. Within thirty (30) days after a recommendation, the Zoning Board of Appeals shall file a report with the County Board.

4.1.3 *Action by the County Board.*

- a. *Text Amendments:* Text amendments may be passed at a County Board meeting by a simple majority of the elected county board members, unless:
- 1) Written protests against the proposed text amendments are signed by five percent (5%) of the land owners of the County, or
 - 2) A written protest by resolution of the corporate authorities of a zoned municipality with limits nearest adjacent, filed with the County Clerk, or
 - 3) In the case of a text amendment affecting an unincorporated area of a township having a Plan Commission, written objections are submitted by the Township Board of Trustees to the County Board within thirty (30) days after the hearing before the Zoning Board of Appeals,
- in which case such amendments shall not be passed except by the favorable vote of $\frac{3}{4}$ of all the members of the County Board.
- b. *Map Amendments:* Map amendments may be passed at a County Board meeting by a simple majority of the elected County Board members, except that in case of written protest against any proposed map amendment that is either:
- 1) Signed by the owner or owners of at least twenty percent (20%) of the land to be rezoned; or
 - 2) Signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from at least twenty percent (20%) of the perimeter of the land to be rezoned; or
 - 3) In cases where the land affected lies within one and one-half (1.5) miles of the limits of a zoned municipality, by resolution of the corporate authorities of the zoned municipality filed with the County Clerk; or
 - 4) In the case of a map amendment affecting an unincorporated area of a township having a Plan Commission, written objections are submitted by the Township Board of Trustees to the County Board within thirty (30) days after the hearing before the Zoning Board of Appeals
- such amendment shall not be passed except by the favorable vote of $\frac{3}{4}$ of all members of the County Board.
- c. *Written protests:* The original copy of a written protest must be filed with the Winnebago County Clerk not later than 12:00 p.m. the day of the County Board meeting. A copy of the written protests shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

Notwithstanding any other provision of this Article, if a map amendment is proposed solely to correct an error made by the County as a result of a comprehensive rezoning by the County, the map amendments may be passed at a County Board meeting by a simple majority of the elected board.

d. *Approvals* shall be governed by existing state law.

4.1.4 *Effect of denial of an amendment.* No application for an amendment which has been denied wholly or partly by the County Board shall be resubmitted for a period of one year from the date of such denial, except on the grounds of new evidence not known to the applicant at the time of hearing on the first application, or as proof of changed conditions found to be valid by the zoning board of appeals. The above limitation does not preclude the applicant from seeking judicial review of the decision of the County Board.

4.1.5 *Optional Revocation.* In the case of property zoned by the Winnebago County Board but not used within one (1) year from date of said zoning, for purposes permitted in classification to which said property has been zoned, or, if the use of said property has been discontinued for a continuous period of three (3) years, the Zoning Board of Appeals or County Board shall have the power to institute proceedings, on its own motion, to consider the rezoning of said property to another classification.

Sec. 4.2. - Zoning Variations.

4.2.1 *Purpose.* The Zoning Board of Appeals shall determine and may vary the regulations of this chapter in harmony with its general purpose and intent, only in specific instances where the board makes a finding of fact, based upon the standards prescribed in this section, that there are practical difficulties in carrying out the strict letter of the regulations of this chapter, and that the granting of a variation will not merely serve as a convenience to the applicant but is necessary to alleviate some demonstrable difficulty. Zoning related variations from the regulation of this chapter shall be granted by the Zoning Board of Appeals only in accordance with the standards set forth in this subsection and may be granted only in the following instances and in no other:

- 1) To permit any yard of less dimension than required by the applicable regulations;
- 2) To permit any building or structure to exceed the height limitations imposed by the applicable regulations;
- 3) To permit the creation of a new lot or the use of an existing lot prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than sixty (60) percent of the required lot area;
- 4) To waive or modify the applicable off-street parking and loading requirements;
- 5) To increase by not more than twenty-five (25) percent the maximum distance that required parking spaces are permitted to be located from the use served;
- 6) To permit the same off-street parking facilities to qualify as a required facility for two or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- 7) To waive or modify any fence, wall, noise abatement structure, screening or other enclosure requirement to be greater than or less than the required height limit;
- 8) To waive or modify the requirements that regulate the distance of dwellings from feedlots;
- 9) To waive or modify the performance standards for mobile home parks;
- 10) To permit an accessory building to be larger in area, extent or purpose than the principal building to which it is accessory;
- 11) To waive or modify the requirements of the regulations regarding noise abatement structures;
- 12) To modify sign regulations;
- 13) To waive or modify landscaping regulations;

- 14) To permit lot frontage on a public road or a private road created by a recorded plat of subdivision and/or a minimum lot less than what is required by applicable regulations, but in no event shall lot frontage and/or minimum lot width be varied than thirty-three (33) feet when said frontage and/or minimum lot width is required; or
- 15) To permit the use of an area larger or smaller, other than lot size, than what is allowed by code.

The Planning and Zoning Officer may exercise, if he or she so chooses, the limited powers given in accordance with the standards set forth in 55 ILCS 5/5-12009.

4.2.2 *Application and fee.* The contents of the application and the fee for a variation shall be as follows:

- 1) *Data to be furnished.* Application for a variation shall be made to the planning and zoning officer on a form prescribed by the zoning board of appeals, which shall include the following data:
 - a. Name and address of the applicant.
 - b. Address or description of the property.
 - c. Statement of the precise nature of the variation requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter that would result from a strict or literal interpretation and enforcement of a specified regulation of this chapter, together with any other data pertinent to the findings prerequisite to the granting of a variation.
- 2) *Map.* The accompanying map shall have the following:
 - a. The application shall be accompanied by an accurate scale drawing of the site and any adjacent property affected, showing, when pertinent, the contours at intervals of not more than five feet, and all existing and proposed locations of streets, property lines, use, structures, driveways, pedestrian walks, off-street loading and off-street parking facilities and landscaped areas.
 - b. If required for a public hearing, as prescribed in section 4.2.3, the application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the existing locations of streets and property lines.
 - c. The Planning and Zoning officer may authorize omission of any or all of the plans and drawings required by this section if they are not necessary to enable the zoning board of appeals to determine whether the circumstances required for the granting of a variation exist.
- 3) *Fee.* The application for variation shall be accompanied by a fee, in accordance with schedule adopted by the county board, to cover the cost of processing the application as described in this article. Additionally, the applicant shall pay the cost or charges of the required publication notice.

4.2.3 *Public hearing.* A public hearing shall be conducted as follows:

- 1) *Notice.* The zoning board of appeals shall hold a public hearing on an application for a variation within 45 days of the date when the application was filed. Notice of a public hearing shall be given in accordance with state statute.
- 2) *Procedure.* At a public hearing, the zoning board of appeals shall review the application, statements and drawings submitted therewith and shall receive pertinent evidence concerning the variation, particularly with respect to the findings prescribed in this section.
- 3) *Referral to the Zoning Board of Appeals.* The Planning and Zoning officer shall refer the application for a variation to the Zoning Board of Appeals before the public hearing for consideration. The Planning and Zoning officer shall submit a report and recommendation to the Zoning Board of Appeals on the variation no later than at the time of the public hearing.
- 4) *Finding of fact.* At the close of the public hearing on a proposed variation, the Zoning Board of Appeals shall make its determination and shall issue a written finding of fact as to the required variation. For the Zoning Board of Appeals to make an affirmative recommendation on any proposed variation, it must find that a majority of the following items

are met:

- a. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
 - b. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the variation is not based primarily upon a desire to increase the value or income potential of the property;
 - d. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - e. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood; and
 - f. The proposed variance complies with the spirit and intent of restrictions imposed by this chapter.
- 5) *Failure of Zoning Board of Appeals to act.* If the Zoning Board of Appeals fails to make a recommendation to approve, approve with conditions or to deny a variation application within 45 days of the public hearing, then a recommendation for denial is assigned to the subject variation. Said recommendation and records shall be forwarded by the planning and zoning officer onto the county board within 30 days after said recommendation.
- 6) *Action of county board.* The county board may affirm, modify or reverse a recommendation of the zoning board of appeals on a variation application, provided that if a recommendation for a variation is reversed, the county board, on the basis of the record and such additional evidence as may be submitted at public hearing that is transmitted by the planning and zoning officer, shall make findings of fact that establish the circumstances prerequisite for the variation as prescribed in subsection 4) of this section; provided further that any proposed variation which fails to receive a favorable recommendation of the zoning board of appeals shall not be passed except by the favorable vote of three-fourths of all the members of the county board. A variation shall become effective immediately after it is granted by ordinance of the county board.

4.2.4 *Lapse of variation; renewal.* The lapse of a variation and its renewal shall entail the following:

- 1) A variation shall lapse and shall become void one year following the date on which the variation became effective unless, prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variation application, or a permit is issued authorizing occupancy of the site or structure which was the subject of the variation application, or the site is occupied if no building permit or certificate of occupancy is required.
- 2) A variation may be renewed for an additional period of one year, provided that prior to the expiration of one year from the date when the variation originally became effective, an application for renewal of the variation is made to the zoning board of appeals.
- 3) The zoning board of appeals may grant or deny an application for renewal of a variation.
- 4) Section 4.2.2 - Section 4.2.3 shall apply to an application for renewal of a variation.

4.2.5 *Revocation.* A variation granted subject to a condition may be revoked by the County Board if the condition is not complied with. The zoning board of appeals shall hold a public hearing in accordance with the procedure prescribed in 4.2.3 and, if not satisfied that the regulation, general provision or condition is being complied with, the zoning board of appeals may recommend to revoke the variation or such action as may be necessary to ensure compliance with the regulation, general provision or condition.

The County Board shall review the recommendation of the zoning board of appeals on the revocation and render a decision as prescribed in Section 4.2.3. The decision shall become effective the date on which the variation was revoked. Other remedies, in lieu of revocation, may be pursued.

4.2.6 *Effect of denial of a variation.* No application for a variation which has been denied wholly or partly by the County Board shall be resubmitted for a period of one year from the date of such denial, except on the grounds of new evidence not known to the applicant at the time of hearing on the first application, or as proof of changed conditions found to be valid by the zoning board of appeals. The above limitation does not preclude the applicant from seeking judicial review of the decision of the County Board.

4.2.7 *Amendment or withdrawal of application.* Once filed, an application cannot be amended, except to correct a scrivener's error. Up to the time the County Board renders its decision on an application, the applicant may withdraw the application but no portion of the filing fee will be refunded.

Sec. 4.3. - Special Uses.

4.3.1 *Purpose.* The formulation and enactment of this chapter is based on the division of the entire county into districts in each of which are permitted specified uses that are compatible. In addition to such permitted, compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district but, because of their potential influence upon neighboring uses, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this chapter as "special uses."

4.3.2 *Application.* The contents of the application are as follows:

- 1) *Data to be furnished.* Application for a special use permit shall be made to the Planning and Zoning officer on a form prescribed by the zoning board of appeals with the following data:
 - a. A legal description of the property the special use is requested for and the street address, or if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection;
 - b. Whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal;
 - c. Whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20 percent of all the outstanding stock or shares of the corporation;
 - d. Whether the petitioner or applicant or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity;
 - e. Whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association; and
 - f. A statement of the proposed special use.
- 2) *Maps.* The application shall be accompanied by the following plans and drawings:
 - a. An accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the existing locations of streets and property lines.
 - b. An accurate scale drawing of the site showing the contours at intervals of not more than five feet and existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas.
 - c. The Planning and Zoning Officer may authorize omission of any or all of the plans and drawings required by this section if they are not necessary to enable the zoning board of appeals to determine whether the proposed use

will comply with each of the applicable provisions of this chapter.

4.3.3 *Fee*. The application for a special use permit shall be accompanied by a fee, in accordance with the fee schedule adopted by the County Board, to cover the cost of processing the application. Additionally, the applicant shall pay the cost or charges of the required publication notice.

4.3.4 *Public hearing*. A public hearing shall be conducted as follows:

- 1) *Notice*. The notice shall contain: (i) the particular location of the real estate which the special use permit is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection; (ii) whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual and true principal; (iii) whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20 percent of all outstanding stock of such corporation; (iv) whether the petitioner or applicant, or his principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity; (v) whether the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association; and (vi) a brief statement of what the proposed special use consists. Such notice shall be published in a newspaper of general circulation published in the township or road district in which the property that is the subject of the petition is located, if no newspaper is published in the township or road district, then notice shall be published in a newspaper of general circulation published in the county and having circulation where such property is located.
- 2) *Procedure*. At the public hearing, the zoning board of appeals shall review the application and the drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with regard to the findings prescribed in subsection (c) (4) of this section.
- 3) *Referral to the Zoning Board of Appeals*. The Planning and Zoning officer shall refer the application for a special use permit to the Zoning Board of Appeals before the public hearing for consideration. The Planning and Zoning officer shall submit a report and recommendation to the Zoning Board of Appeals on the special use no later than at the time of the public hearing.
- 4) *Findings of fact*. Within 45 days after the close of the public hearing on a proposed special use, the zoning board of appeals shall make written findings of fact and shall submit same together with its recommendation to the county board. For the board of appeals to make an affirmative recommendation on any special use permit, it must find that each of the following items are met:
 - a. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
 - b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
 - c. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district;
 - d. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being or will be provided;
 - e. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and
 - f. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

- 5) *Failure of Zoning Board of Appeals to act.* If the Zoning Board of Appeals fails to make a recommendation to approve, approve on certain conditions or to deny a special use application within 45 days of the public hearing, then a recommendation for denial is made to the subject special use. The planning and zoning officer shall forward the Zoning Board of Appeals' decision and recommendation to the county board within 30 days after action or within 55 days from the date of public hearing if no action has been taken by the Zoning Board of Appeals.

4.3.5 *Action of county board.* The county board may affirm, modify or reverse a decision of the zoning board of appeals. To approve a special use the county board must find that it satisfies the criteria enumerated in 4.3.4.4)

4.3.6 *Lapse of special use permit; renewal.* The lapse of a special use permit and its removal shall entail the following:

- 1) A special use permit shall lapse and shall become void one year following the date on which the special use permit became effective unless, prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the special use permit application, or a certificate of occupancy is issued for the structure which was the subject of the special use permit application, or the site was occupied relative to the special use permit if no building permit or certificate of occupancy is required.
- 2) A special use permit may be renewed for an additional period of one year, provided that prior to the expiration of one year from the date when the special use permit originally became effective, an application for renewal of the special use permit is filed with the zoning board of appeals.
- 3) The zoning board of appeals may grant or deny an application for renewal of a special use permit.
- 4) Subsections 4.3.2-4.3.4 of this section shall apply to an application for renewal of a special use permit.

4.3.7 *Existing special uses.* A use established by a special use permit issued by the county prior to the date of adoption of this Ordinance shall be deemed nonconforming if the use is no longer allowed as a special or permitted use in this ordinance. However, it shall be permitted to continue, provided that the use is operated and conducted in accord with the conditions prescribed in the special use permit as granted, if any. Any alterations, expansion or restoration outside the scope of the granted special use shall be thereafter governed by the provisions of this chapter.

4.3.8 *Revocation.* Upon violation of any applicable provision of this chapter, or, if granted subject to a condition, upon failure to comply with the condition, a special use permit shall be suspended automatically. The zoning board of appeals shall hold a public hearing within 45 days, in accord with the procedure prescribed in subsection 4.3.4 of this section, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the special use permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Following the date of a decision of the zoning board of appeals revoking a special use permit, the Planning and Zoning officer shall transmit to the county board written notice of the decision. The decision shall become final ten days following the date on which the special use permit was revoked or on the day following the next meeting of the county board, whichever is later, unless an appeal has been taken to the county board or unless the county board shall elect to review the decision of the zoning board of appeals, in which case subsections 4.3.4 and 4.3.5 shall apply. Other remedies, in lieu of revocation, may be pursued.

4.3.9 *Effect of denial of a special use permit.* No application for a special use permit which has been denied wholly or partly by the county board shall be resubmitted for a period of one year from the date of such denial, except on the grounds of new evidence not known to the applicant at time of hearing on first application, or as proof of changed conditions. The above limitation does not preclude the applicant from seeking judicial review of the decision of the County Board.

4.3.10 *Special use permit to run with the land.* A special use permit granted pursuant to the provisions of this article shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the special use permit application.

4.3.11 *Amendment or withdrawal of application.* Once filed, an application cannot be amended, except to correct a scrivener's error. Up to the time the County Board renders its decision on an application, the applicant may withdraw the application but no portion of the filing fee will be refunded.

Sec. 4.4. - Site Plan Review.

4.4.1 *Purpose.* The site plan review process is intended to promote orderly development and redevelopment in the County, and to assure that such development or redevelopment occurs in a manner that is harmonious with surrounding properties, is consistent with the 2030 Land Resource Management Plan and Unified Development Ordinance, and promotes the general welfare of the County. This section provides standards by which to determine and control the physical layout and design to achieve the:

- A. Compatibility of land uses, buildings and structures.
- B. Protection and enhancement of community property values.
- C. Efficient use of land.
- D. Minimization of traffic and safety hazards.
- E. Efficient parking layout.
- F. Minimization of environmental problems, including stormwater management and incorporation of sustainable design techniques.
- G. Compliance with zoning and subdivision codes.

4.4.2 *Authority and Execution.* Site plan review and approval is required as part of obtaining zoning clearance permit (but will not necessarily only be conducted or required at this time). No building permit shall be issued until site plan approval has been granted. If the Planning and Zoning Officer approves a site plan, a building permit may then be issued, provided that all other requirements of all other applicable provisions of this Ordinance are satisfied.

4.4.3 *Procedure.* Applications for site plan review shall be submitted to the Planning and Zoning Officer in accordance with the requirements in Section 3.1 and/or Section 4.4.2. Once it is determined that the application is complete, the Planning and Zoning Officer, or his/her designee, shall review the application.

- A. The Planning and Zoning Officer and/or other staff as deemed appropriate by the Planning and Zoning Officer shall review the completed site plan review application. If, in the Planning and Zoning Officer's judgment, the site plan application does not contain sufficient information to enable the Planning and Zoning Officer to properly discharge his/her responsibilities, the Planning and Zoning Officer may request additional information from the applicant.
- B. The Planning and Zoning Officer may request modification of the submitted site plan and resubmittal of such revised site plan. The revised site plan shall be processed in the same manner as the initial site plan review application. No new fees shall be required.
- C. The Planning and Zoning Officer may approve the site plan subject to certain conditions or minor modifications to be listed in the zoning clearance approving the application. All plans and drawings submitted as part of the application for zoning clearance must include those conditions or minor modifications stated within the zoning clearance in order for a building permit to be issued.

4.4.4 *Standards for Site Plan Zoning Review.* Each site plan submitted for review shall include, at a minimum, the following details: the location of principal and accessory structures, infrastructure, open space, landscaping, traffic movement and flow, number of parking spaces, design of parking lots, and location of landscaping and screening. In reviewing site plans, the relationship of the site plan to adopted land use policies, and the goals and objectives of the 2030 Land Resource Management Plan shall be evaluated. In addition, the following characteristics shall also be considered:

- A. Degree of conformity with existing standards.

- B. Regulations of this Ordinance, any other applicable regulations, and the goals and policies of the 2030 Land Resource V Plan.
- C. The location, arrangement, size, design and general site compatibility of buildings, lighting and signs, including:
 - 1. Efficient use of land that responds to the existing off-site utilities and service conditions in order to minimize the demand for additional municipal services, utilities and infrastructure.
 - 2. Compatibility with, and mitigation of, any potential impact upon, adjacent property.
 - 3. Site illumination designed and installed to minimize adverse impact on adjacent properties.
- D. Landscaping and the arrangement of open space or natural features on the site should:
 - 1. Create a desirable and functional environment for motorists, pedestrians, bicyclists and occupants of residential dwellings, business owners and employees. To achieve such an environment, landscaping may take advantage of open space design features such as bike paths, running paths and outdoor relaxation areas.
 - 2. Preserve unique natural resources, including measures to preserve and protect existing healthy, mature trees.
 - 3. Protect natural resources and landscaping on adjacent sites.
 - 4. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
 - 5. Utilize plant materials suitable to withstand the climatic conditions of the County and microclimate of the site. The use of species native to northeastern Illinois is encouraged.
 - 6. Use of screening to buffer the impact of the development on adjacent uses and enhance the appearance and image of the County by screening incompatible uses and certain site elements, and creating a logical transition to adjoining lots and developments.
- E. Circulation systems and off-street parking shall be designed to:
 - 1. Provide adequate and safe access to the site for motor vehicles as well as alternate modes of transportation, including pedestrians and bicyclists.
 - 2. Minimizing potentially dangerous traffic movements.
 - 3. Separate pedestrian and auto circulation and provide for bicycle parking or storage insofar as practical.
 - 4. Minimize curb cuts.
 - 5. Design off-street parking lots or garages to minimize adverse impacts on adjacent properties, particularly through the use of perimeter and interior landscaping, and promote logical and safe parking and internal circulation.
 - 6. Clearly define pedestrian access from the parking area to the building(s). A clearly defined visible and identifiable network of pedestrian connections should be provided in and between parking lots, street sidewalks, open spaces and buildings.

4.4.5 Amendments to Approved Site Plan Reviews.

- A. An application for an amendment to an approved site plan shall be submitted to the Planning and Zoning Officer. Amendment applications shall include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.
- B. The Planning and Zoning Officer may decide that the proposed change or changes to the approved site plan is such a significant change that it constitutes a new application and is subject to the complete site plan review provisions of this section.
- C. The Planning and Zoning Officer may determine that a proposed amendment to an approved site plan requires submittal of a revised site plan for proper evaluation. Such revised site plan shall only include those components of the site plan submittal package impacted by the proposed change. Until such revised site plan is submitted, the

application shall not be considered complete. Nothing within this section shall prevent an applicant from submitting a revised site plan with the amendment application at the time of initial submission.

Sec. 4.5. - Zoning Interpretation.

4.5.1 *Purpose.* This interpretation authority is not intended to add or change the essential content of this Ordinance. The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue.

4.5.2 *Initiation.* Applications for zoning interpretations may be filed by an owner of any property in the County. In addition, the County Board may request that the Planning and Zoning Officer render an interpretation. All applications for interpretations shall be filed with the Planning and Zoning Officer in accordance with the requirements in Section 3.1. Requests initiated by the County require an application.

4.5.3 *Authority and Execution.* The Planning and Zoning Officer shall review and make final decisions on written requests for interpretations.

4.5.4 *Procedure.* The Planning and Zoning Officer shall review a written request for an interpretation and render the interpretation in writing within a reasonable time. The Planning and Zoning Officer shall have the ability to request additional information prior to rendering an interpretation.

4.5.5 *Appeals.* An applicant may appeal the Planning and Zoning Officer's decision to the Zoning Board of Appeals within thirty (30) days of the decision.

4.5.6 *Fees.* The application for an interpretation shall be accompanied by a fee, in accordance with the fee schedule adopted by the County Board, to cover the cost of processing the application.

Sec. 4.6. - Zoning Appeals.

4.6.1 *Appeals Generally.* Any person aggrieved or any officer, department, board or bureau of the County may appeal to the Zoning Board of Appeals to review any order, requirement, decision or determination made by the Planning and Zoning Officer by filing notice of appeal within thirty (30) days of the date of the rendering of the decision by the Planning and Zoning Officer. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by filing with the Planning and Zoning Officer from whom the appeal is taken and with the Zoning Board of Appeals, a notice of appeal, specifying the grounds thereof. The Planning and Zoning Officer shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

4.6.2 *Stay of Any Action.* An appeal stays all proceedings in furtherance of the action appealed from, unless the Planning and Zoning Officer certifies to the Zoning Board of Appeals, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals, or by a court of record on application, on notice to the Planning and Zoning Officer and on due cause shown.

4.6.3 *Notice of Hearing.* The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent or by attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Planning and Zoning Officer.

4.6.4 *Decision of the Zoning Board.* The Zoning Board of Appeals shall reach its decision within thirty (30) days from the date of the public hearing on the appeal. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Planning and Zoning Officer.

4.6.5 *Appeals to Courts.* All final administrative decisions of the Zoning Board of Appeals are subject to judicial review pursuant to the provisions of the "Administrative Review Act," approved May 8, 1945, and all amendments and modifications thereof and the rules adopted pursuant thereto.

4.6.6 *Fees.* The application for an appeal shall be accompanied by a fee, in accordance with the fee schedule adopted by the County Board, to cover the cost of processing the application. The applicant shall also be required to bear all those costs associated with such appeals, including the cost of a court reporter.

Sec. 4.7. - Zoning Clearance (Permit).

4.7.1 *Zoning Clearance (Permit).* A zoning permit shall be obtained from the Planning and Zoning Officer before starting:

- a. To establish any new use of property;
- b. To excavate for or build any slab or foundation;
- c. To erect, construct, reconstruct, enlarge, alter or move any building or structure;
- d. To change the use of any building, structure, or land from one use to another, or
- e. In the case of nonconforming uses, to change from one use to another;
- f. To dig or drill any well;
- g. To install, add to or repair any sewerage disposal system;
- h. To install a sign, but only if required per Article 22;
- i. To install an off-street parking and loading area, but only if required per Article 23 or Article 20;
- j. To install landscaping, but only if required elsewhere in this Ordinance; or
- k. Any other action not listed herein but as required elsewhere in this Ordinance.

Applications for a zoning permit shall be filed in written form with the Planning and Zoning Officer, shall state the legal description of the property as of public record or the PIN or address as determined by the Planning and Zoning Officer, and the name of owner and applicant and shall describe the uses to be established or extended, and shall give any such other information as may be required for the enforcement of this Ordinance.

Each copy of the application shall be accompanied by a dimensioned drawing of the building plot showing the location of structures, lot areas to be used, parking areas, and other pertinent information. All applications for zoning permit and copies of permits issued shall be systematically kept for ready public reference by the Planning and Zoning Officer.

4.7.2 *Issuance of building permit.* The building officer shall not issue building permits for signs or structures unless they conform to an approved zoning permit and/or a special use permit has been issued, if applicable.

4.7.3 *Issuance of certificate of occupancy.* The building officer shall not issue a certificate of occupancy until all conditions of the zoning permit or special use permit are met, if applicable.

Sec. 4.8. - Zoning Map.

4.8 Zoning Map. The boundaries of the zoning districts listed in Articles 7 through 14 of this Ordinance are hereby established as shown on the official maps entitled "Zoning Map of Winnebago County, Illinois". These official maps and all explanatory matter thereon and attached thereto, in addition to any and all zoning ordinances which have been or may be approved by the County Board, are hereby adopted by reference and declared to be part of this chapter.

The "Zoning Map of Winnebago County, Illinois," and all official explanatory matter attached thereto shall be on file in the office of the planning and zoning officer.

Sec. 4.9. - Zoning District Boundaries.

When uncertainty exists with respect to the boundaries of the various districts as shown on the zoning maps, the following rules shall apply:

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

Sec. 4.10. - Zoning of Streets, Alleys, Public Ways, Waterways and Rights-of-Way.

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

Sec. 4.11. - Established Building Setback Lines.

4.11 *Established Building Setback Lines.* Where a block is at least 40 percent occupied by permanent buildings at the time of the passage of this chapter, the average of the distances of the street walls of such buildings from the street right-of-way line shall be the requirements of each district, but in no case shall a setback of greater than 60 feet be required.

4.12 *Irregular lots.* All setbacks for irregular lots shall be determined by the planning and zoning officer according to principles set forth for yard setbacks in this Article.

ARTICLE 5: - SUBDIVISION APPLICATION

Sec. 5.1. - Purpose.

- A. The provisions of this Article shall be held to the minimum requirements necessary to promote the health, safety and welfare, to lessen congestion, further the orderly layout and use of land and to facilitate adequate provision for transportation, water, sewage, stormwater, schools, parks, playgrounds and other public requirements.
- B. It is not the intent of this Article to repeal or impair any existing easement, covenant or agreement between parties, or permits previously adopted or issued pursuant to the resolutions of Winnebago County and statutes of the State of Illinois. However, where this Article imposes a greater restriction upon the development of land than required by other rules, regulations or permits, the provisions of this Article shall govern.
- C. Where this Article imposes a greater restriction than imposed or required by the provisions of existing ordinances, resolutions, rules and regulations, this Article shall control. Where provisions of existing ordinances, resolutions, rules or regulations impose greater restrictions than imposed or required by this Article, such provisions shall control. All

provisions in existing resolutions, rules or regulations in conflict with this Article are hereby repealed.

Sec. 5.2. - Enforcement.

- A. Whenever it shall come to the knowledge of any officer or employee of the County that any of the provisions have been violated, it shall be his duty to notify the State's Attorney of the fact, and the State's Attorney shall immediately institute suit, and prosecute the suit to final judgment against the person offending.
- B. The Planning and Zoning Officer shall defer granting zoning permits for improvements on property until such time as the plat for such property has been approved and recorded. Likewise, no building permit shall be granted by the Building Official except for improvements on land for which a plat has been approved and recorded according to the requirements of this Article or on those parcels of property platted or recorded as separate parcels of property prior to the effective date of this Article.
- C. Whenever it shall come to the knowledge of the Recorder of Deeds that any of the provisions of state law governing plats have been violated, it shall be his or her duty to notify the State's Attorney, who shall immediately institute suit and prosecute the suit to final judgment against the person offending.
- D. The County Clerk and the Supervisor of Assessments are hereby instructed not to divide for assessment or taxing purposes any properties that are being subdivided contrary to the rules and regulations set forth in this Article or by State law, until such time as the Plat Officer and the State's Attorney have been notified and authorization to proceed has been granted.

Sec. 5.3. - Penalties for Violation.

- A. Anyone who sells, offers for sale, improves by construction of buildings, or leases for any time exceeding five (5) years, any lot, block, parcel, part or division of land in the County before all the requirements of this Article have been complied with, shall be fined fifty dollars (\$50) for each lot, block, parcel, division or part thereof so disposed of, offered for sale, improved or leased.
- B. Anyone who shall lay out, locate, open, widen, extend or alter the location of any highway, road, street, alley, public ground, toll road, railroad or canal and refuses or neglects to cause a plat thereof, showing the width, courses and extent thereof to the Office of the Recorder of Deeds within six (6) months after such shall pay fees as required in the County Code, as amended, and the like sum for every month he/she shall continue in such refusal or neglect after conviction. Such fine shall be recovered before any Justice of the Peace of the County with one-half (1/2) of the fee for the use of the county and the other half (1/2) for the use of the person filing the complaint.

Sec. 5.4. - Office of Plat Officer.

- A. The Planning and Zoning Officer shall serve as the Plat Officer. Should the Planning and Zoning Officer be unavailable for an extended period of time, or the Planning and Zoning Officer office become vacant, then the Planner, or, in the absence of a Planner, the Director of Regional Planning and Economic Development, will serve as the Plat Officer Pro Tem.
- B. Every proposed final subdivision of land within the platting jurisdiction of the County shall be submitted to the County Board for its approval prior to final recording of a map or plat of such subdivision. No such map or plat of subdivision shall be recorded unless it has been so approved.
- C. The Plat Officer shall approve the final plat and execute the certificate required by Section 5.11.4.1 only upon approval of the plat by the County Board.
- D. In order to promote the best possible development and use of land, the Plat Officer shall interpret the standards, provisions and specifications contained in this Article. Subdivision variations from these standards (and those set forth in Article 19), provisions and specifications shall be granted when it is demonstrated to the satisfaction of the County Board

that such variation will bring about a more logical and desirable result than would be obtained by strict compliance. A request for variation shall be filed by the owner or developer of the proposed subdivision. The request shall be filed with the Plat Officer, who shall refer it, together with his/her report, to the County Board for decision. The application for variation shall state in writing the specific variation sought, the hardship which would result without a variation and the community's interest in granting the variation. Subdivision related variations shall go before the zoning committee for consideration and recommendation and to the County Board for approval. Zoning related variations shall follow the procedures of Article 4.

- E. A final plat shall be filed with the County Recorder not more than ninety (90) days after the Plat Officer signs the plat. Failure to record the plat shall void approval. The Recorder shall provide a copy of the recorded plat for the Township Highway Commissioner and the Plat Officer.

Sec. 5.5. - Approval Prior to Recording.

5.5.1 *Subdivisions.* Every intended subdivision of land within the platting jurisdiction of the County shall be submitted to the Plat Officer as designated by the County for County Board approval according to the provisions of this Article prior to final recording of a map or plat of such subdivision, except where otherwise permitted by this Article. No such map or plat of subdivision shall be entitled to record or have validity until it has been so approved, except when otherwise permitted by this Article.

5.5.2 *Boundary Maps.*

- A. A boundary map, when authorized by the owner(s) of subject land, shall be made by a professional land surveyor licensed by the State of Illinois and recorded by the County Recorder for any parcel of land divided into two (2) parts, either of which may be less than five (5) acres in area, for the purpose of ownership, transfer or building development. Such boundary map shall bear the signatures of the County Clerk and the Director of Environmental Health. The County Clerk certificate shall appear as shown in Section 5.11.1. The Director of Environmental Health certificate shall appear as shown in Section 5.11.4 G.
- B. Such boundary map shall also bear the signature of the Plat Officer as shown in Section 5.11.1 and shall be drawn with waterproof nonfading black ink on Mylar, tracing cloth or tracing paper eight and one-half (8½) inches wide by fourteen (14) inches long. No such boundary map shall be valid until it has been signed by the Plat Officer. The Plat Officer shall keep a record and copy of such boundary maps. After two (2) such boundary maps dividing a tract of land in single ownership at the time of passage of this chapter have been signed by the Plat Officer, he or she shall not sign another boundary map dividing such land. Further division of such land shall be recorded only by means of a map or plat of subdivision, as provided in this Article, which map or plat of subdivision shall include all parcels divided off by such boundary map. Each one-lot boundary map submitted to the Plat Officer shall be accompanied by fees as required by the County Board.

Sec. 5.6. - Recommendations to Zoning Committee by Plat Officer.

The Plat Officer, with the County Engineer and other staff input, if necessary, shall make recommendations on subdivisions and other proposed new developments to the Zoning Committee based on the following information:

- A. Whether the proposal is consistent with the need to minimize flood damage.
- B. Whether public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
- C. Whether adequate drainage is provided so as to reduce exposure to flood hazards.
- D. Whether the proposal is consistent with codes and adopted land use development policies.
- E. Whether the proposal meets soil suitability and lot sizing requirements.

Sec. 5.7. - Vacation of Recorded Plats or Parts of Recorded Plats.

5.7.1 *Procedure.* The vacation of recorded plats or parts of recorded plats shall follow the procedure required for final plats of subdivision. The Plat Officer of the County Board shall transmit a statement of fact explaining the grounds for its recommendation to the County Board, along with its recommendation on the instrument of vacation.

5.7.2 *Standards.* A vacation shall not be approved that creates conditions that would not be permitted under the regulations of this Article in newly created subdivisions, unless such vacation would at the same time correct other and more serious conditions detrimental to the public health, safety and welfare.

5.7.3 *Form.* The instrument of vacation shall consist of the following:

- A. A written description of the plat, or part thereof, to be vacated, referring to an attached copy of the recorded plat.
- B. An attached copy of the recorded plat, all or a part of which is to be vacated. If only a part of the plat is to be vacated, such part shall be shaded and outlined with a heavy line.
- C. The following certificates, duly executed, are required:
 1. Certification by the owners, which shall include all of the owners of land in the plat or all of the owners of land in and adjacent and contiguous to the part of the plat to be vacated, which shall appear as shown in Section 5.11.2.A.
 2. Certification by a notary public, which shall appear as shown in Section 5.11.2.B.
 3. Certification by the County Engineer, which shall appear as shown in Section 5.11.2.C.
 4. Certification by the County Clerk, which shall appear as shown in Section 5.11.2.E.
 5. Certification by the County Plat Officer, which shall appear as shown in Section 5.11.2.F.
 6. Certification by the County Recorder, which shall appear as shown in Section 5.11.2.G.
- D. *Fees.* Fees for vacation plats shall be paid by the petitioner seeking vacation, and the petitioner shall be subject to same fees established for a Final Plat as required by the County Board. All such vacation fees shall be paid to the County Treasurer before final approval is certified by the Plat Officer.
- E. *Resubdivision in Lieu of Vacation.* It shall not be necessary to vacate a plat or part thereof in order to proceed with a resubdivision of such plat or part thereof. Resubdivision according to the procedure and standards for subdivision required by this Article shall automatically constitute vacation of a prior plat or part thereof, provided that monetary remuneration shall be paid to the County Treasurer in consideration of the excess of public property vacated over that rededicated in the replat.
- F. *Cancellation of Bonded Contracts and/or Letter of Credit.* Bonded contracts for the improvement of platted streets or alleys shall be canceled upon vacation of such platted streets or alleys upon the approval of the County Engineer.

Sec. 5.8. - Subdivision Approval Procedure.

Except as outlined in Section 5.5, the following procedure shall be followed by subdividers in order to gain official approval for, and recording of, a subdivision layout.

5.8.1 *Zoning.* Final approval shall not be granted to a subdivision unless it complies with all requirements of this Unified Development Ordinance, including the off-site improvement requirements of Article 19.

5.8.2 *Preliminary Conference.* The subdivider shall contact the Department of Planning and Economic Development for a preliminary conference regarding his/her particular intentions and problems. A sketch plan showing the following information shall be brought to preliminary conferences:

- A. The boundaries of the property to be subdivided, existing easements and covenants affecting the property, land

characteristics, such as natural drainage, swamp areas, wooded areas, and development characteristics such as surrounding streets, existing buildings, available sewer, water and other utilities.

- B. The subdivider's intentions for dividing the land, including proposed layout of streets, blocks and lots, location and extent of business areas, playgrounds, parks and other public areas.

5.8.3 *Tentative (Preliminary) Plat Approval.* The subdivider shall submit a tentative plat or map of subdivision and fifteen (15) reproductions thereof to the Department of Planning and Economic Development for tentative approval with a fee as required by the County Board. The tentative plat shall show the proposed layout for the whole tract of land owned or controlled by the subdivider and for any adjacent land, the design of which is dependent upon such tract. The Plat Officer shall submit the tentative plat to the Zoning Committee with a recommendation concerning approval of the plat. Approval or conditional approval of a tentative plat shall be granted by the Zoning Committee upon conformity with all pertinent policies, laws, rules, and regulations and particularly with the technical requirements of this Ordinance. Approval or conditional approval shall be considered approval of the general layout submitted on the tentative plat as a guide to the preparation of the final plat and as assurance to the subdivider that his final plat will be approved if it conforms to the terms and conditions of the approved tentative plat. Should a final plat not be submitted within two (2) years of tentative plat approval, the tentative plat shall become null and void and must be resubmitted for approval per this ordinance. Each final plat submission will automatically extend the remaining preliminary plat portions for four (4) more years provided the prior deadline is met and the submitted final plat is approved. The tentative plat shall be drawn or printed on paper twenty-four (24) inches wide by thirty-six (36) inches long at a scale of one-hundred (100) feet to one (1) inch, unless otherwise approved by the Department of Planning and Economic Development. The tentative plat shall show or be accompanied by the following information:

- A. *Title and Certificates.* Name under which proposed subdivision is to be recorded, location and position by quarter-quarter section, section, township, range, county and state; names and addresses of subdividers; notation stating scale, north arrow, and certification by the Plat Officer, which shall appear as shown in Section 5.11.3.
- B. *Topographic Data and Description of Existing Conditions.* Topographic data and a description of existing conditions will be given as follows:
1. *Boundary Lines.* Approximate angles and distances with reference to a United States land survey corner.
 2. *Easements.* Location, width and purpose of easements and other existing restrictions, reservations or covenants.
 3. *Streets and Stormwater Facilities.* Streets on and adjacent to or extending from the tract, including street names, right-of-way widths, locations, sidewalks, curbs, gutters, culverts, other drainage facilities and building setback lines.
 4. *Utilities.* Utilities existing on and adjacent to the tract, including sanitary and storm sewers; water mains; gas lines, fire hydrants and electric and telephone lines. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of, those in close proximity.
 5. *Ground Elevations.* Ground elevations based on the Rockford datum plane when the tract is within one (1) mile of Rockford or a USGS datum plane benchmark, or based on a located concrete monument from which the datum plane is taken. For land that slopes less than approximately two percent (2%), show spot elevation at all breaks in grade, along all drainage channels or swales, and at selected points not more than one-hundred (100) feet apart in all directions. For land that slopes more than approximately two percent (2%) show contours with an interval of not more than two (2) feet.
 6. *Other Conditions on Tract.* Other conditions on the tract, such as watercourses, marshes, areas subject to inundation, rock outcrop, wooded areas, isolated trees one (1) foot or more in diameter, houses, barns, shacks and other significant features.
 7. *Other Conditions on Adjacent Land.* The approximate direction and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, railroads, power lines, towers, and other

- nearby non-residential land uses or adverse influences.
8. *Proposed Public Improvements.* Highways or other major improvements planned by public authorities for future construction on or near the tract according to information received from the Department of Planning and Economic Development at the preliminary conference.
 9. *Location Map.* A small-scale drawing of the section in which the subdivision is situated, and showing the location of the subdivision and showing any lake or stream or portion thereof to which access is provided from the subdivision, indicating the relation of the subdivision thereto.
 10. *Subsurface Conditions.* Location and results of tests made to ascertain subsurface soil, rock and groundwater conditions. If any part of the subdivision will not be served by a public sewer system, then, with respect to the proposed sewage disposal systems, the plat must be approved in writing by the Winnebago County Department of Public Health.
- C. *Standards for Reporting Topographic Data and Description of Existing Conditions.*
1. Each subdivision, except a minor subdivision as defined in Article 24, shall be required to provide geodetic survey horizontal control values for a minimum of two (2) opposing corners of the permanently monumented subdivision.
 2. Horizontal control values must be provided in the Illinois State Plane Coordinate System, North American Datum (NAD) 1983 West Zone and referenced on the subdivision plat.
 3. The positional accuracy for the horizontal control values shall be a minimum order C-1. If differential GPS methods are used to acquire the horizontal control values, vertical control values shall also be required for the two (2) opposing corners.
 4. A Winnebago County Geographic Information System (WinGIS) Geodetic Control Network Reference Tie Form must be signed and submitted by a professional land surveyor licensed by the State of Illinois to WinGIS for review. This form shall be submitted to the Plat Officer at the time of plat submittal and recorded in the office of the recorder of the County with the final plat. The final plat shall contain a signature certification by WinGIS.
- D. *Subdivider Proposals.* All proposals of the subdivider shall include the following:
1. Streets, including names; right-of-way and roadway widths and similar data for alleys, if any.
 2. Right-of-way easements, including location, width and purpose.
 3. Lot lines and approximate dimensions.
 4. Development sites and proposed uses.
 5. Minimum building setback lines.
 6. Site data, including tabulation of gross area, street area, net subdivided areas, total number of lots, average lot size, typical lot dimensions, lineal feet of streets.
 7. Sites to be reserved or dedicated for parks, playgrounds or other public uses.
 8. Stormwater facilities including but not limited to ditches and detention facilities.
 9. A draft of any protective covenants by which the subdivider may propose to regulate land use in the subdivision and otherwise to protect the proposed development.
- E. *Other Tentative Plans.* The tentative plat shall be accompanied by plans and profiles showing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, typical cross sections of the proposed grading, roadway and sidewalk, street lighting, traffic signals and tentative plan of proposed water mains, sanitary and storm sewers with approximate grade as indicated. The County Engineer may defer any requirement for the preliminary engineering listed above, until the submittal of engineering

plans for the first or subsequent final plats within the tentative plat. All elevations shall be based on the United States Geographical System (USGS) datum, consistent with the Winnebago County Geographic Information System (WinGis), unless approved otherwise by the County Engineer.

5.8.4 Final Plat.

- A. *Form and Content.* The final plat shall be drawn with waterproof non-fading black ink on Mylar or tracing cloth measuring twenty-four (24) inches by thirty-six (36) inches or twenty-four (24) inches by twenty-one and one-quarter (21¼) inches at a scale of one-hundred (100) feet to one (1) inch or larger. Variation in scale may be allowed when agreed to by the County Recorder and where necessary for a proper exhibit of a subdivision. A digital copy of the same plat is required if deemed necessary by County Recorder. When more than one (1) sheet is used for any plat, they shall be numbered consecutively, and each sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets. Linear dimensions shall be given in feet and decimals of a foot. The final plat shall show on the face thereof the following information in accordance with the reporting standards of Paragraph C, above:
1. The name of the plat, not duplicating the name of any plat previously recorded in the County.
 2. The location and position of the subdivision indicated in each of the following ways:
 - a. By quarter-quarter section, section, township, range, county and state.
 - b. By distances and bearings from true north or angles with reference to a corner or corners established in the United States Public Land Survey.
 - c. By a written legal description of the exterior boundaries of the land as surveyed and divided.
 3. An arrow indicating north, a graphic scale and date of preparation.
 4. Notations in their proper places of all monuments erected, corners and other points established in the field and the materials of which such monuments, corners and other points are composed.
 5. Sufficient engineering data to close the survey and to reproduce any line on the ground. The error of linear closure shall be not more than one (1) in five-thousand (5,000).
 6. A graphic presentation of all streets, alleys, blocks, lots, parcels and public grounds into which the land is divided, and of all easements and rights-of-way.
 7. The length of boundary lines of all streets, alleys, blocks, lots, parcels, public grounds, easements and rights-of-way or enough information so that the length of these lines can be derived by simple calculation. Where a boundary line is an arc of a circle, the length of the chord shall be shown.
 8. The widths of all streets, alleys, easements and rights-of-way.
 9. A graphic presentation of the minimum building setback lines on all lots and parcels, and a notation of the distance between such lines and the street right-of-way line.
 10. The area of each lot or parcel.
 11. Consecutive letters on all blocks and consecutive numbers on all lots in each block, or consecutive numbers on all lots throughout the plat.
 12. The name of each street, printed on the graphic representation of each street, and an appropriate label designating all other easements, rights-of-way, setback lines and dedications.
 13. The words "private road" clearly marked on all streets shown on the plat which are not dedicated to public use.
 14. Abutting street lines of adjoining subdivisions, shown in their correct locations by dashed lines.
 15. The water elevation of adjoining lakes or streams at the date of survey and a graphic presentation, as well as a notation of, the high water marks of such lakes or streams; all elevations referring to the Rockford datum plane when within one (1) mile of a Rockford or USGS datum plane benchmark, or to a located concrete monument

from which the datum plane is taken.

16. Location map.
17. Plat and or easement notes, if applicable.
18. Illustration of typical lot layout.

B. *Final Approval.*

1. Within one (1) year of approval or conditional approval, or such time as the Zoning Committee may extend to, the subdivider shall submit two (2) reproductions of the approved final plat with revisions, if applicable, to the Department of Regional Planning and Economic Development, and shall submit one (1) reproduction of the same to the Recorder of Deeds so that permanent real estate index numbers can be assigned. The final plat, which may constitute only that portion of the tentative plat which the subdivider proposes to record and develop at the time, shall be accompanied by a fee as required by the County Board. For replats and resubdivisions, the plat shall be accompanied by a fee as required by the County Board. Final approval of a plat shall be granted by the Plat Officer, after County Board approval, on the basis of its conformity with the tentative plat as approved and with conditions of approval, and with all pertinent laws, rules, regulations and particularly with the technical requirements of this Ordinance.
2. The County Engineer shall also receive for plan review the fee as set forth in the Plan Review Fee Schedule as adopted by the County Board. The applicant shall provide the County Engineer a check payable to the Winnebago County Treasurer as full payment for the amount of the plan review fee prior to any review. Such fee shall be non-refundable.

Sec. 5.9. - Certificates and Provisions on Final Plat.

The following certificates and affidavits shall appear on the final plat duly signed by the appropriate person before the plat is entitled to record.

- A. Certification by a surveyor, which shall appear as shown in Section 5.11.4.A.
- B. Certification of dedication by the owner of the land as shown in Section 5.11.4.B.
- C. Certification by a notary public as shown in Section 5.11.4.C.
- D. Certification by the County Clerk as shown in Section 5.11.4.D.
- E. Certification of easement provision as shown in Section 5.11.4.E.
- F. Certification by the County Engineer as shown in Section 5.11.4.F.
- G. Certification by the Winnebago County Department of Public Health as shown in Section 5.11.4.G.
- H. Certification by Winnebago County Geographic Information System (WinGIS) as shown in Section 5.11.4.H.
- I. Certification by the County Plat Officer as shown in Section 5.11.4.I.
- J. Certification by the County Recorder as shown in Section 5.11.4.J.

Sec. 5.10. - Required Improvements.

5.10.1 *Generally.* After approval or conditional approval has been granted, but before the final plat is recorded, the subdivider shall either install all improvements specified in this section, which may include but need not be limited to, required street scope, subdivision perimeter and/or open space landscaping, and in Article 18 of this Ordinance, or deliver to the County Engineer a signed duplicate contract covering all such improvements and an acceptable irrevocable letter of credit guaranteeing the completion of such improvements contracted for within three (3) years from the date of such contract. Vacation of a plat or of a portion of a plat will dissolve the corresponding bond obligation or portion thereof.

5.10.2 *Monuments*. Iron pins three-fourths ($\frac{3}{4}$) inch in diameter and four (4) feet long shall be placed at all block corners, angle points of streets and exterior boundaries, points of tangency of curved lines, points at which street lines intersect the exterior lines of the subdivision, and at such intermediate points as are required by the City Engineer/County Engineer. Iron pins five-eighths ($\frac{5}{8}$) of an inch in diameter and three (3) feet long shall be placed at all lot corners and at such intermediate points as are required by the County Engineer. Monuments shall be placed at all lake or stream ends of lot lines. Such monuments shall be placed flush with the ground at the point of intersection of such lake or stream lot line with a line which is established along the shore not less than twenty (20) feet from the ordinary high watermark of such lake or banks of such stream.

5.10.3 *Topsoil Protection*. Topsoil moved during the course of construction shall be salvaged, stockpiled and redistributed evenly, to provide a minimum of four (4) inches of cover.

5.10.4 *Street and Utility Protection*. All street and utility improvements shall conform to the specifications and requirements of the County Engineer and Township Highway Commissioner. These improvements shall not be accepted for public maintenance until completed in their entirety and approved by the County Engineer. Record drawings showing cross sections and profiles of streets showing grades acceptable to the County Engineer and Township Highway Commissioner and plans and profiles of storm and sanitary sewers, dry wells and water mains, where the installation of these improvements have been completed is required prior to the final release of the irrevocable letter of credit.

5.10.5 *Off-Site improvements*. The subdivision shall conform to the off-site improvement requirements of Article 19.

Sec. 5.11. - Certificates.

5.11.1 *Boundary Maps*.

A. *Certificate of County Clerk*.

I, [Name of County Clerk of Winnebago County], County Clerk of Winnebago County in the State of Illinois, do hereby certify that I find no delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against the lands described in this boundary map.

[Signature of County Clerk], dated this [Date] day of [Month], [Year].

B. *Certificate of the County Plat Officer*.

State of Illinois, County of Winnebago, Approved by [Signature of County Plat Officer] County Plat Officer, this [Date] day of [Month], [Year].

5.11.2 *Vacation of Recorded Plats or Parts of Recorded Plats*.

A. *Certificate of the Owner(s) of Plat to be Vacated*.

As owner of the following described property: [Description by Reference to Attached Plat], I (we) hereby petition the Winnebago County Board of Supervisors to approve the above described vacation.

[Signature of Owner], [Parcel], this [Date] day of [Month], [Year].

B. *Certificate of Notary Public*.

I, [Name of Notary Public] a Notary Public in and for the County of [County] in the State of [State], do hereby certify that [Applicant] personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person and delivered the instrument and (severally) acknowledged that he (they) signed, sealed as his (their) free and voluntary act for the uses and purposes therein set forth.

[Signature of Notary Public], dated this [Date] day of [Month], [Year]. [Seal of Notary Public]

C. *Certificate of County Engineer*.

I hereby certify that this vacation is approved.

[Signature of County Engineer], dated this [Date] day of [Month], [Year].

D. *Certificate of County Clerk.*

I, [Name of County Clerk], County Clerk of Winnebago County in the State of Illinois, do hereby certify that I find no delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against the land embraced within the annexed vacation.

[Signature of County Clerk], dated this [Date] day of [Month], [Year]. [Seal of Notary Public]

E. *Certificate of County Plat Officer.*

The vacation is hereby approved this [Date] day of [Month], [Year].

[Signature of County Plat Officer], [Date]

F. *Certificate of County Recorder.*

Filed for record this [Date] day of [Month], [Year], at [Hour] o'clock [AM/PM]. Recorded in Book [Book Number] of Plats, page [Page Number] and examined.

[Signature of County Recorder], [Date], [Document Number]

5.11.3 *Certificates on Preliminary Plat.*

Certificate of the County Plat Officer.

State of Illinois, County of Winnebago, Approved by [Signature of County Plat Officer] County Plat Officer, this [Date] day of [Month], [Year].

5.11.4 *Certificates and Provisions on Final Plat.*

A. *Certificate of Surveyor.*

I hereby certify that, at the request of the owners, I have surveyed and subdivided according to the annexed plat [Name] of [Name] subdivision; a part of the [Direction] quarter of the [Direction] quarter of section [Section Number], township [Township Number], north, range [Range Number] east of the [Principal Meridian Number] principal median, bounded and described as follows:

[Legal Description]

Dimensions are given in feet and decimals of a foot. Iron pins three-quarters (3/4) of an inch in diameter and four (4) feet long have been found or set at all points marked on the plat with a [Marker Type], and iron pins five-eighths (5/8) of an inch in diameter and three (3) feet long have been found or set at all other lot corners.

Given under by hand and seal this [Date] day of [Month], [Year] at _____.

[Signature of Surveyor], Professional Land Surveyor Number: [Professional Land Surveyor Number].

B. *Certificate of Dedication by Owner.*

As owner, I hereby certify that I have caused the land described in the foregoing affidavit of the surveyor, to be surveyed, divided, and mapped as presented on this plat. All streets, alleys, walkways, parks, playgrounds and school sites shown on this plat are hereby dedicated to the public for public purposes, and all easements shown are subject to the easement provisions hereon.

[Signature of Owner], this [Date] day of [Month], [Year].

C. *Certificate of Notary Public.*

I, [Name of Notary Public], a notary public in and for the County of [County] in the State of [State], do hereby certify that [Name of Applicant(s)] personally known to me to be the same person(s) whose names(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person and (severally) acknowledged that he (they) signed, sealed and delivered said instrument as his (their) free and voluntary act for the uses and purposes therein set forth.

[Signature of Notary Public], dated this [Date] day of [Month], [Year]. [Seal of Notary Public]

D. *Certificate of County Clerk.*

I, [Name of County Clerk], County Clerk of Winnebago County in the State of Illinois, do hereby certify that I find no delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against the land embraced within the annexed plat of [Name of Subdivision] Subdivision.

[Signature of County Clerk], dated this [Date] day of [Month], [Year]. ^[Seal of Notary Public]

E. *Easement Certificate.*

An easement is hereby reserved for and granted to the designated governmental bodies and public utilities or cable television companies with the necessary authorization and/or franchises and their respective successors and assigns within the area as shown by dotted lines on the Plat and marked "Easement," to install, lay, construct, renew, operate and maintain storm and sanitary sewers, pipes, conduits, cables, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision and other properties with telephone, electric and other utility service or cable television service; also is hereby granted the right to use the streets for said purposes, the right to overhand lots with aerial service wires to serve adjacent lots, the right to enter upon the lots at all times to install, lay, construct, renew, operate and maintain within the easement area said storm and sanitary sewers, pipes, conduits, cables, poles, wires, braces, guys, anchors, and other equipment; and finally the right is hereby granted to cut down and remove or trim and keep trimmed any trees, shrubs or saplings that interfere or threaten to interfere with any of said public utility equipment or cable television equipment installed on said easement. No permanent buildings or trees shall be placed on said easement, but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

If the grade of the subdivision property must be so altered or if storm and sanitary sewer facilities require that the underground utility or cable television equipment be moved or otherwise altered, the owners, their respective successors and assigns shall reimburse the utility company or cable television company for the necessary expense involved.

F. *Certificate of County Engineer.*

All streets shown herein have been graded, drained and surfaced and all drainage structures have been built, as required, or have been provided for by an irrevocable letter of credit to my approval.

[Signature of County Engineer], dated this [Date] day of [Month], [Year].

G. *Certificate of Winnebago Department of Public Health.*

As Director of Environmental Health of the Winnebago County Department of Public Health, I hereby certify that no public sewer system exists to serve this subdivision. This plat is approved with respect to onsite sewage disposal, and the acreage involved has been reviewed in accordance with established soil and suitability evaluation procedures.

[Signature of Director of Environmental Health], dated this [Date] day of [Month], [Year].

H. *Certificate of Winnebago County Geographic Information System (WinGIS).*

I hereby certify that the ties to the Winnebago County Geodetic Control Network for the property contained within this plat have been reviewed and are approved. The Geodetic Control Network Tie Form has been submitted and it is approved.

[Signature of WinGIS Agent], dated this [Date] day of [Month], [Year].

I. *Certificate of County Plat Officer.*

This is to certify that the Plat Officer has reviewed the attached subdivision, and finding substantial conformity with all pertinent laws, rules, and regulations including this chapter and the tentative plat of this subdivision as conditionally approved, this plat is given final approval.

[Signature of County Plat Officer], dated this [Date] day of [Month], [Year].

J. *Certificate of County Recorder.*

Filed for record this [Date] day of [Month], [Year], at [Hour] o'clock [AM/PM], recorded in Book [Book Number] of Plats, page [Page Number] and examined.

[Signature of County Recorder]

Sec. 5.12. - Guarantee for Completion.

- A. In lieu of constructing the improvements prior to approval by the County Engineer, a construction guarantee in the amount of one-hundred twenty percent (120%) of the cost of the improvements is required. The cost for each improvement shall be itemized in a list prepared, signed and sealed by the design engineer and approved by the County Engineer. Such guarantee is to:
1. Assure the satisfactory installation of said improvements in accordance with the approved plans and specifications according to good engineering and construction practices.
 2. Assure the satisfactory completion of said improvements within the prescribed time limit.
- B. Such guarantee shall be done in one (1) of the following formats and the form, amount and conditions, subject to approval of the County Engineer:
1. A certificate of deposit with, or an escrow account at, a federally insured financial institution which shall be located no more than ninety (90) miles outside of Winnebago County.
 2. Sufficient funds to pay for the construction and repairs of all public improvements inclusive of any required streetscape, open space and/or perimeter landscaping shall be guaranteed in the form of an irrevocable letter of credit prior to the start of any construction by the developer/owner. This irrevocable letter of credit shall be used as a guarantee for any repairs which may be required to township or county roads that have been identified or designated during the review process by the County Engineer as having been damaged as a result of any construction vehicle or equipment used during the construction by the developer/owner. Such irrevocable letter of credit shall be in the amount of one hundred twenty percent (120%) of the cost of all public improvements inclusive of any required streetscape, open space and/or perimeter landscaping as approved by the County Engineer. The irrevocable letter of credit shall be drawn listing the County of Winnebago, c/o The Winnebago County Highway Department, as a beneficiary and shall be delivered to the County Engineer prior to the start of any construction. The term shall be for a minimum of the estimated project schedule in addition to a one-year performance period. The developer/owner shall be responsible for renewing the irrevocable letter of credit as needed throughout the duration of the project and a one-year performance period. The irrevocable letter of credit shall be from a financial institution located no more than ninety (90) miles outside of Winnebago County.

- C. A construction guarantee shall be reduced, only by authorization of the County Engineer, as follows:
1. Partial releases will be considered only upon written request by the developer/owner. A partial release of an irrevocable letter of credit may be approved by the County Engineer and shall be based upon the difference of the cost of the public improvements and/or landscaping completed to date as determine by the County Engineer and the original amount of the irrevocable letter of credit. Any partial release shall not exceed ninety percent (90%) of the original amount of the irrevocable letter of credit. The final release of any remaining amounts shall be made by the County Engineer one year after the acceptance of the public improvements. This one-year period will act as a performance guarantee for the public improvements inclusive of any required streetscape, open space and/or perimeter landscaping.
 2. If the developer/owner fails to complete or construct the public improvements and/or landscaping as originally planned and as approved by the County Engineer or if there has been unsatisfactory installation of the required public improvements and/or landscaping, the County Engineer will proceed to draw the full irrevocable letter of credit amount from the financial institution and will deposit the funds with the Winnebago County Treasurer. The County Engineer shall use the aforementioned funds for the purpose of paying for the construction and engineering associated with the completion of the public improvements and/or landscaping as originally planned and approved. The cost of such engineering will be charged at a rate of fifteen percent (15%) of the cost of the remaining improvements to be completed. After all improvements have been completed and all outstanding amounts owed for the completion of such improvements have been paid in full, any remaining funds shall be refunded to the financial institution.
- D. The County Engineer shall not release a construction guarantee prior to the satisfactory installation of all required improvements, as determined by the following:
1. One (1) year after the completion of all improvements required for the approved Final Plan.
 2. After the submission of the project engineer's certification that the project installation has been observed in the field and completed in substantial compliance with the plans and specification and with all applicable ordinances and laws.
 3. After the submission of one (1) reproducible print and four (4) copies of record drawings which shall be drawings prepared by the project engineer who shall show improvements, and shall clearly designate any and all changes from the approved plans and specifications.
- E. After acceptance of the improvements, the applicant shall be responsible for the maintenance of all improvements until the release of the construction guarantee. Where a development has been improved in phases, the applicant shall be responsible for the proper functioning of drainage improvements for the entire development site. The applicant shall be responsible for the plowing of snow on roads until the final acceptance of the completed road improvements.
- F. The developer/owner shall be responsible for the cost of construction, inspection and/or material testing of the public improvements inclusive of any required streetscape, open space and/or perimeter landscaping by an engineering firm to be selected and hired by Winnebago County through the County Engineer.
1. The developer/owner shall be required to pay three percent (3%) of one hundred and twenty percent (120%) of the cost of all public improvements inclusive of any required streetscape, open space and/or perimeter landscaping as approved by the County Engineer. Any sidewalk inspections that are needed on an individual lot basis or subsequent to the major public improvements shall be paid by the developer/owner at the individual rate according to the County's agreement with the engineering firm referenced above. The developer/owner shall provide the County Engineer a check payable to the Winnebago County Treasurer for payment of these fees. Such payment shall be non-refundable. The County Engineer shall order the inspection. The individual sidewalk inspection fee shall be for any individual lot or any grouping of up to five (5) adjacent lots.
 2. The Winnebago County Building and Zoning Divisions of the Regional Planning and Economic Development

Department may withhold issuing any construction and/or zoning permits until notification from the County Engineer that all applicable fees have been paid. If during the course of construction, any unforeseen issues arise which will require expenditure for additional testing and/or inspection fees, the developer/owner shall submit the additional funds as determined by the County Engineer to cover the additional cost. In the event that the developer/owner does not provide sufficient funds for the required inspection work, the County Engineer shall be authorized to draw upon the funds available in the irrevocable letter of credit posted by the developer/owner pursuant to Section 5.12(B) of this Ordinance.

ARTICLE 6: - ENFORCEMENT

Sec. 6.1. - Enforcement Responsibility.

The Planning and Zoning officer shall be the official responsible for the enforcement of this chapter. The Planning and Zoning officer may serve notice requiring the removal of any structure or use in violation of this chapter. The Planning and Zoning officer may call upon the State's Attorney to institute necessary legal proceedings to enforce the provisions of this chapter, and the State's Attorney is hereby authorized to institute appropriate actions to that end. The Planning and Zoning officer may call upon the County Sheriff and his authorized agents to assist in the enforcement of this chapter.

Sec. 6.2. - Persons Liable.

The owner and/or tenant of any structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to the below penalties.

Sec. 6.3. - Penalties and Remedies for Violations.

Failure to comply with any of the requirements of this chapter shall constitute a violation. Any person, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for each offense. Enforcement proceedings may be commenced by warrant, arrest or summons as necessary to remedy the violation. Each week the violation continues shall be considered a separate offense. The owner and/or tenant of any building, structure, premises or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violations may each be found guilty of a separate offense and subject to the penalties described in this subsection. The county may also take other lawful action as is necessary to prevent or remedy any violation.

Sec. 6.4. - Permit Revocation.

Any permit, other than special use permit which may only be revoked under the section 4.3.8, or other form of authorization required under this Ordinance may be revoked by the Planning and Zoning Officer when the Planning and Zoning Officer determines:

- (1) that there is departure from the plans, specifications, or conditions as required under terms of the permit;
- (2) that the permit was procured by false representation or was issued by mistake; or
- (3) that any of the provisions of this Ordinance are being violated.

Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

Sec. 6.5. - Appeals and Judicial Review.

Enforcement actions taken by the Planning and Zoning Officer may be appealed by the affected party to the Zoning Board of Appeals in accordance with Sec. 2.3.

All final administrative decisions of the Zoning Board of Appeals and Planning and Zoning Officer are subject to judicial review pursuant to the provisions of the Administrative Review Act, 735 ILCS 5/3-101 et seq., as amended, and all amendments and modifications thereof and the rules adopted pursuant thereto.

ARTICLE 7: - AGRICULTURAL AND OPEN SPACE DISTRICTS

Sec. 7.1. - General Purpose and Intent.

The Agricultural and Open Space Districts are intended to:

- A. Conserve and protect agriculture and open space.
- B. Protect agricultural land and open space from encroachment of incompatible land uses.
- C. Preserve woodlands and wetlands for aesthetic and scenic values.
- D. Prevent the conversion of agricultural land to scattered residential development.
- E. Promote the best use and development of agricultural land in accordance with the Winnebago County 2030 Land Resource Management Plan, and to promote stability of agricultural development, and ensure that land in Winnebago County best-suited for farming is retained for such production.
- F. This Ordinance is in no way intended to regulate nor hinder production of agriculture within the areas in which it applies.

Sec. 7.2. - AG Agricultural Priority District.

7.2.1 Purpose. The AG Agricultural Priority District is intended to promote and protect agricultural land and the agricultural industry which is vitally important to Winnebago County's economy. The standards of the AG District are to protect and promote the continuation of farming, and to protect agricultural land uses from incompatible residential developments. The AG District is intended to implement the agricultural policies outlined in the Winnebago County 2030 Land Resource Management Plan.

7.2.2 Uses. Uses are allowed in the AG District in accordance with Table 7.1.

7.2.3 Bulk and Yard Standards. Development in the AG District is subject to the bulk and yard standards of Table 7.2.

Sec. 7.3. - A-1 Agricultural District.

7.3.1 Purpose. The A-1 Agricultural District is intended to promote and protect agricultural land. The standards of the A-1 District are to protect and promote the continuation of farming, and to protect agricultural land uses from incompatible residential developments. New applications for this district are most appropriate within one and one-half (1.5) miles of an incorporated municipality and within one-half (0.5) mile of an unincorporated municipality's (hamlet's) growth area as shown on the future land use map of the 2030 Land Resource Management Plan.

7.3.2 Uses. Uses are allowed in the A-1 District in accordance with Table 7.1.

7.3.3 Bulk and Yard Standards. Development in the A-1 District is subject to the bulk and yard standards of Table 7.2.

Sec. 7.4. - A-2 Agriculture-Related Business District.

7.4.1 *Purpose.* The A-2 Agriculture-Related Business District is intended to promote business actively and directly used by those engaged in the pursuit of agricultural activities. The A-2 District is intended to implement the agri-business land use policies outlined in the Winnebago County 2030 Land Resource Management Plan. New applications for this district are most appropriate where solely Agriculture is encouraged on the 2030 Land Resource Management Plan, when not in platted subdivisions nor near residential clusters and when deemed that all uses allowed by the District are compatible with adjacent properties.

7.4.2 *Uses.* Uses are allowed in the A-2 District in accordance with Table 7.1.

7.4.3 *Bulk and Yard Standards.* All development in the A-2 District is subject to the bulk and yard standards of Table 7.2.

Sec. 7.5. - OS Open Space District.

7.5.1 *Purpose.* The OS Open Space District is intended to accommodate and protect current and future lands intended for public and private open space needs in the County. Only uses that are compatible with or otherwise support recreational, resource conservation or other open space needs are allowed within the district. The OS District is not intended to primarily accommodate new development but rather to respond directly to the County's open space needs.

7.5.2 *Uses.* Uses are allowed in the OS District in accordance with Table 7.1.

7.5.3 *Bulk and Yard Standards.* All development in the OS District is subject to the bulk and yard standards of Table 7.2.

Sec. 7.6. - Permitted and Special Uses.

7.6.1 *Use Table.*

Table 7.1: Agricultural and Open Space Districts Permitted and Special Uses lists permitted and special uses for the agricultural and open space districts. A "P" indicates that a use is permitted within that district. A "S" indicates that a use is a special use in that district and must obtain a special use permit. No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.

TABLE 7.1: AGRICULTURAL AND OPEN SPACE DISTRICTS PERMITTED AND SPECIAL USES					
USE	AG	A-1	A-2	OS	USE STANDARD
RESIDENTIAL					
Accessory Living Quarters	P	P	P		Section 15.3.1
Bed and Breakfast	S	S	P		Section 15.3.4
Caretaker's Dwelling or Caretaker's Dwelling Unit(s) - Accessory to an Agricultural Use (20 acre minimum per dwelling / unit)	P	P	P		
Day Care Home	P	P	P		Section 15.3.10
Dwelling, Single-Family - Must meet standards of Section 7.7.2 A., 7.7.2 B. or 7.7.2 C.	P	P	P		Section 7.7.2 A., 7.7.2 B. or 7.7.2 C.

Dwelling, Single-Family - Must meet standards of Section 7.7.2 D.	S	S			Section 7.7.2 D.
Vacation Rentals	S	S	S		
OPEN SPACE					
Campgrounds (when not gov't owned and operated; 6 acre minimum)	S	S	S	S	
Cemetery, Crematorium or Mausoleum (500 foot setback from residence(s))	S	S	P/S*	S	* Special use required for lots less than 6 acres
Country Club	S	S	P	S	
Driving Range	S	S	P/S*	S	* Special use required if operating after dusk under lights
Forest Preserve	P	P	P	P	
Golf Course	S	S	P	S	
Outdoor Recreation	S	S	P	S	
Park or Playground	P	P	P	P	
Sports Club (not inclusive of shooting)	S	S	P	S	
Tourist Facility	S	S	P		
Wildlife Rehabilitation Facility (for native animals)			P/S*	S	*Special use required for non-native animals
INSTITUTIONAL					
Community Residence - Small	S	S	P		
Education Facility, Agricultural - Accessory to Principal Agricultural Use (5 acre minimum except in A-2)	P/S*	P/S*	P	S	*Special use required for lots less than 5 acres
Education Facility, Primary and Secondary (5 acre minimum except in A-2)	P/S*	P/S*	P	S	*Special use required for lots less than 5 acres

Education Facility, Vocational	S	S	S	S	
Government Facility (3 acre minimum except in A-2)	P/S*	P/S*	P	P/S*	*Special use required for lots less than 3 acres
Penal and Correctional Institutions			S		
Place of Worship (5 acre minimum except in A-2)	P/S*	P/S*	P	S	*Special use required for lots less than 5 acres
Group Quarters (accessory to Place of Worship)	S	S	P	S	
Retreat Center	S*	S*	S		*Special use is ONLY available in these Districts on a zoning lot that is no less than 15 acres in size and is for uses that were lawfully established prior to the adoption of this Ordinance (June 11, 2015) that currently function as/meet the definition of a retreat center which in some cases may not have been categorized as same due to the terminology within the prior codes.
Social Club or Lodge	S	S	P	S	Section 15.3.27
AGRICULTURAL					
Agriculture (excludes uses listed in this section)	P	P	P	P	
Agri-business (i.e. apple orchards, pumpkin patches, U-picks, etc.)	S	S	P		
AG Road Stands (for produce grown on-site; temporary)	P	P	P	P	Section 18.5.3

Concentrated Animal Feeding Operation (CAFO)	S	S	S		Section 15.3.7
Feedlot	P	P	P		
Forestry	P	P	P		
Grain Storage and/or Elevator	P	P	P		
Slaughterhouse			S		Section 15.3.26
Stable	P	P	P	P	
Stockyard	P	P	P		
Vineyard	P	P	P	P	
COMMERCIAL					
Agricultural Sales and/or Service Establishment	S	S	P		
Animal Hospital	S	S	P		Section 15.3.3
Bait Shop (as an accessory to the occupant of the residence)	S	S	P		
Broadcast Facilities (Radio, TV)	S	S	P		
Contractor Shop, not inclusive of Landscape or Tree Service Business (enclosed within a building, no outdoor storage and as an accessory to the occupant of the residence)	S	S	P		Section 15.3.8
Greenhouse/Nursery (commercial, retail sales directly to public; outside display/storage is limited to flowers, plants, shrubs and trees)	S	S	P		
Kennel (as an accessory to the occupant of the residence)	S	S	S		Section 15.3.3

Landscape or Tree Service Business (enclosed within a building, no outdoor storage and as an accessory to the occupant of the residence)			P		Section 15.3.8
Medical Cannabis Cultivation Center			S		Section 15.3.15
Medical or Dental Clinic/Office (enclosed within a building, no outdoor storage and as an accessory to the occupant of the residence)	S	S	P		
Outdoor Entertainment, not including horse events or rodeos	S	S	S		
Reuse of an Existing AG Building as an accessory to the occupant of the residence (Building must be 10 years or older; only for a use not hereby mentioned in this Table and must be a permitted use within CN District or IL District)			S		
Riding Academy, Horse Events, or Rodeos	S/P*	S/P*	S/P*	S*	*Only a riding academy is permitted
Small Engine Service and Repair or Small Automotive Service and Repair (enclosed within a building, no outdoor storage and as an accessory to the occupant of the residence)			S		
Shooting Range or Club	S	S	S		
Wedding and/or Reception Facility	S	S	S		
Winery (accessory to a vineyard)	S	S	P/S*		*Special use required for lots less than 6 acres
Zoo or Animal Sanctuary			S	S	
INDUSTRIAL					
Airport or Restricted Landing Area	S	S	S	S	
Batch Plant or Crushing & Storage Facility (Asphalt or Concrete)	S	S	S		

Ethanol Plant			P*		*1,200 foot setback from residence(s) and residential zoning
Junk Yard			S		
Composting Facility	S	S	S		
Meteorological Tower	P	P	P		
Mining, Excavating, Oil and Gas Drilling, or Rock Strata Fracturing (Fracking)	S	S	S	S	Section 15.3.17
Contractor Storage Yard (accessory to Landscape or Tree Service Business)			S		Section 15.3.29
Power Plant, but not inclusive of a Solar Farm and a Wind Power Generating Facility	S	S	S		
Research and Development Facility - Agriculture Related			P		
Sawmill	S	S	P		Section 15.3.25
Solar Farm			P		Section 15.3.28
Wind Energy System (private; site service only; 1 per lot; 1 acre min.)	P/S*	P/S*	P/S*	S	*Special use required for lots less than 1 acre Section 18.3.17 & Table 18.1
Wind Power Generating Facility (commercial)	P	P	P		Article 17
Wrecking Yard			S		Section 15.3.14
OTHER					
Filling of or Dumping in Pits, Quarries, Lowlands and Similar (clean fill only; filling with refuse and/or food waste prohibited)	S	S	S	S	
Parking Structure			S	S	

<p>Parking for one (1) Semi-cab with one (1) Accessory Trailer, if applicable or for one (1) Heavy Commercial Vehicle other than a Semi-cab / Trailer (as an accessory to the occupant of the residence, on a parcel of land no less than 5 acres and not within a recorded subdivision plat)</p>	<p>S*</p>	<p>S*</p>	<p>S*</p>		<p>*Vehicle and trailer must be licensed and in street operable condition; shall not exceed 15 consecutive days without being driven off-site (unless adjacent road is temporary posted preventing said); shall not exceed weight limits of adjacent roads; shall be driven by the occupant of the residence on the subject property; shall be parked behind building setback line on an appropriate surface or within an enclosed structure; and an abandoned or inoperable vehicle is considered junk and in violation of this permit. This permit does not apply to AG related vehicles used for AG pursuits.</p>
<p>Utilities</p>	<p>P/S*</p>	<p>P/S*</p>	<p>P</p>	<p>S</p>	<p>*Special use required for lots greater than 3 acres in size and/or for any size lot within 1,200 feet of a residential subdivision. Section 15.3.30</p>
<p>Wireless Telecommunications</p>	<p>P</p>	<p>P</p>	<p>P</p>	<p>S</p>	

(Ord. No. 2018-CO-120, 11-9-18; Ord. No. 2019-CO-032, 3-14-19)

Sec. 7.7. - Bulk and Yard Standards.

7.7.1 Bulk and Yard Standards Table.

Table 7.2: Agricultural and Open Space Districts Bulk and Yard Standards contains the bulk and yard standards for the agricultural and open space districts.

TABLE 7.2 AGRICULTURAL AND OPEN SPACE DISTRICTS BULK AND YARD STANDARDS				
	AG	A-1	A-2	OS
BULK STANDARDS				
MINIMUM LOT AREA	Agriculture: None, but subject to State Plat Act as well as any applicable septic and well regulations Single-Family Dwelling: See Section 7.7.2 All Other Uses: 25,000sf, unless noted in Table <u>7.1</u>	Agriculture: None, but subject to State Plat Act as well as any applicable septic and well regulations Single-Family Dwelling: See Section 7.7.2 All Other Uses: 25,000sf, unless noted in Table <u>7.1</u>	Agriculture: None, but subject to State Plat Act as well as any applicable septic and well regulations Single-Family Dwelling: See Section 7.7.2 All Other Uses: 25,000sf, unless noted in Table <u>7.1</u>	Agriculture or Natural Area: None, but subject to State Plat Act as well as any applicable septic and well regulations All Other Uses: 25,000sf, unless noted in Table <u>7.1</u>
MINIMUM LOT WIDTH	Agriculture: None, but subject to State Plat Act as well as any other applicable codes and ordinances. Single-Family Dwelling: See Section 7.7.2 All Other Uses: 250 ft at building setback line and on public road.	Agriculture: None, but subject to State Plat Act as well as any other applicable codes and ordinances. Single-Family Dwelling: See Section 7.7.2 All Other Uses: 250 ft at building setback line and on public road.	Agriculture: None, but subject to State Plat Act as well as any other applicable codes and ordinances. Single-Family Dwelling: See Section 7.7.2 All Other Uses: 150 ft at building setback line and on public road.	Agriculture or Natural Area: None, but subject to State Plat Act as well as any other applicable codes and ordinances. All Other Uses: 250 ft at building setback line and on public road.

MAXIMUM BUILDING HEIGHT	Single-Family Dwelling: 35 ft All Other Uses: 50 ft, unless noted elsewhere	Single-Family Dwelling: 35 ft All Other Uses: 50 ft, unless noted elsewhere	Single-Family Dwelling: 35 ft All Other Uses: 50 ft, unless noted elsewhere	35 ft, unless noted elsewhere
MAXIMUM IMPERVIOUS SURFACE	Single-Family Dwelling: 40% All Other Uses: 60%	Single-Family Dwelling: 40% All Other Uses: 60%	Single-Family Dwelling: 40% All Other Uses: 65%	35%
MINIMUM YARD STANDARDS				
FRONT YARD	30 ft	30 ft	30 ft	30 ft
INTERIOR SIDE YARD	10 ft	10 ft	10 ft	10 ft
CORNER SIDE YARD	30 ft	30 ft	30 ft	30 ft
REAR YARD	25 ft	25 ft	25 ft	25 ft

7.7.2 *Single-Family Dwellings in the AG, A-1 & A2 Districts.* Single-family dwellings in the AG, A-1 and A-2 Districts are subject to the following additional standards.

- A. One (1) single-family dwelling is permitted per entire vacant, not divided, quarter-quarter section in AG, A-1, and A-2 Districts. Such dwelling must meet the following:
 - 1. The lot of record or parcel of land on which the dwelling will be constructed has at least two-hundred fifty (250) feet of lot frontage on a public road or private road created by a recorded plat of subdivision.
 - 2. The dwelling must be located at least one thousand three hundred twenty (1,320) feet from any feedlot or concentrated animal feeding operation of 50 animal units or greater.
 - 3. Compliance with Section 18.2.1 B.
 - (1) A quarter-quarter section improved with a single-family home may be reduced in lot area and/or lot frontage and remain conforming provided the lot was created after June 24, 1982 and complies with septic regulations, lot frontage is no less than two-hundred fifty (250) feet and all other applicable codes and ordinances are met.
- B. However, an additional single-family dwelling (or increased density amounting to same) is permitted in a quarter section according to the below criteria.
 - 1. For the AG, A-1, and A-2 Districts, an additional single-family dwelling is permitted in a quarter-quarter section provided the above 7.7.2 A.1. as well as the following are met:
 - a. The entire quarter-quarter section of interest is contained within an undivided single lot or parcel of record as of June 24, 1982.

- b. The applicant submits the following as part of the zoning clearance application:
 - i. Clear and convincing evidence that the property in question (the new zoning lot) is not suitable for agricultural use. This shall require evidence that:
 - a. Eighty percent (80%) or more of the proposed lot contains land defined as non-prime farmland by the County Soil and Water Conservation District; and/or
 - b. Significant manmade or natural barriers exist that preclude the use of the proposed lot for a suitable agricultural use.
 - c. The dwelling must be located at least one thousand three hundred twenty (1,320) feet from any feedlot or concentrated animal feeding operation of 50 animal units or greater.
 - d. The property is suitable for a septic system.
 - e. The dwelling is ultimately located on a new zoning lot that is created via a State Plat Act exception.
 - f. Compliance with Section 18.2.1 B. and all other applicable codes and ordinances.
2. Specifically for the AG District, an additional single-family dwelling (or an increase in density amounting to same) is permitted in a quarter-quarter section provided the dwelling is located on an entire vacant, not divided, half of a quarter-quarter section, the requirements of items 7.7.2 A.1., 7.7.2 A.2. and 7.7.2 A.3. above are met, all other applicable codes and ordinances are met, and a deed restriction is recorded, subject to County Administration's approval, which preserves an adjacent agriculturally zoned quarter-quarter section for solely agricultural use as defined within the zoning ordinance for a minimum of ninety nine (99) years. The quarter-quarter section preserved shall be designated for agriculture use as shown on the future land use map of the 2030 Land Resource Management Plan or successor. The County Board may release subject deed restriction if the home approved via this regulation no longer exists, but not obligated to.
 - a. The subject one half of a quarter-quarter section improved with a single-family home may be reduced in lot area and/or lot frontage and remain conforming provided the lot area complies with septic regulations, lot frontage is no less than two-hundred fifty (250) feet, and all other applicable codes and ordinances are met.
3. Specifically for an A-1 District located within one and a half (1.5) miles of an incorporated municipality or within a half (0.5) mile of an unincorporated municipality's (hamlet's) growth area as shown on the future land use map of the 2030 Land Resource Management Plan or successor, an increased density of one (1) single-family dwelling (or a second single-family dwelling in a quarter-quarter section amounting to same) is permitted within an entire vacant, not divided, half of a quarter-quarter section provided the requirements of items 7.7.2 A.1., 7.7.2 A.2. and 7.7.2 A.3. above are met and all other applicable codes and ordinances are met.
 - a. The subject one half of a quarter-quarter section improved with a single-family home may be reduced in lot area and/or lot frontage and remain conforming provided the lot was created after June 24, 1982 and complies with septic regulations, lot frontage is no less than two hundred fifty (250) feet and all other applicable codes and ordinances are met.
- C. One (1) single-family dwelling per vacant lot of record or parcel of land in an AG, A-1 or A-2 District duly recorded in the Winnebago County Recorder's office, as of, and unaltered since June 24, 1982, is permitted. Such dwelling must meet the following:
 1. The lot of record or parcel of land on which the dwelling will be constructed has at least thirty (30) feet of lot frontage on a public road or private road created by a recorded plat of subdivision.
 2. The dwelling must be located at least one thousand three hundred twenty (1,320) feet from any feedlot or concentrated animal feeding operation of fifty (50) animal units or greater.
 3. Compliance with Section 18.2.1 B.
 - (1) Lot or parcel alterations to a lot or parcel addressed in 7.7.2 C. for a lot or parcel improved with a single-

family residence may occur in accordance with the following:

- a. Existing lots of record or parcels of land duly recorded in the Winnebago County Recorder's office, as of, and unaltered since June 24, 1982, with lot frontage of less than two hundred fifty (250) feet which are improved with a single-family residence may be reduced in lot area and remain conforming provided the lot was created after June 24, 1982, and complies with septic regulations, lot frontage is no less than what existed on June 24, 1982, and all other applicable codes and ordinances are met.
 - b. Existing lots of record or parcels of land duly recorded in the Winnebago County Recorder's office, as of, and unaltered since June 24, 1982, with lot frontage of more than two hundred fifty (250) feet which are improved with a single-family residence may be reduced in lot area and lot frontage and remain conforming provided the lot was created after June 24, 1982, and complies with septic regulations, lot frontage is no less than two hundred fifty (250) feet and all other applicable codes and ordinances are met.
 - c. Lots or parcels addressed in this section improved with a single-family residence may be increased in size after June 24, 1982, without the concern of being rendered out of zoning compliance.
- D. In accordance with 7.6.1 Use Table, Table 7.1, a single-family dwelling on a vacant parcel of land that does not consist of an entire half of a quarter-quarter section as required in 7.7.2 B.2. or 7.7.2 B.3. but complies with all other applicable codes and ordinances, including maximum density of two (2) single-family dwelling units or buildable zoning lots per quarter-quarter section with no more than one (1) single-family dwelling unit or buildable zoning lot in each half of a quarter-quarter section of land. Only buildable zoning lots, which may or may not be improved, that were enabled by a rezoning and are located within the subject area shall be excluded when determining if the maximum density listed herein is met.
- E. Any lot improved with a lawfully established single-family home that predates zoning or in accordance with an agricultural district regulation that existed in a prior adopted zoning code and same is not herein within this Section may be reduced in lot area and/or lot frontage and remain conforming provided the lot area complies with septic regulations, lot frontage is no less than two hundred fifty (250) feet, and all other applicable codes and ordinances are met.

Sec. 7.8. - General Standards of Applicability.

7.8.1 *Accessory Structures and Uses.* See Article 15 for accessory structure and use standards.

7.8.2 *Landscaping and Screening.* See Article 20 for landscaping and screening standards.

7.8.3 *On-Site Development Standards.* See Article 18 for on-site development standards.

7.8.4 *Off-Street Parking and Loading.* See Article 23 for off-street parking and loading standards.

7.8.5 *Permitted Encroachments.* See Article 18 for permitted encroachments.

7.8.6 *Signs.* See Article 22 for sign standards.

7.8.7 *Temporary Uses.* See Article 18 for temporary use standards.

ARTICLE 8: - RESIDENTIAL DISTRICTS

Sec. 8.1. - General Purpose and Intent.

The Residential Districts are established in order to protect public health, safety, convenience, comfort, prosperity and welfare.

The purpose of these districts includes, among others, the following:

- A. To primarily allow existing structures and uses within zoning districts to maintain conformity, allow for limited residential growth and meet the need for necessary and desirable services in the vicinity of residences.
- B. To promote the best use and development of residential land in accordance with the Winnebago County 2030 Land Resource Management Plan, to promote stability and protect the character of residential development.

Sec. 8.2. - R-A Rural Agricultural Residential District.

8.2.1 *Purpose.* The R-A Rural Agricultural Residential District is intended primarily for existing districts or neighborhoods of very low density, large lot single-family development though certain compatible non-residential uses, such as places of worship, are permitted. The low density permitted in the R-A District will generally permit, in accordance with applicable Health Department rules and the requirements of this Ordinance, on-site, individual sewage disposal systems and wells.

The R-A District incorporates the previous R-E Rural Estate, R-R Rural Residential and R-A Rural Agricultural Residential Districts as subdistricts. Recognizing that there are existing residential uses within these zoning districts, the uses, lots and structures in the County that developed, or were designated for development, in conformance with the regulations of those zoning districts, are recognized as legal conforming uses, lots and structures. The previous R-E Rural Estate, R-R Rural Residential and R-A Rural Agricultural Residential Districts will continue to be indicated as such on the zoning map and interpreted as subdistricts of this Ordinance's R-A District. The R-A District is primarily for areas previously zoned as R-E, R-R and R-A Districts as of the effective date of this Ordinance but limited new application is allowed only if developed as a minor subdivision, if divided, or no more than four (4) buildable lots are created via the plat act. No variances from this requirement are permitted.

8.2.2 *Uses.* Uses are allowed in the R-A District in accordance with Table 8.1.

8.2.3 *Bulk and Yard Standards.* All development in the R-A District is subject to the bulk and yard standards of Table 8.2.

Sec. 8.3. - R-1 Single-Family Residential District.

8.3.1 *Purpose.* The R-1 Single-Family Residential District is intended primarily for existing districts or neighborhoods of single-family development, though certain compatible non-residential uses, such as places of worship, are permitted. The R-1 District is primarily for areas previously zoned R-1 as of the effective date of this Ordinance but limited new application for rezoning is allowed only if developed as a minor subdivision, if divided, or no more than four (4) buildable lots are created via the plat act. No variances from this requirement are permitted.

8.3.2 *Uses.* Uses are allowed in the R-1 District in accordance with Table 8.1.

8.3.3 *Bulk and Yard Standards.* All development in the R-1 District is subject to the bulk and yard standards of Table 8.2.

Sec. 8.4. - R-2 Single-Family and Two-Family Residential District.

8.4.1 *Purpose.* The R-2 Single-Family and Two-Family Residential District is intended primarily for existing districts or neighborhoods of both single-family and two-family dwellings. Certain compatible non-residential uses, such as places of worship, are also allowed. The R-2 District is primarily for areas previously zoned R-2 as of the effective date of this Ordinance but limited new application for rezoning is allowed only if developed as a minor subdivision, if divided, or no more than four (4) buildable lots are created via the plat act. No variances from this requirement are permitted.

8.4.2 *Uses.* Uses are allowed in the R-2 District in accordance with Table 8.1.

8.4.3 *Bulk and Yard Standards.* All development in the R-2 District is subject to the bulk and yard standards of Table 8.2.

Sec. 8.5. - R-3 Multi-Family Residential District.

8.5.1 Purpose. The R-3 Multi-Family Residential District is intended primarily for existing districts or neighborhoods of higher density development that permits a range of housing options, including three-family, four-family, and multi-family dwellings. Certain compatible non-residential uses, such as places of worship, are also allowed. The R-3 District is primarily for areas previously zoned R-3 as of the effective date of this Ordinance but limited new application for rezoning is allowed only if developed as a minor subdivision, if divided, or no more than four (4) buildable lots are created via the plat act and/or no more than four (4) principal buildings are collectively erected on the zoning lot. No variances from this requirement are permitted.

8.5.2 Uses. Uses are allowed in the R-3 District in accordance with Table 8.1.

8.5.3 Bulk and Yard Standards. All development in the R-3 District is subject to the bulk and yard standards of Table 8.2.

Sec. 8.6. - R-4 Multi-Family Residential District.

8.6.1 Purpose. The R-4 Multi-Family Residential District is intended primarily for existing districts or neighborhoods of the highest density residential neighborhoods and permits a range of housing options, including four-family and multi-family dwellings. Certain compatible non-residential uses, such as places of worship, are also allowed. The R-4 District is primarily for areas previously zoned R-4 as of the effective date of this Ordinance but limited new application for rezoning is allowed only if developed as a minor subdivision, if divided, or no more than four (4) buildable lots are created via the plat act and/or no more than four (4) principal buildings are collectively erected on the zoning lot. No variances from this requirement are permitted.

8.6.2 Uses. Uses are allowed in the R-4 District in accordance with Table 8.1.

8.6.3 Bulk and Yard Standards. All development in the R-4 District is subject to the bulk and yard standards of Table 8.2.

Sec. 8.7. - R-MH Manufactured Home Park Residential District.

8.7.1 Purpose. The R-MH Manufactured Home Park Residential District is intended to regulate the development of manufactured home parks and to provide standards for their layout, design, required improvements, landscaping, screening and management in order to promote public health, safety and welfare. The development standards for the MHP District are intended to ensure compatibility with surrounding land uses and are most appropriate for areas indicated as high density residential on the 2030 Land Resource Management Plan.

8.7.2 Uses. Uses are allowed in the R-MH District in accordance with Table 8.1.

8.7.3 Bulk and Yard Standards. All development in the R-MH District is subject to the bulk and yard standards of Table 8.2.

Sec. 8.8. - Permitted and Special Uses.

8.8.1 Use Table.

Table 8.1: Residential Districts Permitted and Special Uses lists permitted and special uses for the residential districts. A "P" indicates that a use is considered permitted within that district. A "S" indicates that a use is considered a special use in that district and must obtain a special use permit. No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.

TABLE 8.1: RESIDENTIAL DISTRICT PERMITTED AND SPECIAL USES							
	R-A	R-1	R-2	R-3	R-4	R-MH	USE STANDARDS

RESIDENTIAL							
Accessory Living Quarters	S	S	S				Section 15.3.1
Community Residence - Small		S	S	P	P		Section 15.3.6
Community Residence - Large				P	P		Section 15.3.6
Day Care Home, Child or Adult	P	P	P	P	P	P	Section 15.3.10
Dwelling, Single-Family	P	P	P			P	
Dwelling, Two-Family			P				
Dwelling, Three-Family				P			
Dwelling, Four-Family				P	P		
Dwelling, Multi-Family				P	P		Section 15.3.12
Group Quarters				S	P		
Manufactured Home Park (300,000 sq. ft. min.)						P	Section 8.9.3
Residential Care Facility				P	P		Section 15.3.24
AGRICULTURAL							
Stable for horses and goats, excluding billy goats - As an accessory to the Single-Family Dwelling (capacity onsite shall not to exceed 1 animal per acre)	P*						*Not permitted in sub-districts R-E and R-R
OPEN SPACE							
Cemetery, Crematorium or Mausoleum	S	S	S	S	S	S	
Golf Course	S	S	S	S	S	S	
Outdoor Recreation	S	S	S	S	S	S	
Parks/Playground	P	P	P	P	P	P	

INSTITUTIONAL							
Cultural Facility	S	S	S	S	S		
Educational Facility, Primary	P/S*	P/S*	P/S*	P/S*	P/S*		*Special use required for lots less than 5 acres
Educational Facility, Secondary	P/S*	P/S*	P/S*	P/S*	P/S*		*Special use required for lots less than 5 acres
Place of Worship	P/S*	P/S*	P/S*	P/S*	P/S*	P/S*	*Special use required for lots less than 5 acres
Group Quarters (accessory to Place of Worship)	S	S	S	S	P	S	
Outdoor Entertainment (accessory to Place of Worship)	S	S	S	S	S		
Government Facility	P/S*	P/S*	P/S*	P/S*	P/S*	P/S*	*Special use required for lots less than 3 acres
Social Club or Lodge	S	S	S	S	S		Section 15.3.27
COMMERCIAL							
Airports, Aircraft Landing Fields and Heliports	S	S	S	S	S		
Bed and Breakfast	S	S	S				Section 15.3.4
Office (for an office not meeting 18.3.8 standards)	S	S	S	S	S	S	<u>Section 24.4</u>
Vacation Rentals	S*						*Not available in sub-district R-R
INDUSTRIAL							
Wind Energy System (private; site service only; 1 per lot; 1 acre min. in R-A)	P/S*	S	S	S	S	S	*Special use required for lots less than 1 acre. Section 18.3.17 & Table <u>18.1</u>
OTHER							

Parking Structure	S	S	S	P	P	P	
Planned Unit Development - PUD	S*	S	S	S	S	S	*Not available for subdistrict RA-RA Article 16
Utilities	S	S	S	S	S	S	Section 15.3.30
Wireless Telecommunications - Lot Less Than 2 Acres	S	S	S	S	S	S	Section 15.3.32
Wireless Telecommunications - Lot 2 Acres or Greater	P	P	P	P	P	P	Section 15.3.32

(Ord. No. 2019-CO-032, 3-14-19)

Sec. 8.9. - Bulk and Yard Standards.

8.9.1 Bulk and Yard Standards Table.

Table 8.2: Residential Districts Bulk and Yard Standards contains the bulk and yard standards for the residential districts.

TABLE 8.2: RESIDENTIAL DISTRICTS BULK AND YARD STANDARDS						
	R-A	R-1	R-2	R-3	R-4	R-MH
BULK STANDARDS						
MINIMUM LOT AREA	See Section 8.9.2	6,600sf	4,400sf/du, but no less than 8,800sf	2,900sf/du, but no less than 8,800sf	1,450sf/du, but no less than 8,800sf	See Section 8.9.3
MINIMUM LOT WIDTH	See Section 8.9.2	60 ft	60 ft	60 ft	60 ft	See Section 8.9.3
MAXIMUM BUILDING HEIGHT	35 ft or no more than 2½ stories	35 ft or no more than 2½ stories	35 ft or no more than 2½ stories	40 ft or no more than 3 stories	Four-Family: 40 ft or no more than 3 stories MF: 50 ft or no more than 4 stories	See Section 8.9.3

MAXIMUM IMPERVIOUS SURFACE	45%	55%	60%	65%	65%	N/A
DESIGN STANDARDS	N/A	See <u>Section 8.10</u>	See <u>Section 8.10</u>	See <u>Section 8.10</u>	See <u>Section 8.10</u>	See <u>Section 8.10</u>
MINIMUM YARD STANDARDS						
FRONT YARD	See Section 8.9.2	30 ft	30 ft	30 ft	30 ft	See Section 8.9.3
INTERIOR SIDE YARD	See Section 8.9.2	6 ft	6 ft; minimum of 12 ft between exterior walls of principal structures	Three- and Four-Family: 6 ft; minimum of 12 ft between exterior walls of principal structures MF: 10 ft; minimum of 20 ft between exterior walls of principal structures	Four-Family: 6 ft; minimum of 12 ft between exterior walls of principal structures MF: 10 ft; minimum of 20 ft between exterior walls of principal structures	See Section 8.9.3
CORNER SIDE YARD	See Section 8.9.2	30 ft	30 ft	25 ft	25 ft	See Section 8.9.3
REAR YARD	See Section 8.9.2	30 ft	30 ft	25 ft	25 ft	See Section 8.9.3

8.9.2 Bulk and Yard Standards for the RA District.

The standards of Table 8.3: RA Subdistricts Bulk and Yard Standards applies to development within the RA District. The RA District incorporates the previous R-E Rural Estate, R-R Rural Residential and R-A Rural Agriculture Residential Districts, established prior to the effective date of this Ordinance, as three subdistricts of the RA District. New RA Districts must comply with the

requirements of the RA-RA Subdistrict. The R-A District is primarily for areas previously zoned as R-E, R-R and R-A Districts as of the effective date of this Ordinance but limited new application is allowed only if developed as a minor subdivision, if divided, or no more than four (4) buildable lots are created via the plat act. No variances from this requirement are permitted.

TABLE 8.3: RA SUBDISTRICTS BULK AND YARD STANDARDS			
	RA-RA	RA-RE	RA-RR
BULK STANDARDS			
MINIMUM LOT AREA	Existing Lots: 2.5 acres Lots Created After Ordinance Effective Date: 3 acres	1 acre	25,000sf
MINIMUM LOT WIDTH	200 ft	125 ft	100 ft
MINIMUM YARD STANDARDS			
FRONT YARD	30 ft	30 ft	30 ft
INTERIOR SIDE YARD	25 ft	20 ft	10 ft minimum for each interior side yard but a total of 30 ft for interior lots
CORNER SIDE YARD	30 ft	30 ft	30 ft
REAR YARD	75 ft	60 ft	50 ft

8.9.3 *Bulk and Yard Standards for the R-MH District.* No mobile home, whether occupied or unoccupied, may be located or placed outside the mobile home district, except as follows:

- A. For use as a shelter on the site of a construction project, during the course of construction, provided the mobile home shall not be occupied for human habitation.
- B. For display purposes as a part of a mobile home sales or rental business, provided the mobile home shall not be occupied for human habitation.
- C. For use as a classroom on the site of an educational facility on a temporary basis, provided the mobile home is not occupied for human habitation.
- D. For replacement of an existing lawfully established mobile home, and only with special use approval.

Table 8.4: R-MH District Bulk and Yard Standards contains the bulk and yard standards for the R-MH District.

TABLE 8.4: R-MH DISTRICT BULK AND YARD STANDARDS			
	STANDARDS FOR MANUFACTURED HOME PARK	STANDARDS FOR INDIVIDUAL HOME SITE WITHIN PARK	STANDARDS FOR SINGLE-FAMILY DWELLING
BULK STANDARDS			
MINIMUM LOT AREA	300,000sf	6,600sf	6,600sf
MINIMUM LOT WIDTH		60 ft	60 ft
MAXIMUM BUILDING HEIGHT	35 ft or no more than 2½ stories	35 ft or no more than 2½ stories	35 ft or no more than 2½ stories
MINIMUM OPEN SPACE	2% of gross area		
MINIMUM SEPARATION BETWEEN MANUFACTURED HOMES		20 ft	20 ft
DESIGN STANDARDS			See Section 8.10
YARD STANDARDS			
MINIMUM FRONT YARD	20 ft	20 ft	20 ft
MINIMUM INTERIOR SIDE YARD	10 ft	10 ft	10 ft
MINIMUM CORNER SIDE YARD	20 ft	20 ft	20 ft
MINIMUM REAR YARD	20 ft	20 ft	20 ft
MINIMUM PERIMETER YARD¹	25 ft	25 ft	25 ft

¹ The perimeter yard is measured along the property line of the manufactured home park. No structures are permitted within the perimeter yard.

8.10.1 *Purpose.* The purpose of this section is to ensure sufficient variety and prevent monotony in single-family dwellings within major residential subdivisions, and to enhance the quality and character of residential construction in Winnebago County.

8.10.2 *Applicability.* New major residential subdivisions should meet the standards specified in Section 8.10.4, unless exempted below:

- A. A building permit was issued, or an application for building permit was submitted, prior to the effective date of this Ordinance.
- B. The lot is located within an existing single-family subdivision and platted prior to the effective date of this Ordinance.
- C. The building is part of a subdivision with lots having a lot area of one (1) acre or more.
- D. A building is part of a defacto subdivision created by metes and bounds via the plat act.

8.10.3 *Standards for Determining Excessive Similarity.*

- A. No single-family dwelling should be located adjacent to, or directly across the street from, a similar single-family dwelling.
- B. Two (2) or more of the following should be varied to avoid monotony and ensure quality:
 1. Variation in the number of stories.
 2. Variation in building material. When materials are changed, the change should occur throughout the entire front facade.
 3. Variation in entry treatment, including, but not limited to porches, stoops, turrets or columns.
 4. Variation in roof type, or roof height, material, pitch and/or shape.
 5. Variation in building footprint.
 6. Variation in garage entry and location including, but not limited to, front, side or rear loaded garages.
 7. Variation in architectural style.

8.10.4 *Deviations.* The Planning and Zoning Officer may approve exceptions to this section when the owner establishes that such exceptions are reasonably necessary and are not contrary to the purpose and intent of this section.

Sec. 8.11. - General Standards of Applicability.

8.11.1 *Accessory Structures and Uses.* See Article 15 for accessory structure and use standards.

8.11.2 *Landscaping and Screening.* See Article 20 for landscaping and screening standards.

8.11.3 *On-Site Development Standards.* See [Article 18](#) for on-site development standards.

8.11.4 *Off-Street Parking and Loading.* See Article 23 for off-street parking and loading standards.

8.11.5 *Permitted Encroachments.* See [Article 18](#) for permitted encroachments.

8.11.6 *Signs.* See [Article 22](#) for sign standards.

8.11.7 *Temporary Uses.* See [Article 18](#) for temporary use standards.

ARTICLE 9: - COMMERCIAL DISTRICTS

Sec. 9.1. - General Purpose and Intent.

The C-N Neighborhood Commercial, C-C Community Commercial, C-G General Commercial and OP Office Park Districts are established to:

- A. Provide appropriately located areas for retail stores, service establishments, wholesale business and amusement establishments offering commodities and services required by residents of the County and its market area.
- B. To provide adequate space to meet the needs of commercial development, including off-street parking and loading facilities.
- C. To promote the best use and development of land in accordance with the Winnebago County 2030 Land Resource Management Plan, protect the character of and encourage desirable development, and to protect the value of land and improvements and so strengthen the economic base of the County.

Sec. 9.2. - C-N Neighborhood Commercial District.

9.2.1 *Purpose.* The C-N Neighborhood Commercial District is primarily intended to provide small to medium sized shopping and service facilities, and limited office uses adjacent to residential neighborhoods. The C-N District must be compatible in scale and use intensity with nearby residential uses.

9.2.2 *Uses.* Uses are allowed in the C-N District in accordance with the Table 9.1.

9.2.3 *Bulk and Yard Standards.* All development in the C-N District is subject to the bulk and yard standards of Table 9.2.

Sec. 9.3. - C-C Community Commercial District.

9.3.1 *Purpose.* The C-C Community Commercial District is intended to provide areas for a full range of retail goods and services for the residential and business community as a whole, rather than a local neighborhood. The district provides retail shopping and direct consumer services for the broader region. The C-C District must ensure proper buffering from nearby uses.

9.3.2 *Uses.* Uses are allowed in the C-C District in accordance with the Table 9.1.

9.3.3 *Bulk and Yard Standards.* All development in the C-C District is subject to the bulk and yard standards of Table 9.2.

Sec. 9.4. - C-G General Commercial District.

9.4.1 *Description.* The C-G General Commercial District is intended to provide opportunities for large-scale retail, service, entertainment and office development. The C-G District may also allow for outdoor business activities, product display or storage. The C-G District should be served with public sewer and must ensure proper buffering from nearby uses.

9.4.2 *Uses.* Uses are allowed in the C-G District in accordance with the Table 9.1.

9.4.3 *Bulk and Yard Standards.* All development in the C-G District is subject to the bulk and yard standards of Table 9.2.

Sec. 9.5. - OP Office Park District.

9.5.1 *Description.* The OP Office Park District is established to promote the development of campus-like, major community employment centers located near accessible and highly visible primary transportation routes. The OP District provides a transition between commercial businesses and/or industrial districts and any adjoining existing or proposed residential developments.

9.5.2 *Uses.* Uses are allowed in the OP District in accordance with the Table 9.1.

9.5.3 *Bulk and Yard Standards.* All development in the OP District is subject to the bulk and yard standards of Table 9.2.

Sec. 9.6. - Commercial Districts Use Table.

9.6.1 Use Table.

Table 9.1: Commercial Districts Permitted and Special Uses lists permitted and special uses for the commercial districts. A "P" indicates that a use is considered permitted within that district. A "S" indicates that a use is considered a special use in that district and must obtain a special use permit. No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.

TABLE 9.1: COMMERCIAL DISTRICTS PERMITTED AND SPECIAL USES					
COMMERCIAL DISTRICTS					
	C-N	C-C	C-G	OP	Use Standards
RESIDENTIAL USES					
Dwelling, Above Ground Floor Commercial Use	P	P	S		
Group Quarters		P	P	P	
Residential Care Facility	P	P	P	P	Section 15.3.24
INSTITUTIONAL USES					
Cultural Facility	P	P	P	P	
Educational Facility, Agricultural			P	P	
Educational Facility, University			P	P	
Educational Facility, Vocational			P	P	
Government Facility	P	P	P	P	
Hospital		S	P	P	
Place of Worship	P	P	P	P	
Rehabilitation Center		S	P	P	
Social Club or Lodge	S	P	P	P	Section 15.3.27
COMMERCIAL USES					
Adult Use			S		Section 15.3.2

Agricultural Sales and Service Establishment		S	P		
Animal Hospital	P	P	P	P	Section 15.3.3
Art Gallery	P	P	P	P	
Arts Studio	P	P	P	P	
Body Modification Establishment		S	P/S*		*Special use required for an unobstructed store front of a Body Modification Establishment not meeting a 500 foot setback from residence(s). Unobstructed shall be defined as the store front not being fully obstructed by the affiliated unit's wall or a principal building or a four (4) lane arterial road.
Contractor Shop or Landscape and Tree Service Business - Fully Enclosed & No Outdoor Storage		S	P		Section 15.3.8
Day Care Center, Child or Adult	P	P	P	P	Section 15.3.9
Drive-Through Facility	S	P	P		Section 15.3.11
Financial Institution	P	P	P	P	
Funeral Home	P	P	P		
Gas Station		S	P	P	Section 15.3.13
Greenhouse/Nursery (Commercial)		P	P		
Heavy Retail, Rental and Service		S	P		Section 15.3.29
Hotel/Motel		P	P	P	
Indoor Entertainment		P	P		

Indoor Recreation	P	P	P		
Indoor Shooting Range/Club		P	P		
Kennel		P	P		Section 15.3.3
Live Entertainment	S	P	P		
Medical Cannabis Dispensing Organization		S	S		Section 15.3.16
Medical or Dental Clinic/Office	P	P	P	P	
Motor Vehicle Dealership		P	P		Section 15.3.18
Motor Vehicle Rental Establishment		P	P		Section 15.3.18
Motor Vehicle Service and Repair		S	P		Section 15.3.20
Motor - Small Engine and Equipment Service and Repair	S	P	P		Section 15.3.20
Office	P	P	P	P	
Outdoor Entertainment		S	P/S*		*Special use required for outdoor entertainment not meeting a 1,200 foot setback from residence(s).
Outdoor Recreation	S	P/S*	P		*Special use required for unobstructed outdoor recreation not meeting a 500 foot setback from residence(s). Unobstructed shall be defined as not being fully obstructed by a principal building or a four (4) lane arterial road.

Outdoor Dining	S	P/S*	P		*Special use required for unobstructed outdoor dining not meeting a 500 foot setback from residence(s). Unobstructed shall be defined as not being fully obstructed by a principal building or a four (4) lane arterial road. Section 15.3.22
Personal Services Establishment	P	P	P	P	
Pet "Day Care" Service (No Outdoor Boarding)	P	P	P	P	Section 15.3.3
Restaurant	P	P	P	P	
Retail Sales Establishment	P	P	P	P	
Retreat Center/Banquet Facility/Conference Center		P	P	P	
Tavern/Bar/Brewpub	S	P	P	P	
Wedding and/or Reception Facility		P	P	P	
Zoo or Animal Sanctuary			S		
INDUSTRIAL USES					
Broadcast Facilities (Radio, TV)		P	P	P	
Freight Terminal			S		
Manufacturing, Light			S	P	
Mini-Warehouse		S	P	P	
Motor Vehicle Operations Facility		S	P		Section 15.3.19

Outdoor/Contractor Storage Yard		S	P/S*		*Special use required if not accessory to a principal building which houses a permitted principal use for which it is accessory to. Sections 15.3.29 and 18.3.11
Passenger Terminal		P	P	P	
Research and Development Facility			P	P	
Warehouse/Distribution			S	P	
Wind Energy System (private; site service only; 1 per lot)	P	P	P	P	Section 18.3.17 & Table <u>18.1</u>
OTHER					
Parking Structure	S	P	P	P	
Planned Unit Development - PUD	S	S	S	S	Article 16
Utilities	P	P	P	P	Section 15.3.30
Wireless Telecommunications	P	P	P	P	Section 15.3.32

Sec. 9.7. - Commercial Districts Bulk and Yard Standards.

9.7.1 Bulk and Yard Standards Table.

Table 9.2: Commercial Districts Bulk and Yard Standards contains the bulk and yard standards for the commercial districts.

TABLE 9.2: COMMERCIAL DISTRICTS BULK AND YARD STANDARDS				
	C-N	C-C	C-G	OP
BULK STANDARDS				

MINIMUM LOT AREA	None, but subject to septic and well regulations, if applicable	25,000sf, unless property is on sewer system, in which case lot size may be reduced to 10,000sf	25,000sf, unless property is on sewer system, in which case lot size may be reduced to 10,000sf	District Minimum: 1 acre Individual Use: 25,000sf
MAXIMUM BUILDING HEIGHT	35' and no more than 3 stories	45' and no more than 3.5 stories	45' and no more than 3.5 stories	60' and no more than 5 stories
DESIGN STANDARDS	See <u>Section 9.8</u>	See <u>Section 9.8</u>	See <u>Section 9.8</u>	See <u>Section 9.8</u>
YARD STANDARDS				
MINIMUM FRONT YARD	None	10'	15'	25'
MINIMUM INTERIOR SIDE YARD	None required, unless abutting residential then 5'	10'	10'	10'
MINIMUM CORNER SIDE YARD	None	5'	5'	25'
MINIMUM REAR YARD	20'	20'	25'	25'

Sec. 9.8. - Commercial District Design Standards.

9.8.1 *Purpose.* Development within the commercial districts should comply with the design standards of this section. The design standards of this section address development within the C-N, C-C and C-G Districts (Sections 9.8.2 and 9.8.3) as well as shopping center (Section 9.8.4) and office park (Section 9.8.5) developments.

9.8.2 *C-N and C-C District Design Standards.*

A. *Facade Articulation.* The following building articulation standards apply in the C-N and C-C Districts:

1. Multi-story buildings should be designed with a definable base, middle and top. Rooflines, cornice treatments and window designs should divide larger buildings.
2. When visible from the public right-of-way (excluding alleys), facades should include architectural features to avoid the appearance of blank walls facing the street. These include, but are not limited to, changes in the wall plane of at least two (2) feet, changes in wall texture or masonry patterns, colonnade, columns or pilasters.
3. Building facades in excess of one-hundred (100) feet should include a repeating pattern with no less than two (2) of the following elements: color change, texture change, material module change, or a wall articulation change of

no less than two (2) feet such as an offset, reveal, pilaster or projecting rib. All elements should repeat at intervals of no more than fifty (50) feet.

B. *Fenestration*. The following fenestration standards apply in the C-N and C-C Districts:

1. Windows should be set back into or projected out from the facade to provide depth and shadow. Windows should include visually prominent sills or other appropriate forms of framing.
2. The ground floor should maintain a transparency of sixty percent (60%). Windows shall be constructed of clear or lightly tinted glass. Tinting above thirty percent (30%) or reflective glass is prohibited.

C. *Roof Design*. The following roof design standards apply in the C-N and C-C Districts:

1. Roofs should be designed as an integral part of the facade design.
2. Roof lines should either be varied with a change in height or with the incorporation of a major focal point feature, such as a dormer, gable or projected wall feature, every one-hundred (100) linear feet in building length.
3. Parapet walls should feature three-dimensional cornice treatments or other shadow-creating detail elements along their tops.
4. Green roof, blue roof, and white roof designs are encouraged.

D. *Entrances*. The following entrance design standards apply in the C-N and C-C Districts:

1. All buildings should have a public entrance from the sidewalk along the primary street frontage. Public entrances should be articulated from the building mass.
2. Facades that abut parking areas and contain a public entrance should make provision for pedestrian walkways and landscape areas.

E. *Prohibited Building Materials*. The following building materials are prohibited. However, such materials may be used as part of decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material.

1. Non-decorative concrete block on facades facing the right-of-way; split face permitted
2. Non-decorative utility-sized brick on facades facing the right-of-way; split-face permitted
3. Aluminum, steel or other metal sidings used as a surface finish material for the first three (3) feet of the ground floor of a structure as measured from grade
4. Exterior insulating finish systems (EIFS) for the first three (3) feet of the ground floor of a structure as measured from grade

9.8.3 C-G District Design Standards.

A. *Facade Articulation and Reduction of Mass and Scale*. The following standards for facade articulation and reduction of mass and scale apply to facades that face a public street and the facade where the building entrance is located in the C-G District.

1. Buildings with facades over one-hundred (100) feet in length should incorporate wall projections or recesses, or changes in wall plane a minimum of two (2) feet in depth every fifty (50) feet.
2. The design of accessory buildings, such as security kiosks, maintenance buildings, and outdoor equipment enclosures, should be incorporated into, and compatible in design concept with, the overall design of the project and the main buildings on the site.

B. *Roof Design*. The following roof design standards apply in the C-G District:

1. The roofline at the top of the structure should not run in a continuous plane for more than fifty (50) feet without offset of the roof plane. Rooflines should be "broken up" by providing articulations in the facade of buildings, change in the height of portions of roofs, or change in color, material, forms, etc.

2. Buildings should use decorative roof elements, such as projecting cornices, to enhance roof edges and define building waiting areas, main pedestrian routes or activity areas.
 3. When a roof is not designed as a flat roof, reflective surfaces that produce glare are prohibited as roof materials.
 4. Green roof, blue roof, and white roof designs are encouraged.
- C. *Siting*. The following siting standards apply in the C-G District:
1. The primary facade of the building should be oriented toward the street with entrances facing or clearly visible from the primary street. Main entrances to the buildings must be well defined.
 2. Service doors should be recessed and integrated into the overall design of the building, and should not be located where visible from the main arterial roads.
 3. The parking lot should not be the dominant visual element of the site along the primary roadway. Large expansive paved areas located between the street and the building are discouraged. Smaller multiple lots separated by landscaping and buildings, or placement behind buildings, is encouraged.
- D. *Prohibited Building Materials*. The following building materials are prohibited. However, such materials may be used as part of decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material.
1. Non-decorative concrete block on facades facing the right-of-way; split face permitted.
 2. Non-decorative utility-sized brick on facades facing the right-of-way; split-face permitted.
 3. Aluminum, steel or other metal sidings used as a surface finish material for the first three (3) feet of the ground floor of a structure as measured from grade.
 4. Exterior insulating finish systems (EIFS) for the first three (3) feet of the ground floor of a structure as measured from grade.

9.8.4 Shopping Center Design Standards.

- A. *Siting*. The following siting standards apply to shopping center developments:
1. A street presence for the shopping center should be created by locating part of the center or an outlot building, near the lot line, at the primary street corner or the shopping center entrance.
 2. If outlot buildings are part of a large retail development, outlot buildings should define the street frontage by placement near the street with showcase windows and entrances oriented toward the street and the interior parking lot.
 3. The primary facade of the building should be oriented toward the street with entrances facing or clearly visible from the primary street. Main entrances to the buildings must be well defined.
 4. The site should be designed so that there is safe pedestrian access to the center and safe pedestrian circulation within the development.
 5. A cohesive shopping center character should be created through the use of coordinated hardscape treatment (paving materials, lighting, street furniture) and landscaping.
- B. *Facade Articulation and Building Design*. The following fenestration and building design standards apply to shopping centers:
1. Building facades visible from the public right-of-way (excluding alleys) should have with unique design elements that break down their scale. Blank walls are only acceptable on rear or side elevations not visible from the public right-of-way (excluding alleys). Structural bays should be twenty-five (25) feet in width, and articulated by columns or pilasters that project at least three (3) inches from the wall face.
 2. Outlot buildings should reflect the architectural style of the main building(s) where appropriate.

3. The ground floor of a shopping center should maintain a transparency of sixty percent (60%). Windows shall be clear or lightly tinted glass. Tinting above thirty percent (30%) or reflective glass is prohibited.

C. *Roof Design.* The following roof design standards apply to shopping centers:

1. The roofline at the top of the structure should not run in a continuous plane for more than fifty (50) feet without offset of the roof plane. Rooflines should be "broken up" by providing articulations in the facade of buildings, change in the height of portions of roofs, or change in color, material, forms, etc.
2. Buildings should use decorative roof elements, such as projecting cornices, to enhance roof edges and define building entrances, waiting areas, transit stops, main pedestrian routes or activity areas.
3. When a roof is not designed as a flat roof, reflective surfaces that produce glare are prohibited as roof materials.
4. Green roof, blue roof, and white roof designs are encouraged.

D. *Prohibited Building Materials.* The following building materials are prohibited. However, such materials may be used as part of decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material.

1. Non-decorative concrete block on facades facing the right-of-way; split face permitted.
2. Non-decorative utility-sized brick on facades facing the right-of-way; split-face permitted.
3. Aluminum, steel or other metal sidings used as a surface finish material for the first three (3) feet of the ground floor of a structure as measured from grade.
4. Exterior insulating finish systems (EIFS) for the first three (3) feet of the ground floor of a structure as measured from grade.

9.8.5 *Office Park Design Standards.*

A. *Facade Articulation and Reduction of Mass and Scale.* The following standards for facade articulation and reduction of mass and scale apply to all facades that face a public street and the facade where the building entrance is located.

1. All facades should have at least two (2) of the following architectural features to avoid the appearance of blank walls: change in plane of at least one (1) foot, reveals, windows and openings, and changes in color, texture and/or material to add interest to the building elevation.
2. Buildings with facades over one-hundred (100) feet in length should incorporate wall projections or recesses, or changes in wall plane a minimum of two (2) feet in depth every seventy-five (75) feet.
3. In multi-building complexes, a comprehensive architectural concept should be developed and maintained, as well as a campus-like design. Various site components should be unified through the use of similar design features, construction, material and colors.
4. The design of accessory buildings, such as security kiosks, maintenance buildings, and outdoor equipment enclosures, should be incorporated into, and compatible in design concept with, the overall design of the project and the main buildings on the site.
5. Predominant facade colors should be subtle, neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant facade colors. Building trim and accent areas may be brighter and include primary colors.

B. *Roof Design.*

1. The roofline at the top of the structure should not run in a continuous plane for more than seventy-five (75) feet without offset of the roof plane. Rooflines should be "broken up" by providing articulations in the facade of buildings, change in the height of portions of roofs, or change in color, material, forms, etc.
2. Buildings should use decorative roof elements, such as projecting cornices, to enhance roof edges and define building entrances, waiting areas, main pedestrian routes or activity areas.

3. When a roof is not designed as a flat roof, reflective surfaces that produce glare are prohibited as roof materials.
4. Green roof, blue roof, and white roof designs are encouraged.

C. *Site Layout.*

1. Public entrances and primary building elevations should face public streets. Main entrances to the buildings should be well defined. Service doors should be recessed and integrated into the overall design of the building.
2. The entry to office or guest facilities should address the street, with direct access to office or guest facilities from street frontages and parking areas. Manufacturing and warehouse structures should be set back towards the center of the site to minimize impact on adjacent parcels.
3. In multi-building complexes, a distinct visual link should be established among various buildings by using architectural or site design elements such as courtyards, plazas, landscaping, and walkways to unify the project.
4. The parking lot should not be the dominant visual element of the site along the primary roadway. Large expansive paved areas located between the street and the building are discouraged. Smaller multiple lots separated by landscaping and buildings, or placement behind buildings, is encouraged.

D. *Prohibited Building Materials.* The following building materials are prohibited. However, such materials may be used as part of decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material.

1. Non-decorative concrete block on facades facing the right-of-way; split face permitted.
2. Non-decorative utility-sized brick on facades facing the right-of-way; split-face permitted.
3. Aluminum, steel or other metal sidings used as a surface finish material for the first three (3) feet of the ground floor of a structure as measured from grade.
4. Exterior insulating finish systems (EIFS) for the first three (3) feet of the ground floor of a structure as measured from grade.

Sec. 9.9. - General Standards of Applicability.

9.9.1 *Accessory Structures and Uses.* See Article 15 for accessory structure and use standards.

9.9.2 *Landscaping and Screening.* See Article 20 for landscaping and screening standards.

9.9.3 *On-Site Development Standards.* See [Article 18](#) for on-site development standards.

9.9.4 *Off-Street Parking and Loading.* See Article 23 for off-street parking and loading standards.

9.9.5 *Permitted Encroachments.* See [Article 18](#) for permitted encroachments.

9.9.6 *Signs.* See [Article 22](#) for sign standards.

9.9.7 *Temporary Uses.* See [Article 18](#) for temporary use standards.

ARTICLE 10: - INDUSTRIAL DISTRICTS

Sec. 10.1. - General Purpose and Intent.

The I-L Light Industrial, I-G General Industrial and I-H Heavy Industrial Districts are established in order to:

- A. Achieve the industrial objectives of the 2030 Land Resource Management Plan.
- B. Meet the need for industrial services and goods within the County and the larger region.
- C. Preserve and promote the efficient development of industrial areas and minimize the adverse effects of industrial

uses on other land uses by differentiating between the types and purposes of various industrial activities, establishing controls on the design of industrial areas, and monitoring and controlling the off-site impacts of industrial uses.

D. Promote economic development and vitality in Winnebago County

Sec. 10.2. - I-L Light Industrial District.

10.2.1 Purpose. The I-L Light Industrial District is intended to control the development of lands to be used by industrial firms that have high standards of performance and can locate in close proximity to non-industrial uses without the creation of nuisances. The I-L District provides for the development of light industrial uses such as wholesale, distribution, research and development, and storage. Other uses may also include some manufacturing, such as assembly, which does not produce noxious by-products. Limited retail sales and services related to the industrial uses may also be permitted.

10.2.2 Uses. Uses are allowed in the I-L District in accordance with Table 10.1.

10.2.3 Bulk and Yard Standards. All development in the I-L District is subject to the bulk and yard standards of Table 10.2.

Sec. 10.3. - I-G General Industrial District.

10.3.1 Purpose. The I-G General Industrial District is intended to accommodate development by most types of industrial firms. District regulations are designed to permit operations in a clean and quiet manner and to protect adjacent uses. The I-G District allows higher intensity industrial uses, which may have some off-site impacts, than those allowed within the I-L District.

10.3.2 Uses. Uses are allowed in the I-G District in accordance with Table of 10.1.

10.3.3 Bulk and Yard Standards. All development in the I-G District is subject to the bulk and yard standards of Table 10.2.

Sec. 10.4. - I-H Heavy Industrial District.

10.4.1 Purpose. The I-H Heavy Industrial District is intended to accommodate heavy industrial uses. The district is designed primarily for manufacturing, assembly and fabricating activities, including large scale or specialized operations which may have off-site impacts. Less restriction is placed upon outdoor use and storage, although such uses must conform to the performance standards

10.4.2 Principle Uses. Uses are allowed in the I-H District in accordance with Table 10.1.

10.4.3 Bulk and Yard Standards. All development in the I-H District is subject to the bulk and yard standards of Table 10.2. _____

Sec. 10.5. - Industrial Districts Use Table.

10.5.1 Use Table.

Table 10.1: Industrial Districts Permitted and Special Uses lists permitted and special uses for the industrial districts. A "P" indicates that a use is considered permitted within that district. An "S" indicates that a use is considered a special use in that district and must obtain a special use permit. No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.

TABLE 10.1: INDUSTRIAL DISTRICTS PERMITTED AND SPECIAL USES				
Industrial Districts				
	I-L	I-G	I-H	Use Standards

INSTITUTIONAL USES				
Educational Facility, Vocational	P	P	S	
Governmental Facility	P	P	P	
Social Club or Lodge	P	S	S	Section 15.3.27
COMMERCIAL USES				
Adult Use	S	S	S	Section 15.3.2
Body Modification Establishment	P	S	S	
Drive-Through Facility	S	S	S	Section 15.3.11
Financial Institution, inclusive of Drive-Through	P	P	P	
Gas Station	P	P	P	Section 15.3.13
Heavy Retail, Rental and Service	S/P*	S/P*	S/P*	*Only heavy service is permitted with no outdoor storage yard. Outdoor storage is treated as a separate use as allowed by district.
Hospital	P			
Indoor Recreation	P	P	S	
Indoor Shooting Range/Club	P	P	S	
Medical Cannabis Cultivation Center		S	S	Section 15.3.15
Motor Vehicle Service and Repair, inclusive of Small Engine and Equipment Service and Repair	P	P	P	Section 15.3.20
Office	P	P	P	
Personal Services Establishment	P	P	P	
Outdoor Dining	S	S	S	

Restaurant	P	S	S	
Retail Sales Establishment	S	S	S	
Tavern/Bar	P	S	S	
INDUSTRIAL USES (INCLUDING SELECT AGRICULTURAL USES)				
Airport	S	S	P	
Batch Plant, Asphalt/Concrete Crushing & Storage Facility		S	P	
Broadcast Facilities (Radio, TV)	P	P	P	
Composting Facility		S	P	
Contractor Shop or Landscape and Tree Service Business (Fully enclosed & no outdoor storage)	P	P	P	Section 15.3.8
Ethanol Plant		S	P	
Freight Terminal	P	P	P	
Grain Elevator		P	P	
Junkyard		S	P	Section 15.3.14
Manufacturing, Light	P	P	P	
Manufacturing, General		P	P	
Manufacturing, Heavy			P	
Mini-Warehouse	P	P	P	
Mining, Excavating, Oil and Gas Drilling, or Rock Strata Fracturing (Fracking)		S	S	Section 15.3.17
Motor Vehicle Operations Facility	P	P	P	Section 15.3.19

Outdoor/Contractor Storage Yard		P/S*	P	*Special use required if not accessory to a principal building which houses a permitted principal use for which it is accessory to. Sections 15.3.29 and 18.3.11
Passenger Terminal	P	P	P	
Railroad Maintenance Yard		S	P	
Power Plant, but not inclusive of a Wind Power Generating Facility		S	P	
Recycling Center - Fully Enclosed	P	P	P	Section 15.3.23
Recycling Center - With Outdoor Storage		S	P	Section 15.3.23
Research and Development Facility	P	P	P	
Sawmill		S	P	Section 15.3.25
Slaughterhouse		S	P	Section 15.3.26
Truck Stop	P	P	P	
Warehouse/Distribution	P	P	P	
Wind Energy System (private; site service only; 1 per lot)	P	P	P	Section 18.3.17 and Table <u>18.1</u>
Wrecking Yard		S	P	Section 15.3.14
OTHER				
Parking Structure	P	P	P	
Planned Unit Development - PUD	S	S	S	Article 16
Utilities	P	P	P	Section 15.3.30
Wireless Telecommunications	P	P	P	Section 15.3.32

Sec. 10.6. - Industrial Districts Bulk and Yard Standards.

10.6.1 *Bulk and Yard Standards Table.*

Table 10.2: Industrial Districts Bulk and Yard Standards contains the bulk and yard standards for the industrial districts. In addition, all uses within the Industrial Districts must comply with all federal, state and local laws regarding the activities conducted on-site.

TABLE 10.2: INDUSTRIAL DISTRICTS BULK AND YARD STANDARDS			
	I-L	I-G	I-H
BULK STANDARDS			
MINIMUM LOT AREA	25,000sf, unless property is on sewer system, in which case lot size may be reduced to 10,000sf	25,000sf, unless property is on sewer system, in which case lot size may be reduced to 10,000sf	25,000sf, unless property is on sewer system, in which case lot size may be reduced to 10,000sf
MAXIMUM BUILDING HEIGHT	45'	75'	75'
YARD STANDARDS			
MINIMUM FRONT YARD	30'	30'	30'
MINIMUM INTERIOR SIDE YARD	10'	10'	10'
MINIMUM CORNER SIDE YARD	30'	30'	30'
MINIMUM REAR YARD	25'	25'	25'

Sec. 10.7. - General Standards of Applicability.

10.8.1 *Accessory Structures and Uses.* See Article 15 for accessory structure and use standards.

10.8.2 *Landscaping and Screening.* See Article 20 for landscaping and screening standards.

10.8.3 *On-Site Development Standards.* See Article 18 for on-site development standards.

10.8.4 *Off-Street Parking and Loading.* See Article 23 for off-street parking and loading standards.

10.8.5 *Permitted Encroachments.* See Article 18 for permitted encroachments.

10.8.6 *Signs.* See Article 22 for sign standards.

10.8.7 *Temporary Uses*. See Article 18 for temporary use standards.

ARTICLE 11: - OVERLAY DISTRICTS

Sec. 11.1. - General Purpose and Applicability.

Overlay zoning districts are for the purpose of imposing special requirements in certain areas of the County that have special characteristics or special development issues. The intent of an overlay district is to provide common controls over areas that are typically zoned more than one (1) base zoning district. The regulations of the underlying district apply unless specifically modified by the overlay district.

Sec. 11.2. - FP Floodplain Overlay District.

11.2.1 *Purpose*.

- A. The FP Floodplain Overlay District is intended to maintain, enhance, and protect the natural environment associated with waterways, their floodways and floodplains. The FP Floodplain Overlay District is further intended to protect the public health and to reduce the financial burdens imposed on Winnebago County, its governmental units, and its individuals that may result from improper use of lands having excessively high water tables or are subject to frequent and periodic floods. In addition, the purpose of the FP Floodplain Overlay District is to provide a means of achieving the open space policies set forth in Winnebago County's 2030 Land Resource Management Plan.
- B. This district is enacted pursuant to the police powers granted to this County by Illinois Revised Statutes, in order to accomplish the following purposes:
 1. To protect human life and health from the hazards of flooding.
 2. To prevent developments from increasing flood or drainage hazards to others.
 3. To protect new buildings and major improvements to buildings from flood damage.
 4. To lessen the burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and flood rescue and relief operations.
 5. To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas.
 6. To make federally subsidized flood insurance available for property in the County by fulfilling the requirements of the National Flood Insurance Program.
 7. To encourage the preservation of the County's stream valley flood plains as open space allowing for perpetuation of the County's flora and fauna.

11.2.2 *Applicability*. The boundaries of this district shall be as delineated on the 100 year flood profiles in the most recent updates if the Flood Insurance Rate Maps and Flood Insurance Studies that have been published for the area, and as may be subsequently amended, by the Federal Emergency Management Agency and/or as defined in County's WINGIS System. As such lands are adequately drained or sufficiently protected from the risk of overflow they may be removed from the Floodplain Overlay District.

11.2.3 *General Requirements*.

- A. Any structures authorized in the FP Overlay District shall be built on a permanent foundation and shall be built in a way that allows natural drainage courses and floodways to continue. This section shall not be interpreted to mean that no alternate routes of drainage and floodways will be allowed.
- B. Equipment and materials stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not be a source of water pollution or

contamination.

11.2.4 *Permitted and Special Uses.* The environmental sensitivity of areas within the FP Overlay District requires a restriction of the types of uses permitted within district. Therefore, only the following uses are allowed within the FP Overlay District when they are allowed in the underlying zoning district. Additional uses permitted within the underlying zoning district, whether permitted or special, are prohibited unless allowed by the FP Overlay District. All uses must meet the general requirements of Section 11.2.3 above. All uses must meet the bulk and yard requirements of the underlying zoning district.

A. *Permitted Uses.*

1. Agricultural uses, including but not limited to farming, grazing, livestock raising and pasturing, orchards, and nurseries for the growing of plants and shrubs, However, no type of agriculture where obnoxious fertilizer is stored on the premises and where obnoxious soil or fertilizing processing is conducted are permitted.
2. Wildlife rehabilitation facility.
3. Water conservation works, including water supply works, flood control and watershed protection, fish and game hatcheries and preserves, hydroelectric power installations, etc.
4. Artificial lakes of less than three (3) acres.
5. Parks/playgrounds, forest preserves and similar open space uses.
6. Accessory structures, including patios and access drives, as approved by the County Engineer and Building Official.
7. Minor remodeling projects or minor building additions, comprised of no more than fifteen percent (15%) collectively of the footprint of the principal building, to a principal building that was lawfully established prior to the adoption of this ordinance subject to County Engineer and Building Official approval.
8. Utilities if necessary - located to minimize impact.

B. *Special Uses.*

1. Artificial lakes of more than three (3) acres.
2. Mining and excavating.
3. Towers for broadcast facilities (radio, TV).
4. Outdoor recreation.
5. Wireless telecommunications towers.
6. Parking lot.
7. Golf course.

Sec. 11.3. - SR Scenic Road Overlay District.

11.3.1 *Purpose.* The Winnebago County 2030 Land Resource Management Plan states that "The scenic beauty of open vistas, rural landscapes and river valleys along the County's roadways are part of the County's rural identity and should be protected, even as new development comes to these areas." The purpose of the SR Scenic Road Overlay District is to maintain the character of these scenic areas and roads. The SR Overlay District is intended to preserve the rural and scenic character of designated Winnebago County roadways.

11.3.2 *Applicability.*

- A. The SR Overlay District extends one-hundred (100) feet from the right-of-way line on each side of the designated roadway.
- B. The SR Overlay District is designated over portions of the following roadways or any other road approved by County Board:

1. IL Route 2, from Meridian Road to County Highway 3 (South Main Street)

- C. Any new development within the SR Overlay District is subject to site plan review and approval.
- D. When residential development is planned for an area that includes land designated as the SR Overlay District, the use of conservation design (Article 13) is encouraged.

11.3.3 *Siting Standards.*

- A. The minimum front yard for properties within the SR Overlay District is one-hundred (100) feet. Natural buffers and existing vegetative screening between developed areas and public roadways is required, and conservation easements are encouraged. No development is permitted within the required front yard, with the exception of areas required for access, such as driveways and minor building additions, comprised of no more than 15% collectively of the footprint of the principal building that will not encroach in front of the existing facade facing the scenic road of interest, to a principal building that was lawfully established prior to the adoption of this ordinance and is still permitted in the underlying zoning district.
- B. Development in the SR Overlay District is subject to the following siting standards:
 - 1. Cut and fill activity must be minimized. It shall only be allowed when allowed by the Planning and Zoning Officer.
 - 2. Vegetative restoration is required of any disturbed areas.
 - 3. Disturbance to natural drainage ways, contours and land forms must be minimized.
 - 4. Development along and/or projecting above ridge lines is prohibited and a two-hundred (200) foot setback from the ridge line is required. Development at other visually prominent locations should be avoided.

11.3.4 *Access Management.*

- A. Building sites must be arranged to maximize the use of existing and proposed road segments to minimize new forest clearing. Shared driveways and looped roads are encouraged.
- B. Driveway widths and alignments should be designed to be visually sensitive. Gentle curves in driveway layout should be included to reduce visual impact. Driveways should be constructed of semi-pervious materials.

11.3.5 *Design Standards.* New principal or accessory structures, or the expansion of existing structures, are subject to site plan review and approval. Site plan review must find that the proposed construction or expansion will have no undue adverse effect on the scenic resources of the area and, to the greatest extent possible, the standards below are met. New structures must also meet the design standards of the underlying zoning district where applicable.

- A. Structures are sited so that they do not protrude above a ridgeline.
- B. Structures are sited in such a way that natural resources or agricultural areas are not fragmented or otherwise impacted.
- C. New structures are sited in proximity to existing structures.
- D. Existing vegetation is retained and supplemented with new plantings compatible with existing vegetation to screen structures and minimize impacts on views from the roadway. Native woodland or prairie restoration is encouraged.
- E. New driveways, roads and parking areas are sited away from open fields, follow existing contours to minimize the visual impact of cut and fill, are screened from the roadways, and sited in such a way that natural resources or agricultural areas are not fragmented or otherwise impacted. Driveways should be constructed of semi-pervious materials. The aforesaid shall not compromise appropriate sight distance requirements.
- F. Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.
- G. When a roof is not designed as a flat roof, reflective surfaces that produce glare are prohibited as roof materials.
- H. Green roof, blue roof and white roof designs are encouraged.
- I. All development must comply with sight distance requirements.

11.3.6 *Landscape Standards.* All landscape must comply with the requirements of this Ordinance. In addition, the following shall apply.

- A. Clear cutting is prohibited. Only minimal cutting for placement of structures is appropriate:
 - 1. The maintenance of existing tree stands is required.
 - 2. The cutting of mature, healthy trees over eight (8) inches dbh is prohibited within one hundred (100) feet of the right-of-way unless required for access to the site and approved by the Planning and Zoning Officer.
- B. Landscaping must utilize natural patterns rather than formal arrangements and should be encouraged to shade and enclose the site and to define the edge of the public realm and private space. Species selected for planting should be hardy for this region and the microclimate of the setting.
- C. Landscape materials shall be comprised of species native to Winnebago County unless approved by the Planning and Zoning Officer.
- D. Natural drain ways, contours and land forms should be preserved and incorporated in the landscaping.
- E. All landscape must comply with sight distance requirements.

11.3.7 *Signs.* All signs must comply with the requirements of this Ordinance, in addition to requirements elsewhere, subject to the following restrictions.

- A. Only one (1) monument sign visible from the roadway is permitted per zoning lot. Monument signs may be located in the required front yard but only at the site's primary entrance. No additional clearing of vegetation is permitted for sign placement in the required front yard. Where several businesses are located on a zoning lot, the signs shall be consolidated into a single monument freestanding sign.
- B. The base of a monument sign and any other supporting materials shall be covered with brick, stone or decorative block. The use of native stone from the Winnebago County region is encouraged.
- C. Internally lit monument signs are prohibited. Exterior lighting is permitted but must be shielded and focused to ensure that glare doesn't impact surrounding roads and properties.
- D. Billboards are prohibited in the SR Overlay District.
- E. The aforesaid shall not compromise appropriate clean zone and/or sight distance requirements.

11.3.8 *Infrastructure and Utilities.*

- A. Utilities should be located underground. This does not include aboveground structures required for wind, solar or water alternative energy systems.
- B. All above ground utility boxes and other facilities shall be clustered and screened with appropriate landscaping.
- C. Overhead wires, if necessary, should be placed where visual impact will be minimal unless an exception is provided for in state and/or federal law.

Sec. 11.4. - HB Highway Business Overlay District.

11.4.1 *Purpose.* The HB Highway Business Overlay District is intended to address area located along certain highways within the County where allowances for additional commercial and industrial uses would provide an economic benefit to the County because of vehicular access from the highway and compatibility with uses in the underlying zoning districts.

11.4.2 *Uses.*

- A. All uses allowed in the C-G District are permitted in the underlying I-L District. More specifically, uses identified as permitted in the C-G District are permitted and uses identified as special uses in the C-G District are special uses and subject to the special use approval process, unless the same use is listed as permitted in the underlying I-L District in which case it is outright permitted.

- B. All uses allowed in the I-L District are permitted in the underlying C-G District. More specifically, uses identified as permitted in the I-L District are permitted and uses identified as special uses in the I-L District are special uses and subject to the special approval process, unless the same use is listed as permitted in the underlying C-G District in which case it is outright permitted.

11.4.3 *Applicability.* The Highway Business Overlay District is designated over those specific areas which are zoned as C-G (Commercial General District) or I-L (Light Industrial District) and are positioned within the Heavy Commercial or Light Industrial category on the County's 2030 Future Land Use Plan, as adopted on May 28, 2009, inclusive of amendments made May 28, 2009, and August 13, 2009, and that:

- A. Front on the north and south sides of Baxter Road and are located east of Illinois Route 251 and west of Mulford Road; and
- B. Front on the north and south sides of Rotary Road and are located east of Harrisville Road and west of I-39.

ARTICLE 12: - CRITICAL AND SENSITIVE AREAS

Sec. 12.1. - Purpose.

- A. The intent of these provisions is to provide and encourage measures of protection to those properties identified as critical and sensitive areas (CSA) on the 2030 Land Resource Management Plan. This Article creates a process through which the County can comply with the 2030 Land Resource Management Plan's pledge to support smart growth and development while protecting environmentally sensitive resources within Winnebago. The goals of the 2030 Land Use Plan furthered by this Article include the need to:
1. Protect, conserve, and enhance natural resources within and adjacent to the Winnebago County region for the community's long-term environmental and economic benefit.
 2. Identify sensitive environmental areas and prioritize their inclusion in a regional open space system.
- B. Critical sensitive areas are identified to:
1. Protect, conserve and enhance the County's natural resources including the County's inventoried and identified native prairies, forests, woodlands, sensitive geological and hydrological features, wetlands, riparian (river and stream) corridors, wildlife corridors and other sensitive natural features.
 2. Promote open space, including an interconnected system of trails for people and corridors for wildlife where appropriate and feasible.
 3. Provide for the orderly growth and development of the County including commercial, industrial and residential areas.
 4. Promote flexible site planning.
 5. Promote protection of steep slopes and sensitive soils.
 6. Reduce soil and nutrient loss by slowing surface runoff.
 7. Maintain the quality of water by reducing erosion and minimizing siltation.
 8. Provide a buffer to reduce sedimentation and nutrient pollution of streams and rivers from non-point sources.
 9. Help moderate floods by establishing vegetation that will absorb some of the water's energy, thereby slowing the flow of floodwaters.
 10. Protect wetlands.
 11. Provide critical habitat for wildlife.
 12. Provide wildlife corridors to connect natural areas that would otherwise be isolated.
 13. Shade streams in order to help provide spawning sites for fish and other aquatic animals.

Sec. 12.2. - Applicability.

- A. Critical and sensitive areas (CSA) are areas that contain native vegetation and natural features and/or natural resources. CSA contain natural communities, i.e., naturally-occurring associations of plants and animals whose existence and extent are determined by factors such as soil composition, hydrology, climate, solar conditions and a site's unique history. Natural communities are named for the dominant plant species within them or for characteristic environmental features. CSA may also contain and provide habitat for rare species or protect natural resources of concern. CSA are susceptible in that further fragmentation, disturbance and development will adversely affect and may destroy the natural processes operating within them, as well as the composition, structure and function of the natural communities they contain.
- B. This Ordinance requires that all future development occurring in areas identified as critical and sensitive areas in the 2030 Land Resource Management Plan be guided by a concern to preserve Winnebago County's green infrastructure by protecting, conserving, restoring and properly managing such resources. To accomplish this goal, this Ordinance creates a process to aid, support and promote development that achieves these environmental goals. This process will:
 - 1. Refer to the 2030 Land Resource Management Plan that identifies and prioritizes critical and sensitive areas.
 - 2. Aid developers in the creation of their development plans.
 - 3. Aid County staff, the Zoning Board of Appeals, Zoning Committee, and County Board in their assessment of development plans in critical sensitive areas.
 - 4. Provide flexibility in the planning process when needed to balance environmental and development goals.
- C. When applicable per Section 12.3.3, the subdivision plat and site plan review process will be used to determine compliance with the requirements of this Article.

Sec. 12.3. - Designation and Location.

12.3.1 *Designation.*

- A. Areas designated as critical and sensitive areas in the 2030 Land Resource Management Plan are subject to the requirements of this Article or in the event the County Board formally adopts or supports a version of the Boone and Winnebago Greenways Plan and Map dated after the creation date of the CSA layer/areas on the Plan, the CSA layer/areas illustrated thereon shall supersede the Plan's CSA layer/areas and be subject to the requirements of this Article.
- B. An applicant may object to the designation of land as laying within a CSA by demonstrating, through the submittal of expert evaluations including, but not limited to, ecologist reports, to the County Board, that the land does not have the characteristics of a critical and sensitive area, as described in the 2030 Land Resource Management Plan and this Article. If the County Board concurs with the evaluations submitted by the applicant, the provisions of this article do not apply to the site.

12.3.2 *Location.*

- A. Preliminary determination of the location of a CSA will be made by the Planning and Zoning Officer using the maps identified in this section and the criteria of this Article.
- B. The County may use other pertinent reference maps, reports and documents in dealing with property that contains a CSA. The use of other resources is only for reference.
- C. Final determination of the specific boundaries of a CSA will be made by the Planning and Zoning Officer where the specific boundaries are unclear.

12.3.3 *Activities Subject to this Article.*

- A. As of the effective date of this Ordinance, the following activities within a CSA are subject to this Article unless exempted under Paragraph B below.

1. Major subdivisions of land, including any new construction or additions on land within the subdivision that is subject to this article.
 2. The following land alterations: clear cutting, fills and excavations, grading, and modification of drainage patterns or other alterations having a negative impact on the viability or survival of the CSA.
- B. The following activities within a CSA are exempt from the regulations of this Article.
1. Any property regulated by the FP Overlay District.
 2. Property that has received preliminary or final plat approval prior to the effective date of this Ordinance.
 3. Building projects for which a valid building permit exists that was issued prior to the effective date of this Ordinance.
 4. Stormwater retention, groundwater recharge and discharge, groundwater monitoring, water purification, nutrient retention and removal, and pollution control facilities that have been approved for installation by county, state and/or federal regulatory agencies.
 5. Customary dredging and channel maintenance of existing drainage facilities. This includes vegetative maintenance for access and stormwater/flood control purposes within and adjacent to drainage ways.
 6. Temporary emergency procedures necessary for the safety or protection of property.
 7. Ongoing customary agricultural operations.
 8. Structures existing prior to the effective date of this Ordinance.

Sec. 12.4. - Development Guidelines.

- A. Development within a CSA shall comply with the following:
1. Maximize the protection of the CSA.
 2. Maintain viable riparian and wildlife corridors, rare species, and connections between CSA.
 3. Keep undeveloped CSA large enough to maximize sustainability and minimize fragmentation.
 4. Maintain adequate buffers where needed.
 5. Minimize adverse construction impacts on the CSA.
- B. Conservation design (Article 13) is encouraged where a development site contains a CSA. The portion of the site where the CSA, inclusive of the required buffer, is located shall be on unsubdivided land (i.e. on an open space outlot), unless there is an extenuating situation approved by the County Board.

Sec. 12.5. - Required Buffers.

12.5.1 *General Requirements.* Where this Ordinance requires a buffer yard along which a CSA requires a buffer, the landscape standards buffer yard requirement is eliminated in favor of the required CSA buffer. For new major subdivision plats, the CSA, inclusive of the required buffer, shall be on unsubdivided land (i.e. on an open space outlot), unless there is an extenuating situation approved by the County Board.

12.5.2 *Riparian Buffers.* The following requirements apply to all proposed developments or lots that are contiguous with or contain a water resource.

- A. General Requirements.
1. A riparian buffer plan shall be prepared by an arborist certified by the International Society of Arboriculture, a forester certified by the Society of American Foresters, or a landscape architect registered with the State and shall include a long-term maintenance plan.
 2. The riparian buffer shall be fitted to the topography and soil to create the least potential for vegetation loss and

site disturbance. Protection of tree crowns and root zones within the drip line shall be required for all trees planned for retention.

3. All newly planted vegetation within the riparian buffer shall be species native to the County or of species otherwise approved by the Planning and Zoning Officer.
 4. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New plantings shall be given sufficient water and protection to ensure establishment. Where a water resource is contained within a property to be developed, the riparian buffer shall extend along both sides of the water resource.
 5. The riparian buffer width shall be adjusted to include contiguous sensitive areas such as steep slopes or erodible soils, where development may impact the water quality of the water resource.
 6. No development is permitted in any riparian buffer.
- B. *Riparian Buffer Graduated Zones.*
1. *General Description.* A riparian buffer is generally composed of three (3) distinct zones unless it is determined, based on riparian buffer function and site characteristics, that only one (1) or two (2) zones are necessary. Each riparian buffer zone shall have its own set of vegetative targets.
 2. *Definition of Priority Areas Within Riparian Buffers.* Riparian buffers and graduated zones are defined by priority sites as follows:
 - a. Priority 1: Consists of major drainage ways and bodies of water that are to be given highest priority for protection.
 - b. Priority 2: Consists of major collectors, continually flowing drainways to Priority 1 water bodies, and may include small lakes, to be given second highest priority for protection.
 - c. Priority 3: Consists of minor drainways and may include tertiary waterways with intermittent flow.
 3. *Zone 1—Streamside Zone.* The function of the streamside zone is to protect the physical and ecological integrity of the ecosystem, especially stream bank and riverbank stabilization. This zone is closest to the stream or river.
 - a. The width of the riparian buffer shall be measured perpendicular to the adjoining bank. The minimum width of Riparian Buffer Zone 1 shall be:
 - i. *Priority 1:* One hundred (100) feet.
 - ii. *Priority 2:* Seventy-five (75) feet.
 - iii. *Priority 3:* Fifty (50) feet.
 - b. The mature vegetative cover of Riparian Buffer Zone 1 should consist of undisturbed vegetation. Only water-tolerant species native to the County should be planted in Zone 1 if no existing vegetation is present.
 4. *Zone 2—Middle Zone.* The function of the middle zone is to protect key components of the stream or river, and to allow soil particles to trap nitrogen and phosphorus. This zone is adjacent to Zone 1.
 - a. The width of the riparian buffer shall be measured perpendicular to Riparian Buffer Zone 1. The minimum width of Riparian Buffer Zone 2 shall be:
 - i. *Priority 1:* Fifty (50) feet.
 - ii. *Priority 2:* Fifty (50) feet.
 - iii. *Priority 3:* Thirty-five (35) feet.
 - b. The mature vegetative cover of Riparian Buffer Zone 2 should consist of native, lower story and edge vegetation. Only species native to the County should be planted in Riparian Buffer Zone 2 if no existing vegetation is present.
 5. *Zone 3—Outer Zone.* The function of the outer zone is to prevent development encroachment into Riparian

Buffer Zones 1 and 2 of the riparian buffer, and to filter runoff. This sedge, forbs-covered and grass zone serves to "feather" surface water flow by increasing infiltration and water storage, and absorbing nutrients. This zone is adjacent to Riparian Buffer Zone 1 or Riparian Buffer Zone 2.

- a. The width shall be established to ensure the restoration or protection of Riparian Buffer Zone 1 and/or Riparian Buffer Zone 2. The minimum width of Riparian Buffer Zone 3 shall be:
 - i. *Priority 1:* Fifty (50) feet.
 - ii. *Priority 2:* Twenty-five (25) feet.
 - iii. *Priority 3:* Twenty (20) feet.
 - b. The mature vegetative target for Riparian Buffer Zone 3 should be grasses, sedges, and forbs native to Winnebago County that perform phytofiltration.
6. *Open Space Standards.* One-hundred percent (100%) of the area of riparian buffers that meet these requirements shall count toward any minimum open space requirements for the project site. These areas shall be undivided in new major subdivision plats, unless a unique situation is presented which makes the requirements impossible to achieve in the view of the County Board.
7. *Stormwater Management Standards.*
- a. Stormwater drainage shall outlet no closer to the stream or river than the outer edge of Riparian Buffer Zone 3 of any riparian buffer. Outlets shall be designed to prevent damage to the riparian buffer by slowing and distributing the discharge in a manner sufficient to ensure that Riparian Buffer Zone 3 will be able to protect Riparian Buffer Zone 1 and Zone 2 without suffering significant damage itself.
 - b. Where the access easement for a regulated drain overlaps the riparian buffer, the riparian buffer plan shall also be subject to review and approval by the County Engineer.

12.5.3 *Significant Wildlife Habitat and Wetland Buffers.*

- A. *Definition of Significant Wildlife Habitat and Wetlands.* Significant wildlife habitat and wetlands enrolled in the wetland reserve program are identified on the Natural Resources Inventory and contain native vegetation and significant natural resources, such as woodlands, steep slopes, hydric soils, and floral and wildlife habitats designated in the National Resources Inventory.
- B. *Buffer.* The size of the buffer shall be a minimum of seventy-five (75) feet, necessary to prevent significant adverse effects on the protected significant wildlife habitat and wetlands. This buffer shall be located on unsubdivided land (i.e. on an open space outlot) where possible, if subdivided, unless there is an extenuating situation approved by the County Board.
- C. *Standards.* In order to provide maximum flexibility, no fixed standards shall apply. In evaluating each individual proposal, Planning and Zoning Officer and County Engineer shall encourage development that preserves and enhances the natural characteristics and valuable natural resources of a site. Modifications of areas are permissible if the modifications are for walkways, piers, shelters, necessary drainage features or other like occurrences.
- D. *Prohibited and Permitted Activities.*
 1. No removal, filling, dredging, building upon, degrading, discharging into, or otherwise altering the protected wetland and buffer area is permitted except as follows.
 2. Permitted activities, with approval of County Engineer, within the buffer:
 - a. Limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches, park shelters or similar structures
 - b. Land surface modification for the development of stormwater drainage swales between the developed area of the site (including a stormwater detention facility on the site) and a stream, lake or pond, or wetland

- c. Installing piers for the limited development of walkways and observation decks, subject to mitigation by an equa habitat improvement, and
 - d. Modification of degraded wetlands for purposes of stormwater management where the quality of the wetland is improved and total wetland acreage is preserved. Where such modification is permitted, wetlands shall be protected from the effects of increased stormwater runoff by measures such as detention or sedimentation basins, vegetated swales and buffer strips, the use of semi-pervious surfaces, and sediment and erosion control measures on adjacent developments. The direct entry of storm sewers into wetlands is prohibited.
3. In addition, any use or activity proposed within one-hundred (100) feet of a wetland shall be reviewed administratively by the County Engineer for compliance with the following performance standards:
- a. That no significant impact on the aquatic habitat of rare or endangered species, as listed by the State of Illinois or the Federal government, will result.
 - b. That the filtration of stormwater run-off is adequately provided for and controlled both during and after construction.
 - c. That the topography required regarding the subject property accounts for, and adequately reflects, the proximity of a nearby wetland area.
 - d. All landscape requirements and maintenance regiments for a project will ensure that fertilizer and chemical run-off shall not enter the wetland.
 - e. Any wetland area utilized for water run-off shall demonstrate that excess flow on wetlands shall not cause excessive ponding and retention, thereby causing environmental damage to existing flora.
 - f. Where land is proposed to be subdivided, the applicant shall demonstrate that there is adequate non-wetland area to contain all proposed uses, structures, and utilities in accordance with these regulations.

Sec. 12.6. - Natural Resources Management Plan.

As part of subdivision or site plan review submittal, the applicant must provide a Natural Resource Management Plan to describe how the development will protect the composition, structure and function of the natural communities and wildlife habitat within the CSA to be protected within the project. This plan must outline specific management and protection measures the CSA and required buffers. Part of the Natural Resource Management Plan must include a landscape plan that indicates where the required buffers are located.

ARTICLE 13: - CONSERVATION DESIGN DISTRICTS

Sec. 13.1. - Purpose.

- A. The Conservation Design District is intended to promote environmentally sensitive development, to preserve the natural and scenic qualities of open space (i.e., lakes, streams, wetlands, and other natural land features), and to encourage compatibility with the goals and objectives of the 2030 Land Resource Management Plan for Winnebago County.
- B. The Conservation Design District is created for the following purposes:
 1. To guide the detailed analysis of land development so as to locate and coordinate appropriate areas for both development and conservation.
 2. To maintain rural character through the permanent preservation of meaningful open space and sensitive natural resources.
 3. To preserve scenic vistas by minimizing views of new development from existing roadways.

4. To preserve prime agricultural land by concentrating housing on lands with low agricultural productivity.
5. To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where applicable and specified, the larger community.
6. To provide proper buffering between residential development and non-residential uses.

Sec. 13.2. - CD District Map Amendment.

The County Board, upon recommendation by the Zoning Board of Appeals, may, by ordinance, adopted in the same manner as other zoning map amendments, authorize a Conservation Design District. The CD District is intended to accommodate a limited amount of residential development in rural areas, where sewer and water may not be available. While new residential development should be directed in, and contiguous to, the existing municipalities, the CD District designation is a way to permit limited residential development in the larger County that is sensitive to the surrounding natural and agricultural environment with minimal impacts to those resources.

Sec. 13.3. - General Design Objectives.

A Conservation Design District must facilitate innovative land development and site design techniques that fulfill the following objectives:

- A. To require site design that obtains a higher quality of environmental preservation and conservation than is possible under the regulations otherwise applicable to the property under another zoning district designation.
- B. To encourage the permanent preservation of open space, agricultural land, and key natural and environmental resources.
- C. To protect existing and potential water supplies.
- D. To encourage a less sprawling, less detrimental and more efficient form of development that consumes less land and conforms to existing topography and natural features better than a conventional residential development.
- E. To minimize the total amount of disturbance on a development site and preserve the site's natural features.

Sec. 13.4. - Conservation Design District Standards.

All CD Districts must meet the following standards:

13.4.1 *General Standards.*

- A. The minimum area required for a Conservation Design District development shall be forty (40) acres. However, the County Board may approve a district of a smaller area only if the purpose and objectives of this district can be met.
- B. The Conservation Design Districts are intended for areas designated for future residential growth on the Future Land Use Plan within the 2030 Land Resource Management Plan. Areas designated for low density residential development are ideal for CD-L as they serve as a transition from areas of agricultural and natural resource land use to higher intensity development. Areas designated for medium and high density residential development may also serve this purpose. The Conservation Design District is not intended for areas designated as agricultural land on the Future Land Use Plan.
- C. Development envelopes shall be configured to minimize the loss of natural resources, including woodlands, water bodies and wetlands, and historical resources. Areas that are designated as environmentally sensitive areas on the Natural Resources Inventory must be preserved.
- D. The development must preserve scenic natural views, including views from roadways.
- E. No building site or lot shall be located closer than seventy-five (75) feet from a wetland or waterway.
- F. If agricultural uses are being maintained within the development, lots shall be configured in a manner that

maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.

G. Stormwater management within the development shall adhere to the following:

1. When public utilities are unavailable, a lot shall pass a percolation test for the installation of a septic system with both a primary and one-hundred percent (100%) reserve drain field and have a suitable location for a potable water well. A building site not suitable for development shall be platted only for uses not endangered by periodic or occasional inundation, and only where it will not produce conditions contrary to the public welfare and the conservation and preservation of existing natural resources. Such non-suitable land should be incorporated into common open space.
2. Whenever possible, roof down spouts should drain to porous surfaces or drain to rain barrels or cisterns for use of water in gardening, landscaping or gray water.
3. Peak discharge during the two (2) and twenty (20) year storm events shall be no more than pre-developed conditions.
4. The development should capture eighty percent (80%) of the sediments and pollutants from the one (1) year storm event.
5. Landscape plantings shall be used to increase infiltration and decrease runoff.

13.4.2 *Development Standards.*

A. CD Districts are allowed three types of development:

1. CD-Low Density (CD-L): Intended for areas designated as low-density residential on the Future Land Use Map of the 2030 Land Resource Management Plan.
2. CD-Medium Density (CD-M): Intended for areas designated as medium-density residential on the Future Land Use Map of the 2030 Land Resource Management Plan.
3. CD-High Density (CD-H): Intended for areas designated as high-density residential on the Future Land Use Map of the 2030 Land Resource Management Plan. CD-High Density Districts require public sewer.

B. The following uses are allowed within a CD District as follows:

1. Uses allowed, including all required standards and conditions, in the CD-L Districts are the permitted and special uses of the R-1 District with the exception of PUD.
2. Uses allowed, including all required standards and conditions, in the CD-M Districts are the permitted and special uses of the R-1 District with the exception of PUD. Dwelling, two-family is also allowed by special use.
3. Uses allowed, including all required standards and conditions, in the CD-H Districts are the permitted and special uses of the R-3 District with the exception of PUD.

C. Development in a CD District must meet the requirements of [Table 13.1: Conservation Design District Bulk and Yard Standards](#).

TABLE 13.1: CONSERVATION DESIGN DISTRICT BULK AND YARD STANDARDS					
	CD-L		CD-M		CD-H
	No Public Sewer	Public Sewer Provided	No Public Sewer	Public Sewer Provided	Public Sewer Provided

MINIMUM LOT AREA	30,000sf	Residential: 15,000sf Non-Residential: 20,000sf	25,000sf	Residential: 6,000sf Non-Residential: 10,000sf	Residential: 3,000sf/du Non-Residential: 10,000sf
MAXIMUM DENSITY OF RESIDENTIAL DEVELOPMENT	1.5du/ac	1.5du/ac	1.75du/ac	7du/ac	10du/ac
MINIMUM LOT WIDTH	100 ft	75 ft	100 ft	50 ft	50 ft
MAXIMUM BUILDING HEIGHT	35 ft or 2½ stories	35 ft or 2½ stories	35 ft or 2½ stories	35 ft or 2½ stories	35 ft or 2½ stories
MINIMUM FRONT YARD	20 ft	20 ft	20 ft	20 ft	20 ft
MINIMUM INTERIOR SIDE YARD	10 ft	10 ft	10 ft	5 ft	5 ft
MINIMUM CORNER SIDE YARD	20 ft	20 ft	20 ft	20 ft	20 ft
MINIMUM REAR YARD	25 ft	25 ft	25 ft	25 ft	25 ft

D. Residential dwellings are encouraged to group into clusters according to the following standards.

1. Each residential cluster should include no more than thirty (30) dwellings units.
2. Residential clusters should be located a minimum of one-hundred (100) feet apart, separated by greenbelts or other natural features. While such greenbelts may be accessible via bike paths or hiking trails, no development is permitted within these separation areas.
3. Residential clusters should be located to minimize negative impacts on the natural scenic and cultural resources of the site, and conflicts between incompatible uses.
4. Residential clusters should be sited to achieve the following goals, to the extent practicable.
 - a. Minimum impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
 - b. Minimize disturbance to woodlands, wetlands, watersheds, grasslands and mature trees.
 - c. Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.
 - d. Protect scenic views of open land from adjacent roads.
5. Siting of residences shall not encroach on rare plant communities, high quality sites, or endangered species identified on the Natural Resources Inventory or those identified by other county, state or federal agencies.
6. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.

13.4.3 *Common Open Space*. Land designated as open space shall be used and maintained as open space and may not be divided or developed except as provided herein:

- A. *Minimum Required Open Space*. Forty percent (40%) CD District shall be active or passive open space, as defined in this section.
- B. *Common Open Space*. The minimum open space required shall be owned and managed as described in this section. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required open space shall be undivided (i.e. on an open space outlot) and restricted in perpetuity from future development.
- C. *Perimeter Buffer Yard*. There shall be a perimeter buffer yard of no less than one-hundred (100) feet along the edge of the CD District. No development shall be permitted in this perimeter buffer yard, which shall remain landscaped with no structures erected within by private lot owners. This perimeter buffer yard may be included in the required percentage of open space if undivided (i.e. on an open space outlot) and restricted in perpetuity from future development.
- D. *Permitted Uses of Open Space*. The following areas or structures shall be counted toward the overall open space percentage required:
 1. Natural water features, wetlands and conservation areas. No more than twenty-five percent (25%) of the required open space area may consist of water bodies, ponds, floodplain, or wetlands.
 2. A trail system connecting open space areas.
 3. Recreational facilities such as swimming pools, tennis courts, and skate parks. No more than twenty-five percent (25%) of the required total open space area may consist of structures for recreational facilities.
 4. Hiking trails and fitness courses.
 5. Parks and playgrounds.
 6. Greenbelts and greenways.
 7. Detention/retention areas which are accessible to occupants or the public via nature trails, boardwalks, perimeter walkways or street, but only if they are designed as wetlands or natural water features and are landscaped with native vegetation.
 8. Botanical gardens, greenhouses and community gardens.
 9. Reuse of structures existing on the site prior to development for community purposes (i.e. rehab of an existing barn or silo, etc.).
 10. Agricultural uses, including vineyards and stables. Wineries, accessory to a vineyard, are permitted as a special use.
 11. Golf course, but no more than twenty-five percent (25%) of the required open space area may [be] used for a golf course
 12. Aircraft landing fields are permitted as a special use.
- E. *Areas Excluded from Common Open Space*. The following areas shall not count toward the overall open space percentage required:
 1. Yards on individual lots or portions of lots within an easement that are on a lot owned by individual property owner for his or her use.
 2. Dedicated streets, alleys or other public rights-of-way.
 3. Vehicular drives, private streets, and parking, loading and storage areas.
- F. *Design and Layout*. In site planning, the use and enjoyment of open spaces shall be maximized. Small strips or spots of open space should be avoided in conservation design developments. They may be used only when no other

practical means exists for providing required open space.

- G. *Common Space Ownership and Maintenance.* A management plan shall be prepared and submitted for all common open space, including any man-made drainage facilities that serve more than one property, such as detention/retention ponds. The designated common open space and common facilities shall be owned and managed by one or a combination of the following:
1. A homeowners' association: A back-up Special Service Area pursuant to 35 ILCS 200/27-5-95 et. seq. should be established in the event of ownership by a homeowners' association.
 2. A condominium association established in accordance with the Condominium Property Act 765 ILCS 605 et seq. A back-up Special Service Area pursuant to 35 ILCS 200/27-5-95 et. seq. should be established in the event of ownership by a condominium association.
 3. A non-profit conservation organization including the forest preserve or park district.
 4. An individual or individuals, usually adjacent to the protected open space, who will maintain the land for common open space purposes. This option, however, shall not be used for the purpose of assuming private ownership or to set in motion a case for judicial entitlement of the subject land. This option may be used only on a limited basis for situations where no other options are practical, as approved by the County Board.
 5. Another option, not listed above, that serves the same intent as above may be considered, such as a lease agreement with a farmer to use the subject land for agricultural purposes or a township or county government arrangement, but such government bodies are not obligated to undertake such an arrangement.

Sec. 13.5. - Approval Process.

CD District approval is a two (2) step process, which is as follows:

- A. The proposed site for the CD must be rezoned to a CD District in accordance with the requirements for a zoning map amendment of this Ordinance. However, as part of the zoning map amendment process, a concept plan is required to be submitted to the Planning and Zoning Officer, Zoning Board of Appeals, and Zoning Committee for review and approval by the County Board in conjunction with the rezoning.
1. Prior to submittal of the concept plan, the applicant shall meet with the Planning and Zoning Officer to discuss the proposed development. The Planning and Zoning Officer shall inform the applicant of any County plans and policies that may affect the development, the specific requirements for CD Districts, and the procedures involved in submitting an application for a CD District.
 2. Following the pre-application meeting the applicant shall provide a concept plan to the Planning and Zoning Officer for review. Following review, the concept plan shall be submitted as part of the application for rezoning. The Planning and Zoning Officer shall submit his/her recommendation on the concept plan to the County Board as part of the zoning map amendment process.
 3. The concept plan shall include the following:
 - a. Drawn at a scale of one (1) inch equals one-hundred (100) feet, and showing the location of the proposed CD District and the current zoning.
 - b. A site plan showing the proposed layout of the development and proposed uses, including all common open space areas and residential lot layout.
 - c. The proposed public and private improvements, including the existing and proposed vehicle, bicycle and pedestrian access from the parcel to adjacent streets, roads or properties, and proposed street location and width.
 - d. Existing land use of property within one quarter (1/4) mile of the site.
 - e. A general description of the project and how the proposal relates to the purpose statements of conservation

- design.
- f. The environmental features of the site including, but not limited to:
 - i. The limits of woodland cover and wetlands on the entire site.
 - ii. Location of lakes, ponds, streams, or kettles, standing water and designated floodplains on the parcel.
 - iii. Areas of steep or severe slope conditions, high water table conditions, potential drainage and erosion problems.
 - iv. Environmental corridors.
 - g. The use or uses to be made of existing or proposed structures.
 - h. A landscape plan including general information on the design of proposed landscape, screening and buffering, including all fencing.
 - i. A statement regarding how the proposed development is consistent with the 2030 Land Resource Management Plan, identifying any areas where the proposed development may be inconsistent and justification for the deviation.
 - j. A plat of survey of the parcel or parcels of land comprising the site. The plat shall be drawn to scale showing the actual dimensions of this site, including all parcels or lots.
 - k. A statement of economic interest in the property.
 - l. A description of the guarantee or covenants of ownership to be used for maintenance of common open space.
 - m. A development schedule outlining the intended timeframe for construction and improvements.
- B. Once the concept plan and rezoning are approved, the development of the site is required to follow the approval processes for a major subdivision in Article 5 and Article 19 of this Ordinance. All subdivisions submitted for review under those Articles shall be consistent with the approved concept plan. Affiliated improvement plans submitted to the County Engineer shall also be consistent with the concept plan. A landscape plan need only be submitted for approval again if the initial plan was not deemed final. Minor deviations from the approved concept plan or landscape plan shall only occur when such change better implements the purpose of the conservation design districts. Any proposed significant or major change from the concept plan or the landscape plan will require a new approval of the relevant concept plan or landscape plan.

ARTICLE 14: - TRADITIONAL NEIGHBORHOOD DESIGN DISTRICTS

Sec. 14.1. - Purpose.

The purpose of a Traditional Neighborhood Development (TND) District is to encourage mixed-use, compact development that is sensitive to the natural characteristics of the land and facilitates an efficient use of services. A TND District diversifies and integrates land uses within close proximity to each other, and it provides for the daily recreational and shopping needs of the residents. A TND District is characterized by the following general design elements:

- A. Neighborhoods limited in size and oriented toward pedestrian activity.
- B. A variety of housing types, jobs, shopping, services and public facilities.
- C. Residences, shops, workplaces and institutional buildings interwoven within the neighborhood, all within close proximity.
- D. A network of interconnecting streets and blocks that respect the natural landscape.
- E. Natural features and undisturbed areas incorporated into the open space of the neighborhood.

- F. A coordinated transportation system with a hierarchy of appropriately designed facilities for pedestrians, bicycles and a vehicles.
- G. Well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts, and parks woven into the pattern of the neighborhood and dedicated to social activity, recreation and visual enjoyment.
- H. Institutional buildings and uses, open spaces and other visual features that act as landmarks, symbols and focal points for community identity.
- I. Compatibility of buildings and other improvements in arrangement, bulk, form, character, architecture and landscaping to establish a livable, harmonious and diverse environment.

Sec. 14.2. - TND District Map Amendments.

The County Board, upon recommendation by the Zoning Board of Appeals, may, by ordinance, adopted in the same manner as other zoning map amendments, authorize a Traditional Neighborhood Development District. A TND District is most appropriate when located in an established Facilities Planning Area (FPA), contiguous to the boundary of an incorporated municipality, and within areas identified as TND appropriate on the 2030 Land Resource Management Plan. A TND District must be served by public sewer and no variation to this standard is permitted. A TND District must consist of an area of no less than twenty (20) contiguous acres.

Sec. 14.3. - TND District Sub-Districts.

A TND District must contain at least two (2) of the following types of sub-districts, each of which has different land use and site development regulations. A TND District must have one (1) Neighborhood Center Area and at least one (1) Mixed Residential Area. It may also include a Neighborhood Edge Area and/or an Employment Center Area in addition to these two (2) required sub-districts. These areas are described below.

- A. *Neighborhood Center Area Sub-District (Required)*. A Neighborhood Center Area serves as the focal point of a TND District, containing commercial and/or institutional uses to meet some of the daily needs of community residents. A Neighborhood Center Area is pedestrian-oriented, and designed to encourage pedestrian movement from a Mixed Residential Area. A central focal point, such as a square or plaza, is a required component of a Neighborhood Center Area, and commercial uses should generally be located adjacent to such focal point. Neighborhood Center Area uses include retail, restaurants, offices, financial institutions, places of worship, community centers and denser residential developments.
- B. *Mixed Residential Area Sub-District (Required)*. A Mixed Residential Area accommodates a variety of residential land uses, including single-family, two-family, townhouse and multi-family residential. Neighborhood commercial, and some institutional, uses may be permitted within a Mixed Residential Area, but under strict control and generally intended for use by those in the immediate vicinity. These neighborhood commercial uses must blend into the residential character of the neighborhood. A Mixed Residential Area includes open spaces, such as pocket parks, playgrounds and greenbelts. The area should promote pedestrian activity, and the safe and efficient movement of vehicular traffic.
- C. *Neighborhood Edge Area Sub-District (Optional)*. A Neighborhood Edge Area is the least dense portion of a TND District, with larger lots and greater setbacks than the other neighborhoods. Only single-family residences are permitted. A Neighborhood Edge Area is most appropriate along the perimeter of the Mixed Residential Area. However, any portion of a TND District that abuts a single-family residential district must be designated and designed as a Neighborhood Edge Area.
- D. *Employment Center Sub-District (Optional)*. A TND District may have an Employment Center Area. An Employment Center Area is a non-residential portion of the development that may contain commercial and light industrial uses,

such as small-scale manufacturing and research and development (R&D) uses, and large office uses. Uses are those that are not appropriate for a Neighborhood Center Area or a Mixed Residential Area, but still serve the local residents. The scale and architectural conventions of a TND District apply to Employment Center Areas.

Sec. 14.4. - Land Use Allocations and Locations.

Each lot within a TND District must be allocated to a particular sub-district or land use category. The maximum or minimum amount of land allocated to a particular sub-district or land use category, calculated as a percentage of the entire land area excluding public right-of-way, is as follows:

- A. A minimum of five percent (5%) or more of the land area within the entire TND District shall be allocated to the Neighborhood Center Area.
- B. A minimum of twenty percent (20%) or more of the land area within the entire TND District must be open space, as defined by Section 14.6.
- C. A Neighborhood Edge Area may only be designated along the perimeter of TND Districts. A Neighborhood Edge Area must be designated for those portions of a TND District that abut single-family residential districts.
- D. A greenbelt buffer a minimum of two-hundred (200) feet wide must be provided along those portions of a TND District that abut an agricultural land use.
- E. If an Employment Center Area is included in a TND, a maximum of fifteen percent (15%) of the land area within the entire TND District shall be allocated to an Employment Center Area.
- F. Once the required minimums of the Neighborhood Center Area and open space, as well as any required Neighborhood Edge Area and greenbelt buffer, if applicable, have been met, all remaining land within the TND District may be allocated to Mixed Residential Area.

Sec. 14.5. - Sub-District Bulk and Yard Regulations.

14.5.1 *Neighborhood Center Area.*

A. *Land Use Allocations within Neighborhood Center Area.*

- 1. A maximum of twenty percent (20%) of the land area within the Neighborhood Center Area shall be allocated to multi-family and townhouse dwellings.
- 2. A minimum of twenty percent (20%) of the land area within the Neighborhood Center Area shall be allocated to commercial uses, including mixed-use buildings with commercial on the ground floor and residential uses above.
- 3. A minimum of five percent (5%) of the land area within the Neighborhood Center Area, or twenty-thousand (20,000) square feet, whichever is greater, shall be allocated to institutional uses.

B. *Bulk and Yard Regulations within Neighborhood Center Area.*

Table 14.1: Neighborhood Center Area Bulk and Yard Regulations provides the bulk and yard regulations for the Neighborhood Center Area.

TABLE 14.1: NEIGHBORHOOD CENTER AREA BULK AND YARD REGULATIONS				
	TOWNHOUSE	MULTI-FAMILY	COMMER-CIAL	INSTITU-TIONAL
Minimum Lot Area	1,500sf/du	1,000sf/du	None	None

Maximum Lot Area	None	None	None	None
Minimum Lot Width	50 ft (for entire development)	50 ft (for entire development)	None	None
Maximum Height	35 ft or 2 ½ stories, whichever is less	50 ft or 4 stories, whichever is less	60 ft	60 ft
Minimum Height			2 stories	
Front Yard	Maximum of 15 ft	Maximum of 15 ft	None	None
Interior Side Yard	Minimum of 10 ft	Minimum of 10 ft	None, except where abuts residential use then minimum of 5 ft	None, except where abuts residential use then minimum of 5 ft
Corner Side Yard	Maximum of 15 ft	Maximum of 15 ft	None	None
Rear Yard	Minimum of 25 ft	Minimum of 25 ft	None, except where abuts residential use then minimum of 25 ft	None, except where abuts residential use then minimum of 25 ft

14.5.2 *Mixed Residential Area.*

A. *Land Use Allocations within Mixed Residential Area.*

1. A minimum of fifty percent (50%) and a maximum of eighty percent (80%) of the land area within the Mixed Residential Area shall be allocated to single-family or two-family residential uses.
2. A maximum of fifteen percent (15%) of all single-family or two-family dwelling units within all Mixed-Residential Areas within the TND District shall be located on lots of ten-thousand (10,000) square feet or more.
3. A minimum of two percent (2%) of the land area within the Mixed Residential Area shall be allocated to neighborhood commercial or institutional uses. This shall include mixed-use buildings with commercial on the ground floor and residential uses above.

B. *Bulk and Yard Regulations within Mixed Residential Area.*

Table 14.2: Mixed Residential Area Bulk and Yard Regulations provides the bulk and yard regulations for the Mixed Residential Area.

TABLE 14.2: MIXED RESIDENTIAL AREA BULK AND YARD REGULATIONS					
	SINGLE-FAMILY & TWO-FAMILY	TOWNHOUSE	MULTI-FAMILY	(NEIGHBORHOOD) COMMERCIAL	INSTITUTIONAL
Minimum Lot Area	5,000sf	1,500sf/du	1,000sf/du	None	None
Maximum Lot Area	None	None	None	10,000sf	None
Minimum Lot Width	50 ft	50 ft (for entire development)	50 ft (for entire development)	None	None
Maximum Height	35 ft or 2½ stories, whichever is less	35 ft or 2½ stories, whichever is less	40 ft or 3 stories, whichever is less	40 ft	40 ft
Maximum Lot Coverage	35%	None	None	None	None
Front Yard	Minimum of 20 ft	Maximum of 15 ft	Maximum of 15 ft	Maximum of 5 ft	None
Interior Side Yard	Minimum of 5 ft	Minimum of 10 ft	Minimum of 10 ft	None, except where abuts residential use then minimum of 5 ft	None, except where abuts residential use then minimum of 5 ft
Corner Side Yard	Minimum of 10 ft	Maximum of 15 ft	Maximum of 15 ft	Maximum of 5 ft	None
Rear Yard	Minimum of 25 ft	Minimum of 25 ft	Minimum of 25 ft	None, except where abuts residential use then minimum of 25 ft	None, except where abuts residential use then minimum of 25 ft

14.5.3 *Neighborhood Edge Area.*

- A. *Land Use Allocations within Neighborhood Edge Area.* Only single-family residential is permitted within the Neighborhood Edge Area.
- B. *Bulk and Yard Regulations within Neighborhood Edge Area.*

Table 14.3: Neighborhood Edge Area Bulk and Yard Regulations provides the bulk and yard regulations for the Neighborhood Edge Area.

TABLE 14.3: NEIGHBORHOOD EDGE AREA BULK AND YARD REGULATIONS	
DEVELOPMENT REGULATION	
Minimum Lot Area	5,000sf
Minimum Lot Width	50 ft
Maximum Height	35 ft or 2½ stories, whichever is less
Maximum Building Coverage	35%
Front Yard	Minimum of 20 ft
Interior Side Yard	Minimum of 5 ft
Corner Side Yard	Minimum of 10 ft
Rear Yard	Minimum of 25 ft

14.5.4 *Employment Center Area.*

- A. *Land Use Allocations within Employment Center Area.* Only commercial and light industrial uses, such as small-scale manufacturing and research and development (R&D) and large office uses are permitted within an Employment Center Area. Supportive commercial uses, such as restaurants, taverns, retail goods establishments and personal service establishments are also permitted to support employees within the area.
- B. *Bulk and Yard Regulations within Employment Center Area.*

Table 14.4: Employment Center Area Bulk and Yard Regulations provides the bulk and yard regulations for the Employment Center Area.

TABLE 14.4: EMPLOYMENT AREA BULK AND YARD REGULATIONS	
Minimum Lot Size	None

Maximum Height	60 ft
Minimum Front Yard	25 ft
Minimum Interior Side Yard	20 ft
Minimum Corner Side Yard	25 ft
Minimum Rear Yard	30 ft

Sec. 14.6. - Sub-District Use Regulations.

Table 14.5: Permitted Uses within Sub-Districts lists the permitted uses within the TND District Sub-Districts.

TABLE 14.5: PERMITTED USES WITHIN SUB-DISTRICTS					
SUB-DISTRICT KEY Mixed Residential Area = MRA Neighborhood Center Area = NCA Neighborhood Edge Area = NEA Employment Center Area = ECA					
USE	SUB-DISTRICT				USE STANDARDS
	MRA	NCA	NEA	ECA	
RESIDENTIAL					
Community Residence, Small	P	P	P		See Section 15.3.9
Community Residence, Large	P	P			See Section 15.3.9
Dwelling, Multi-Family	P	P			
Dwelling, Single-Family	P	P	P		
Dwelling, Townhouse	P	P			
Dwelling, Two-Family	P	P			
Dwelling, Above the Ground Floor	P	P			

Group Quarters	P	P			See Section 15.3.4
Residential Care Facility	P	P			See Section 15.3.24
INSTITUTIONAL USES					
Cultural Facility	P	P			
Educational Facility, Primary/Secondary	P	P			
Educational Facility, University		P		P	
Educational Facility, Vocational		P		P	
Government Facility	P	P		P	
Place of Worship	P	P			
COMMERCIAL USES					
Animal Hospital	P	P			See Section 15.3.3
Art Gallery	P	P			
Arts Studio	P	P			
Bed and Breakfast	P	P			See Section 15.3.4
Car Wash				P	
Day Care Center, Adult or Child	P	P			See Section 15.3.9
Day Care Home, Adult or Child	P	P			See Section 15.3.10
Drive-Through Facility		S		P	See Section 15.3.11
Financial Institution	P	P		P	
Funeral Home		P			
Gas Station		P		P	See Section 15.3.13
Heavy Retail, Rental and Service				P	
Indoor Entertainment		P			

Indoor Recreation		P			
Live Entertainment		P			
Medical or Dental Clinic/Office	P	P			
Motor Vehicle Service and Repair		S		P	See Section 15.3.20
Office	P	P		P	
Outdoor Entertainment		P			
Outdoor Recreation		P			
Personal Services Establishment	P	P		P	
Restaurant	P	P		P	
Retail Sales Establishment	P	P		P	
Social Club or Lodge	P	P		P	See Section 15.3.27
Tavern		P		P	
MANUFACTURING USES					
Manufacturing, Light				P	
Mini-Warehouse				P	
Research and Development Facility				P	
Warehouse/Distribution				P	
Wind Energy System (private; site service only; 1 per lot)	S	S	S	S	
OTHER					
Parking Structure	S	P		P	
Utilities	P	P	S	P	See Section 15.3.30

Wireless Telecommunications	P	P	P/S*	P	*Special use required for lots less than 2 acres. See Section 15.3.32
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Sec. 14.6. - Required Open Space.

In order to meet the required percentage of open space required within a TND District, the following types of open space are permitted and must be indicated on plan submittals.

- A. "Green" means an open space available for unstructured recreation. Its landscaping consists of grassy areas and trees. At least one (1) green, not less than one (1) acre in size, must be located near the center of the TND.
- B. "Greenway" means a series of connected open spaces that may follow natural features such as ravines, creeks or streams, which may be accessed by hiking trails, bike paths, etc.
- C. "Park" means an open space, available for recreation, with landscaping consisting of paved paths and trails, open lawn, trees, open shelters, playgrounds, dog parks, ball fields, tennis courts, and/or basketball courts. A park must be a minimum of five-thousand (5,000) square feet in size.
- D. "Plaza" means an open space that is improved, by landscaping and hardscaping, surrounded by buildings or streets along at least fifty percent (50%) of its perimeter.
- E. "Preserve" means open space that preserves or protects endangered species, a critical environmental feature or other natural feature.
- F. Drainage control facilities, such as detention or retention ponds, which are usable by the public for recreational purposes, shall be included in the open space land use category.

Sec. 14.8. - Building Design Standards.

A variety of architectural features and building materials are required to give each building or group of buildings a distinct character.

14.8.1 *Single-Family and Two-Family Residential.*

- A. Large, flat facades should be avoided. Building mass should be articulated to create substantial shadows and visual interest. Windows or other significant architectural features should be used to avoid the appearance of blank walls and facades facing the street.
- B. Where a neighborhood consists primarily of one-story buildings, a two-story building should be designed to minimize the appearance of height, as viewed from the street, by stepping back the second story and/or incorporating accent features, such as gables and dormers, to break-up the mass of the roof structure.
- C. The front entry should be the predominant feature on the front elevation of a home, and building design and roof form should highlight the entry. The front entrance should be emphasized with usable front porches (a minimum of six (6) to eight (8) feet in width), and raised steps and stoops. Features, such as roof overhangs, columns and decorative railings, can help to create a protected entry area and enhance its appearance.
- D. All windows and doors should have raised elements to create shadow and articulation. Windows should be set back ("punched") into the facade to provide depth and shadow.

- E. The pitch, design and scale of roofs should complement surrounding dwellings. Sloping roof forms, such as gable, hip and mansard roofs, are permitted. Plain mansard roofs are prohibited. Decorative mansard roofs are permitted.
- F. The planes and massing of roofs should be articulated. For example, one and two-story roofs can be combined with eave height variations, roof offsets, dormers, vents, and breaks in roof planes. This combination can also be used to allow for the first-story roof to "step down" to neighboring homes. Use these techniques to "step down" higher roof planes of edges of homes can establish a visual relationship with the roofs of lower adjacent homes.
- G. Roofs should be designed with overhanging eaves or detailed gutters of sufficient width to create shadowing on the building.

14.8.2 Design Standards for Garages.

- A. *General Garage Design Standards.* All garages shall conform to the following design standards. For attached garages, utilization of a side-loaded or rear-loaded garage is encouraged to minimize the impact of the garage doors on the streetscape.
- B. *Front-Loaded Attached Garages.*
 - 1. Front-loaded attached garages should not occupy more than sixty percent (60%) of the width of the front facade of the dwelling. However, a minimum garage door width of twenty-four (24) feet is permitted regardless of front facade percentage.
 - 2. Attached front-loaded garages shall not extend beyond the front facade of the dwelling by more than twelve (12) feet. This measurement will be taken from the part of the front facade that is immediately adjacent to the garage, except that the measurement may be taken from the part of the house closest to the street if all of the following conditions are met:
 - a. The front facade of the house is irregular, i.e., the front foundation is not a straight line.
 - b. The portion closest to the street is actual living space.
 - c. No such measurement may be taken from a porch, bay window, turret or similar architectural feature that protrudes from the facade.
 - 3. Windows, doors and roof treatments of that part of the garage facing the street should incorporate architectural detail expressive of a residence.
 - 4. Upper level dormers and pitched roof elements should be used to de-emphasize the garage. Garage openings, windows, columns, trims, decorative paneling and color shall de-emphasize the visual impact of the garage in relation to the building as a whole.
- C. *Side-Loaded Attached Garage.*
 - 1. Side-loaded garages shall not extend beyond the side facade of the dwelling by more than twelve (12) feet.
 - 2. Windows, doors and roof treatments of the garage facing the street should incorporate architectural detail expressive of a residence.
- D. *Detached Garage or Shed.*
 - 1. Detached garages or sheds should be consistent with the architecture and design of the principal building. Consistency of design includes use of the same palette of materials as the principal building, and shall be of the same or similar siding, roofing materials, roof pitch, trim and colors.
 - 2. A detached garage or shed shall not exceed twenty (20) feet in height or the height of the principal residence, whichever is less, as measured to the peak of the roof.

14.8.3 Multi-Family and Townhouse Residential.

- A. The mass and scale of a townhouse or multi-family development should be similar, or not appear out of character, to

buildings typical of the larger sub-district. Windows and doors should reflect the scale and patterns found in the surrounding neighborhood character. To ensure that new developments are consistent and compatible with the surrounding neighborhood character, consistency in the roofline should be achieved by using similar roof forms with varying height and proportion.

- B. Large, flat facades should be avoided, which can be accomplished by articulating the building mass to create substantial shadows and visual interest. Elements such as windows, dormers, projected entrances and overhangs should be included on the street facing facade to add variety and maintain a pedestrian-scale. All townhouses should be designed with the front or side facade of the units facing the street with either detached garages located in the rear yard or attached garages oriented to the rear of the units. When the sidewalls of multi-family or townhouse development face a street, building facades should be designed with elements of a front facade, including doors and/or windows.
- C. There should be a unifying architectural theme for an entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials or colors in the entire structure.
- D. Windows and doors should have raised elements to create shadow and articulation. In addition, three-dimensional elements, such as balconies and bay windows, should be incorporated to provide dimensional elements on a facade. Windows should be set back ("punched") into or projected out from the facade to provide facade depth and shadow, vertical in orientation and of a consistent style.
- E. Roof forms should be articulated so that varied planes and massing within the overall roof are provided. Large, monotonous, simple pitched roofs, without breaks in the expanse of the roof, should be avoided. Dormers and gables can be used to break up large expanses of roof area. For flat roofs, cornices and parapets should be used to add variety and break up the roofline. Rooflines should be modulated every seventy-five (75) feet through the use of varied roof heights.
- F. There shall be a minimum separation of ten (10) feet between sidewalls among rows of townhouses or multi-family developments. Where a front or rear wall faces the front or rear wall, the minimum required separation between such buildings shall be a minimum of thirty (30) feet. Driveways and parking areas may be located within this minimum separation area. The minimum separation at the ground-floor may be reduced to twenty (20) feet for interior drives with garage doors facing garage doors that are not visible from the public right-of-way, provided that the upper-story living spaces comply with the separation requirements.
- G. Private yards a minimum of two hundred (200) square feet in area and ten (10) feet in width shall be required for each townhouse dwelling unit. This private yard may be located adjacent to a front wall, rear wall, or side wall, provided that it is immediately adjacent to the townhouse unit it serves and directly accessible from the townhouse unit by way of a door or stair. Required private yards must be at-grade or, if located on a terrace or patio, within four (4) feet of grade. All private yards must be landscaped with turf, groundcover, shrubs, trees or other landscape or hardscape improvements, such as walkways and patios.

14.8.4 *Commercial Uses.*

- A. Buildings with facades over one-hundred (100) feet in length should incorporate wall projections or recesses a minimum of two (2) feet in depth, extending over twenty percent (20%) of the facade.
- B. All facades that face the street should have at least two (2) of the following architectural features to avoid the appearance of blank walls facing the street: change in wall plane of at least two (2) feet, change in wall texture or masonry patterns, transparent windows, columns or pilasters.
- C. All retail store frontage within commercial developments less than thirty-thousand (30,000) square feet should comply with the following facade transparency requirement: The ground floor shall maintain a transparency of sixty percent (60%). Windows shall be constructed of clear or lightly tinted glass. Tinting above thirty percent (30%) and

reflective glass is prohibited.

- D. Building facades in excess of over one-hundred (100) feet in length should include a repeating pattern with no less than two (2) of the following elements: color change, texture change, material module change, or a wall articulation change of no less than one (1) foot, such as an offset, reveal, pilaster or projecting rib. All elements shall repeat at intervals of no more than thirty (30) feet either horizontally or vertically.
- E. Roof lines should either be varied with a change in height or the incorporation of a major focal point feature, such as a dormer, gable or projected wall feature, every one-hundred (100) linear feet in building length.
- F. Buildings that face more than one (1) street should have at least one (1) public entrance on the primary street frontage. All public entrances should be articulated from the building mass. Examples of such articulation include: canopies or porticos, overhangs, arcades, raised corniced parapets over the door, peaked roof forms, arches, outdoor patio or seating areas, display windows, details such as tile work and moldings integrated into the building design, and integral planters or wing walls that include landscaping or seating.

14.8.5 *Large-Scale Office, Manufacturing and Light Industrial Uses.*

- A. All facades that face the street should have at least two (2) of the following architectural features to avoid the appearance of blank walls facing the street: change in plane of at least one (1) foot, reveals, windows and openings, or changes in color, texture and/or material to add interest to the building elevation.
- B. Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited to prevent heat and glare impacts on the adjacent public streets and properties.
- C. Buildings with facades over one-hundred (100) feet in length should incorporate wall projections or recesses an average of three (3) feet in depth, extending over twenty percent (20%) of the facade.
- D. In multi-building complexes, a comprehensive architectural concept and campus-like site design should be developed and maintained. Various site components should be unified through the use of similar design features, construction, material and colors.
- E. The design of accessory buildings such as security kiosks, maintenance buildings, and outdoor equipment enclosures should be incorporated into, and be compatible in design concept with, the overall design of the project and the main buildings on the site. Any outdoor storage and refuse containers must be completely screened from view on all four (sides) with a six (6) foot masonry wall, solid wood/vinyl fence or dense hedge.
- F. The roofline at the top of the structure should not run in a continuous plane for more than fifty (50) feet without offsetting the roof plane.
- G. Buildings are encouraged to use decorative roof elements, such as projecting cornices, to enhance roof edges and to define building entrances, waiting areas, transit stops, main pedestrian routes or activity areas.

Sec. 14.9. - TND District Street Classifications and Circulation.

The street classifications within the different sub-districts of a TND District vary based on the proposed function of the roadway, the anticipated land use, the anticipated traffic load, and the desired character of the surrounding area. Special consideration should be given to street layout to minimize through traffic and the potential for inappropriate vehicle speeds. This Section provides classifications of street standards. All TND District streets must comply with the design standards of Table 14.6: TND District Right-of-Way for TND District streets. Table 14.7: TND District Right-of-Way Permitted Streets by Subdistrict describes which of the street types are permitted within the sub-districts. Additional street types may be permitted within the TND District as part of the development approval process.

- A. *Neighborhood Center Arterial.* A Neighborhood Center arterial provides connection between the Neighborhood Center and the periphery of the TND District. This arterial should be divided by a median planted with trees along its length. Adjacent land uses include retail, commercial, mixed-use developments, and multi-family and townhouse

residential.

- B. *Neighborhood Center Collector*. A Neighborhood Center collector carries traffic between the Neighborhood Center and the Mixed Residential Areas, and between arterial and local streets. It also functions as a primary commercial street within a Neighborhood Center and should be designed to encourage pedestrian activity. Adjacent land uses include retail, commercial, mixed-use developments, and multi-family and townhouse residential.
- C. *Mixed Residential Arterial*. A Mixed Residential arterial provides connections between a Mixed Residential Area and the periphery of a TND District. The arterial should be divided by a median planted with trees along its length. Adjacent land uses include multi-family and townhouse residential, with limited amounts of neighborhood commercial at corner locations.
- D. *Mixed Residential Collector*. A Mixed Residential collector connects important locations within Mixed Residential Areas. Adjacent land uses include various residential, with limited neighborhood commercial at corner locations.
- E. *Mixed Residential Local Street*. A Mixed Residential local street is a small-scale, low speed roadway primarily serving single-family residential uses.
- F. *Mixed Residential One-Way Street*. A Mixed Residential one-way street is a low speed roadway intended for limited use in certain areas where one-way circulation is appropriate. Adjacent land uses include single-family and two-family residential.
- G. *Alley*. An alley is a narrow route providing rear business and residential access. Trash collection, loading areas, utility location and access to parking are accommodated by the alley.

STREET CLASSIFICATION	TABLE 14.6: TND DISTRICT RIGHT-OF-WAY TND STREET DESIGN STANDARDS ¹			
	RIGHT-OF-WAY WIDTH	STREET WIDTH	MAXIMUM GRADE	PARKING
Neighborhood Center Arterial	72'	44'	6%	Two Sides
Neighborhood Center Collector	64'	36'	6%	Two Sides
Mixed Residential Arterial	79'	59'	6%	Two Sides
Mixed Residential Collector	60'	40'	6%	Two Sides
Mixed Residential Local Street	56'	36'	6%	Two Sides
Mixed Residential One-Way Street	38'	18'	6%	One Side

Alley	20'	20'	6%	Not Permitted
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¹ UDO regulations for residential minimum turnaround design standards and cul-de-sac standards shall apply to the TND Districts.

STREET CLASSIFICATION	TABLE 14.7: TND DISTRICT RIGHT-OF-WAY PERMITTED STREETS BY SUBDISTRICT			
	SUBDISTRICTS			
	NEIGHBORHOOD CENTER AREA	MIXED RESIDENTIAL AREA	NEIGHBORHOOD EDGE AREA	EMPLOYMENT CENTER AREA
Neighborhood Center Arterial	X			X
Neighborhood Center Collector	X			X
Mixed Residential Arterial		X		X
Mixed Residential Collector		X	X	
Mixed Residential Local Street		X	X	
Mixed Residential One-Way Street		X	X	
Alley	X	X	X	X

Sec. 14.10. - General Standards of Applicability.

Unless otherwise permitted by this section, the on-site development standards of the Ordinance shall apply.

14.10.1 *Accessory Structures and Uses.* See Article 15 for accessory structure and use standards.

14.10.2 *Landscaping and Screening.* See Article 20 for landscaping and screening standards.

14.10.3 *On-Site Development Standards.* See Article 18 for on-site development standards.

14.10.4 *Off-Street Parking, Loading and Access.* All off-street parking spaces, parking lots and loading berths within the TND District shall meet the requirements of Article 23, except as provided below:

- A. *Off-Street Parking Space Requirements.* Unless otherwise indicated, all required parking for non-residential uses shall be located on the same lot as, or within six hundred (600) feet walking distance of, the building or use served.
1. Single-family, two-family and townhouse residential uses shall provide two (2) off-street parking spaces per dwelling unit.
 2. A multi-family residential use shall provide one and a half (1.5) off-street parking spaces for the first bedroom of a dwelling unit, and one-half (0.5) off-street parking space for each additional bedroom.
 3. A non-residential use shall provide one (1) off-street parking space for every three-hundred (300) square feet of gross floor area, except for the following:
 - a. A neighborhood commercial use with the Mixed Residential Area is exempt from off-street parking requirements.
 - b. A commercial use within the Neighborhood Center Area may apply adjacent on-street parking within three-hundred (300) feet, measured one-hundred fifty (150) feet in either direction from the center of the zoning lot, toward the minimum parking requirements.
 - c. Community parking facilities are encouraged in the Neighborhood Center Area. If a community parking facility is within eight hundred (800) feet of a non-residential use, such use shall be exempt from off-street parking requirements.
 - d. In a Mixed Residential Area, Neighborhood Edge Area, and Employment Center Area, the required parking must be provided on-site or within six hundred (600) feet walking distance of the building or use served.
- B. *Vehicular Access.* Direct vehicular access from an alley to a lot in the TND District is permitted and preferred. Direct vehicular access from a street to a lot is permitted only in the following instances:
1. Direct vehicular access from a street to a lot is permitted in a Neighborhood Edge Area, Workshop Area or Employment Center Area.
 2. Direct vehicular access from a street to a lot is permitted in the Mixed Residential Area and Neighborhood Center Area only if the lot does not abut an alley or if it is determined that there are exceptional circumstances.
 3. When adjacent lots have direct vehicular access to a street, common or joint driveways are required.

14.10.5 *Permitted Encroachments.* See [Article 18](#) for permitted encroachments.

14.10.6 *Signs.* See [Article 22](#) for sign standards.

14.10.7 *Temporary Uses.* See [Article 18](#) for temporary use standards.

Sec. 14.11. - Approval Process.

TND approval is a two (2) step process, which is as follows:

- A. The proposed site for the TND must be rezoned to a TND District in accordance with the requirements for a zoning map amendment of this Ordinance. However, no development may occur until approval of a Final Development Plan as required by Paragraph B below.
- B. Once a site is rezoned to a TND District, the development of the site cannot occur without first submitting and obtaining approval of a Preliminary Development Plan and Final Development Plan in accordance with the approval processes for a Planned Unit Development in Article 16 of this Ordinance. All changes to an approved Final Development Plan must follow the processes stated in Article 16 for changes to a Final Development Plan. The

additional requirements of a Planned Unit Development, such as a special use approval and the provision of public benefits, are not required. The above regulations shall not prevent one from submitting and obtaining approval of a Preliminary Development Plan in conjunction with the rezoning application.

ARTICLE 15: - USE STANDARDS

Sec. 15.1. - Purpose.

The purpose of this Article is to set forth additional requirements for certain uses of land. These standards are intended to ensure that the use is compatible with the surrounding area.

Sec. 15.2. - Use of Land and Structures.

No structure or premises shall be used or occupied except in conformity with the regulations for the zoning district in which it is located. No structure shall be erected, reconstructed, extended, enlarged, altered or moved except in conformity with the regulations of the zoning district in which it is located.

Sec. 15.3. - Use Standards.

In addition to the use standards below, all uses are required to comply with all provisions of this Ordinance including, but not limited to, Article 19 (Off-Site Development Standards), Article 20 (Off-Street Parking and Loading), Article 20 (Landscaping and Screening), and Article 22 (Signs), and all other County regulations.

15.3.1 *Accessory Living Quarters.*

- A. The principal dwelling or the accessory living quarter must be occupied by the owner(s) of the subject property as the owner(s) principal place of residence for at least six (6) months of the year.
- B. Accessory living quarters may only be created through the following methods:
 1. Converting existing living area, attic or basement space, or garage.
 2. Adding floor area to the principal structure in conformance with district regulations.
 3. Constructing a detached accessory living quarters on a site where there is an existing principal structure.
- C. Accessory living quarters cannot be divided from the property ownership of the principal dwelling.
- D. Only one (1) unit of accessory living quarters is allowed.
- E. The total number of residents in a unit of accessory living quarters may not exceed occupancy code restrictions.
- F. No additional parking is required for an accessory living quarters provided adequate parking is available. Required parking for the principal structure must be maintained.
- G. Detached accessory living quarters must be subordinate to the principal structure as well as meet H. A minimum separation of ten (10) feet is required between a principal structure and detached accessory living quarters unless walls are constructed in compliance with building and fire codes. The maximum height allowed for a detached accessory living quarters is twenty (20) feet or the height of the principal structure, whichever is less. Detached accessory living quarters must be in compliance with all applicable codes and ordinances, including Sections 18.3.1. and 18.4.
- H. Accessory living quarters must have a minimum floor area of three hundred (300) square feet and cannot exceed nine hundred (900) square feet.
- I. The principal structure on the lot must maintain a single-family appearance with a single, common front entrance on the principal structure shared by the principal dwelling and the accessory living quarters.

- J. One address shall be utilized by all parties onsite.
- K. No cooking facilities (i.e. stove) are permitted within accessory living quarters.

15.3.2 *Adult Use.*

- A. No adult use shall be located within one thousand (1,000) feet of any other adult use or any residential district, primary or secondary educational facility, day care center, or place of worship.
- B. The adult use shall be so designed, located and operated so that the public health, safety, and welfare will be protected.
- C. The adult use shall not cause substantial injury to the value of other property in the neighborhood in which it is located.
- D. The adult use shall not unduly increase traffic congestion in the public streets and highways in the area in which it is located.
- E. The adult use shall not cause additional public expense for fire or police protection.
- F. No adult use shall be conducted in any manner that publicly displays any material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas." This provision applies to any display, decoration, sign, show window or other opening.

15.3.3 *Animal Hospital, Kennel, Pet "Day Care" Service.*

- A. Any exterior enclosures and runs shall provide protection against weather extremes. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.
- B. All animal quarters and runs are to be kept in a clean, dry and sanitary condition.
- C. Fencing surrounding any exercise areas and/or runs shall be of a sufficient height to prevent escape and shall be buried as part of installation to prevent escape by digging beneath the fence posts.
- D. Noise shall be mitigated so as not to create a public nuisance for adjoining properties and shall comply with all local noise regulations. This shall exclude noise from exercise or training while outdoors during the daytime.

15.3.4 *Bed and Breakfast.*

- A. A bed and breakfast must be owner-occupied.
- B. Breakfast must be the only meal served and included in the charge for the room.
- C. A bed and breakfast must be designed originally as a single-family residence and must maintain such character.

15.3.5 *Car Wash.*

- A. A car wash site must be a minimum of ten thousand (10,000) square feet.
- B. The site of the use must be paved to drain away from adjoining properties.
- C. Lighting provided for the site must be directed away from adjacent properties.

15.3.6 *Community Residence.*

- A. Community residences shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements.
- B. The location, design and operation of the facility will not alter the residential character of the neighborhood.
- C. The facility shall retain a residential character, which shall be compatible with the surrounding neighborhood.
- D. The operation of the facility shall not adversely impact surrounding properties.

15.3.7 *Concentrated Animal Feeding Operation (CAFO).* All Concentrated Animal Feeding Operations shall comply with Illinois State Statutes and Regulations regarding operation.

15.3.8 *Contractor Shop, Landscape and Tree Service Business.*

- A. Contractor shop, landscape and tree service business shall store or park all material, equipment, and vehicles, excluding motor vehicles requiring periodic registration and used on an ongoing regular basis, within a completely enclosed building that meets all of the requirements of the county building code. However, motor vehicles parked outdoors associated with the use herein may be further limited by special use, if applicable, and if the use herein is located in the Agricultural Districts it is limited to a maximum of three commercial motor vehicles parked outdoors that are associated with the business.
- B. Any outdoor storage is considered a separate use and must be listed as a permitted or special use within the district, and is subject to all additional standards and approvals for such use.

15.3.9 *Day Care Center, Child or Adult.*

- A. Day care centers shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements.
- B. Adequate on-site drop-off zones, sidewalks and exterior lighting shall be provided.
- C. The amount of traffic or noise to be generated shall not be excessive.
- D. Adequate open space and recreational areas shall be provided.

15.3.10 *Day Care Home, Child or Adult.*

- A. Day care homes shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements.
- B. The amount of traffic or noise to be generated shall not be excessive.
- C. Adequate open space and recreational areas for child day care homes shall be provided.
- D. The day care home shall retain a residential character and the effect of the day care home shall not alter the residential character of the neighborhood.
- E. The operation of the day care home shall not adversely impact surrounding properties.

15.3.11 *Drive-Through Facility.* A drive-through facility is considered a separate use, rather than accessory to the principal use, and requires separate approval. Drive-through facilities are subject to the following standards:

- A. All drive-through facilities shall provide adequate stacking spaces, in accordance with Article 23 (Off-Street Parking and Loading).
- B. All drive-through lanes must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
- C. No exterior lighting shall produce a glare into, or upon, the surrounding area or any residential premises. All drive-through facilities shall be properly screened, in accordance with Article 20 (Landscaping and Screening Requirements), to prevent glare from vehicles passing through service lanes.
- D. Drive aisles shall be separated from landscaped areas by a six (6) inch curb.
- E. The volume on all intercom menu displays shall be maintained at a level so as not to be audible in adjoining residential districts. The volume on all intercom menu displays shall comply with all local noise regulations.
- F. The operator of the drive-through facility shall provide adequate on-site outdoor waste receptacles and shall provide daily litter clean-up of the facility and along the rights-of-way abutting the property.

15.3.12 *Dwelling, Multi-Family.*

- A. Facades should be designed with a unifying architectural theme for an entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials or colors in the entire

structure.

- B. Windows and doors should have raised elements to create shadow and articulation. In addition, three-dimensional elements, such as balconies and bay windows, should be incorporated to provide dimensional elements on a facade. Windows should be set back ("punched") into or projected out from the facade to provide facade depth and shadow.
- C. Roof forms should be articulated so that varied planes and massing within the overall roof are provided. Large, monotonous, simple pitched roofs, without breaks in the expanse of the roof, are prohibited. Dormers and gables can be used to break up large expanses of roof area. For flat roofs, cornices and parapets should be used to add variety and break up the roofline. Rooflines should be modulated at minimum every seventy-five (75) feet through the use of varied roof heights.
- D. There shall be a minimum separation of ten (10) feet between sidewalls among rows of multi-family developments. Where a front or rear wall faces the front or rear wall, the minimum required separation between such buildings shall be a minimum of thirty (30) feet, unless further restricted elsewhere in code. Driveways and parking areas may be located within this minimum separation area. The minimum separation at the ground-floor may be reduced to twenty (20) feet for interior drives with garage doors facing garage doors that are not visible from the public right-of-way, provided that the upper-story living spaces comply with the separation requirements.
- E. Large, flat facades should be avoided, which can be accomplished by articulating the building mass to create substantial shadows and visual interest. Windows, projected entrances and overhangs should be included on the street facing facade to add variety and maintain a pedestrian-scale. When the sidewalls of multi-family or townhouse development face a street, building facades must be designed with elements of a front facade, including doors and/or windows.

15.3.13 *Gas Station.*

- A. Gas station canopies shall be designed with lighting recessed under the canopy to minimize light pollution.
- B. All gas station driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
- C. Gas stations include retail sales that offer convenience items for sale.
- D. Gas stations may also include an automatic car wash with one (1) bay. Stacking spaces shall be in accordance with Article 23 (Off-Street Parking and Loading).
- E. In addition, gas stations may be included accessory to a "Motor Vehicle Repair and Service Shop." However, they shall be subject to the provisions of this section and the standards of Paragraph 15.3.17 (Motor Vehicle Repair and Service) below.
- F. A canopy shall not be subject to the required yard requirements, however, a minimum five (5) foot setback shall be provided from any lot line. The building must meet the required yard requirements of the district.

15.3.14 *Junkyard and Wrecking Yard.*

- A. Along the interior side and rear yards, there shall be a fifty (50) foot buffer from the lot line around the side and rear of the property. No structures, storage or internal roadway may be placed within the buffer area.
- B. There shall be a thirty (30) foot setback from the lot line at any lot line adjacent to a right-of-way. The required thirty (30) foot setback shall be preserved as permeable landscape areas, allowing only for curb cuts or driveways.
- C. A solid fence, made out of a material specifically for the purpose of fencing, surrounding the site is required and shall be a minimum of six (6) feet in height and a maximum of eight (8) feet, and have a uniform height above grade along its entire length. The fence shall be of uniform design and construction materials, color, and decorative pattern. The fence shall completely enclose all areas where material is stored. A vegetative berm in conjunction with a four (4) foot solid fence is permitted in place of a solid fence so long as a minimum height of six (6) feet is maintained.

- D. All driveways from the street to twenty (20) feet inside the fenced enclosure shall be covered by a hard surface, such as asphalt.
- E. No material shall be stacked higher than the height of the fence.
- F. No offensive materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by normal, natural causes or forces (i.e., rain, wind). No substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source water supply or recreation shall be deposited upon a lot in such form or manner that it may be transferred off the lot by normal, natural causes or forces.
- G. All materials or wastes that may cause fumes or dust, constitute a fire hazard, or be edible or otherwise attractive to rodents and insects shall be stored outdoors unless enclosed in containers that are able to eliminate such hazards.

15.3.15 *Medical Cannabis Dispensing Organization.*

- A. In accordance with state law, medical cannabis dispensing organizations must comply with the required spacing and location requirements. Any subsequent amendment to state law that is more restrictive than this standard will control.
 - 1. A licensed medical marijuana dispensary may not be located within 1,000 feet of a pre-existing educational facility - primary or secondary and/or day care center.
 - 2. A licensed medical marijuana dispensary may not be located in a residential dwelling or within a residential district.
- B. An operation plan must be submitted, which includes the security measures to be provided, the days and hours of operation, and a site plan that describes exterior lighting and parking capacity.

15.3.16 *Medical Cannabis Cultivation Center.*

- A. In accordance with state law, medical cannabis dispensing organizations must comply with the required facility design and spacing requirements. Any subsequent amendment to state law that is more restrictive than this standard will control.
 - 1. A licensed medical cannabis cultivation center must be located within an enclosed, locked facility, defined as a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients.
 - 2. A licensed medical cannabis cultivation center may not be located within 2,500 feet of a pre-existing educational facility - primary or secondary, day care center, day care home, or a residential district.
- B. An operation plan must be submitted, which includes the security measures to be provided, the days and hours of operation, and a site plan that describes exterior lighting and parking capacity.

15.3.17 *Mining and Excavating.*

- A. No open pit or shaft shall be nearer than two hundred (200) feet from any right-of-way or fifty (50) feet from any interior side and rear property line.
- B. All structures shall meet the minimum yard requirements of the district.
- C. The borders of the open pit or shaft shall be secured with a fence or wall at least eight (8) feet in height.
- D. A plan of development of the reclamation of the land shall be provided as part of the special use application.
- E. No blasting or other use of explosives is permitted unless specifically requested and authorized within the special use permit. Blasting must conform to the following standards:

1. The use, handling and detonation of explosives shall be under the direct supervision of persons having the requisite experience and knowledge to safely conduct such operations.
2. The storage of explosives shall be in accordance with all applicable federal and state laws and regulations, and shall be stored to meet the safety requirements of such laws and regulations.
3. Blasting procedures shall be in accordance with modern techniques generally accepted in the mining and excavating industry so as to counteract and reduce the ground motion or earthborn vibration from successive detonations.
4. Blasting procedures shall be subject to and comply with the applicable lawful requirements of the Illinois Pollution Control Board, Illinois Department of Mines and Minerals, Mine Enforcement and Safety Administration (MESA) of the United States Department of the Interior, and any other governmental agency having jurisdiction thereof.
5. Blasting procedures shall be in conformity with approved safety regulations, customs, and practices generally accepted in the quarrying industry, and the safety regulations of governmental agencies having jurisdiction thereof.
6. The actual detonation of any blast shall be restricted to the local time period between 1:00 p.m. and 4:30 p.m., Monday through Saturday of each week. No blasting shall take place on Sunday or on the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

15.3.18 *Motor Vehicle Dealership or Motor Vehicle Rental Establishment.* Motor vehicle dealerships or rental establishments shall have a minimum lot size of twenty-five thousand (25,000) square feet. Any service and repair facilities on-site must also comply with the standards of Paragraph 15.3.18 (Motor Vehicle Service and Repair) below.

15.3.19 *Motor Vehicle Operations Facility.* All repair operations and service bays shall be fully enclosed.

15.3.20 *Motor Vehicle Service and Repair.*

- A. Motor vehicle service and repair shops may not park the same vehicles outdoors on the site for longer than seven (7) days. Vehicles on-site longer are considered in storage and subject to outdoor storage yard regulations. Such outdoor storage is considered a separate use and must be listed as a permitted or special use within the district, and is subject to all additional standards and approvals for such use.
- B. All driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
- C. All repair operations shall be fully enclosed. Wrecked or junked vehicles shall not be parked outdoors for longer time periods than those specified above and shall be screened from the public right-of-way and any adjacent residential districts.
- D. Motor vehicle service and repair shops may also include gas stations as an accessory use. All gas stations which are part of such an establishment must comply with all standards for a gas station.

15.3.21 *Parking Lot.*

- A. The off-street parking lot shall be solely for the parking of vehicles and shall not be used as an off-street loading area.
- B. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on any off-street parking lot.
- C. No buildings other than those for shelter of attendants shall be erected upon any off-street parking lots. The allowable shelters shall not exceed ten (10) feet in height and fifty (50) square feet in area.
- D. The off-street parking lot shall be screened and landscaped in accordance with Article 20 (Landscaping and Screening).

- E. The off-street parking lot shall be kept free from refuse and debris. All landscape shall be maintained in a healthy growth condition, and be neat and orderly in appearance.

15.3.22 *Outdoor Dining.* Outdoor dining is considered a separate use, rather than accessory to the principal use, and shall be subject to the following standards:

- A. Outdoor dining shall not interfere with the pedestrian access or required parking spaces and aisles. Unless otherwise permitted by the County, outdoor dining areas shall be located only on private property.

15.3.23 *Recycling Center.*

- A. Recycling center activities shall be limited to collection, sorting, compacting and shipping.
- B. Materials collected shall not be visible from adjacent rights-of-way and shall be deposited in a bin, bunker or site obscuring corral when allowed by code. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully enclosed building.

15.3.24 *Residential Care Facility.*

- A. Residential care facilities include assisted living facilities, independent living facilities and nursing homes, including continuum of care facilities.
- B. Residential care facilities shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements.
- C. The location, design and operation of the facility shall be compatible with, and shall not adversely affect, adjacent properties and the surrounding area.
- D. If located within a residential district, the facility shall not alter the residential character of the neighborhood, and shall be harmonious with surrounding buildings, in respect to scale, architectural design and building placement.
- E. The surrounding street network shall be capable of accommodating the traffic generated by the facility.

15.3.25 *Sawmill.*

- A. Sawmills shall be located where the shipping and transport routes for trucks limit traffic on surrounding roads to those best suited to accommodate such traffic. All terms and requirements of the County Engineer shall be satisfied prior to the issuance of zoning and building permits for said use.
- B. Appropriate measures must be taken to mitigate fugitive saw dust.
- C. Appropriate measures must be taken to maintain reasonable noise levels.

15.3.26 *Slaughterhouse.*

- A. Slaughterhouses uses may dry render waste products, originating from within the site or from businesses within Winnebago County only.
- B. Slaughterhouse uses must manage stormwater runoff and prevent pollution of surface water bodies or groundwater.
- C. All waste and manure shall be removed daily.
- D. No animal pens shall be located closer than fifty (50) feet to any residential district. All animal pens must be screened with a solid six (6) foot fence.

15.3.27 *Social Club or Lodge.*

- A. Social clubs or lodges shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.
- B. No more than twenty percent (20%) of the gross floor area may be used as office space for the social club or lodge.
- C. Social clubs and lodges are permitted to serve food and meals on the premises.

15.3.28 *Solar Farm.*

- A. Solar panels shall be erected no less than two fifty (50) feet from any property line. All other structures must meet district yard requirements.
- B. The borders of the property shall be secured with a fence or wall at least six (6) feet in height.
- C. On-site power lines shall be placed underground to the maximum extent possible.

15.3.29 *Storage Yard — Outdoor/Contractor.*

- A. All outdoor/contractor storage yards shall be screened as follows:
 - 1. In all districts except the I-H District, an opaque masonry wall (stone, stucco or brick), solid wood or simulated wood fence or vinyl, aluminum or steel fence specifically crafted for fencing purposes no less than six (6) and no more than eight (8) feet in height.
 - 2. In the I-H District, an open fence may be used for screening instead of an opaque masonry wall (stone, stucco or brick), solid wood or simulated wood fence or vinyl, aluminum or steel fence specifically crafted for fencing purposes. Any fence must be no less than six (6) and no more than eight (8) feet in height.
 - 3. Plant materials should be installed along the fence or wall located along the public right-of-way to provide a softening effect.
- B. No materials stored outdoors shall be of a greater height than that of the required fence or wall.
- C. When structures are part of the storage yard, the structures shall be located at the front of the lot and the storage area shall be located to the rear of any structure's front facade.
- D. Outdoor storage areas shall be surfaced, and graded and drain all surface water. Outdoor storage areas may be surfaced with partially permeable materials, if adequate drainage and erosion and dust control are provided.
- E. Any lighting used to illuminate an outdoor storage area shall be directed and shielded as to not illuminate any adjacent residential areas. With the exception of security lighting, lighting must be turned off when the storage yard is not open.

15.3.30 *Utilities.* Utilities shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties. Additional landscape and screening may be required. Utilities shall be located on a lot that consists of the minimum lot area and width of the district in which the utility is located. Utilities located on a lot with less than the minimum lot area or width of the district in which the utility will be located require a special use permit.

15.3.31 *Wind Power Generating Facility.* See Article 17 (Wind Power Generating Facilities) for standards.

15.3.32 *Wireless Telecommunications.*

- A. *Purpose.* The following standards for wireless telecommunications antennas, facilities and towers are intended to:
 - 1. Ensure public health, safety, convenience, comfort and general welfare.
 - 2. Ensure access to reliable wireless telecommunications services throughout the County.
 - 3. Encourage the use of existing towers and other structures for the collocation of wireless telecommunications antenna.
 - 4. Encourage the location of towers, to the extent possible, in areas where the adverse impact on the County will be minimal and preferably in non-residential, as opposed to residential, districts.
 - 5. Minimize the potential adverse effects associated with the construction of wireless telecommunications towers through the implementation of reasonable design, landscaping and construction practices.
- B. *Application Requirements.* All applications to erect, construct or modify any part of a wireless telecommunications

antenna, facility or tower shall include the following items:

1. A site plan showing:
 - a. The location, size, screening and design of all buildings and structures, including fences.
 - b. The location and size of all outdoor equipment.
 - c. A landscape plan showing all screening.
 - d. If the site plan is for a new wireless telecommunications tower, indication of the fall zone.
 2. If a special use, a disclosure of what is proposed, demonstrating the need for the wireless telecommunications antenna, facility or tower to be located where proposed.
 3. If a special use, the reason or purpose for the placement, construction or modification, with specific reference to the provider's coverage, capacity, and/or quality, needs, goals and objectives.
 4. If a special use, the service area of the proposed wireless telecommunications antenna, facility or tower.
 5. The nature and extent of the provider/applicant's ownership, easement or lease interest in the property, building or structure upon which the antenna, facility or tower is proposed for placement, construction or modification.
 6. The identity and address of all owners and other persons with a real property recorded interests in the property, building, or structure upon which the antenna, facility or tower is proposed for placement, construction or modification.
 7. If a special use for a new telecommunications tower, then a map showing collocation opportunities within the County and within areas surrounding the borders of the County shall be provided and justification for why collocation is not feasible in order to demonstrate the need for a new tower.
 8. If a special use, a visual simulation or rendering of the proposed support structure that illustrates the relationship between the height and the visual appearance of the structure.
- C. *Fall Zone Setback.*
1. A fall zone shall exist around any newly erected wireless telecommunications tower equal to one-hundred ten percent (110%) of the height of the tower. No structures are permitted within the fall zone, except those located on subject zoning lot. In all cases, the wireless telecommunications tower must at least meet the underlying setback requirements of the zoning district in which it is located.
 2. The County may reduce the required fall zone by special use. Such reduction in the fall zone setback shall require submission of a written instrument signed by all affected property owners, and duly notarized, agreeing to such modification. In all cases, the wireless telecommunications tower is not permitted in any required setback of the zoning district in which it is located.
 3. Any associated wireless telecommunications facilities shall be set back fifteen (15) feet from the front lot line and ten (10) feet from any other lot line.
- D. *Height.* The tower shall not exceed the height necessary to function satisfactorily, but shall be limited to one hundred (100) feet in residential districts and two-hundred (200) feet in all other districts where permitted. Any height in excess of these limits shall obtain a special use permit.
- E. *Lighting and Marking.* Wireless telecommunications antennas, towers and facilities shall not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- F. *Landscape.* Landscape is required to enhance compatibility with adjacent land uses. A fence six (6) feet in height must be erected around the wireless telecommunications tower and/or facility. Landscape shall be installed outside the fencing in accordance with the following:
1. One (1) shade tree with a minimum two and a half inch (2.5) caliper shall be provided for every twenty-five (25) feet of fence length, not including gates or other fence openings.

2. One (1) shrub for every five (5) feet of fence length or one (1) evergreen tree which is at least six (6) feet tall for every (25) feet of fence length, not including gates or other fence openings.
 3. The landscape may be flexible in its arrangement (but not quantity) by appropriately aggregating the required plant materials and maintaining open areas around gates or other fence openings.
- G. *Additional Standards for Wireless Telecommunications Antennas.*
1. Wireless telecommunications antennas do not include satellite dishes, as regulated separately by this Ordinance.
 2. Antennas shall be of a color that is identical or similar to the color of the supporting structure to make the antenna visually unobtrusive.
 3. No antenna shall increase the overall height of any building or structure on which it is mounted by more than ten percent (10%), or fifteen (15) feet, whichever is less. However, antennas attached to existing communication towers shall not increase the height of tower above the maximum allowed.
- H. *Additional Standards for Wireless Telecommunications Facilities.*
1. Any buildings, cabinets or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation shall not be stored on the site. The facility shall be un-staffed and does not include telecom hotels.
 2. Signs for the wireless telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required), and any other information required by government regulation. Commercial advertising is strictly prohibited.
- I. *Additional Standards for Wireless Telecommunications Towers.*
1. Wireless telecommunications towers in residential districts require a minimum lot area of two (2) acres and the minimum width of the district in which the utility is located. Towers located on a lot less than two (2) acres or on a lot consisting of less width than the district minimum require a special use permit. Towers located in all other districts shall consist of the minimum lot area and width of the district in which the tower is located. Towers located on a lot with less than the minimum lot area or width of the district in which the tower will be located require a special use permit.
 2. Wireless telecommunications towers shall be designed to accommodate at least three (3) telecommunications providers.
 3. The area surrounding a tower must be of a sufficient size to accommodate accompanying wireless telecommunications facilities for at least three (3) telecommunications providers.
 4. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the County, towers shall have a galvanized silver, gray, or white finish.
- J. *Stealth Design for Wireless Telecommunications Antennas.* Stealth design for wireless antennas is encouraged and shall be considered a permitted use in all districts, subject to site plan approval. All applications for site plan review shall include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design shall comply with the following regulations:
1. To qualify as a stealth design, wireless telecommunications antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
 2. Antennas must be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls and steeples, and shall be designed to blend in to the structure. Antennas that co-locate on existing wireless telecommunications towers shall also be considered stealth design. However, antennas attached to existing communication towers shall not increase the height of tower above the maximum allowed.
 3. No antenna shall increase the overall height of any building or structure on which it is mounted by fifteen (15)

feet.

- K. *Abandonment.* Any wireless telecommunications tower or facility that is not operated for a period of one-hundred eighty (180) consecutive days shall be considered abandoned. The property owner shall remove the tower or facility, and all aboveground equipment and related debris, within one-hundred eighty (180) days of its abandonment. If not removed, the County shall enforce removal by means of its existing regulatory authority.
- L. *Nonconformities.*
1. *Nonconforming Wireless Telecommunications Antenna or Facilities.* Ordinary maintenance, including antenna or accessory facility upgrades, may be performed on nonconforming antenna or facility. However, if the proposed alteration intensifies a nonconforming characteristic of the antenna or facility, compliance with this Ordinance is required.
 2. *Nonconforming Telecommunications Towers.*
 - a. Ordinary maintenance may be performed on nonconforming towers.
 - b. Collocation of an antenna on an existing nonconforming tower is permitted.
- M. *Access Driveways and Vehicular Use Areas.* All access driveways and other vehicular use areas incident to any wireless telecommunications tower or facility shall be located entirely upon private easements or leaseholds, and shall be the sole responsibility of the facility owner and/or located in such a way as to minimize the disruption to the property's primary purpose. Notwithstanding anything to the contrary contained herein, or in any other provision of this Ordinance, said access driveways and vehicular use areas may be of a gravel base and surface. Provided, all access driveways shall be maintained at all times in good repair and accessible by emergency vehicles.

ARTICLE 16: - PLANNED UNIT DEVELOPMENTS

Sec. 16.1. - Purpose.

The purpose of these planned unit development regulations is to:

- A. Encourage flexibility in the development of land and in the design of structures.
- B. Encourage planned diversification in the location of structures.
- C. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of this ordinance.
- D. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, buildings, circulation systems and utilities.
- E. Provide for more usable and suitably located open space and recreation areas than might otherwise be provided under the application of this ordinance.
- F. Encourage the construction of appropriate aesthetic amenities which will enhance the character of the site.
- G. Guarantee quality construction commensurate with other developments within the community, and compatible with the character of the surrounding area and adjoining properties.
- H. Facilitate the implementation of the 2030 Land Resource Management Plan, particularly with respect to areas designated for potential redevelopment within the Plan.
- I. Encourage quality construction and design through an efficient application procedure that is sensitive to the need for expeditious development review.

Sec. 16.2. - Initiation.

Applications for planned unit developments shall be filed pursuant to state law and in accordance with the provisions of Section 16.3 (Authorization).

Sec. 16.3. - Authorization.

- A. A planned unit development may be authorized as a special use when allowed as a special use within the district use tables. A planned unit development shall be granted in accordance with the procedures and standards of this Article, and the special use provisions of this ordinance. Unless specifically approved by the ordinance granting or amending the planned unit development as a special use, the requirements of the underlying district shall apply. The ordinance granting or amending the planned unit development as a special use may depart from the normal procedures, standards and other requirements of this ordinance.
- B. Previously approved planned community developments must continue to comply with all requirements and conditions of their initial approval, including all Ordinance regulations in effect immediately prior to the date of enactment of this Ordinance. Any changes to existing planned community developments must follow the procedures for changes to planned unit developments (Section 16.7).

Sec. 16.4. - General Standards for Planned Unit Developments.

- A. Planned unit developments must be a minimum of three (3) acres in any residential district where permitted and two (2) acres in all other districts where permitted. See Use Tables in each district for where permitted.
- B. The ordinance authorizing the special use for a planned unit development may grant exceptions to the regulations contained in this ordinance including, but not limited to, use, density, area, bulk, yards, off-street parking, and signs, as may be desirable to achieve the objectives of the proposed planned unit development, provided that such exceptions are fully consistent with and authorized by this Article. However, where the zoning district regulations state a variance from a specific requirement is not permitted or require connection to public utilities, a planned unit development must comply with such regulation.
- C. Planned unit developments shall be compatible with the purpose and intent of this Ordinance and the 2030 Land Resource Management Plan. A planned unit development shall not substantially diminish the market value of surrounding properties, and it shall cause no substantial impairment of the use of those properties.
- D. Planned unit developments shall not adversely affect the natural environment of the community as a whole. Natural assets and features, such as existing trees and native vegetation, shall be protected and preserved to the greatest extent practical.
- E. The site shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The streets and driveways within the proposed development shall be adequate to serve the uses within the development. The applicant shall be responsible for their proportional cost and installation of additional traffic controls and regulating devices that are required.
- F. All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic. Access points to public streets, and the location of private streets, alleys and driveways shall be subject to the approval of the County Board when granting the special use.
- G. The pedestrian and bicycle circulation system shall be located to provide for separation of pedestrian, bicycle and vehicular movement and for maximum pedestrian safety.
- H. All planned unit developments shall provide for underground installation of utilities, including electricity, cable and telephone. Provisions shall be made for acceptable design and construction of storm sewer facilities and appropriate storm retention and detention devices. The construction and maintenance of all utilities, roadways, parking facilities and

other site improvements shall be in accordance with the requirements of this Ordinance and other regulations of the County.

Sec. 16.5. - Exceptions from District Regulations.

- A. The Zoning Board of Appeals may recommend and the County Board may grant exceptions to the district bulk regulations where a planned unit development is located. The planned unit development is subject to the underlying district regulations unless such exception is specifically granted. Exceptions from district regulations may be granted for planned unit developments, if the County Board finds that such exceptions:
1. Enhance the overall merit of the planned unit development.
 2. Promote the objectives of both the County and the development.
 3. Enhance the quality of the design of the structures and the site plan.
 4. Enable the development to offer environmental and pedestrian amenities.
 5. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
 6. Are compatible with the land use policies of the 2030 Land Resource Management Plan.
 7. Provides a public benefit to the County, as described in Paragraph C below.
- B. The planned unit development is subject to the underlying district use regulations unless the Zoning Board of Appeals recommends and the County Board permits uses other than those allowed within the district when it is determined by the County Board to be desirable in achieving the objectives of the planned unit development. However, there must be clear evidence that such uses are desirable and appropriate with respect to the primary purpose of the development, and are not of such a nature, or so located, as to exercise a detrimental influence on the development or the surrounding neighborhood. When multiple uses are proposed, if the majority of the uses proposed for the planned unit development are not allowed within the underlying zoning district, an applicant must rezone to a district in line with the requested use exception before applying for a planned unit development.
- C. The underlying zoning district bulk and yard requirements shall apply, unless an exception is granted by ordinance as part of the approved special use. Exceptions to district regulations may be granted where it is determined that such modifications shall not negatively affect the value and enjoyment of surrounding property, the provision of services, or the flow of traffic. To be granted such exceptions, the applicant must demonstrate superior design and enhanced amenities. In no case shall an exception to district regulations within a planned unit development be granted unless the applicant demonstrates a benefit to the County. However, where the zoning district regulations state a variance from a specific requirement is not permitted or require connection to public utilities, a planned unit development must comply with such regulation.
- D. The following design characteristics and amenities are provided as a guide for consideration as to whether to grant an exception to district requirements. The following items are a guide and not an exclusive list of requirements. Additional design characteristics and amenities not listed may be considered as part of the approval process.
1. Reduced use of impervious surface materials, including cluster development and use of higher quality semi-pervious materials.
 2. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities.
 3. Preservation of environmental or historic features.
 4. Adaptive reuse of existing structures.
 5. Open space and recreational amenities such as:
 - a. Swimming pools.

- b. Tennis courts.
 - c. Recreational open space accessory buildings.
 - d. Jogging trails and fitness courses.
 - e. Playgrounds.
 - f. Natural water features and conservation areas.
 - g. Detention areas which are accessible to occupants or the public via nature trails, boardwalks, and/or perimeter walkways, but higher consideration is placed if they are designed as natural water features and are landscaped with native vegetation.
6. Additional public infrastructure improvements in addition to the minimum required by the planned unit development, such as new or repaved streets, installation of gutters and storm sewers, and traffic control devices to improve traffic flow.
 7. Senior housing set-aside.
 8. Provision of accessible dwelling units with accessible features beyond what is required by the Americans with Disabilities Act (ADA) or any other applicable codes.

Sec. 16.6. - Procedure.

In its establishment and authorization as a special use, in addition to the special use process of this Ordinance, the following procedures, requirements, restrictions, and conditions shall be observed. In addition to the special use procedures, approval of a planned unit development is a four-step process, which includes a pre-application consultation, optional concept plan, Preliminary Development Plan and Final Development Plan. No building permit shall be issued until a Final Development Plan has been approved.

16.6.1 Pre-Application Consultation. Prior to the filing of an application for a planned unit development, the applicant shall confer with the Planning and Zoning Officer, as well as other County staff the Planning and Zoning Officer deems appropriate to confer with, regarding the proposed development. At the pre-application meeting the applicant shall provide information as to the location of the proposed planned unit development, the proposed uses, proposed public and private improvements, a list of any known exceptions to this Ordinance and other ordinances of the County, and any other information necessary to clearly explain the planned unit development. The purpose of such pre-application presentation and conference is to make advice and assistance available to the applicant before preparation of the optional concept plan or required preliminary development plan, so that the applicant may determine:

- A. Whether the proposed planned unit development appears in general to be in compliance with the provisions of this Ordinance and other applicable regulations.
- B. Whether any zoning exceptions are required in connection with the proposed planned unit development.
- C. Whether the proposed planned unit development will be in conformity with the 2030 Land Resource Management Plan, and the goals and policies of the County for development. The pre-application conference does not require formal application, fees or filing of a planned unit development application.

Any opinions or advice provided by the Planning and Zoning Officer shall be in no way binding with respect to any official action the Zoning Board of Appeals or County Board may take on the subsequent formal application.

16.6.2 Optional Concept Plan.

- A. Before submitting a formal application for a planned unit development, the applicant may present a concept plan to the Planning and Zoning Officer for the purpose of obtaining information and guidance prior to entering into binding commitments or incurring substantial expense. At minimum, the concept plan shall consist of the following:
 1. A map or maps in general form containing the general layout of lots, proposed land uses, the natural features of

the development site, the character and approximate location of all roadways and access drives proposed within the planned unit development, the location of all adjacent public streets, thoroughfares and public utilities, and schematic drawings showing the size, character and disposition of buildings on the site.

2. A written statement containing a general explanation of the planned unit development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.
- B. The Planning and Zoning Officer, as well as other staff as deemed appropriate, shall review the concept plan, and provide such information and guidance as it deems appropriate. Any opinions or advice provided by the Planning and Zoning Officer shall be in no way binding with respect to any official action the Zoning Board of Appeals or County Board may take on the subsequent formal application. The review of the concept plan shall not be a public hearing, and any failure to observe formal procedures shall not affect the ultimate validity of any enabling legislation.

16.6.3 *Preliminary Development Plan.* All applications for planned unit developments shall contain a Preliminary Development Plan, which shall be filed with the Planning and Zoning Officer, who shall forward a copy of the same to the Zoning Board of Appeals. After the Zoning Board of Appeals review, a copy will be forwarded to the County Board.

A. *Minimum Requirements.* Every Preliminary Development Plan shall contain the following:

1. A plat of survey of the parcel or parcels of land comprising the zoning lot. The plat shall be drawn to scale showing the actual dimensions of this zoning lot, including all parcels or lots within the zoning lot. The plat shall be drawn in accordance with the recorded plat of such land.
2. Proof of ownership or statement describing affiliation with the subject property.
3. A site location map drawn to an appropriate scale showing the proposed planned unit development in relation to surrounding streets and property located within six hundred (600) feet in all directions of the development site. The map shall indicate the location, height and land use of all existing buildings and structures immediately adjacent to the development site.
4. A site plan drawn to an appropriate scale showing:
 - a. The location, ground area, height, bulk and approximate dimensions of all existing and proposed buildings and structures within the planned unit development.
 - b. The use or uses to be made of such existing and proposed buildings and structures.
 - c. The dimensions of all perimeter setbacks and the distance between all buildings and structures.
 - d. The location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.
 - e. The location, height, design and illumination characteristics of all external lighting fixtures within the development.
 - f. The location and dimensions of any areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings or for any other public or quasi public use.
5. Typical building elevations and schematic design presentations indicating the general architectural character of all proposed buildings and structures. The drawings need not be the result of final architectural decisions.
6. A traffic circulation plan and traffic impact analysis indicating the proposed movement of vehicles, goods and pedestrians within the planned unit development, and to and from adjacent streets, and the impact of the proposed planned unit development upon existing traffic patterns. Such studies shall also include an examination of the adequacy of on-site parking facilities, vehicular circulation patterns and pedestrian access and safety.

7. A preliminary drainage plan indicating the manner in which surface drainage will be controlled and managed, consistent with County and other governmental jurisdictions, regulations and requirements.
 8. A utilities study indicating the adequacy of the utility systems serving the proposed planned unit development, including water distribution lines, sanitary sewers and stormwater drainage facilities.
 9. A landscape plan indicating the general character of all proposed landscaping, screening and fencing, including all open space areas around buildings and structures. Said landscape plan need not be the result of final architectural decisions.
 10. A separate schedule setting forth any proposed exceptions to any County regulations. This schedule shall cite by Section number each regulation from which an exception is sought.
 11. A general narrative of the proposal and how it meets the standards for a planned unit development.
 12. Proposed easements, covenants and restrictions, if any.
 13. A sign plan.
- B. *Preliminary Development Plan Procedure.* The procedure for approval of the Preliminary Development Plan shall be:
1. *Action by the Zoning Board of Appeals.* The Zoning Board of Appeals shall review the Preliminary Development Plan and special use for planned unit development at a public hearing. If, in the Zoning Board of Appeals judgment, the application does not contain sufficient information to enable the Zoning Board of Appeals to properly discharge its responsibilities, the Zoning Board of Appeals may request additional information from the applicant. Within sixty (60) days of the close of the public hearing, the Zoning Board of Appeals shall either:
 - a. Recommend approval with or without conditions or denial of the planned unit development, including the Preliminary Development Plan, and submit its written recommendation to the County Board.
 - b. Advise the applicant of any recommended changes, additions or corrections to the Preliminary Development Plan. The applicant may, within sixty (60) days, submit the revised Preliminary Plan for Zoning Board of Appeals consideration at a continuation of, or at a new, public hearing. The applicant may do so without paying an additional filing fee. The Zoning Board of Appeals shall then recommend approval or denial of the planned unit development, including the Preliminary Development Plan, and submit its written recommendation to the County Board.
 2. *Approval Standards for Planned Unit Developments.* The Zoning Board of Appeals recommendation to the County Board shall set forth in what respects the planned unit development is or is not in the public interest including, but not limited to, evaluation of the following standards for approval:
 - a. The site of the planned unit development is adaptable to the unified development proposed.
 - b. The proposed planned unit development will not be detrimental to or endanger the public health, safety or general welfare of any portion of the community.
 - c. The proposed planned unit development will not be injurious to the use and enjoyment of other property in the vicinity for the purposes already permitted.
 - d. The proposed planned unit development will not diminish or impair property values within the neighborhood.
 - e. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
 - f. Adequate utilities, drainage, off-street parking, pedestrian access and all other necessary facilities are, or will be, provided.
 - g. Adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets are, or will be, provided.
 - h. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities, is

compatible with the surrounding neighborhood and adjacent land uses.

- i. Those areas of the proposed planned unit development which are not to be used for structures, parking and loading areas, or access ways, are suitably landscaped.
 - j. The planned unit development in the specific location proposed is consistent with the spirit and intent of this Ordinance and the 2030 Land Resource Management Plan.
3. *Action by the County Board.* The County Board, after receipt of the recommendations from the Zoning Board of Appeals, shall approve, approve with conditions or deny the Planned Unit Development, including the Preliminary Development Plan, within sixty (60) days following the receipt of the recommendations of the Zoning Board of Appeals.
- a. If the planned unit development, including the Preliminary Development Plan is denied, the County Board shall inform the applicant of the denial, and such shall be filed with the Planning and Zoning Officer.
 - b. If the planned unit development, including the Preliminary Development Plan is approved, the applicant shall submit a Final Development Plan for the planned unit development.
- C. *Limitations on Denials.* No special use application for a planned unit development, which has been denied by the County Board, shall be reconsidered for a period of one (1) year from that date of denial.

16.6.4 Final Development Plan.

- A. *Final Development Plan Procedure.* Within one (1) year following the approval of the planned unit development, including the Preliminary Development Plan, the applicant shall file with the Planning and Zoning Officer a Final Development Plan containing, in final form, the information required for the Preliminary Development Plan. If the planned unit development is to be developed in phases, the applicant need only file a Final Development Plan for the first phase of development, as indicated in the development and construction schedule prescribed below. The Final Development Plan for the remaining phases shall be filed in accordance with the development and construction schedule. The Final Development Plan must be in substantial conformance with the Preliminary Development Plan. Every Final Development Plan shall contain the following information and documentation:
1. A final site plan drawn to an appropriate scale. The final site plan shall include the following information:
 - a. Final designation of the location, ground area, height, bulk and exact dimensions of all existing and proposed buildings and structures within the planned unit development.
 - b. A detailed tabulation of each separate land use area, including land and building areas, and where applicable, the total number of residential dwelling units, the number of bedrooms in each unit, and the residential density.
 - c. The use or uses to be made of such existing and proposed buildings or structures.
 - d. The dimensions of all setbacks and the distances between all buildings and structures.
 - e. The final location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.
 - f. The exact location and dimensions of any areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings, or for any other public or quasi public use.
 2. An accurate legal description of the entire zoning lot upon which the planned unit development is to be located, and a legal description of each separate subdivided parcel, including any areas to be conveyed, dedicated or reserved for public or quasi public uses.
 3. All final covenants, easements, agreements and other provisions required to govern the use, maintenance and continued protection of the planned unit development, along with an agreement assuring that the applicant, any

subsequent owner or, where applicable, a homeowners association shall be responsible for all street, utility and common open space maintenance within said development and for snow plowing and refuse disposal.

4. All plats, certificates, seals and signatures required for the dedication or vacation of land.
 5. If subdivision of the development site is required for the planned unit development, a plat of the subdivision shall be approved and prepared suitable for recording with the County Recorder's Office in accordance with the subdivision requirements of this Ordinance. In like manner, if a vacation or dedication of a public street or alley is included, a plat of the vacation or dedication shall be prepared.
 6. A detailed landscape plan based on final architectural decisions indicating the specific location and character of all landscaping, including the size and species of all trees, shrubs, hedges and other groundcover, the location, size and type of all screening and fencing and the location, height, design and illumination characteristics of all external lighting fixtures within the development shall be submitted for approval.
 7. A detailed utilities and drainage plan based on final architectural decisions indicating the size and location of all water distribution lines, sanitary sewers and storm drainage facilities required to serve the planned unit development and the manner in which surface drainage will be controlled and managed consistent with all applicable County regulations.
 8. A development and construction schedule indicating the following:
 - a. The date when construction of the planned unit development will begin or, if developed in phases, the date when construction of the initial phase will begin.
 - b. If the planned unit development is to be developed in phases, a map indicating the phases in which the planned unit development will be built, the dates when the Final Plans for all but the initial phase will be filed, and the approximate dates when construction of each subsequent phase will begin.
 - c. The date when construction of the planned unit development will be completed, and the date when a specific use or uses will be established, or if developed in phases, the date when construction of each phase will be completed, and the date when a specific use or uses will be established for each phase.
 9. Building elevations indicating the architectural character of all proposed buildings and structures based on final architectural decisions and prepared in detail.
 10. Drawings and design presentations of all signs to be erected within the planned unit development.
- B. *Action.* The Planning and Zoning Officer shall review the Final Development Plan and shall take the following actions:
1. *Conformance with Preliminary Development Plan.* The Planning and Zoning Officer shall approve the Final Development Plan if it is in substantial compliance with the Preliminary Development Plan and all County regulations.
 2. *Nonconformance with Preliminary Development Plan.* If the Planning and Zoning Officer finds that the Final Development Plan is substantially changed from the approved Preliminary Development Plan, or is otherwise not in accordance with County regulations, then the Planning and Zoning Officer shall deny the plan. If the Final Development Plan is held not to be in conformity with the Preliminary Development Plan or other County regulations, the Planning and Zoning Officer shall inform the applicant with regard to specific areas found not to be in compliance, and the applicant may resubmit the Final Development Plan to the Planning and Zoning Officer with changes to those areas found not to be in compliance.
- C. *Approval.* After the approval of the Final Development Plan by the Planning and Zoning Officer, the use of the land and the construction, modification or alteration of any buildings or structures within the planned unit development will be governed by the approved Final Development Plan(s).

The Planning and Zoning Officer shall review the application for zoning and building permits to determine if there are any major or minor amendments. Minor amendments are approved by the Planning and Zoning Officer and major amendments by the County Board.

16.7.1 *Minor Amendments.* The Planning and Zoning Officer may approve minor amendments to the approved Final Development Plan. Minor amendments include the following:

- A. Minor changes in the location, siting, and height of the buildings and structures may only be authorized if engineering or other physical limitations of the site or building, not reasonably foreseeable at the time the Final Development Plan was approved, warrant such a change, and upon review and approval by the Planning and Zoning Officer or other appropriate County staff.
- B. Changes to the landscape plan, which do not result in a reduction in the net amount of plant material, and do not violate the landscaping requirements of this Ordinance, shall be considered a minor change.

16.7.2 *Major Amendments.* All major changes to the Final Development Plan must be approved by the County Board under the procedure authorized for a planned unit development and special use. Major changes are defined as those not resulting from engineering or other physical limitations of the site or building, not reasonably foreseeable at the time the Final Development Plan was approved, and not substantially consistent with the approved Final Development Plan. Upon review of the proposed changes, it may be determined that the proposed changes to the planned unit development constitute a new application and must be resubmitted as a new planned unit development application in accordance with this Article.

Sec. 16.8. - Revocations and Extensions.

- A. If construction work related to the proposed planned unit development has not begun within twelve (12) months from the date of authorization by the County Board, the authorization shall become null and void and all rights shall lapse. However, the County Board may extend this period of validity for longer than twelve (12) months from the date of authorization, with or without conditions, as part of the planned unit development approval.
- B. The applicant can request an extension, upon his/her written application, filed prior to the termination of the time limit. The County Board may authorize a single extension of not more than twelve (12) months without a public notice.

Sec. 16.9. - Conditions and Guarantees.

Prior to granting any special use, the Zoning Board of Appeals may recommend, and the County Board may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the planned unit development as deemed necessary to guarantee performance of all conditions.

Sec. 16.10. - Issuance of Building Permit.

Building permits may only be issued if the construction work in question is in conformity with the approved Final Development Plan and with all other applicable ordinances and regulations.

Sec. 16.11. - Enforcement of Planned Unit Development.

- A. The Planning and Zoning Officer may periodically review all permits issued for the planned unit development in conjunction with the construction that has taken place on the planned unit development site, and compare actual development with the approved development and construction schedule.
- B. If the Planning and Zoning Officer finds that the applicant has failed to meet the approved development and construction schedule, the Planning and Zoning Officer shall notify the County Board in writing. Within thirty (30) days of such notice, the County Board shall either revoke the special use and the land shall revert to its former classification or, for good

cause shown by the applicant, the development and construction schedule may be extended for a reasonable time.

C. If the subject site is to be subdivided, it must comply with all relevant codes regarding subdivision.

ARTICLE 17: - COMMERCIAL WIND POWER GENERATING FACILITIES

Sec. 17.1. - Purpose of Article.

The regulations set forth in this Article are intended to promote the health, safety, welfare, and morals of the residents of Winnebago County by establishing specific criteria for the siting, construction, maintenance, and decommissioning of commercial Wind Power Generating Facilities ("WPGF"), and facilities attendant thereto.

Sec. 17.2. - Applicability.

This Article shall provide the exclusive method for determining the eligibility of any Wind Operated Energy Device (commercial service) or Wind Power Generating Facility established for the purpose of producing electricity for sale to third parties.

Sec. 17.3. - Permitted Use.

A Wind Power Generating Facility shall be considered a permitted use in the AG, A-1 and A-2 Districts as set forth in Article 7, if it meets all of the criteria set forth in this Article.

Sec. 17.4. - Permits and Zoning Clearance Required.

- A. No wind turbine or WPGF subject to the requirements of this Article shall be constructed within the County unless zoning clearance, building permits, and approval pursuant to the requirements of this Article have first been obtained by the facility owner or operator authorizing the construction of such facility.
- B. The County shall establish a fee to be charged for the issuance of zoning clearance and all applicable permits pursuant hereto and for the amendment of a previously issued permit or zoning clearance. Any applicable fee shall be payable in full at the time of filing the request for the permit or amendment thereto.
- C. Any material modification of the WPGF after the issuance of zoning clearance shall require a modification of said clearance, subject to review for compliance with the provisions of this Article, and accompanied by the requisite fee. Non-material modifications shall not require a clearance modification. The determination as to whether a modification is material for purposes of this Section shall be made by the Planning and Zoning Officer, in said officer's sole but reasonably exercised discretion.
- D. The permit application shall contain, at a minimum, all the following information:
 1. A narrative statement describing the proposed project, including:
 - a. An overview of the project.
 - b. The name of the applicant, and state (or country) of incorporation or organization (as applicable).
 - c. The location of the project in general terms.
 - d. The approximate nameplate generating capacity of the project.
 - e. The number of wind turbines to be included within the project.
 - f. The type (manufacturer), hub height, blade diameter, and nameplate capacity of the wind turbines to be included in the project.
 - g. A general description of ancillary facilities.
 2. Evidence of agreement with the owners of all property within the project area indicating that the facility owner or

operator has the authority to apply for a permit pursuant to this Article and has site control over all such areas for the relevant period of operation, including access easements, utility easements and site leases.

3. Specific identification of all properties on which the WPGF will be located. For purposes of this Section, identification shall be deemed satisfactory if it lists, for all parcels within the project area:
 - a. Name(s) of owner(s) of record;
 - b. Address of the property;
 - c. Address of property owner (if different from property address); and
 - d. Property tax identification number(s).

Legal descriptions shall be required only if a portion of an entire tax parcel is initially under contract for the project.
4. Specific identification of all properties adjacent to the WPGF project area. For purposes of this Section, identification shall be deemed satisfactory if it lists, for all parcels within the project area:
 - a. Name(s) of owner(s) of record; and either
 - b. Property tax identification number(s); or
 - c. Legal description(s).
5. A site plan, prepared by a professional engineer or land surveyor licensed in the State of Illinois with at least ten (10) years of experience doing comparable work, showing at a minimum, the location and layout of each of the following:
 - a. Wind turbines.
 - b. Ancillary facilities.
 - c. Property lines within the project area.
 - d. Applicable setback lines.
 - e. Lines delineating distances of one-hundred ten percent (110%) the turbine height and one-thousand two-hundred (1,200) feet as measured from the nearest point on the outside edge of a wind turbine tower.
 - f. Access driveways and vehicular use areas.
 - g. Substation(s), if any.
 - h. Transmission lines, whether above-ground or buried.
 - i. All occupied buildings that are either (i) within the project area; or (ii) outside of the project area, but within one-thousand two-hundred (1,200) feet of any wind turbine.
 - j. A topographic map of all property within the project area, and for a distance of no less than one-thousand two-hundred (1,200) feet of land surrounding the project area.
 - k. Boundaries of subject leased area for siting of wind turbine and/or ancillary facilities, if applicable.
 - l. Operation and maintenance building(s), if applicable.
6. A decommissioning plan prepared by a professional engineer licensed in the State of Illinois, setting forth the proposed method of decommissioning and establishing an estimate of the total cost of decommissioning in compliance with the requirements of Section 17.9.
7. Design specifications for any proposed wind turbines, including:
 - a. Certificates of design compliance written in English obtained by the manufacturer from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
 - b. Proof of redundant braking systems in compliance with Section 17.5.3.D.
 - c. Stamped engineered drawings of all proposed structures.

8. A sound level study conducted by an engineer licensed in the State of Illinois with significant experience conducting the: who can confirm/certify that the site plan will comply with the Illinois Pollution Control Board regulations.
9. A baseline electromagnetic interference study, or a plan for conducting same, for purposes of determining levels of interference with electromagnetic signals, if any, attributable to the construction of the WPGF. Said study shall be conducted and certified by a professional electrical engineer, licensed in the State of Illinois.
10. An identification of all state and local public roads within the project area and all other transportation routes located within the Winnebago County that will be used to get to the project area.
11. Copies of signed waivers for any property owner who has waived any setback requirement pursuant to Section 17.6.10.
12. Proof of an approved interconnection agreement with the regional transmission organization (RTO) in charge of such applications. In the alternative, applicant may submit proof of filing a request for interconnection, along with the expected date of a final agreement. Provided, building permits shall not be issued until proof of an approved RTO is provided to the County.
13. Wildlife/avian study(ies) pursuant to Section 17.5.7.
14. A Natural Resource Inventory Report (NRI) of the project area to be completed by the Winnebago County Soil and Water Conservation District.
15. Evidence that the WPGF's project (project area) has been submitted to the Illinois Department of Natural Resources (IDNR) for their review and consultation under their Ecological Compliance Assessment Tool (EcoCAT) Process (a.k.a. Agency Action Report).
16. Evidence that the WPGF's project (project area) has been submitted to the US Department of Interior, Division of Fish and Wildlife Service, for their review and consultation.
17. Evidence pursuant to Section 17.6.8.H. (Bird and Bat Migrations Paths).
18. A letter or similar from the County Engineer or his assignee that indicates Section 17.5.9 (Use of Public Roads) has been adhered to and/or complied with.

Notwithstanding the foregoing, the County Planning and Zoning Officer or Building Officer may request such additional information relevant to the application as the administrator may deem necessary. Applicant shall further comply with all applicable, federal, state and local permitting requirements which may be imposed by administrative bodies other than the County which have jurisdiction over the WPGF. Such requirements may include, but are not limited to, the Migratory Bird Treaty Act, the Endangered Species Act, the Bald and Golden Eagle Act, the Fish and Wildlife Coordination Act, and all rules and regulations established by the Federal Aviation Administration and Environmental Protection Agency. The appropriate governing agency or unit of government is responsible for the enforcement of such regulations. However, the County may at any time request information confirming compliance with any such requirements.

- E. Upon receipt of the completed application, the Planning and Zoning Officer shall apprise the Zoning Committee of the County Board within seven (7) days of the receipt of the completed application. The County Planning and Zoning Officer will determine whether the application complies with the standards set forth herein, and, if so, shall issue the required zoning clearance(s). In the event that the application is deemed insufficient, the Planning and Zoning Officer shall specify the nature of the deficiency, and the applicant shall be allowed to provide any additional information required within one (1) year of the date of the initial application in order to complete the application.
- F. Construction shall be commenced on the WPGF within one (1) year after the date the permit is issued. Provided, however, that in the event of a force majeure event, such as strike, act of war or terrorism, natural disaster, pending litigation, or other event which results in the commencement of the project being inadvisable or impossible, the period for construction shall be tolled from the commencement of such event until the conclusion of said event.
- G. Thirty (30) days prior to the commencement of any construction for which a building permit was issued first class mail

notice by the applicant or owner shall be provided to the owners of all of the properties identified in Section 17.4.D.4.

Sec. 17.5. - Design and Installation.

17.5.1 *Design Safety Certification.* The design of the WPGF shall conform to applicable industry standards, including those of the American National Standards Institute, as such standards exist as of the date construction is commenced. The facility owner or operator shall submit certificates written in English of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

17.5.2 *Uniform Construction Code.* The WPGF shall comply with applicable building and construction codes.

17.5.3 *Turbine Requirements.* All wind turbines shall comply with the requirements set forth in this paragraph.

- A. All wind turbines shall be newly manufactured as of the date of installation.
- B. No experimental or prototype wind turbines shall be allowed, unless a special use is applied for and granted pursuant to Section 4.3.
- C. All wind turbine towers shall be tubular in shape, and be self-supporting.
- D. Controls and Brakes: All WPGFs shall be equipped with a redundant braking system. This includes both aerodynamic over speed 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 over speed protection.

17.5.4 *Electrical Components.* All electrical components of the WPGF shall conform to applicable local, state and national codes, and applicable international standards. This includes all required safety lighting.

17.5.5 *Engineer's Certificate.* An engineer's certificate shall be completed by a structural engineer, licensed in the State of Illinois, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.

17.5.6 *Aesthetics.*

- A. Wind turbines shall be a non-obtrusive and non-reflective color such as white, off-white, gray, or black. The facility owner or operator shall maintain the paint on wind turbines at all times in good repair.
- B. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator. All signs shall be in accordance with County ordinances pertaining to signs.
- C. Within the project area, wind turbines shall be of a generally consistent size, design, and color, and shall be of similar height and rotor diameter and shall rotate in the same direction.
- D. Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.
- E. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground, shall reach the property line, and shall be located and/or constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other Commercial Wind Power Generating Facilities.
- F. Non-essential appurtenances shall not be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.
- G. A clearly visible warning sign advising persons of the presence of high voltage levels must be placed at the base of all pad-mounted transformers and substations.

17.5.7 *Wildlife/Avian Survey and Mitigation Plan.*

- A. Applicant shall commission and submit to the Planning and Zoning Officer at time of permit application a wildlife

assessment (impact study), conducted by a qualified wildlife expert having no less than ten (10) years of experience conducting wildlife assessments, indicating possible risks to local wildlife, habitat, and migratory birds, Additionally, Applicant shall consult with the Illinois Department of Natural Resources regarding the WPGF's potential impact on local wildlife. Applicant's wildlife expert shall also develop a mitigation plan, if applicable, that mitigates risks to wildlife, migratory birds and affiliated habitat raised by the Illinois Department Natural Resources (IDNR), the US Department of Interior, Division of Fish and Wildlife Service's (USFWS), and/or the County's wildlife expert's comments/recommendations as detailed in the paragraphs below. A copy of said mitigation plan shall be submitted to the Planning and Zoning Officer at time of permit application. The submitted mitigation plan (including any recommendation(s) listed therein) shall be subject to the same enforcement powers of the regulations listed herein under this article, unless recommendation(s) is waived in part or full by a supermajority vote of the County Board.

- B. More specifically, the applicant shall submit the wildlife assessment/impact study and mitigation plan (if applicable) to the Illinois Department of Natural Resources (IDNR) for their review and consultation and to the US Department of Interior, Division of Fish and Wildlife Service (USFWS), for their review and consultation. Should IDNR or USFWS choose to comment on said herein, all comments shall be forwarded to the Planning and Zoning Officer in writing.
- C. If IDNR or USFWS determines that the submitted mitigation plan is insufficient to effectively address the risk to local wildlife and habitat or the County needs clarification on any study, plan, or comment herein referred to in this Section or no IDNR or USPWS comments are provided to the Planning and Zoning Officer, then County may select and hire a qualified wildlife expert having no less that than ten (10) years' experience conducting wildlife assessments (impact studies) and mitigation plans to review the wildlife assessment (impact study) and mitigation plan submitted by the Applicant. All costs associated with the wildlife expert selected and hired by the County shall be paid for by the Applicant. Should it be found by the County's wildlife expert that the mitigation plan is deficient, such deficiency shall be addressed by the applicant's wildlife expert to the satisfaction of the County's wildlife expert. Moreover, should the County's wildlife expert find that the mitigation plan (or the lack of a mitigation plan) by applicant's wildlife expert not to be acceptable, then the applicant shall mitigate the wildlife concern(s) in accordance to the recommendations of County's wildlife expert. The mitigation plan (including any recommendation(s) listed therein) shall be subject to the same enforcement powers of the regulations listed herein under this article, unless recommendation(s) is waived in part or full by a supermajority vote of the County Board.

17.5.8 *Climb Prevention/Locks.*

- A. Wind turbines shall not be climbable up to a height of at least fifteen (15) feet above ground surface.
- B. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

17.5.9 *Use of Public Roads.*

- A. Prior to the issuance of a zoning clearance and building permit for any component of a WPGF, the facility owner or operator shall provide to the County Engineer:
 1. A transportation plan prepared and certified by a professional engineer licensed in the State of Illinois for a minimum of ten years performing comparable work, identifying by jurisdiction all state and local public roads to be used within the County to transport equipment and parts for construction, detailing expected load weights and frequency, and any improvements deemed necessary for roadbeds, surfaces, or other facilities which are expected to require modification or improvement prior to construction, and the proposed repair and/or reconstruction work expected to be necessary after construction is completed (the "Transportation Plan");
 2. An engineering study certified by a professional engineer licensed in the State of Illinois for a minimum of ten years performing comparable work, documenting road conditions for any roads included in the Transportation Plan prior to construction. While the Transportation Plan may indicate any road or highways that are under the

State of Illinois and the Illinois State Toll Highway Authority jurisdiction, permits for the use of those roads/highways need not be submitted to the County Engineer. Whether the requirements of the engineering study and submission of road/highway permits are satisfied shall be determined solely by the Winnebago County Engineer; and

3. A traffic safety plan, including, but not limited to, provisions for access to county highways and roads located in Winnebago County including roads, used for construction traffic, warning signs, flaggers, and acceptable access times (the "Safety Plan").
- B. After receipt of the Transportation Plan, but prior to issuance of a zoning clearance and building permit for any component of a WPGF, the facility owner and operator shall enter into an agreement with County of Winnebago through the County Engineer and provide documentation evidencing approval by any other public entity having jurisdiction over a road or highway that is identified in the Transportation Plan or Safety Plan (excepting permits for the use of any road or highways that are under the State of Illinois and the Illinois State Toll Highway Authority) for the purposes of ensuring a safe and orderly construction phase. Said agreement shall include the following material provisions:
1. An approved final transportation plan.
 2. An approved final safety plan.
 3. A requirement of financial assurance to the County in the form of an irrevocable letter of credit guaranteeing payment for road improvements and repairs in compliance with local standards, having an expiration date no less than one (1) year after conclusion of construction which Winnebago County may draw upon without requiring a representative of Winnebago County traveling more than ninety (90) miles outside of Winnebago County. The face value of the letter of credit shall be equal to the cost of either improving or restoring all roads specified in the final Transportation Plan to their original condition or better in the fashion designated in said final Transportation Plan (as determined using the average cost of materials and labor in the County as of a date sixty (60) days prior to the date of issue of the financial assurance), plus an additional twenty-five percent (25%) of said total cost; the Irrevocable Letter of Credit required in this section shall be issued by a bank having a rating by Standard and Poor's Financial Services of A- or better or if not rated by Standard and Poor's Financial Services then having an equivalent rating from another nationally recognized bank rating service approved by the County of Winnebago. There shall be language included on the face of the Irrevocable Letter of Credit held by Winnebago County as a beneficiary stating that should the bank's Standard and Poor's rating or equivalent rating fall below A- then Winnebago County may draw on the Irrevocable Letter of Credit up to the full amount of the face value without additional cause for surety against default. There shall also be language included on the face of the Irrevocable Letter of Credit held by Winnebago County as beneficiary stating that if after the first year and every year thereafter the Irrevocable Letter of Credit does not automatically renew then Winnebago County may within fifteen (15) days before its stated expiration date draw on the Irrevocable Letter of credit up to the full amount of the face value without additional cause for surety against default. The cost of Winnebago County receiving such ratings information initially and annually, or more frequently when reasonably requested by the County of Winnebago, shall be reimbursed to Winnebago County by the Applicant.
 4. Permits from all agencies having jurisdiction over roads or highways identified in the transportation plan or safety plan except any road or highways that are under the State of Illinois and the Illinois State Toll Highway Authority jurisdiction that are identified in the transportation plan or the safety plan.
 5. Such other and further terms which the County Engineer may require in his/her sole, but reasonably exercised, discretion.

17.5.10 *Emergency Services.* The facility owner or operator shall, prior to commencement of construction:

- A. Provide a copy of the permit application, including site plan to local emergency services, including paid or volunteer

fire department(s).

- B. Cooperate with request from emergency service providers and first responders to develop and coordinate implementation of an emergency response plan for the WPGF.
- C. Register the WPGF with the local 911 operator.

17.5.11 *Fire Prevention.* Facility owner and operator shall, at all times during construction and operation of the WPGF:

- A. Adhere to all applicable electrical codes and standards.
- B. Remove and maintain all fuel sources, including, but not limited to, vegetation and flammable materials, from the immediate vicinity of electrical equipment.
- C. Install twistable cables on all wind turbines.

17.5.12 *Waste Management.* Facility owner and operator shall, at all times during construction and operation of the WPGF:

- A. *Solid Waste.* All solid waste generated in conjunction with the construction or operation of the WPGF shall be removed from the project area in a timely fashion and disposed of off-site in an appropriate manner.
- B. *Hazardous Waste.* Any hazardous waste generated in conjunction with the construction or operation of the WPGF shall be removed from the project area and disposed of consistent with applicable Federal, State, and local requirements for such materials.

17.5.13 *Septic and Well.* Any buildings constructed within the WPGF which use water or discharge waste shall comply with existing well and septic requirements as required by the Winnebago County Health Department and the State of Illinois Department of Public Health.

17.5.14 *Access Driveways and Vehicular Use Areas.* All access driveways and other vehicular use areas incident to any WPGF or ancillary facility shall be located entirely upon private easements or leaseholds, and shall be the sole responsibility of the facility owner and/or operator to maintain. To the maximum extent practicable, all such driveways and vehicular use areas shall be located in such a way as to minimize the disruption to the property's primary purpose. Notwithstanding anything to the contrary contained herein, or in any other provision of this Ordinance, said access driveways and vehicular use areas may be of a gravel base and surface. Provided, all access driveways shall be maintained at all times in good repair and accessible by emergency vehicles.

17.5.15 *Memorandum of Use.* The owner of any property upon which a wind turbine or ancillary facility is located shall cause to be recorded with the Office of the Recorder of Winnebago County a Memorandum of Use, or similar document, clearly indicating that a wind turbine or ancillary facility is located on the parcel, including a brief description of the type, number, and general location of said structures. No separate survey shall be required by this subsection. A Memorandum of Lease or Easement Agreement recorded with the Office of the Recorder of Winnebago County shall be deemed sufficient to satisfy the requirements of this subsection, so long as said document is sufficient to adequately place third-parties on notice of the nature and location of wind turbines or ancillary facilities within the parcel.

Sec. 17.6. - Setbacks.

17.6.1 *Occupied Buildings.*

- A. Wind turbines shall be set back from all occupied buildings and barns, garages, machine sheds, and livestock buildings located on a participating landowner's property a distance of not less than one-hundred ten percent (110%) of the turbine's height. The setback distance shall be measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the occupied building.
- B. At the time of application, wind turbines shall be set back from all occupied buildings located on a non-participating landowner's property a distance of not less than one-thousand two-hundred (1,200) feet or two-hundred fifty percent (250%) of total turbine height, whichever is greater, as measured from the nearest point on the outside edge of a

tower to the nearest point on the foundation of the occupied building. This provision does not apply with regard to the location of wind turbines for which application for zoning clearance is made prior to the issuance of a permit for construction of an occupied building on a non-participating Land owner's property.

17.6.2 *Property Lines.*

- A. All wind turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or one-hundred ten percent (110%) of the turbine height including maximum blade height, whichever is greater. The setback distance shall be measured from the property line to the nearest point on the outside edge of a tower.
- B. Operation and maintenance building(s) and substations shall be located in accordance with zoning district setback requirements. Lots/sites for operation and maintenance buildings shall consist of enough area to comply with off-street parking and loading requirements and with existing County septic and well requirements. Operation and maintenance buildings shall be limited to a height of forty-five (45) feet or three-and-one-half (31/2) stories. All other accessory buildings affiliated with the WPGF shall comply with existing accessory buildings regulations in the Zoning Ordinance.
- C. The setback referred to herein is measured from the property line(s) of the parcel the wind energy device is located on prior to any newly recorded metes and bounds description boundary line(s) created via a plat recorded for tax valuation and assessment purposes solely due to the existence of the wind energy device.

17.6.3 *Public Roads.* All wind turbines shall be set back from the nearest public road a distance of not less than one-hundred ten percent (110%) of the turbine height, as measured from the right-of-way line of the nearest public road to the nearest point on the outside edge of a tower.

17.6.4 *Incorporated Communities.* All wind turbines at time of application shall be setback a minimum of one and one-half (1.5) miles from the corporate limits/boundary of a village or municipality, unless proof is provided from the affected village or municipality allowing turbines within the one and one-half (1.5) mile setback.

17.6.5 *Unincorporated Communities.* All wind turbines at time of application shall be setback a minimum of one-half (0.5) mile from an unincorporated community's (i.e. Shirland, Harrison, Seward, and Argyle) future residential growth area as depicted on the 2030 Future Land Use Plan Map, Winnebago County, IL.

17.6.6 *Recorded Subdivision Plats.* All wind turbines at time of application shall be setback a minimum of one-half (0.5) mile from a recorded major subdivision plat.

17.6.7 *Natural Resource Areas.* All wind turbines at time of application shall be setback a minimum of one-half (0.5) mile from the property line of any Natural Area, Significant Wildlife Habitat Area, Illinois Natural Area Inventory Site (INAI), Illinois Nature Preserve (INPC), Natural Land Institute Site (NLI), Wetland Reserve Program Site (WRP), Park, State Park, and/or Forest Preserve as depicted on the Natural Resource Inventory Map, Winnebago County, IL and as may be amended in future.

17.6.8 *Bird and Bat Migration Paths.* All wind turbines at time of application shall be located out of bird and bat migration pathways/corridors to which wind turbine construction would pose a substantial risk as identified in Section 17.5.7. Adherence to this requirement shall be addressed in the impact study and mitigation plan required in Section 17.5.7, by a qualified wildlife expert having no less than ten (10) years' experience. Evidence supporting adherence to this requirement, which may include a letter from the Illinois Department of Natural Resources or the US Department of Interior, Division of Fish and Wildlife Service, shall be provided upon WPGF submittal.

17.6.9 *2030 Land Resource Management Plan.* All wind turbines at time of application shall be located only in an area designated solely as an agriculture area on the 2030 Future Land Use Plan Map, Winnebago County and as may be amended in the future.

17.6.10 *Waiver of Setbacks.*

- A. Landowners may waive the setback requirements in Section 17.6.1.B by signing a waiver that sets forth the applicable provision(s) and the proposed changes thereto.
- B. Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land.
- C. Notwithstanding anything to the contrary contained in this Section, in no event shall any setback to an occupied building be less than a distance equal to one-hundred ten percent (110%) of the turbine height of any affected wind turbine.

Sec. 17.7. - Nuisance Abatement.

17.7.1 *Signal Interference.* The facility owner or operator shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any disruption or degradation (as measured from the baseline study required by Sec. 17.4.D.9) of signals caused by the WPGF in a manner reasonably calculated to remedy such signal degradation, including, but not limited to, providing alternative methods of delivery of signals to affected households at facility owner or operator's expense. The foregoing provision shall not in any way be interpreted to excuse compliance with any regulations, codes, or laws specifically governing electronic transmissions.

17.7.2 *Sound Levels.* The facility owner or operator shall comply with all applicable codes and ordinances regulating sound generation, including, but not limited to the requirements of the Illinois Pollution Control Board. In the event that any sound levels from a Wind Turbine are found by the Illinois Pollution Control Board to be in excess of permissible levels at the residence of any non-participating landowner, the facility owner or operator shall take such measures as are necessary to bring sound levels down to a level acceptable to the Illinois Pollution Control Board.

Sec. 17.8. - Liability Insurance.

Facility owner or operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars (US \$2,000,000.00) combined single limits. During any period when the facility owner or operator is involved in the use of roads or highways under the jurisdiction of Winnebago County the facility owner or operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars (US \$2,000,000.00) combined single limits which names Winnebago County as an insured. Certificates written in English showing proof of valid insurance in compliance with this Chapter shall be made available to the County upon request.

Sec. 17.9. - Decommissioning.

- A. The facility owner and operator shall, at their sole expense, complete decommissioning of the WPGF, or individual wind turbines, within twelve (12) months after the end of the useful life of the facility or individual wind turbines. The WPGF will be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of six (6) months.
- B. Decommissioning shall include removal of wind turbines, buildings, roads, foundations to a depth of forty-eight (48) inches, and any other facility or structure constructed by facility owner or operator for the purpose of maintaining or operating the WPGF. Any disturbed earth shall be graded at facility owner or operator's expense, and vegetation shall be restored consistent with surrounding vegetation, with the exception of cash crops such as corn, soybeans, or hay/alfalfa. This Section shall not apply to any office or storage facilities constructed by facility owner or operator that can serve a useful purpose other than servicing a WPGF. At the written request of a landowner, any improvements other than wind turbines may be allowed to remain on the property of such landowner without removal, subject to the approval of the County Board.
- C. A licensed professional engineer shall be retained to estimate the total cost of decommissioning (Decommissioning

- Costs). Said estimates shall include an estimate of the cost of repairs or improvements to the roads to be used and shall be submitted to the County by the facility owner or operator after the first (1st) full year of operation and every (5th) year thereafter. The County Engineer shall review and approve or disapprove the cost estimate presented.
- D. The facility owner or operator shall post and maintain an Irrevocable Letter of Credit in favor of the County, in an amount equal to decommissioning costs as updated from time to time; such updates shall be completed at least every five years or sooner at the reasonable request of the County. The Irrevocable Letter of Credit required by this Section shall be from a financial institution of the facility owner's choosing, subject to the approval of the County, which approval shall not be unreasonably withheld. The Irrevocable Letter of Credit in favor of the County shall allow Winnebago County to seek to receive funds from such security without requiring a representative of Winnebago County traveling more than ninety (90) miles outside of Winnebago County; the Irrevocable Letter of Credit required in this section shall be issued by a bank having a rating by Standard and Poor's Financial Services of A- or better or if not rated by Standard and Poor's Financial Services then having an equivalent rating from another nationally recognized bank rating service approved by Winnebago County. There shall be language included on the face of the Irrevocable Letter of Credit held by Winnebago County as a beneficiary stating that should the bank's Standard and Poor's rating or equivalent rating fall below A- then the Winnebago County may draw on the Irrevocable Letter of Credit up to the full amount of the face value without additional cause for surety against default. There shall also be language included on the face of the Irrevocable Letter of Credit held by Winnebago County as beneficiary stating that if after the first year and every year thereafter the Irrevocable Letter of Credit does not automatically renew then Winnebago County may within fifteen (15) days before its stated expiration date draw on the Irrevocable Letter of Credit up to the full amount of the face value without additional cause for surety against default. The cost of Winnebago County receiving such ratings information initially and annually, or more frequently when reasonably requested by Winnebago County, shall be reimbursed to Winnebago County by the Applicant.
- E. Prior to the facility owner or operator commencing decommissioning:
1. Sec. 17.4 requirements concerning the permitting by applicable Federal, State and local entities requirement, and the identification of all transportation routes in Winnebago County must be satisfied as to the decommissioning; and
 2. Sec. 17.5 requirements must be satisfied as to the decommissioning.
- F. If the facility owner or operator does not complete decommissioning within the periods prescribed by Section 17.9.A, the County may take such measures as it deems necessary to complete decommissioning, and shall be entitled to draw on the irrevocable letter of credit required by Section 17.9.D to pay the costs associated therewith.
- G. The County shall release the obligation to maintain decommissioning funds when the facility owner or operator has demonstrated and the County concurs that decommissioning has been satisfactorily completed.

ARTICLE 18: - ON-SITE DEVELOPMENT STANDARDS

Sec. 18.1. - Purpose.

The purpose of this Article is to address the regulation of those other site improvements on a lot other than the regulations for the principal building. This includes site design standards, accessory structures and uses, and permitted encroachments.

Sec. 18.2. - Use of Land and Structures.

18.2.1 *Number of Principal Buildings on a Lot.*

- A. In the R-A (RA, RE & RR), R-1, R-2, CD-L and CD-M Districts there shall be no more than one (1) principal building per zoning lot. In all other districts, more than one (1) principal building may be erected on a single zoning lot, provided

that each structure shall comply with all yard and bulk requirements of a district as though it were a principal building on an individual zoning lot.

- B. In the AG, A-1 and A-2 Districts, there shall be no more than one (1) dwelling on a zoning lot except for the following: where a dwelling or mobile home presently exists on a zoning lot, the residential use of that dwelling or mobile home may be continued during the period of construction of a new dwelling upon that lot. However, the existing dwelling or mobile home must be removed from the lot on or before the date of issuance of the certificate of use and occupancy for the new dwelling or within one (1) year after the issuance of a building permit for the new dwelling, whichever is less.

18.2.2 *Frontage on a Public Street.* All zoning lots created through the subdivision process shall be provided with satisfactory access to a public street by means of lot frontage on such street. No zoning lot used for residential within a residential subdivision shall front on a street that has been designated as a limited access road.

18.2.3 *Required Yards.* No zoning lot shall be reduced in area so that the yards are less than required by this Ordinance. The required yards for a zoning lot shall not be considered a yard for any other lot. All yards allocated to a structure shall be located on the same zoning lot as such structure.

18.2.4 *Applicability of Bulk Requirements.* All structures erected or altered after the effective date of this Ordinance shall meet the bulk requirements for the zoning district in which the structure is located and this article, if applicable, whichever is more restrictive.

18.2.5 *Applicability of Use Restrictions.* No structure or land shall be used for any use other than one allowed as either a permitted or special use in the zoning district in which such structure or land is located. Structures or land may also be used for a temporary use or accessory use, in accordance with the requirements of this Article.

18.2.6 *View Obstruction.* The site clearance area at the intersection of two (2) streets shall be defined as a triangular area measured thirty (30) feet from the point of intersection of the two (2) streets and measured parallel to the edge of the area used for vehicular purposes that is ordinarily within the right-of-way, but not always, which shall not be obstructed by any sign, wall, fence, hedge, shrub or other object which exceeds three (3) feet in height. Trees may be maintained within this area as long as there is no foliage within three (3) feet as measured from the ground to the lowest foliage. In the event that the grade of a lot is higher than the street grade, the height of the sign, wall, fence, hedge, shrub or other object shall be reduced so that the site clearance is not obstructed three (3) feet over the grade of the street.

Sec. 18.3. - Accessory Structures and Uses.

All accessory structures and uses shall be subject to the requirements of this Section and the requirements of [Section 18.4](#) (Permitted Encroachments). Additional accessory structures not regulated in this section may be regulated in [Section 18.4](#) (Permitted Encroachments).

18.3.1 *Accessory Structures - General Regulations.* All accessory structures shall be subject to the following regulations, in addition to any other regulations within this Article and this Ordinance.

- A. No accessory structure shall be constructed prior to construction of the principal building to which it is accessory.
- B. Only those accessory structures permitted by this Article are permitted in required yards. Certain accessory structures may also be prohibited in certain yards. Required yards are described in the district standards.
- C. The maximum height of any detached accessory structure shall be measured from the grade to the peak of the roof or structure, as applicable. No detached accessory structure shall exceed twenty (20) feet or the height of the principal building, whichever is less, unless otherwise permitted or restricted by this Ordinance. However, there shall be no limit on the height of agriculture exempt structures, such as barns and silos.
- D. All accessory structures must be located a minimum of two and one-half (2.5) feet from any rear or side lot line,

unless otherwise permitted or restricted by this Ordinance. This regulation shall not apply to fences.

- E. The combined square footage of all detached accessory structures located in the rear yard shall not occupy more than forty percent (40%) of the required rear yard. Additionally, the building footprint and gross floor area of any detached accessory structure shall not exceed the building footprint of the principal building except for agriculture exempt structures.
- F. For double frontage lots (through lots), if an accessory structure is not allowed in a front yard but allowed within a rear yard, that accessory structure is allowed in the front yard of the through lot that functions as the rear yard provided no other lot on the same block is developed in a way that the subject yard functions as a primary front yard and the accessory structure complies with all applicable rear yard restrictions. This regulation also applies to the permitted encroachment table in Section 18.4.

18.3.2 *Antennas and Amateur (HAM) Radio Equipment.*

- A. Towers that solely support antennas and amateur (HAM) radio antennas and equipment and conform to all applicable performance criteria as set forth in Section 18.4 (Environmental Performance Standards) shall be permitted only in the rear yard and shall be located at least ten (10) feet from any lot line. Towers shall not exceed the maximum building height of the applicable district by more than fifteen (15) feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications in accordance with Paragraph 3 below.
- B. Antenna may be ground-, building- or roof-mounted, provided they do not exceed the maximum building height by more than fifteen (15) feet unless a taller antenna is technically necessary to engage successfully in amateur radio communications in accordance with Paragraph 3 below. Every effort shall be made to install radio antennae in locations that are not readily visible from neighboring properties or from the public right-of-way, excluding alleys.
- C. An antenna or tower that is proposed to exceed the height limitations shall be considered a special use. The operator must provide evidence that a taller tower and/or antenna are/is necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna shall not prove a hazard to birds (i.e., minimal chance of bird strikes). Such tower and/or antenna must conform to all applicable performance criteria as set forth in Section 18.4 (Environmental Performance Standards). As part of the application, the applicant must submit a site plan showing the proposed location of the tower and/or antenna, as well as its relation to the principal building and any additional accessory structures.
- D. Antennae and/or towers owned and operated by the County are exempt from these requirements.

18.3.3 *Apiaries (Non-Agriculture Exempt).*

- A. Apiaries are permitted in the R-A Subdistrict of the R-A District only (prohibited in R-E and R-R Subdistricts) and only as an accessory use to a single-family use.
- B. All colonies must be registered with the Illinois Department of Agriculture.
- C. One (1) beehive is permitted for every twenty-five thousand (25,000) square feet.
- D. All bee colonies must be kept in removable frames hives, which must be kept in sound and usable condition.
- E. Beehives are permitted in the rear yard only and must be located a minimum of fifty (50) feet from any lot line and seventy-five (75) feet from any dwelling. A flyway barrier at least six (6) feet in height is required, consisting of a dense vegetation, fence, solid wall or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level.
- F. Each beekeeper must ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at other water sources.

- G. Each beekeeper must ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon the removal from the hive, all such materials must promptly be disposed of in a sealed container or placed within a building or other enclosure.
- H. All colonies must be maintained with queens selected from stock bred for gentleness and non-swarming characteristics. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper must promptly re-queen the colony with another marked queen.
- I. No commercial activity shall result from the keeping of bees on the property.

18.3.4 *Chicken Coops (Non-Agriculture Exempt).*

- A. Chicken coops are permitted in the R-A and R-E Subdistricts of the R-A District only (prohibited in R-R Subdistrict) and only as accessory to a single-family use.
- B. No person may keep more than six (6) chickens on the property at any time in the R-A District and no person may keep more than three (3) chickens on the property at any time in the R-E District.
- C. No commercial activity shall result from the keeping of chickens on the property.
- D. Roosters are not permitted. However, if the gender of a chick cannot be determined at hatching, a chick of either gender may be kept on the property for no more than six (6) months.
- E. Chicken coops and runs must meet the following standards:
 - 1. Chicken coops and runs are allowed only in the rear yard. Adequate safeguards are required to prevent unauthorized access to the chickens by general members of the public, such as rear yard fencing and gating.
 - 2. Chicken coops and runs must be located a minimum of ten (10) feet away from any principal building and ten (10) feet from any lot line.
 - 3. The facility must be kept in good repair, maintained in a clean and in a sanitary condition, and free of vermin, obnoxious smells and substances. The facility must not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health.
 - 4. The chicken coop and run must be designed to ensure the health and well-being of the animal is not endangered by the manner of keeping or confinement.
 - 5. The chicken coop and run must be adequately lighted and ventilated.
- F. No storage of chicken manure is permitted within twenty (20) feet of the property line. The composting of chicken manure is encouraged.
- G. Chickens must be kept in coops from dusk to dawn.
- H. Slaughtering of the chickens is prohibited.

18.3.5 *Exterior Lighting.*

- A. *Unshielded Lighting.* The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, are prohibited, except on a temporary basis in areas where approved carnivals, fairs or other similar activities are held and only when such activities are taking place. This does not include holiday lighting on private property.
- B. *Light Pole and Building-Mounted Lighting Heights.* The maximum height of light poles on private property, as measured from grade at the base to the bottom of the luminaire, shall be as specified below, unless otherwise required by the Building Code. These standards do not apply to public right-of-way lighting. Permitted light pole heights shall be as follows:
 - 1. *Non-Residential Uses.*

- a. Light poles and building-mounted fixtures shall be designed with fully shielded luminaires. Such poles shall not exceed twenty (25) feet in height, except as allowed in [section] 18.3.5.B.1b. and wall mounts shall not exceed eighteen (18) feet in height.
 - b. Light poles for educational facilities or for public outdoor recreational facilities shall not exceed sixty (60) feet in height.
2. *Residential Uses.* Light poles for single and two-family dwellings shall not exceed eight (8) feet in height. Light poles for multi-family and townhouse uses shall not exceed sixteen (16) feet in height. Lighting, including under-soffit lighting, mounted upon a single-family, two-family or townhouse residential dwelling shall not be mounted higher than fourteen (14) feet above the first floor elevation.
- C. *Automatic Teller Machine Lighting.* All exterior lighting for automatic teller machines (ATMs) shall comply with the Automated Teller Machine Security Act (205 ILCS 695/1 et seq.). All exterior lighting for ATMs in drive-through facilities shall be designed with luminaires recessed under the canopy to minimize light pollution.

18.3.6 Fences.

A. *General Requirements.*

1. All fences must meet the requirements of this Ordinance.
2. All fences shall be measured from existing unaltered grade, unless otherwise specified.
3. For the purposes of this section, walls and hedges used as fences are subject to these fence requirements.
4. All fences are subject to the view obstruction regulations of Section 18.2.6.

B. *Fence Construction and Design Requirements.*

1. The finished side of all fences shall face away from the lot on which it is located. It is encouraged that both sides of all fences shall be finished.
2. All fence posts shall be placed on the inside of the fence.
3. A fence or wall, including all posts, bases, and other structural parts shall be located completely within the boundaries of the lot on which it is located.
4. Fences shall only be constructed of the following materials:
 - a. Treated wood or cedar.
 - b. Simulated wood.
 - c. Decorative brick or stone.
 - d. Wrought-iron, or aluminum or steel designed to simulate wrought-iron.
 - e. Coated chain link and anodized chain link. Slats are not permitted.
 - f. Vinyl, aluminum or steel specifically crafted for fencing purposes.
5. Chainlink fencing with slats or scrap metal, salvage materials, building siding, plywood, or similar materials that are not intended for fence construction are prohibited.
6. Section 18.3.6 B. shall not apply to the Agricultural Districts when a fence is erected and used as part of an agricultural use.

C. *Fences in Residential, Conservation Design and TND Districts.*

1. Fences located parallel to the front lot line, between the side lot line and the structure and at or behind the front building line are limited to a maximum height of six (6) feet. Fences located in front of the front building line, including fences parallel to the front and side lot lines, are limited to a maximum height of four (4) feet. These restrictions also apply to the corner side yard.
2. Fences located in the interior side yard, between the required front building line and the required rear setback line, are limited to a maximum height of six (6) feet.

3. Fences located in the rear yard, between side lot lines, are limited to a maximum height of six (6) feet. However, on the area within the corner side yard must meet the fence requirements listed in Section 18.3.6. C. 1.
 4. Where additional screening is required for a specific use, such requirements control.
- D. *Fences in Non-Residential, Non-Conservation Design, Non-TND and Non-Agricultural Districts.*
1. Fences in the required front yard or required corner side yard are limited to four (4) feet.
 2. Fences within the interior side and rear yards and out of the required front and corner side yards may be erected to a height of six (6) feet, or eight (8) feet if seventy-five percent (75%) of the fence is open and used strictly for security reasons.
 3. Where additional screening is required for a specific use, such requirements control.
- E. *Fences for Agricultural Districts and Uses.* Fences are permitted within any yard for an agricultural use and are not limited in height. All other uses in an agricultural district that are not agricultural are limited to a maximum of four (4) feet in height in the required front and corner side yards. Fences in other yards may be erected to a height of eight (8) feet.
- F. *Fences for Utilities.*
1. Utility uses shall be fenced if outdoors, not within a building. Barbed wire, razor wire or fences of similar material is permitted. All barbed wire, razor wire or similar material shall be placed no less than seven (7) feet above finished grade. Utility fences shall be a maximum height of eight (8) feet. Utility fences may be located in any yard and are not required to be open, but shall be near the utility in which the fencing is securing and screening. Perimeter lot fencing, if desired, shall follow the regulations of the district in which the utility use is located in.
- G. *Fences for Public Recreational Uses.* Public recreation areas may be enclosed along their boundaries (i.e., all yards) with an open type fence to a height not to exceed eight (8) feet. Tennis courts and other similar uses may be fenced in accordance with national standards for such uses.
- H. *Nonconforming Fences.* Any fence that is nonconforming must be brought into conformance when repairs or reconstruction exceed fifty percent (50%) of the value of that portion of the fence located within that yard.

18.3.7 *Garages, Attached and Detached.* The following design standards apply to residential garages for single-family, two-family and townhouse uses. Attached garages are not considered an accessory structure but shall be subject to the regulations of this section for attached garages.

- A. *Attached Garages.* The following standards apply to new attached garages constructed after the effective date of this Ordinance for dwellings constructed in new major subdivisions in residential and conservation design districts.
1. Front-loaded attached garages should not occupy more than sixty percent (60%) of the width of the front facade of the dwelling. However, a minimum garage door width of twenty-four (24) feet is permitted regardless of front facade percentage.
 2. Attached front-loaded garages shall not extend beyond the front facade of the dwelling by more than twelve (12) feet. This measurement will be taken from the part of the front facade that is immediately adjacent to the garage, except that the measurement may be taken from the part of the house closest to the street if all of the following conditions are met:
 - a. The front facade of the house is irregular, i.e., the front foundation is not a straight line.
 - b. The portion closest to the street is actual living space.
 - c. No such measurement may be taken from a porch, bay window, turret or similar architectural feature that protrudes from the facade.
 3. Windows, doors and roof treatments of that part of the garage facing the street should incorporate architectural detail expressive of a residence.

4. Upper level dormers and pitched roof elements should be used to de-emphasize the garage. Garage openings, window trims, decorative paneling and color shall de-emphasize the visual impact of the garage in relation to the building as

B. *Detached Garages.*

1. A detached garage shall not exceed a maximum of twenty (20) feet in height or the height of the principal building, whichever is less, as measured from the grade to the peak of the roof.
2. The building footprint and gross floor area of a detached garage shall be less than the building footprint of the principal building to which it is accessory to.
3. Detached garages are permitted in the rear yard, in the side yard but not required side yard, and front yard when located behind the front building line. Detached garages shall be located a minimum of two and one-half (2.5) feet from any lot line.
4. Detached garages located in new major subdivisions should be consistent with the architecture and design of the principal building. Consistency of design includes use of the same palette of materials as the principal building, roofing, roof pitch, trim and colors.
5. Detached garages shall be located a minimum of ten (10) feet from the principal structure on a lot, unless an additional fire rating is established allowing closer placement. The distance shall be measured from the walls of the structure.

18.3.8 *Home Occupations.* The following standards are intended to ensure that home occupations, conducted in a dwelling, are compatible with the neighborhoods in which they are located and do not interfere with the rights of the surrounding property owners to enjoy the established character of the neighborhood.

- A. There shall be no stock-in-trade other than products manufactured on the premises. Customary retail sales are prohibited.
- B. A home occupation shall be conducted within a dwelling or within an accessory building that does not exceed five-hundred (500) square feet in area, unless otherwise provided by the Zoning Board of Appeals by a special use permit in the AG, A-1, A-2 and RA-RA Districts only. The occupation is subject to closed-door requirements where overhead doors and main entrances remain closed to conceal the activity.
- C. There shall be no outdoor storage or display of supplies, materials, inventory or equipment on premises or on vehicles.
- D. No person, other than a resident of the dwelling, shall be employed in the conduct of a home occupation.
- E. A home occupation shall not be established prior to the member(s) of the family conducting the home occupation taking possession of, and residing in, the dwelling.
- F. Vehicular traffic and on-street parking shall not be increased by the home occupation.
- G. The receipt, sale or shipment of deliveries shall not be permitted on or from the premises, with the exception of regular U.S. Mail and/or an express shipping service that is characteristic of service to residential neighborhoods.
- H. A home occupation shall not generate noise, solid waste, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in a residential use.
- I. No exterior alteration that changes the residential character of the principal building shall be permitted. However, one non-internally illuminated wall or window (1) nameplate sign not exceeding two (2) square feet is permitted.
- J. Day care homes and community residences are not considered a home occupation, but a separate principal use as allowed by the district.
- K. Group instruction home occupations are limited to five (5) persons.
- L. Prohibited home occupations include but not limited to are as follows: contractor shop with office of all types, including lawn/tree care maintenance and landscapers, medical or dental clinics/offices, bait shops, gun and/or

- ammunition manufacturing, small engine service and repair and motor vehicle / truck service and repair.
- M. No motor power other than electronically operated motors shall be used or serviced in connection with a home occupation.
 - N. Vehicle parking and/or storage must comply with the requirements of Section 23.11.1. and no trailers incidental to the home occupation shall be kept on-site.
 - O. No more than three (3) lodging rooms shall be considered a home occupation. Lodging rooms are only permissible within a dwelling. Lodging rooms exceeding the limit herein noted are considered group quarters and are a separate principal use as allowed by the district.
 - P. A home occupation must be approved by a zoning permit, and shall expire three (3) years after issuance or as may be revoked earlier by administration due to non-compliance with standards. If one wishes to continue a home occupation after said time frame, a new zoning permit must be secured. Additional standards (conditions) may be placed on home occupation approval for purposes of maintaining the intent of the ordinance.

18.3.9 *Mechanical Equipment.*

- A. In all districts, all ground-based mechanical equipment including, but not limited to, heating, ventilating and air-conditioning (HVAC) units and electric generators, may be located in the rear or side yard but must be located at least six (6) feet from any lot line. Ground-based mechanical equipment is prohibited in the front, or corner side yard. However, any existing ground-based mechanical equipment as of the date of adoption of this Ordinance shall be considered legally conforming and may be replaced and repaired.
- B. All approved ground-based mechanical shall be completely screened if visible from the adjoining lot or public right-of-way, excluding alleys. Screening materials may be masonry, wood, landscaping or other opaque material, and shall effectively screen mechanical equipment so no portion is visible from a street or adjoining lot. Color and texture of a masonry screen wall shall be compatible with the color and texture of the principal building on the site. Where a principal or accessory structure, or landscaping, blocks the view of ground-based mechanical equipment, the equipment is considered screened.
- C. Any mechanical equipment located on the roof of any structure in any zoning district shall be located at least six (6) feet from any supporting wall of the building to permit safe access to the roof, and screened from a public right-of-way.

18.3.10 *Outdoor Sales and Display.* Commercial uses in the CC and CG Districts or for commercial uses authorized in the industrial districts are permitted outdoor sales and display of merchandise, by either a storeowner or occupant, outside the store and within the same lot. Any lawfully existing retail goods establishment shall be permitted to display and sell its merchandise outdoors under the following conditions:

- A. No sales and display area shall be permitted in any public right-of-way or obstruct pedestrian or vehicular traffic. No sales and display area is permitted in any required yard. Sales and display area is limited to twenty percent (20%) of the lot area not occupied by structures.
- B. A portion of the parking area may be used for outdoor sales and display on a temporary basis only, not exceeding 180 days per calendar year in terms of both display structure and goods displayed or sold (no permanent display structures permitted in parking areas). No more than ten percent (10%) of the required parking area for the existing commercial use may be used for the temporary outdoor sales and display.
- C. Outdoor storage of bulk merchandise is a separate principal use as allowed by the district. Additional regulations, including but not limited to development standards and screening requirements, apply elsewhere in code.

18.3.11 *Outdoor Storage.*

- A. No required parking area shall be used as outdoor storage.

- B. All outdoor storage shall be out of required front yard.
- C. No materials stored outdoors shall be of a greater height than that of the required screening.
- D. All materials stored must be related to the business conducted on the property.
- E. Outdoor storage areas shall be surfaced and graded to drain all surface water.
- F. Screening in accordance with Section 20.9 is required.
- G. Outdoor storage is a separate principal use as allowed by the district.

18.3.12 Porches.

- A. Unenclosed porches may encroach eight (8) feet into any required front, corner side or rear yard.
- B. Enclosed porches must meet all yard requirements.
- C. Stoops are not considered porches.

18.3.13 Satellite Dish Antennas.

A. General Requirements.

1. Satellite dish antennas shall be permanently installed on a building, in the ground or on a foundation, and shall not be mounted on a portable or movable structure.
2. Subject to operational requirements, the dish color shall be of a neutral color, such as white or grey, and shall blend with the surroundings as best as possible. No additional signs or advertising shall be permitted on satellite dish itself, aside from the logos of the satellite dish service provider or dish manufacturer.
3. Cables and lines serving ground-mounted satellite dish antennas shall be located underground.
4. Compliance with all federal, state and local regulations shall be required in the construction, installation and operation of satellite dish antennas.
5. All exposed surfaces of the antenna shall be kept clean and all supports shall be painted to maintain a well-kept appearance. Antennas no longer in use must be removed.

- B. *Small Satellite Dish Antennas (One Meter or Less in Diameter).* Small satellite dish antennas, which are one (1) meter or less in diameter, shall be subject to the general requirements of Paragraph A above. Every effort should be made to install small satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

C. *Large Satellite Dish Antennas (One Meter or More in Diameter).*

1. Residential Uses.

- a. Large satellite dish antennas are permitted only in the rear yard, and shall be setback a distance from all lot lines that is at least equal to the height of the dish, but in no case less than six (6) feet from any lot line.
- b. The overall height of a large satellite dish antenna shall not exceed twelve (12) feet.
- c. A large satellite dish antenna shall be located and screened so that it cannot be readily seen from public streets or adjacent properties. Screening shall include fences, plant materials and/or earth berms located to conceal the sides and rear of the antenna and its support structure. Plants shall be, at minimum, five (5) feet tall at the time of installation.

2. Non-Residential Uses.

- a. A large satellite dish antenna is permitted only in the rear or interior side yard, and shall be set back a distance from all property lot lines that is at least equal to the height of the dish, but in no case less than six (6) feet from any lot line.
- b. Roof-mounting shall be permitted only if the satellite dish antenna is in scale with the overall building mass and location, and shall be screened by an architectural feature. The visible portion of the dish should not

- comprise more than twenty-five percent (25%) of the corresponding height or width of the screen.
- c. Ground-mounted satellite dish antenna shall provide screening, which includes fencing, berming or landscaping to accomplish the following:
 - i. All ground-mounted accessory equipment and the lower part of the support structure shall be completely screened.
 - ii. Where feasible, trees shall be installed to the side and rear of the antenna and at a height/elevation equal to the tallest portion of the dish.

18.3.14 *Sheds and Private Greenhouses.*

- A. Sheds and private greenhouses shall be located a minimum of ten (10) feet from the principal structure on a lot, unless an additional fire rating is established allowing closer placement. The distance shall be measured from the walls of the structure.
- B. Sheds and private greenhouses constructed out of scrap metal, salvage materials or other items not originally intended for shed purposes such as a truck trailer, dumpster, PODS or a temporary industrial grade storage container are prohibited in the residential and conservation design districts. All other zoning districts not herein mentioned shall refer to district design standards located elsewhere in the Ordinance. Regulations in Section 18.5.3 may also apply.

18.3.15 *Solar Panels.* Solar panels are permitted in all zoning districts, subject to the provisions of this section.

A. *Building-Mounted Systems.*

1. *Roof-Mounted.* Solar panels may be mounted on a flat roof, and may project a maximum of fifteen (15) feet above the roof surface, unless additional height is granted by special use permit, and must be set back a minimum of three (3) feet from the roof edge. Solar panels may be mounted on a sloped roof, and must be set back a minimum of one (1) foot behind the roof edge and ridge line.
2. *Facade-Mounted.* Solar panels may be applied flat against a building facade, or project off a building facade up to three (3) feet.

- B. *Ground-Mounted Systems.* A ground-mounted solar energy system is permitted in any yard, and must be located a minimum of two and one-half (2.5) feet from any lot line. A ground-mounted solar energy system in the front yard and required side yard is limited to a maximum height of three (3) feet, unless additional height is granted by special use permit. In all other yards, ground-mounted systems are limited to a maximum height of twenty (20) feet.

18.3.16 *Swimming Pools.* All swimming pools shall comply with the requirements of the Building Code. However, in-ground swimming pools shall be enclosed by a fence or wall that is a minimum of four (4) feet in height. Swimming pools shall not be located over or under electrical lines and shall be a minimum of six (6) feet from any lot line.

18.3.17 *Wind Energy Systems (Private).* Private wind energy systems are subject to the following requirements.

- A. The maximum height of any ground-mounted wind energy system is as follows:
 1. AG, A-1, A-2 Districts: One-hundred (100) feet.
 2. All other districts: Sixty-five (65) feet.
 3. The maximum height of any roof-mounted wind energy system mounted upon a detached accessory structure is fifteen (15) feet above the maximum permitted height for such structure. The maximum height of any roof-mounted wind energy system mounted upon a principal structure is ten (10) feet above the maximum permitted height for such structure.
 4. For purposes of this particular zoning item, maximum height is the total height of the turbine system including the tower, and the maximum vertical height of the turbines blades. Maximum height therefore is calculated

measuring the length of a propeller at maximum vertical rotation to the base of the tower. The maximum height of any ground-mounted wind energy system is measured from the length of a propeller at maximum vertical rotation to grade.

- 5. No portion of the turbine blades may be within fifteen (15) feet of the ground.
- B. In the agricultural, residential, conservation design and TND Districts (TND - when affiliated with a residential use) a wind energy system shall not exceed a rated capacity of fifty (50) kilowatts. A wind energy system exceeding a rated capacity of fifty (50) kilowatts requires a special use permit. In all other districts (TND - when not affiliated with a residential use), a wind energy system shall not exceed a rated capacity of one-hundred (100) kilowatts. A wind energy system exceeding a rated capacity of one-hundred (100) kilowatts requires a special use permit.
- C. Ground-mounted wind energy systems may be located in the rear yard only. No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site. The system tower must be set back from all lot lines equal to the height of the system. No principal structures may be located within this area.
- D. All wind energy conversion systems must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system.
- E. Wind energy systems may not be unreasonably noisy as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
- F. Wind turbines must be approved by a small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. Non-certified residential wind turbines must submit a description of the safety features of the turbine prepared by a registered mechanical engineer.
- G. Wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- H. Building permit applications for wind energy systems must be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to all electrical codes.

Sec. 18.4. - Permitted Encroachments into Required Yards.

An encroachment is the extension or placement of any structure or building, or component of such, into a required yard. Additional restrictions on permitted encroachments, including additional setback requirements and bulk regulations, can be found in Section 18.3 (Accessory Structures and Uses) above and are referenced within the following table. Permitted encroachments are found in Table 18-1: Permitted Encroachments. Other accessory structures or uses not included in the table or in Section 18.3 will be treated as the most similar use listed, per the discretion of the Planning and Zoning Officer.

WINNEBAGO COUNTY, ILLINOIS			
TABLE 18-1: PERMITTED ENCROACHMENTS			
Y= Permitted // N= Not Permitted			
Type of Encroachment	Yard Where Permitted		
	Front Yard, Corner Side Yard	Interior Side Yard	Rear Yard
Accessibility Ramp	Y	Y	Y

<p>Accessory Living Quarters, Detached</p> <ul style="list-style-type: none"> - Minimum of 6' from any lot line - Subject to Section 15.3.1 	<p>Y, but behind building setback line</p>	<p>Y, but behind building setback line</p>	<p>Y</p>
<p>Air Conditioner Window Unit</p> <ul style="list-style-type: none"> - No more than 18" into any required yard 	<p>Y</p>	<p>Y</p>	<p>Y</p>
<p>Amateur (HAM) Radio Equipment</p> <ul style="list-style-type: none"> - Subject to Section 18.3.2 	<p>N</p>	<p>N</p>	<p>Y</p>
<p>Apiary (Non-AG exempt)</p> <ul style="list-style-type: none"> - Subject to Section 18.3.3 	<p>N</p>	<p>N</p>	<p>Y</p>
<p>Awning & Canopy (Residential Use)</p> <ul style="list-style-type: none"> - Minimum vertical clearance of 7' -No more than 3' into required yard <p>-----</p> <ul style="list-style-type: none"> - Gas Station canopies shall comply with the regulations in Section 15.3.13 and Section 22.10.2 - All other non-residential awnings and canopies shall comply with Article 15, if applicable, and Section 22.10.2 	<p>Y</p>	<p>Y</p>	<p>Y</p>
<p>Bay Window</p> <ul style="list-style-type: none"> - No more than 3' into required yard 	<p>Y</p>	<p>N</p>	<p>Y</p>
<p>Chicken Coop and Chicken Run (Non-AG Exempt)</p> <ul style="list-style-type: none"> - Subject to Section 18.3.4 	<p>N</p>	<p>N</p>	<p>Y</p>
<p>Chimney</p> <ul style="list-style-type: none"> - No more than 18" into a required yard 	<p>Y</p>	<p>Y</p>	<p>Y</p>
<p>Compost Pile</p> <ul style="list-style-type: none"> - Minimum of 6' from any lot line 	<p>N</p>	<p>Y</p>	<p>Y</p>

Deck - Shall be located no higher than 4 feet above ground level when not attached to a building or above ground pool - Minimum of 6' from any lot line - No more than 8' into required front yard	Y	Y	Y
Dog Run	N - Residential Districts Y - Non-Residential Districts, but behind building setback	Y, but behind building setback	Y
Driveway	Y	Y	Y
Eaves - No more than 2' into a required yard	Y	Y	Y
Exterior Stairwells (not enclosed) - Minimum of 6' from any lot line - No more than 8' into required front yard	Y	Y	Y
Fence - Subject to Section 18.3.6	Y	Y	Y
Fire Escape	Y	Y	Y
Flagpole - No more than 3 per zoning lot - Not to exceed 35' in height	Y	Y	Y
Garages, Detached - Subject to Section 18.3.7	Y, but behind building setback line	Y, but behind building setback line	Y
Gazebo - Shall be located no higher than 4 feet above ground level when not attached to a building or above ground pool - Minimum of 6' from any lot line	Y, but behind building setback line	Y	Y
Mechanical Equipment, Ground-Mounted - Subject to Section 18.3.9	N	Y	Y

Ornamental Lighting, Lamp Posts, & Lawn Decorations (Benches, statues, birdbaths, sculptures, etc.) - Subject to view obstruction and exterior lighting regulations of Section 18.3.5	Y	Y	Y
Outdoor Sales and Display - Subject to Section 18.3.10	Y, but behind building setback line	Y, but behind building setback line	Y, but behind building setback line
Outdoor Storage -Subject to Section 18.3.11	Y, but behind building setback line	Y	Y
Outdoor Fireplaces - Minimum of 6' from any lot line	Y, but behind building setback line	Y	Y
Parking Pad (Single and two family residential use) - Subject to Article 23	Y	Y	Y
Parking Lot (Multi-family residential use) - Subject to Article 23	Y, but behind building setback line	Y	Y
Parking Lot (Non-residential use) - Subject to Article 23	Y	Y	Y
Patio - Minimum of 6' from any lot line - No more than 8' into required front yard	Y	Y	Y
Porch, Unenclosed - Minimum of 6' from any lot line - No more than 8' into required yard - Subject to Section 18.3.12 (Enclosed porches cannot encroach)	Y	Y	Y
Recreational Equipment - Minimum of 6' from any lot line - Basketball standards & backboards shall be permitted in all yards, not subject to the front building setback line	Y, but behind building setback line	Y	Y

<p>Refuse Containers</p> <ul style="list-style-type: none"> - Minimum of 6' from any lot line - Commercial refuse containers are prohibited on land used primarily for single-family residential purposes in residential subdivisions 	Y, but behind building setback line	Y, but behind building setback line	Y
<p>Satellite Dish Antenna (1 meter or less in diameter)</p> <ul style="list-style-type: none"> - Subject to Section 18.3.13 	Y	Y	Y
<p>Satellite Dish Antenna (More than 1 meter in diameter)</p> <ul style="list-style-type: none"> - Subject to Section 18.3.13 - Minimum of 6' from any lot line 	N	Y - Residential Districts, but behind building setback line Y - Non-Residential Districts	Y
<p>Sidewalk and Private Walkway</p>	Y	Y	Y
<p>Sills, belt course, cornices & ornamental features of the principal structure</p> <ul style="list-style-type: none"> - No more than 2' into a required yard 	Y	Y	Y
<p>Sheds and Private Greenhouses</p> <ul style="list-style-type: none"> - Subject to Section 18.3.14 	Y, but behind building setback line	Y, but behind building setback line	Y
<p>Solar Panels</p> <ul style="list-style-type: none"> - Subject to Section 18.3.15 	Y	Y	Y
<p>Steps and stoops</p>	Y	Y	Y
<p>Swimming Pool</p> <ul style="list-style-type: none"> - Subject to Section 18.3.16 - Minimum of 6' from any lot line - Prohibited in all utility easements 	Y, but behind building setback line	Y	Y
<p>Tennis Court</p> <ul style="list-style-type: none"> - Minimum of 6' from lot line 	Y, but behind building setback line	Y	Y
<p>Water Garden</p> <ul style="list-style-type: none"> - Limited to 24" in depth - Minimum of 6' from any lot line 	Y	Y	Y

Wind Energy System (Ground-Mounted) - Subject to Section 18.3.17	N	N	Y
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Sec. 18.5. - Temporary Uses and Structures.

18.5.1 *Temporary Use Permit Application.*

- A. Any person, firm or corporation desiring to obtain a temporary use permit, as required by this Ordinance, shall file a written application with the Planning and Zoning Officer on a form provided by the County.
- B. The Planning and Zoning Officer shall grant temporary use permits for those uses listed below so long as he/she determines that the proposed use, complies with the requirements of this section and this Ordinance. Unless expressly provided in this section, every temporary use or structure shall comply with the bulk requirements applicable in the district in which it is located.
- C. Unless otherwise limited, temporary uses may be allowed in any zoning district, provided that it is consistent with the purpose and intent of this Ordinance and the zoning district in which it is located.
- D. Every temporary use shall comply with this Ordinance and all other regulations. The Planning and Zoning Officer may impose other conditions, as part of the temporary use permit approval, as necessary to achieve the purposes of this Ordinance, and to protect the public health, safety and welfare. No temporary use shall be permitted in any district if it would have a significant negative impact on any adjacent property or on the area as a whole.
- E. Temporary use permits under this Section 18.5 shall require payment of a fee in the minimum amount established for commercial zoning permits, as may be amended from time to time.

18.5.2 *General Provisions.* Every temporary use shall comply with all the requirements listed below.

- A. No temporary use shall be permitted that causes, or threatens to cause, an on-site or off-site threat to the public health, safety and welfare.
- B. Every temporary use shall be operated in accordance with such restrictions and conditions required by all County codes, including, but not limited to, fire, police, building, and health codes. If required by the County, the operator of the temporary use shall employ appropriate security personnel.
- C. No temporary use shall be permitted if the additional vehicular traffic reasonably expected to be generated by such use would have undue detrimental effects on surrounding streets and uses. No temporary use shall block handicapped or fire lanes.
- D. No temporary use shall be authorized that would unreasonably reduce the amount of parking spaces available for use in connection with permanent uses located on the lot in question. The Planning and Zoning Officer may make an assessment of the total number of parking spaces that will be reasonably required in connection with a proposed temporary use, on the basis of the particular use, its intensity and the availability of other parking facilities in the area. The Planning and Zoning Officer shall approve the temporary use only if such parking spaces are provided.
- E. No temporary use shall be permitted if it conflicts with another previously authorized temporary use.

18.5.3 *Permitted Temporary Uses.*

- A. *Temporary Outdoor Festival Events (Public, operated in collaboration with government).* Temporary outdoor festival events, including carnivals, open to public and operated in collaboration with government are permitted as authorized by the County Board Administrative Office and must comply with all procedures required by the County Board Administrative Office. Other similar transient events open to the public that may have an economic benefit to

the County or a regional interest, such as marathons, amateur travel sports tournaments, etc., may be considered. This temporary use shall not be interpreted to include uses in Paragraphs F and I of this section, or uses identified as a permitted or special use in the districts.

- B. *Outdoor Seasonal/Holiday Sales Lot.* Outdoor seasonal/holiday sales lots when not operated by either a storeowner or occupant onsite of interest, such as Christmas tree sales lots and pumpkin sales lots, shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact on other properties. Seasonal/holiday sales lots are limited to a period not to exceed forty-five (45) days per season, and are only permitted in the commercial districts.
- C. *Outdoor Farmers Markets.* No product may be exhibited or offered for sale except the following: fresh dairy goods, fruits, vegetables, juices, flowers, plants, herbs, and spices produced or grown by the vendor, baked goods made by the vendor, meats and prepared foods made by the vendor. Outdoor farmers markets are only permitted in the agriculture-related business and commercial districts.
- D. *Outdoor Farmstand.*
1. Outdoor farmstands are only permitted in the agricultural and commercial districts.
 2. In agricultural districts, outdoor farmstands are limited to sales of items grown at the site including, but not limited to, fruits, vegetables, nursery stock, or the items prepared using raw materials grown on property owned by the farmstand owner including, but not limited to, prepared spices, baked goods, prepared foods, and arts and crafts. Farmsteads may not sell any food items, apparel, arts and crafts, or other items not grown at the site, or not prepared using raw materials grown by the farmstand owner.
 3. All food products shall be prepared and handled in accordance with all applicable state and local regulations.
 4. Outdoor farmstands shall be seasonal in operation and may operate only during the period of April 1st through December 27th.
 5. Outdoor farmstands are limited to outdoor temporary tents, farm wagons or trailers, or temporary purpose-built structures not more than six-hundred (600) square feet in area and not more than seventeen (17) feet in height.
 6. No parking for farmstands is permitted in the public right-of-way.
- E. *Garage and Yard Sales.* Garage and yard sales are allowed in any district, but only when limited to personal possessions of household goods or personal articles (primarily in used condition) or arts and crafts made by the owner or occupant of the dwelling unit where the sale is being conducted. These uses shall be limited to a period not to exceed three (3) consecutive days and no more than three (3) sales shall be conducted from the garage or yard of a lot in any calendar year. Garage and yard sales are exempt from obtaining a temporary use permit.
- F. *Outdoor Arts and Crafts Shows, Plant Shows, Flea Markets, and Swap Meets.* Outdoor arts and crafts shows, plant shows, flea markets, and swap meets shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic access, and adverse impact on other properties. These uses are only permitted in C-C and C-G Districts. Such events are permitted for a period of no more than five (5) successive days and no more than two (2) sales in any calendar year.
- G. *Temporary Contractor Trailers and Real Estate Model Units.* Contractor trailers and real estate model units, including temporary real estate offices accessory to a new development, are allowed in any zoning district, out of all required yards, when accessory to a construction project or a new development. Contractor trailers shall be limited to a period not to exceed the duration of the active construction phase of such project. Real estate model units, including temporary real estate offices, shall be limited to the active selling and leasing of space in such development or six (6) months after issuance of the final occupancy permit, whichever is less. These structures shall not contain any sleeping or cooking accommodations, except those located in a model unit used for demonstration purposes only. No trailer or unit shall be used as the general office or headquarters of any firm.

- H. *Temporary Classroom Units on the Site of an Educational Facility.* Temporary classroom units accessory to an education are allowed where educational facilities are allowed by district, out of all required yards and required parking areas. Temporary classroom units shall obtain a temporary use permit that is valid for three (3) years which is renewable one time for a maximum of six (6) years.
- I. *Outdoor Temporary Holiday/Seasonal Events.* Outdoor temporary holiday/seasonal events directly tied to and dependent on the season/holiday, such as haunted houses, hay or trail rides, corn mazes, etc., are allowed in the C-C and C-G Districts, and the Agricultural Districts. Outdoor temporary events are evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties. Outdoor temporary holiday/seasonal entertainment events are limited to a period not to exceed forty-five (45) days per season. A use that is categorized as a tourist facility, agri-business or outdoor entertainment cannot be issued or receive a temporary use permit.
- J. *Tents (Located Outdoors).*
1. *Non-Residential Uses.* Tents accessory to non-residential are permitted in conjunction with a special event of a use located on the same lot. The special event, however, shall be an authorized use within the district. Tents must be removed within two (2) days of the end of the event for which it was erected, but in no case may a tent be in place for longer than one-hundred (120) days per calendar year. Every tent shall comply with the bulk requirements applicable to accessory structures. Additionally, the size and location of tents may be restricted where it is determined that it creates parking and/or access problems on the site. Tents may be required to be reviewed by the Fire Department and Building Department.
 2. *Residential Uses.* Tents accessory to residential shall be limited to no more than nine (9) days per calendar year. These structures shall include tents used for permissible accessory entertainment or assembly purposes to residential that are not intended for living purposes, such as camping and sleeping or for uses that are not authorized in the district. Tents accessory to residential are exempt from obtaining a temporary use permit.
- K. *Temporary Batching Plants (Asphalt or Concrete).* Temporary batching plants are allowed in any district in connection with construction activities associated with a public use or facility (i.e. building a road). Batching facilities must be set back a minimum of one-thousand (1,000) feet from any property developed for other than industrial uses. The period of operation may not exceed the duration of construction or one (1) year, whichever is less.
- L. *Outdoor Temporary Car Sales Lot.* Outdoor temporary car sales lots are permitted in the C-C and C-G Districts only. Outdoor temporary car sales lots shall be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties. A site layout displaying adequate ingress and egress routes for all vehicles with no dead-end aisles shall be submitted in advance of the event. All exits and entrances must be clearly marked. Outdoor temporary car sales lots are limited to a period not to exceed thirty (30) days and no more than two (2) per calendar year.
- M. *Outdoor Temporary Retail Stands.* Outdoor temporary retail stands not exceeding two-hundred fifty (250) square feet in are permitted in the C-C and C-G Districts only, subject to approval of a temporary use permit and the following regulations:
1. The structure is located entirely on private property and does not encroach upon any required landscape areas. All such structures shall be setback at least ten (10) feet from any lot line that abuts a public right-of-way.
 2. Outdoor temporary retail stands are permitted to sell retail goods and food items, subject to all other County codes. Temporary retail stands may not have outdoor seating or outdoor display components.
 3. Outdoor temporary retail stands are limited to a period not to exceed sixty (60) days and only one (1) stand per calendar year per site.
 4. Outdoor temporary retail stands are permitted one (1) sign of eight (8) square feet. In addition, a temporary retail stand that sells food items is permitted an additional menu sign of four (4) square feet. All signs must be of wall

sign type.

N. *Temporary Storage Containers.*

1. Temporary storage containers are permitted in any zoning district when used for loading or unloading. Containers are permitted on site for a period not to exceed twenty one (21) days. Temporary storage containers are exempt from obtaining a temporary use permit.
2. Temporary storage containers shall not be used for permanent storage. Containers shall not serve as a substitute for permanent storage needs on the site on which they are located. Containers shall not be permanently attached to the ground, serviced with permanent utilities or stacked on the site.

O. *Temporary Construction Dumpsters.* Construction dumpsters are allowed in any zoning district when accessory to a construction project or a new development. Construction dumpsters shall be limited to a period not to exceed the duration of the active construction phase of such project. Temporary construction dumpsters are exempt from obtaining a temporary use permit.

P. *Other Temporary Uses.* Other temporary uses not listed can be permitted by the Planning and Zoning Officer provided that the intent of this section is maintained.

ARTICLE 19: - OFF-SITE DEVELOPMENT STANDARDS

Sec. 19.1. - Purpose.

The purpose of these off-site development standards is:

- A. To protect and promote the public health, safety and general welfare.
- B. To provide for the orderly and safe development of land.
- C. To facilitate adequate provisions for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities.

Sec. 19.2. - Conformity to Community Plans.

All subdivisions shall conform to the general and detailed specifications of plans or segments thereof, including the 2030 Land Resource Management Plan, adopted pursuant to the authority contained in Chapter 55 of the Illinois Compiled Statutes, and to this Ordinance and to any other adopted ordinances, resolutions, policies and plans.

Sec. 19.3. - Limitations on Subdivision.

No land shall be subdivided which is unsuitable for subdivision by reason of flooding, bad drainage, adverse earth or rock formation or topography, or any other feature likely to be harmful to the health, safety or welfare of the future residents in the proposed subdivision or of the community. Such lands shall remain unsubdivided until such time as the conditions causing the unsuitability are corrected. Natural features such as trees, brooks, hilltops, views or any other significant natural resource shall be preserved wherever reasonable and pursuant to 2030 plan.

Sec. 19.4. - Lots.

A. *General Regulations.*

1. All lots shall meet the minimum width, depth and area requirements of this Ordinance, unless otherwise regulated by Paragraph B below.
2. No new flag lots shall be created by subdivision.

3. Subdivisions shall contain no left-over pieces, corners or remnants of land.
4. Each lot shall be provided with satisfactory access to a public street by means of frontage on such street. No lot shall front on a street that has been designated by the County Board as a limited access/access controlled road.

B. Subdivision of Land with Severe Soils or Poor Drainage.

1. For severe soils as listed in Table 19-1: Soil Suitability and Lot Sizing of this Section, the County Board may establish the minimum lot size based upon the reports of a registered professional engineer and the Department of Public Health that the public health will not be endangered and that the interest of the public will be preserved.
2. When the County Board has reason to believe that a particular area should not be subdivided for reasons of poor drainage and the possibility of creating health problems, it may require that additional soil or geological tests be made. If the soils do not meet the minimum requirements as specified in Table 19-1 of this Section, the area in question shall not be subdivided until utility sewer or utility water is provided.
3. Soil boring tests shall be done or supervised by a soil scientist registered by the state. The person supervising the test shall certify as to the results and correctness of procedure, as outlined in this Article.

TABLE 19-1: SOIL SUITABILITY AND LOT SIZING

ABSORPTION LIMITATION CHARACTERISTICS	SOIL TYPE				MINIMUM LOT SIZE
SLIGHT	86A	86B	199A	199B	25,000 ft ² (1)
	243A	243B	280B	297B	
	310B	361B	363B	369A	
	387A	387B	440A	440B	
	570A	570B	623A	623B	
	675A	675B	780B	781A	
	781B	9086A	9675A		
MODERATE	21B	22B	86C2	199C2	30,000 ft ² (2)
	227B	243C2	280C2	297D2	
	310D2	361D2	361D3	363D2	
	412B	419A	419B	440C2	
	570D2	618B	622B	728B	

	780C2				
	21C2	22C2	22D2	419C2	35,000 ft ² (2)
	618C2	622C2	728C2	728D2	
RESTRICTED	290A	290B	290D2	327B	1 acre - 43,560 ft ²
	327D2	332A	332B	354A	
	354B	379A	779B	779D	
	783A	783B	939C2	939D2	
SEVERE	51A	61A	62A	93E2	1 acre or greater of severe soil or a combination of severe and restricted, moderate or slight soil. Each system must be designed by a registered professional engineer and approved by the Department of Public Health. The total number of lots allowed for engineered systems shall not exceed 5% of the total number of lots in the subdivision. All lots with engineered systems shall be noted on the final plat.
	102A	104A	119B	146A	
	172A	188A	197A	198A	
	223B	242A	259B2	259C2	
	278A	279A	293A	343A	
	411B	411C2	429B	429C2	
	490A	506A	506B	506C2	
	512B	512C2	528A	533 (3)	
	771A	802B (3)	865	8782A	
	9051A	9061A	9278A	9279A	
VERY SEVERE	68A	107A	125A	152A	May only be developed with public sewer and public water.
	329A	403C	403E	403F	
	505C2	505D2	505E2	529A	
	561B	561C2	561D2	566B	
	566C2	566D2	768B	768C	

768D	769B	769D	769E2
772A	864	3082A	3100L
3103L	3107A	3415A	3776A
3776L	3777L	3800A	8451A
9068A	533 (3)		

Footnotes:

- (1) Designated area for septic leach field - 2 bedroom - 7,500 ft²; 3 bedroom - 10,000 ft²; 4 bedroom - 12,500 ft²
- (2) Designated area for septic leach field - 2 bedroom - 9,000 ft²; 3 bedroom - 12,500 ft²; 4 bedroom - 15,500 ft²
- (3) Suitability dependent on soil analysis

Sec. 19.5. - Street and Sidewalk Construction.

A. *Conformance with Other Jurisdiction Regulations.*

- 1. All public improvements shall be constructed in accordance with the applicable portions of the Illinois Department of Transportation Specifications for Road and Bridge Construction (latest edition) and the Illinois Standard for Water and Sewer Construction (latest edition) unless otherwise noted herein.
- 2. Developments shall be constructed in phases, so that to the extent possible construction traffic does not utilize previously completed streets.
- 3. The final bituminous surface shall not be placed until eighty percent (80%) of the lots have been completed for that phase, as approved by the County Engineer.
- 4. The County Engineer shall develop a "punch list" prior to the placement of the surface course. The punch list shall include: bituminous binder course, curb and gutter, roadway ditch, and culverts and storm sewers. The developer or contractor shall complete all items to the satisfaction of the County Engineer prior to application of the final surface course.

B. *Grading.* All streets shall be graded to the full width of the right-of-way, and the adjacent side slopes shall be graded to blend with the natural lay of the land and to provide reasonable access for vehicular traffic to each lot of the subdivision, to the satisfaction of the County Engineer.

C. *Road Base and Pavement.*

- 1. The thickness of a pavement surface and base shall be based upon the pavement structural design as approved by the County Engineer.
- 2. The minimum base thickness shall consist of a layer of crushed aggregate base course that extends to the ditch and slope or one (1) foot beyond back of curb, and is fourteen (14) inches thick after thorough compaction seven (7) inches coarse aggregate (CA 1) and seven (7) inches finer aggregate (CA 10).
- 3. The minimum bituminous concrete pavement thickness shall consist of at least two (2) inches of hot mix asphalt binder and one and two (2) inches of hot mix asphalt surface of the type and class approved by the County Engineer.
- 4. A pavement cross-section that utilizes ditches shall be called "rural." The surface width for a rural cross section shall

be a minimum of five (5) foot shoulders, which must slope a half (0.5) inch per foot, and twenty-four (24) foot pavement which must slope a quarter inch per one foot for a total width of thirty-four (34) feet. A pavement-cross section that utilizes curb and gutter shall be called "urban." The surface width for an urban cross section shall be a minimum of thirty (30) feet from face to face of curb.

5. Detailed standards of construction shall be prescribed by the County Engineer.
 6. Frost-free bank run sand and gravel or comparable granular material shall be used for all trench backfill and all backfill shall be allowed to settle a minimum of one (1) winter, or such greater time as may be specified by the County Engineer, before an impervious surface is laid. In wet or soft areas, a geo-technical fabric will be allowed, subject to the approval of the County Engineer, in lieu of, or in addition to, removal of the soft or wet material and replacement with a porous granular embankment. The aggregate base shall be primed one (1) foot wider than the edge of the bituminous paving prior to placing a bituminous course. This must be applied between each stage of the hot mix asphalt process.
 7. The hot mix asphalt binder shall be applied within four (4) to six (6) months of the application of the aggregate base, unless written permission for additional time is approved by the County Engineer.
 8. Bituminous materials shall not be laid when the temperature is below forty-five (45) degrees Fahrenheit.
 9. Utility construction shall be coordinated so that it is properly backfilled and completed prior to placing aggregate base for the road, in accordance with Illinois Department of Transportation specifications.
 10. Fabric shall be inserted prior to placement of aggregate base for all roadways, in accordance with Illinois Department of Transportation specifications and Article 1080.2 of the County Code.
- D. *Ditches.* Ditches, when required by the County Engineer, shall be at least twenty-four (24) inches deep below the shoulder edge and shall have a two (2) foot wide flat bottom. Side slopes on each side of the drainage ditch along the roadway shall be sloped at a rate of no more than one (1) foot rise to four (4) feet horizontal. Paved ditches shall be constructed if required by the County Engineer.
- E. *Curbs and Gutter.*
1. Curbs and gutters, when required by this Section or by the County Engineer, shall be constructed of Portland Cement Concrete using M6.12 combination curb and gutter. Such curb and gutter shall be depressed at all alleys and driveways. Concrete gutter type A ("V" gutter) may be allowed if approved by the County Engineer.
 2. Curb and gutter is required in all subdivisions where one (1) or more lots are less than twenty-five thousand (25,000) square feet and within a subdivision that will be developed for commercial and/or industrial purposes.
 3. In conservation design, a rural cross-section can be used in front of undeveloped natural areas or expansive open space when approved by the County Engineer and the Planning and Zoning Officer.
- F. *Alleys.*
1. Alleys shall be paved with PCC concrete according to detailed standards of construction prescribed by the County Engineer. The County Engineer may approve alternative semi-pervious surfaces for paving of alleys.
 2. All alleys shall be privately owned.
 3. All drainage design for private alleys needs to be compatible with the intersecting roadway drainage system, subject to approval of the County Engineer.
- G. *Sidewalks.*
1. Sidewalks are required along both sides of the roadway in all subdivisions where one (1) or more lots are less than twenty five thousand (25,000) square feet and within a subdivision that will be developed for commercial and/or industrial purposes. Except under unusual conditions, sidewalks and interior block walkways shall be made of PCC concrete five (5) feet wide. At crossings of driveways, installed at the time of sidewalk installation, sidewalks shall be six (6) inches thick and reinforced with wire mesh reinforcing.

2. In conservation design, in areas of large or expansive open space areas or natural areas or like, sidewalks are only required where higher volume pedestrian use is anticipated (i.e. to a school, to a park, or along a main collector street, etc.) on one side of roadway, rather than on both sides of roadway required elsewhere in subdivision, subject to the above construction criteria mentioned in item 1 above as long as the intent of the sidewalk requirement remains intact. Further exceptions may be allowed in aforementioned areas if the rezoning concept plan is approved addressing sidewalks.
3. These sidewalk requirements apply unless the Township Highway Commissioner submits a written request to the County's Zoning Committee seeking sidewalk relief from the above requirements with an explanation as to why the request is in the public's best interest and verification that the subject property is located at least 1.5 miles away from an incorporated municipality. The Zoning Committee is encouraged to work with the Township Highway Commissioner seeking relief but is not obligated to honor the request if the Committee finds the request is not in the best interest of the public. The Zoning Committee's decision is final with regard to this matter.
4. The above procedure for relief applies only to the above sidewalk requirements as they relate to this Ordinance; it does not grant sidewalk relief from other governmental jurisdictions that may require a different standard. Any other person, other than the Township Highway Commissioner, seeking sidewalk relief must follow the subdivision variation procedure of this ordinance.

Sec. 19.6. - Street Design.

A. *General Design.* All streets shall be designed in substantial relation to:

1. Topographic conditions and drainage.
2. Public convenience and safety.
3. The proposed uses of the land to be served by such streets.
4. If required by the fire department serving the area under development, a minimum of two (2) entrances shall be required for emergency services. However, if a second entrance is determined by the County Engineer not to be warranted, such an entrance shall be restricted to emergency use by the construction of a crash gate or other device as approved by the County Engineer.
5. Streets shall be located on the edge of, or one (1) lot depth away from, the edge of the tract.

B. *Publicly Planned Streets.*

1. Streets shall be laid out in conformity to street or highway plans officially adopted by the County Board. Wherever such a planned street or highway runs through a proposed subdivision, it shall be provided for in the place and with the width indicated on such plan.
2. However, no more than one-hundred twenty (120) feet of width for right-of-way dedication shall be required for any street. Any additional right-of-way specified on the plan shall be reserved for circulation purposes by easement provisions.

C. *Section Line Roads.* One-hundred (100) foot wide rights-of-way shall be laid out on section and half-section lines. Where physical obstructions occur, or where a more appropriate location can be found, such roads may deviate from section and half-section lines, provided that the required width of one-hundred (100) feet is carried through to a suitable connection. Such deviations shall be made only with the consent and approval of the Plat Officer and the County Engineer.

D. *Street Right-of-Way Widths.* Where not otherwise specified, street right-of-way widths shall be not less than sixty-six (66) feet, except that sixty (60) foot wide right-of-way may be permitted when such streets are improved with curb and gutter to meet the curb and gutter standards of the City of Rockford. Where unusual conditions warrant, short streets and courts serving ten (10) lots or less may be platted with a width of sixty (60) feet.

- E. *Residential Streets.* Minor residential streets shall be laid out so that their use by through traffic will be discouraged.
- F. *Marginal Access Streets.* Where a subdivision borders on or contains a railroad right-of-way or limited access road right-of-way, a street shall be located approximately parallel to and at least one (1) lot depth distance from each side of such right-of-way, or at a distance suitable for the appropriate use of the intervening land, such as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts, except where it is deemed necessary that a through street be continued without deflection or that marginal access streets parallel and adjacent to such right-of-way are provided. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- G. *Half Streets.* Half streets are prohibited, except to provide right-of-way for officially adopted planned streets or highways located pursuant to 55 ILCS 5/5-1031. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract unless the existing half street has been vacated prior to final approval.
- H. *Private Streets.* Private streets serving more than one (1) residential lot are prohibited. The only exception to this provision shall be when the subdivider submits satisfactory evidence that there can be no public interest in such private street.
- I. *Alleys.* The minimum width shall be twenty-four (24) feet.
- J. *Blocks.* Block lengths shall not exceed one-thousand nine-hundred (1,900) feet. Excessively short blocks will be discouraged.
- K. *Dead-End Streets and Culs-De-Sac.*
1. Culs-de-sac shall be provided on all dead-end streets. Dead-end streets shall not be longer than five-hundred (500) feet. Culs-de-sac shall have a minimum diameter of seventy-five (75) feet.
 2. Temporary culs-de-sac or hammerheads, at the option of the County Engineer, will be required at all temporary dead-ends. When such streets are extended, the temporary cul-de-sac or hammerhead shall be removed as well as realignment of drainage swales and culverts at the expense of the adjoining developer per the request of County Engineer. The maximum number of temporary culs-de-sac or hammerheads may be established by the County Engineer.
- L. *Reserve Strips.* Reserve or spite strips controlling access to streets are prohibited.
- M. *Barricades Required.* The subdivider shall place barricades, as required by the County Engineer, at the end of streets to be later extended.
- N. *Alignment and Continuation.* Where streets are not a part of the 2030 Land Resource Management Plan or other officially adopted street or highway plans, the arrangement of the streets in a subdivision shall either provide for the alignment and continuation or appropriate projection of existing principal streets in surrounding areas, unless it conforms to an adopted plan by the County for the neighborhood which meets a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable.
- O. *Design for Natural Features.*
1. Streets paralleling streams, rivers, ravines, bluffs or other similar natural features shall be located approximately one (1) lot depth away from such natural feature, so that the intervening land may be developed into private lots meeting the requirements of this Ordinance.
 2. The Forest Preserve District, or other appropriate local governmental body, shall have a sixty (60) day opportunity to express interest in acquiring such intervening land prior to final plat approval, provided that approval of the final plat shall not be delayed more than sixty (60) days after the date notice has been given to such local governmental body for reason of their failure to take action.
 3. However, streets paralleling such natural features and so close to them as to leave an intervening strip of land that cannot be developed into lots meeting the requirements of this Ordinance may be permitted, provided that the

intervening land is dedicated to and accepted by the Forest Preserve District, or other appropriate governmental body.

4. Lake and stream shore subdivisions shall provide one (1) or more streets or rights-of-way, running to the low water mark at one (1) mile intervals, as measured along the lake or stream shore, except where streets or rights-of-way already exist at not more than one (1) mile intervals. The subdivider may place use restrictions on these stub streets to control until such time as a bridge is extended.

P. *Street Names.*

1. Streets that are extensions of, or obviously in alignment with existing streets, shall bear the names of the existing streets. However, no other street shall bear names that duplicate, or so nearly duplicate as to be confused with, the names of existing streets.
2. North-south streets shall be called "streets" and east-west streets shall be called "avenues." The term "boulevard" shall be reserved for streets with divided pavement.
3. All roadways of the same name should be connected.
4. No roadway shall change direction abruptly and keep the same name. Roadway names and addresses shall not be changed in the middle of a straight road or continued road.
5. All sign panels shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices." Street name and traffic control signs shall be installed within thirty (30) days of the first occupancy. Signs shall be type-A high intensity prismatic and/or subject to the approval by the County Engineer. All sign posts shall be either round steel pole or a #3 channel post.

Q. *Open Cutting Pavements.*

1. No open cutting of pavements will be allowed after the pavement surface has been placed, unless approved by the County Engineer.
2. The excavation for all bore pits shall not be closer than five (5) feet from the edge of the roadway surface.
3. Open cut trenches shall consist of a minimum base of fourteen (14) inches compacted stone and four (4) inches bituminous surface compacted.
4. The contractor or appropriate utility company shall be responsible for settlement up to one (1) year from the time the surface is replaced. The contractor or appropriate utility company shall be responsible for any and all ditch work or damage to ditch lines during construction up to year after completion of construction. All backfill shall be in accordance with Illinois Department of Transportation specifications.
5. The utility companies are encouraged to use PVC piping for all highway/street crossings. The type of PVC pipe is subject to the approval of the County Engineer.

R. *Costs and In-Lieu.*

1. In the case of streets along the edge of a subdivision, in lieu of the complete improvement of half of a street, the County Engineer may specify the grading and preparation of the entire street width in place of other required improvements.
2. Where an arterial highway, secondary highway or section line road is to be improved at greater than minor residential streets standards, the subdivider's share in the costs of improvements shall be equal to the cost of a minor residential street in the same location.
3. In the case of sidewalks, and whenever else it is deemed necessary by the applicable city and/or County, to defer the construction of any improvement required in this Section, the subdivider shall entrust his share of the cost of the future improvement with the applicable city and/or County.
4. If open cutting is approved, the developer shall post an eighteen (18) month, a five-thousand dollar (\$5,000.00)

irrevocable letter of credit, in accordance with Section 5.12.8, with the County prior to starting any work. If a utility company is doing the installation with its own staff, the posting of a letter of credit shall be at the discretion of the County Engineer.

- S. *Testing and Inspection.* The developer/owner shall be responsible for the cost of inspection by an engineering and/or materials testing firm hired by the County Engineer for the inspection of public improvements which will include, as a minimum, the following:
1. Proof rolling the sub-grade, removing and replacing any soft areas with porous granular embankment, and geo-technical fabric prior to placement of the aggregate base.
 2. Proof rolling the aggregate base prior to placement of a bituminous course and removing and replacing unsuitable materials, including the subgrade, with porous granular embankment or aggregate base.
 3. QC/QA for all material placement shall be according to IDOT specifications.
 4. Pavement and aggregate base coring as required by the County Engineer.
 5. Materials testing and inspection.
 6. The developer or contractor shall notify the Township Highway Commissioner forty-eight (48) hours in advance of activities listed in items 1 through 4 above.
 7. The developer or contractor shall certify that the ditches and drainage easements are graded according to the plan no less than ten (10) days prior to the placing of bituminous surface.
- T. *Parkway Trees.* Subdivisions are required to plant one (1) parkway tree, in accordance with the landscape design guidelines of Article 20, every one-hundred (100) feet and any fraction thereof. Where there is insufficient space for a tree to be planted in the parkway or public right-of-way, the required trees may be planted on the adjacent private property subject to approval from the Planning and Zoning Officer.
- U. *Mailboxes and Other Structures.* Mailbox turnouts shall be constructed in accordance with the latest edition of the Illinois Department of Transportation Highway Standards and a permit must be obtained before mailboxes and other structures are placed in the right-of-way.
- V. *Street Signs.* All public street signs shall conform to the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD).

Sec. 19.7. - Stormwater Drainage.

- A. The developer shall provide to the Plat Officer a copy of the final drainage study that was approved by the County Engineer identifying the lot number and drainage pipe size. The plan shall also include, but is not limited to, other drainage requirements outlined in this Ordinance.
- B. Storm drainage improvements consisting of storm sewers and/or open channels shall adequately drain the area being developed and also all of that area which naturally drains through the area being developed. The design of drainage improvements shall be coordinated with present and probable future improvements so as to form part of an integrated system. Appropriate grading may be required.
- C. Storm sewers shall be constructed of reinforced concrete pipe (RCP). The minimum pipe size shall be twelve (12) inches. In general, storm sewer capacity shall be sufficient to provide runoff from a storm of ten (10) year frequency.
- D. Stormwater inlets of a standard design shall be installed. They shall be suitable as to type and capacity for the locations where installed. Rockford 700s are prohibited.
- E. Storm sewer manholes shall be spaced no more than four-hundred (400) feet apart and shall be located in the parkway no more than four (4) feet from the back of curb or edge of pavement. At the discretion of the County Engineer, the location of manholes may be changed and not solely located in the right-of-way. Manholes shall not be located in private driveways without County Engineer approval.

- F. Any storm sewers installed shall have a slope which shall provide a minimum velocity of three (3) feet per second when flow
- G. Drainage easements shall have a minimum width of twenty (20) feet and shall be sodded or seeded at the developer's expense.
- H. Cross road pipes shall consist of corrugated metal pipe (CMP) or reinforced concrete culvert pipe (RCCP) a minimum of eighteen (18) inches diameter or equivalent arch shall be used or larger as determined by the drainage study. End sections shall be provided. A minimum cover of twelve (12) inches crushed stone over the top of the pipe shall be provided. They shall be backfilled in accordance with the IDOT standards.
- I. Entrances pipes shall be minimum length of twenty-four (24) feet and a minimum of fifteen (15) inches in diameter with the flared end sections or larger diameter as determined the drainage study. Pipe shall be CMP or RCCP. A minimum cover of six (6) inches crushed stone over the top of the pipe shall be provided. Installation of entrance pipes must be completed prior to the start of construction on the lot.
- J. All proposed detention/retention ponds and significant drainage areas must be part of one (1) or more outlots that are part of the subdivision plat which are owned and maintained by the homeowners association or similar acceptable entity unless there is a unique extenuating situation preventing said. The plat is to indicate that the owner(s) of such lot(s) will be responsible for the perpetual maintenance of said. No structures shall be erected in detention/retention ponds, significant drainage areas or drainage easements.
- K. The developer shall include erosion control measures to meet the standards for Construction Site Erosion and Sediment Control established in the County Code. Such measures shall be included in the plans and specifications. The developer is responsible for the maintenance of the erosion control measures during the construction of the subdivision.
- L. Where the character or topography of the land in a subdivision is such that it is impossible or impractical to place streets so that they carry off the surface water, the appropriate easements along lot lines shall be provided and improved, where necessary, to carry off surface water in open channels or storm sewers.
- M. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, appropriate dedication or easement provisions, with adequate width or construction to accommodate stormwater and drainage through and from the subdivision, shall be made.
- N. Where a drainage way carries water from one-hundred (100) or more acres of land, such easement or dedication shall conform to the natural drainage channel.
- O. A preserved area no more than three-hundred (300) feet wide may be required where the drainage way carries water from five-hundred (500) or more acres of land.
- P. Minimum vertical elevations for structures may be required in areas which are or may become subject to flooding by surface water.

Sec. 19.8. - Sanitary Sewers.

A. *General Requirements.*

1. Public sanitary sewer shall be required for all subdivisions, any part of which are located within one and one-half (1.5) miles of an incorporated municipality, in addition to any additional requirements for public sewer in state law.
2. Public sanitary sewer shall also be required for all subdivisions located within the geographic areas within designated facility planning areas established by the Illinois Environmental Protection Agency, and within areas served by other community waste water systems.
3. Public sanitary sewer connection is required as noted above and may be further restricted within a specific zoning district.
4. When a subdivision is not located within one and one-half miles of an incorporated area, and the developer intends to install a combined sewer system serving the entire development or portions of the development, the developer

shall install a system that is readily available to connect into a public sanitary sewer system should the option become available at a later date.

B. *Improvement Standards.*

1. The public sanitary sewer shall be constructed according to the requirements of the applicable sewer authority.
2. The location of sanitary sewers shall be subject to the approval of the County Engineer.
3. Sewer service lines shall be installed to serve all lots in the subdivision, at the time they are constructed, sewer service lines shall extend to the property line and shall normally be located at the low side of the lot. They shall be laid at a minimum slope of one-quarter (0.25) inch per foot.
4. The location of sanitary sewers shall be approved by the County Engineer. Whenever possible they should be located within the parkway. Sanitary sewers shall not be located within three (3) feet of the edge of pavement. Sewer service lines shall be installed to serve all lots within the subdivision at the time they are constructed. Sewer service lines shall extend to the property line and shall normally be located at the low side of the lot.

- C. *Variations.* The County Board may grant a variation exempting a proposed subdivision from the requirements imposed by this Section. Prior to granting a variation, the County Board shall receive written comments or other input from the public sewer authority in whose area the proposed subdivision is located. However, certain zoning districts may prohibit variations to this requirement; in such cases, a variation cannot be applied for.

Sec. 19.9. - Water Supply.

Where a connection to a public water system is presently available at the boundary of the subdivision, water distribution facilities, including fire hydrants, shall be installed to serve all properties within the subdivision, in addition to any additional requirements for public water in state law.

Sec. 19.10. - Utilities.

- A. All laterals shall be constructed and appropriately backfilled in accordance with Illinois Department of Transportation specifications and compacted prior to placing base course.
- B. Utility easements no less than five (5) feet wide shall be provided on each side of all rear lot lines and, where necessary, along side lot lines. An easement provision shall appear on the face of each final plat. See Section 15.3.28 (Utilities) for additional regulations on utilities.

Sec. 19.11. - Reserved.

Sec. 19.12. - Educational Facilities Impact Fee Ordinance.

19.12.1 *Legislative Intent.* As a condition of approval of a final plat of subdivision or of a final plat of a planned unit development, each subdivider or developer shall be required to dedicate land for school purposes to serve the immediate and future needs of the residents of the development, or shall be required to make a cash contribution in lieu of actual land dedication, or a combination of both, at the option of Winnebago County Board and with the concurrence of the affected school district, which concurrence shall be obtained in writing. However, the County shall have the final decision making power in this regard. The dedications and cash contributions required hereunder shall be made in accordance with the criteria and formulas herein.

19.12.2 *Criteria for Requiring School Site Dedications.*

- A. *Requirement and Population Ratio.* The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly on the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of (a) estimated number of children to be served in each school classification (as described in Paragraph B below) from the subdivision or planned unit development

over the (b) maximum recommended number of students to be served in each such school classification as stated herein, and then applying such ratio to (c) the appropriate number of acres for a school site of each such school classification as stated herein. The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increase in number of students for each such school classification.

- B. *School Classifications and Size of School Site.* These requirements for acreage are based upon a review of available data studies and literature on the subject, including but not limited to information provided by the State Superintendent of Education and the unique characteristics of Winnebago County. These requirements for acreage shall be presumed as the appropriate acreage requirements and shall be used in calculating any cash in lieu of land dedication herein unless timely objected to as provided herein. Objections to these acreage requirements for any particular development shall be made in accordance with Section 19.12.13. Failure to timely object to these acreage requirements in accordance with Section 19.12.13 shall thereafter waive any right to raise an objection at a later time. School classifications and size of school sites serving the County shall be determined in accordance with Table 19-4:

TABLE 19-4: SCHOOL CLASSIFICATIONS AND SIZE OF SCHOOL SITES		
SCHOOL CLASSIFICATION BY GRADES	MAXIMUM NUMBER OF STUDENTS FOR EACH SUCH SCHOOL CLASSIFICATION	APPROPRIATE NUMBER OF ACRES OF LAND FOR EACH SCHOOL SITE OF SUCH CLASSIFICATION
Elementary Schools, Grades Kindergarten through 5th or 6th	450 students	15 acres
Junior high or middle schools, grades 6th through 8th or 7th and 8th	750 students	30 acres
High schools, grades 9th through 12th	1500 students	75 acres

- C. *Location.* The standards adopted by the affected school district shall be used as a guideline in locating sites. School sites shall be located in the county in accordance with plans heretofore or hereafter adopted by the affected school district.

19.12.3. *Criteria for Requiring a Cash Contribution In Lieu of Dedication of School Sites.* When the development is small and the resulting site to be dedicated is too small to be practical, or when the available land is inappropriate for a school site or is in conflict with the approved standards or plan of the affected school district, the county, with the concurrence of the affected school district, shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication.

The cash contribution in lieu of dedication of school sites, and any and all interest earned thereon, shall be collected and held in trust by the County or other public body designated by the county, and shall be used for the acquisition of land for school sites to serve the immediate or future needs of children from that subdivision or development, or for the improvement to any existing school site that already serves such needs, or for the construction of school buildings or additions thereto in accordance with Public Act 93-0330, or for any purpose defined by agreement with the subdivider or developer at the time of platting. If any portion of a

cash contribution in lieu of dedication of school sites is not expended for the purpose set forth herein within thirteen (13) years from the date of receipt, it shall be refunded by the entity holding the contribution to the record owner of the subdivided land at the time of the refund. If there is more than one record owner of the subdivided land or of the land that comprises the planned unit development, as applicable, such record owners shall share in the refund pro-rata based on the cash contributions originally paid by each property.

- A. *Fair Market Value.* The cash contributions in lieu of land shall be based on the value of the acres of land in the area that otherwise would have been dedicated as school sites. In calculating the value on a per acre basis, unless determined otherwise pursuant to Section 19.12.13, the following assumptions about the land shall be made:
1. That it is zoned in a single-family dwelling residential zoning district consistent with the County's development standards.
 2. That it is subdivided with the appropriate frontage on a dedicated street or road, stubbed with sewer and water or capable of being served with septic and well and has all appropriate utilities available.
 3. That it is improved as set forth in Section 19.12.7.
 4. That it is otherwise property capable of being used for residential development.

Based upon a study of real estate transactions in the County, it has been determined that the present fair market value of such improved land in and surrounding the County is, as of the effective date of this educational facilities impact fee ordinance, thirty two thousand five hundred twenty-three dollars (\$32,523) per acre.

In order to encourage development and redevelopment in economically depressed portions of the County and for any other area within the county that is now receiving or subsequently does receive federal redevelopment funds by means of a HOPE VI Grant, such areas shall be exempt from the terms of this educational facilities impact fee ordinance.

The above figures shall be adjusted by the Winnebago County Board from time to time with appropriate study and documentation. The fair market value as defined above shall be used in calculating any cash contribution in lieu of land dedication required herein unless timely objected to as provided in Section 19.12.13. Objections to the fair market value as defined above shall be made in accordance with Section 19.12.13. Failure to timely object to the fair market value as defined above in accordance with Section 19.12.13 shall thereafter waive any right to raise an objection at a later time.

- B. *Criteria for Requiring Dedication and a Contribution.* There will be situations in subdivisions or planned unit developments when a combination of land dedication and a cash contribution in lieu of land are both necessary. These occasions will arise when only a portion of the land to be developed is proposed as the location for a school site (that portion of the land within the subdivision falling within the school location shall be dedicated as a site as stated above, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated), or a major part of the local school site has already been acquired by the particular district and only a small portion of land is needed from the developer to complete the site (the remaining portion shall be required by a cash contribution in lieu thereof).
- C. *Consumer Price Index.* The fair market value identified in Paragraph A above shall be subject to a "CPI Adjustment" which shall be calculated annually and which adjustment shall go into effect on January 1, 2005 and on the first day of January in each year thereafter. Annually, the fixed charge shall be adjusted by the annual percentage change as published by the United States Department of Labor's Bureau of Labor Statistics, All Items Consumer Price Index ("CPI") for Urban Consumers (1982-84 = 100) for the Chicago Consolidated Metropolitan Statistical Area, Illinois. If any index is calculated from a base different from the base period 1982-84 = 100, such index shall be converted to a base period of 1982-84 = 100 by use of a conversion factor supplied by said Bureau of Labor Statistics. If the CPI is

discontinued or replaced, such other governmental cost of living index or computation which replaces the CPI shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or replaced.

19.12.4 *Density Formula: The Table of Estimated Ultimate Population Per Dwelling Unit ("The Density Formula")*.

- A. The density formula, as prepared by Ehlers & Associates, Inc., November 2000, and as updated from time to time, is generally indicative of current and short-range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof unless a written objection is filed thereto by the subdivider or developer.
- B. A bedroom, as used in this educational facilities impact fee ordinance, shall include any room which may be used for bedroom purposes, such as a den, study, loft or extra room located on any floor in a dwelling unit which may be convertible into a sleeping area and is not clearly identified for some other specific purpose such as a kitchen (one per unit), dining room (one per unit), living room (one per unit), bathroom(s) and family room (one per unit).
- C. This density formula, as updated, shall be used in calculating any cash in lieu of land dedication herein unless objected to as provided in Section 19.12.13. The County recognizes that the density formula may be updated from time to time and will, as a result, adopt these updates periodically by amending the educational facilities impact fee ordinance accordingly. Objections to the density formula shall be made in accordance with Section 19.12.13. Failure to object to the density formula in accordance with Section 19.12.13 shall thereafter waive any right to raise an objection at a later time.
- D. In the event a subdivider or developer files a written objection to the density formula, he/she shall submit his own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development, and in that event final determination of the density formula shall be made in accordance with subsection (n) herein.

19.12.5 *Reservation of Additional Land*. When the 2030 Land Resource Management Plan or the standards of the County call for a larger amount of school sites in a particular subdivision or planned unit development than the developer is required to dedicate pursuant to this educational facilities impact fee ordinance, the land needed beyond the developer's dedication shall be set aside and reserved by the developer for subsequent purchase (at a price determined at the time of reservation) by the county or other public body designated by the County, provided that such acquisition is made within five (5) years from the date of approval of the final plat.

19.12.6 *Combining with Adjoining Developments*. Where appropriate, a school site that is to be dedicated should, if possible, be combined with dedications from adjoining developments in order to produce usable school sites without undue hardship on a particular developer.

19.12.7 *Topography and Grading*. The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purpose. Stormwater detention areas shall not be accepted for County or school ownership and maintenance, and the portion of a detention area designed to function primarily as a component of the stormwater control system shall not serve as a credit toward the required site dedication. Stormwater retention areas shall not be accepted for County or school ownership and maintenance and shall not serve as a credit toward the required site dedication. Wetlands, flood plains, detention areas, retention areas and areas of steep slope shall not be accepted as school sites and shall not serve as a credit toward the required school site cash contribution in lieu of land dedication.

In addition, the following site conditions and preparation standards shall be met:

- A. *Slope*.
 1. Slope should not vary greatly in appearance from existing and adjacent slopes.
 2. Optimum slopes range from two percent (2%) minimum to five percent (5%) maximum. No less than two percent

(2%) slope is acceptable under any circumstances.

3. Maximum allowable slope is ten percent (10%), except under special conditions where greater slopes are desirable to enhance the use of the site.
4. On-site drainage patterns shall be designated and constructed to:
 - a. Ensure flow toward swales.
 - b. Ensure drainage away from active areas.

B. *Grading.*

1. Rough grading shall be completed at time of rough grading of adjacent contiguous area.
2. Grading shall comply with County approved plans.
3. Subgrade shall be graded and compacted so it will parallel finished grade.
4. Subgrade material shall be loosened and fine graded to a depth of two (2) to four (4) inches. All stones over four (4) inches in size, sticks, debris, rubbish and other foreign substances shall be removed.
5. Finished grades shall be uniform in slope between points for which elevations have been established.

C. *Soils.*

1. Soils shall not differ from those naturally occurring.
2. Soils shall not offer any restriction to the ultimate use of the property.
3. Topsoil shall be spread evenly and lightly compacted to a minimum depth of six (6) inches over the entire site.
4. Topsoil must be good, friable soils with good tillage and shall be without any admixture of subsoil, clay, gravel, stones, debris, refuse, sand or other subsurface elements.
5. Topsoil shall not be placed in a muddy or frozen condition.
6. Topsoil shall contain no toxic substances which may be harmful to plant growth.
7. Topsoil shall be spread no later than the placement of topsoil on the first lot adjacent to the site.

D. *Seeding.*

1. All proposed school sites shall be seeded and an acceptable stand of grass or vegetation established prior to dedication of the area to the County or school.
2. Seeding shall be completed during the fall or spring planting times, depending upon the recommended seed planting specifications.
3. Seeding shall be on moderately dry soil on a seed bed which will easily accept and nurture germination of seeds.
4. Seeding shall be watered sufficiently so that the vegetation becomes reasonably established.
5. The developer shall be responsible for making necessary reparations to the site caused by erosion or other damage. Reparations shall be completed prior to acceptance of the site.

19.12.8 *Improved Sites.* All sites shall be dedicated in a condition ready for full service of electricity, natural gas, telephone and cable television, water, sewer and streets (including enclosed drainage and curb and gutter, where applicable), as applicable to the location of the site, and shall otherwise comply with the requirements of the subdivision regulations of Winnebago County. The landscaping normally included within the definition of "improved" sites under the Subdivision Regulations of Winnebago County may be deleted due to the delay time between dedication of any such school site and the construction of school facilities thereon, except for groundcover as required by this section. The site shall have direct access to a fully improved street across at least twenty percent (20%) of the distance of its perimeter. School sites should ideally be accessible by a bicycle/pedestrian trail, and any such access route onto the property shall be at least thirty (30) feet wide. Such access routes should normally be dedications and not easements, depending on which entity of government is to be responsible for said routes. Any vehicular access route leading to or on the site shall be of sufficient size and good geometry to properly accommodate vehicles that will access and traverse the site,

including but not limited to good principles of traffic circulation, accommodation of one-way and/or two-way drives for school buses, separation of bus traffic from passenger automobile traffic, bus drop-off areas separate from publicly-dedicated streets, guest and employee parking areas, and the like. Such off-street access routes, drives, drop-offs and parking areas will not be dedicated rights-of-way and shall be the responsibility of the owner of the site to maintain.

19.12.9 *Environmental Risk Audit*. Prior to the conveyance of any land to Winnebago County or the affected school district, the intended grantee shall be furnished with an environmental risk audit prepared by an environmental professional meeting the minimum requirements of 415 ILCS 5/22.2(j)(6)(E)(iii), certified to and acceptable to the grantee, assuring the grantee that there are no hazardous substance(s) (as defined hereinafter) on, under, to or from the land. Said environmental audit shall be what is commonly referred to as a Phase I Environmental Audit, which shall meet the minimum requirements for a pre-acquisition audit as set for in 415 ILCS 5/22.2(j)(6)(E)(iii)(v).

In the event the Phase I Environmental Audit does not conclude there is no presence or likely presence of a release of substantial threat of a release of hazardous substance(s) or pesticide on, under, to or from the land, the grantee shall furnish a Phase II Environmental Audit as set forth in 415 ILCS 5/22.2(j)(6)(E)(iii)(vi), including a soil toxicity analysis and recommendation from said environmental professional, meeting the minimum requirements of 415 ILCS 5/22.2(j)(6)(E)(iii), which concludes that there is no presence or likely presence of a release or substantial threat of a release of hazardous substance(s) on, under, to or from the land, and certifying that, in the judgment of said environmental professional, there is no reasonable probability that the land contains any hazardous substance(s) in violation of any federal or state environmental standards.

In the event said Phase II Environmental Audit and/or soil toxicity analysis discloses the presence or likely presence of a release or a substantial threat of a release of any hazardous substance(s) at, on, under, to or from the land to be conveyed, the grantor shall first cause all such hazardous substance(s) to be removed at its sole cost and expense in accordance with all federal, state and local environmental laws, rules and regulations and furnish the intended grantee with a "No Further Remediation Letter" from the governmental agencies having jurisdiction over the cleanup prior to conveyance of any of the land to the intended grantee.

Prior to the conveyance of the land, the subdivider or developer, as the case may be, and the owner of the land to be conveyed, shall execute and deliver to the intended grantee an Environmental Indemnification Agreement, which form has been approved by the grantee's Attorney, agreeing to defend, indemnify and hold the County or school district, as the case may be, its corporate authorities, officers, officials, employees, agents, successors and assigns harmless from and against any and all liability, claims, damages, causes of action and expenses arising out of the presence of any hazardous substance(s) in, under or upon said land to be conveyed prior to the date of conveyance.

Hazardous substance(s) includes without limitation:

- A. Those substances included in the definitions of hazardous substances, extremely hazardous substances, hazardous materials, toxic substances, toxic chemicals, toxic wastes, hazardous chemicals, hazardous wastes, solid waste and pesticides in CERLA, SARA, RCRA, HSWA, TSCA, OSHA, FWPCE, Illinois Pesticides Act (415 ILCS 60/1 et seq.), Illinois Responsible Property Transfer Act (765 ILCS 90/1 et seq.) and the Illinois Hazardous Materials Transportation Act (430 ILCS 30/1 et seq.), 49 U.S.C. Section 1801 et seq., as amended, and as they may be amended in the future, and in the regulations promulgated pursuant to said laws.
- B. Those substances defined in Section 1003 of the Illinois Environmental Protection Act and in the regulations promulgated pursuant to said act or other Illinois laws pertaining thereto.
- C. Those substances listed in the U.S. Department of Transportation Table (49 CFR 172.101 and amendments thereto) or by the environmental protection agency (or any successor agency) as hazardous substances (40 CFR Part 302 and amendments thereto).
- D. Such other substances, materials and wastes which are to become regulated under applicable local, state or federal law, or which are classified as hazardous or toxic under federal, state or local laws, ordinances or regulations.

- E. Any material waste or substance which is (a) asbestos, (b) polychlorinated biphenols, (c) designated as a hazardous substance pursuant to Section 311 of the Clean Water Act, 33 U.S.C. Section 1251 et seq. (33 U.S.C. Sec. 1321) or listed pursuant to 307 of the Clean Water Act (33 U.S.C. Sec. 1317), (d) explosives, or (e) radioactive materials.
- F. For purposes of this educational facilities impact fee ordinance, hazardous substances shall include petroleum or its byproducts as regulated under RCRA and any applicable state law or regulations.

19.12.10 *Suitability of Soils at Site.* The subdivider or developer, at its own cost or expense, shall provide to the County or the affected school district soil boring data, soil compaction test results and such other engineering studies, data and information pertaining to the proposed school site, which the County or the affected school district may request to enable it to determine the suitability of the proposed land dedication for school site. The County or the affected school district shall have the right to reject any site which the County or the affected school district determines, in accordance with sound engineering practices, is not suitable for school site purposes.

19.12.11 *Title Insurance, Survey, Assessment Plats.* Each deed or other instrument conveying land to the County or the affected school district shall be accompanied by:

- A. A written commitment issued by a title insurer licensed to do business in the state to insure the grantee's title to such real estate in an amount equal to the value computed pursuant to this section, with extended coverage over the general exceptions to title and subject only to:
 1. Real estate taxes not yet due and payable.
 2. Covenants, conditions and restrictions which do not prohibit the use of the subject property for school purposes.
 3. Utility easements located within 20 feet of the boundary lines of the subject real estate (except where approved on the final engineering plans approved by the County Engineer).
 4. Drainage ditches, feeders and laterals.
 5. Underground pipe or other conduit.
 6. Acts done or suffered by or judgments against the grantees.
- B. A current ALTA boundary line survey, certified to the grantee by a licensed Illinois Land Surveyor to be in compliance with the American Land Survey Standards, showing no encroachments.
- C. Except in instances where the real estate to be conveyed is a lot in a recorded subdivision, an assessment plat and tax division petition in a form acceptable to the appropriate county authorities so the land to be conveyed can be assigned its own permanent real estate index number (PIN) for exemption purposes.

In addition, monuments must be established and the land staked immediately prior to dedication of the property. The subdivider or developer shall pay for the cost of the owner's title insurance in said amount, the ALTA survey, the assessment plat and any and all costs in connection with the tax division.

19.12.12 *Real Estate Tax Escrow.* The developer shall pay the general real estate taxes on the land not yet due and payable as of the date of transfer, and shall deposit a sum of money in escrow with the intended grantee's attorney or a title company licensed to do business in the State of Illinois, which is prorated as of the date of transfer on the basis of one-hundred ten percent (110%) of the tax assessor's latest assessed valuation, the latest known equalization factors and the latest known tax rate on the land. In the event the previous tax information or the previous tax bill includes other property, then the amount to be deposited in escrow shall be adjusted ratably based on the net acreage of the land compared to the net acreage of the other parcels covered by said tax bills. After the land has been divided for real estate tax purposes and has been conveyed to the intended grantee, the grantee shall proceed with due diligence to apply for a real estate tax exemption on the land.

19.12.13 *Objections.* All objections relating to acreage requirements, presumptions as to fair market value, the density formula, or any other application of this educational facilities impact fee ordinance to a particular subdivision or planned unit development, shall first be referred to the Zoning Committee for a hearing. An objection must be made, if at all, prior to the approval of the final

plat of subdivision by the County. A failure to object by such time shall constitute a waiver of the right to object to the provisions of this educational facilities impact fee ordinance. All developers submitting a plat of subdivision or resubdivision or a plat of a planned unit development to the County shall be given a copy of this entire educational facilities impact fee ordinance, including the procedures for objecting to such an assessment as prescribed by this educational facilities impact fee ordinance. Upon receipt, the developer must sign an accompanying document acknowledging that the developer has received notice of the existence of such a procedure for objections. This document entitled "Acknowledgment of Notification of Rights" is attached as an Appendix to this Ordinance and is incorporated herein by reference. The procedure for a hearing before the Zoning Committee shall be as follows:

- A. *Duties of the Zoning Committee.* The Zoning Committee shall serve in an advisory capacity and shall have the following duties:
 1. Advise and assist the County in resolving objections regarding the density formula, the size of the school sites, the fair market value of the land used to calculate the cash contribution, or any other application of this educational facilities impact fee ordinance to a particular subdivision or planned unit development.
 2. The County shall adopt procedural rules to be used by the Zoning Committee in carrying out the duties imposed by this educational facilities impact fee ordinance.
- B. *Information and Services to be Used.* The County shall make available to the Zoning Committee all professional reports relating to the density formula, the size of the school sites and the fair market value of land used in calculating these cash contributions. The zoning board of appeals may also retain the services of professionals (attorneys, appraisers, statisticians, etc.) to assist in its review of issues raised by any objection.
- C. *Procedure for Resolving an Objection.*
 1. Upon receipt of an objection, the County Clerk shall place the same on the next regular meeting agenda of the County Board. Thereafter the County Board shall refer the objection to the Zoning Committee, which shall by resolution establish a hearing date.
 2. The Zoning Committee shall provide public notice of the hearing date to consider the objection and shall notify the affected school district by certified mail, return receipt requested, of the filing of the objection and of any hearing regarding same.
 3. The objector shall publish notice of the hearing date once each week for three (3) consecutive weeks, at least thirty (30) days before but no more than sixty (60) days before the scheduled date of the hearing. Notice shall be published in a newspaper of general circulation within the corporate limits of the County. The notice of public hearing shall not appear in the part of the paper where legal notices or classified ads appear. The notice shall not be smaller than one-quarter page of a standard size or tabloid-size newspaper. The objector shall send a copy of said notice to any person who has requested said notice by certified mail (stamped at a U.S. Postal Service facility showing the date of mailing) at least thirty (30) days prior to the hearing date.
 4. The notice shall contain all of the following information:
 - a. The headline shall read: "NOTICE OF PUBLIC HEARING ON OBJECTION TO APPLICATION OF THE EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE REQUIRING THE DEDICATION OF SCHOOL SITES OR PAYMENT OF THE CASH CONTRIBUTIONS IN LIEU THEREOF".
 - b. The date, time and location of the public hearing.
 - c. A statement that the purpose of the hearing is to consider the objection to a component of the application of the educational facilities impact fee ordinance requiring the dedication of school sites or calculation of cash in lieu thereof.
 - d. A general description of the parcel(s), service area or areas within the County that are the subject of the hearing.
 - e. A statement that the County shall make available to the public, upon request, an easily understandable and

- detailed map of the parcel(s), service area or areas to which the educational facilities impact fee ordinance applies, and any other available information about the objection.
- f. A statement that any member of the public affected by the educational facilities impact fee ordinance or the parcel(s) or service area shall have the right to appear at the public hearing and present testimony and/or evidence in support of or against the objection.
 - g. A public hearing shall be held for the consideration of the objection. In addition to the County, the affected school district shall be allowed to participate in such hearing as a party thereto to present evidence, cross-examine witnesses and make arguments to the zoning board of appeals regarding the issues raised in the objection. The Zoning Committee shall make a recommendation to adopt, reject in whole or in part, or modify the objection presented at the hearing, by written report to the County Board, within sixty (60) days after the hearing. The County Board shall then have at least sixty (60) but not more than one-hundred twenty (120) days to approve, disapprove or modify, by ordinance or resolution, the findings in the educational facilities impact fee ordinance as it pertains to the development in question.
5. The objector shall bear all costs of the hearing before the Zoning Committee including attendance fees paid to the Zoning Committee members and publication costs.

19.12.14 *Indemnification.* As a condition to any affected school district receiving any school land dedications and/or cash contributions in lieu thereof, the affected school district shall execute an indemnification agreement largely similar in form and content to that set forth in the Appendix of this Ordinance. This agreement shall be executed on or before June 1st of each year. Following execution of this agreement by the affected school district, this indemnification agreement shall be furnished to the County. In the event the affected school district fails to execute and/or furnish the executed agreement as required in this educational facilities impact fee ordinance, the County reserves the right to refuse to impose any land dedications and/or cash contributions in lieu thereof on behalf of the affected school district.

19.12.15 *Collection of Fees.* The cash contributions in lieu of land dedications imposed by this educational facilities impact fee ordinance shall be collected and held by the County, or at its designation by the affected school district in accordance with the standards in this educational facilities impact fee ordinance and shall be used for the purposes set forth in this educational facilities impact fee ordinance. If necessary, the affected school district shall provide written confirmation of payment to the developer or subdivider that the developer or subdivider can present to the appropriate County authorities as proof of compliance with the terms of this educational facilities impact fee ordinance.

19.12.16 *Needs Assessment; Land and Capital Facilities Acquisition Plan.* As a condition to the imposition of these land dedications and/or cash contributions in lieu of land dedications, the County shall require that the affected school district conduct a needs assessment and adopt a plan for acquisition of land and capital facilities needed to accommodate growth.

- A. A needs assessment shall contain the following information for each school district:
 1. A description of the nature and location of existing school sites and existing schools within each district.
 2. An identification of the capacity of each school building within the particular district and of the number of students then enrolled in each school building.
 3. A projection of the character and location of new development that is expected to occur within each district during the succeeding ten (10) year period. The district may obtain the information necessary to make this projection from sources such as but not limited to: municipalities, other units of government, agencies and consultants.
 4. An identification of the amount of school lands that will be necessary within each district in order to accommodate the demands of such projected new development, and an estimate of the public grounds acquisition costs that will be incurred or have been incurred by each district in acquiring such lands.
 5. A general description of each classification of school capital facilities (including construction, expansion or

enhancement of any public facilities and the land improvement, design, engineering and professional costs related thereto) that will be necessary within each district in order to provide school capacity for the projected new development, and an estimate of the capital facilities costs that will be incurred by each district in constructing such capital facilities.

- B. Based upon the needs assessment, each district shall provide the County an acquisition plan for school sites and capital facilities. This acquisition plan shall:
1. Project for a planning period of at least five (5) years, the need for school sites within the district.
 2. Set forth a schedule for the acquisition of such lands and facilities to meet the projected need, which schedule may be conditioned upon the availability of financing.
 3. Indicate the size and general location of the needed lands and facilities.
 4. Identify the estimated or incurred costs of acquiring such needed lands and facilities.
 5. Set forth the anticipated funding sources for the acquisition of such needed lands and facilities.
 6. Determine the feasibility of acquiring the needed land and facilities based upon the district's current financial condition.
 7. Determine the feasibility of acquiring the needed land and facilities based upon the district's estimate of the revenues including, without limitation, cash in lieu of land dedication required by this educational facilities impact fee ordinance, pursuant to the plan.
 8. Estimate the impact on property taxes in the County assuming the plan is implemented.
 9. Include a resolution by the corporate authority that the affected school district advocates and supports the provisions of the educational facilities impact fee ordinance and that said ordinance requirements as to dedications of land or cash contributions in lieu thereof are an integral part of the efforts of the affected school district to address the impact of growth within its jurisdiction.
- C. If the County deems it necessary, it may require an updated needs assessment and plan for acquisition of land and capital facilities from each affected school district annually. The failure to require said assessment update shall not invalidate the requirements of this educational facilities impact fee ordinance.

19.12.17 *Time of Payment.* All land dedications and cash contributions imposed by this educational facilities impact fee ordinance shall be due and payable upon final plat approval. For any lot which received final plat approval prior to the enactment of the educational facilities impact fee ordinance, and which remains vacant at the time the educational facilities impact fee ordinance is enacted, all dedications and fees imposed by the educational facilities impact fee ordinance shall be calculated and shall be due and payable at the time a building permit is issued. At the time of payment (at time of final plat approval or at time of building permit issuance), the subdivider or developer shall receive a copy of the educational facilities impact fee ordinance and shall execute an acknowledgment that a copy of the educational facilities impact fee ordinance has been received. The executed acknowledgment shall be maintained and filed along with documents evidencing proof of land dedication or payment of cash contributions in lieu of land dedication by each subdivider or developer.

- A. In calculating the cash contributions to be paid at the time of platting, the County will assume the maximum density permitted under the zoning classification approved pursuant to the density formula. For example, if the subdivision in question is zoned single-family, the County will assume for purposes of calculating cash contributions payable, pursuant to the educational facilities impact fee ordinance, that all houses will have five bedrooms. The County or, if appropriate, the school district will then hold sufficient funds pending issuance of the building permit to enable it to refund any overpayments resulting from the fact that houses with less than five bedrooms are constructed. Refunds shall be made at time of issuance of the building permit upon application by the developer to the affected school district.
- B. The County may agree that the payment of the cash contributions may be made at the time of issuance of the

certificate of use and occupancy in consideration of which the subdivider or developer shall execute an agreement. The agreement provides that the developer agrees: (a) that the cash contributions payable will be adjusted in accordance with the requirements herein; (b) that the cash contributions may be expended for the purposes described; and (c) to accept the validity of the educational facilities impact fee ordinance and the cash contributions as calculated. This agreement, or memorandum thereof, shall be recorded along with the plat of subdivision upon approval by the County.

- C. In the event the County agrees to delay the payment of fees and cash contributions required herein to the time of building permit issuance, the fees and cash contributions owed shall be those that are in effect at the time the building permit is issued.

ARTICLE 20: - LANDSCAPING AND SCREENING REQUIREMENTS

Sec. 20.1. - Purpose.

The landscaping and screening requirements established by this Article are intended to preserve and enhance the appearance, public health, safety and welfare of the County by fostering an aesthetically pleasing development. Proper landscaping contributes to the County in many ways: enhancing its character and scenic beauty, providing clean air, reducing noise, preventing erosion of topsoil, reducing the rate of stormwater runoff, providing nesting areas for birds and habitat for other wildlife, conserving energy, and providing shade and windbreaks. These regulations are also intended to increase the compatibility of adjacent uses, and minimize the adverse impact of noise, dust, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted on, or created by, adjoining or neighboring uses.

Sec. 20.2. - Enforcement of Landscape Provisions.

No zoning permit, building permit or certificate of occupancy shall be issued for any lot or use subject to the requirements of this Article unless all the requirements of this Article have been fulfilled. Failure to implement the landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, shall be cause for revocation of the certificate of occupancy and/or the application of fines and penalties. In addition, all landscaping is subject to periodic inspection.

Sec. 20.3. - Landscape Plan.

20.3.1 *Landscape Plan Required.* A landscape plan is required as part of a planned unit development or during site plan review, and must be approved prior to the issuance of a zoning or building permit.

20.3.2 *Content of Landscape Plan.*

- A. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and right-of-way, sidewalks, signs, refuse disposal and recycling areas, sidewalks, bicycle paths and parking facilities, fences, electrical equipment, recreational facilities, drainage facilities, and other freestanding structures, as determined necessary by the Planning and Zoning Officer.
- B. The location, quantity, size, name and condition, both botanical and common, of all existing plant materials, including trees and other material in the right-of-way, and indicating plant material to be retained and removed.
- C. The location, quantity, size and name, both botanical and common, of all proposed plant material including, but not limited to, shade and evergreen trees, shrubs, groundcover, annuals/perennials and turf.
- D. The existing and proposed grading of the site, when required. Proposed berming shall be indicated using one (1) foot contour intervals.
- E. Elevations of all proposed fences, steps, stairs, retaining walls both fixed (cast concrete, unitized walls) and any

natural rock outcroppings on the site.

F. Elevations, cross-sections, and other details as determined necessary by the Planning and Zoning Officer.

20.3.3 *Changes to Approved Landscape Plans.* Changes to the landscape plan shall be approved by the Planning and Zoning Officer. In the event that another body approved the landscape plan, any changes shall be approved by the body granting approval of the landscape plan initially.

Sec. 20.4. - Planting Requirements.

- A. *Selection.* All planting materials used shall be of good quality and meet American Association of Nurserymen (ANNS) standards for minimum acceptable form, quality and size for species selected, and capable to withstand the seasonal temperature variations, as well as the individual site microclimates. The use of species native to Northern Illinois is encouraged. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material.
- B. *Installation.* All landscaping materials shall be installed in accordance with the current planting procedures established by the AANS. All plant materials shall be free of disease and shall be installed so that soil of sufficient volume, composition and nutrient balance are available to sustain healthy growth.
- C. *Required Element.* Landscape materials depicted on landscape plans approved by the County shall be considered to be required site plan elements in the same manner as structures, parking and other improvements. As such, the owner of record shall be responsible for the maintenance, repair and replacement of all landscape materials, and fences, steps, retaining walls and similar landscaping elements over the entire life of the development.
- D. *Maintenance.* All landscaping materials shall be maintained in good condition, shall present a healthy, neat and orderly appearance, and shall be kept free of refuse and debris. Any dead, unhealthy or missing plants shall be replaced within six (6) months of notification by the County. Fences, steps, retaining walls and similar landscaping elements shall be maintained in good repair. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls and similar landscaping elements, and refuse disposal areas. Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water.

Sec. 20.5. - General Landscape Design Standards.

Landscape plans, as described above, shall be evaluated and approved based on the following design criteria.

- A. *Scale and Nature of Landscape Material.* The scale and nature of landscape materials shall be appropriate to the size of the site and related structures.
- B. *Selection of Plant Material.* Plant material shall be selected for its form, texture, color, pattern of growth and suitability to local conditions.
- C. *Shade Trees.* All deciduous shade trees shall have a minimum trunk size of two and one-half (2.5) inches in caliper at planting, unless otherwise specified.
- D. *Evergreen Trees.* Evergreens trees shall have a minimum height of six (6) feet at planting and shall be incorporated into the landscape treatment of a site, particularly in those areas where year-round screening and buffering is required.
- E. *Ornamental Trees.* Single stem ornamental trees shall have a minimum trunk size of two and half (2.5) inches in caliper at planting, unless otherwise specified. Multiple stem ornamental trees shall have a minimum height of six (6) feet at planting, unless otherwise specified.
- F. *Shrubs.* Unless otherwise specified, all large deciduous and evergreen shrubs shall have minimum height of two (2) feet at installation, and all small deciduous and evergreen shrubs shall have a minimum height of eighteen (18)

inches at installation. Large shrubs shall be considered to be those shrubs that reach five (5) or more feet in height at maturity. Small shrubs shall be considered to be those shrubs that can grow up to five (5) feet in height if left unmaintained, but are generally kept at heights of eighteen (18) to thirty (30) inches.

- G. *Softening of Walls and Fences.* Plant material should be placed continuously or intermittently against long expanses of building walls, fences and other barriers to create a softening effect and to help break up long expanses of blank walls with little architectural detail.
- H. *Energy Conservation.* Plant material placement should be designed to reduce the energy consumption needs of the development.
- I. *Species Diversity.* Diversity among required trees is required not only for visual interest, but to reduce the risk of losing a large population of plants due to disease. Table 20-1: Diversity Requirements indicates required diversity based on the total quantity of species being used.

TABLE 20-1: DIVERSITY REQUIREMENTS	
TOTAL NUMBER OF PLANTS PER PLANT TYPE	MINIMUM NUMBER OF SPECIES
1—4	1
5—10	2
11—15	3
16—75	5
76—500	8
500—1,000	10
1,000+	15

- J. *Berming.* Earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum unretained berm side slopes shall be maintained at no less than a 4:1 slope ratio to prevent erosion and be properly and safely maintained. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.

Sec. 20.6. - Parking Lot Landscaping.

20.6.1 *General Parking Lot Landscaping Requirements.*

- A. All new parking lots are subject to a landscape plan review as a condition of obtaining a zoning and/or building permit. All new parking lots that consist of five (5) or more spaces are also subject to site plan review pursuant to Section 23.4.1.
- B. Perimeter parking lot landscaping is required for all parking lots with gravel or hard surfaced and shall be established along the edge of the parking lot that fronts a public right-of-way, excluding alleys.

- C. Interior parking lot landscaping is required for all parking lots with gravel or hard surfaced that consist of fifteen (15) or more spaces.
- D. For existing gravel or hard surfaced parking lots that currently do not comply with the required parking lot landscaping, such landscaping shall be provided when any one (1) of the following occurs:
 1. A new principal building or building addition, which is forty percent (40%) or more of the original square footage of the principal building, is constructed. Future development phases must be considered, and cannot be phased in such a way as to circumvent this requirement.
 2. Over fifty percent (50%) of the total area of an existing parking lot is reconstructed. Partial surface lift removal, resealing or re-striping of an existing parking lot, which does not entail paving or resurfacing by full replacement of the asphalt or concrete that thereby exposes supporting gravel, is not subject to this requirement. Future maintenance phases must be considered, and cannot be phased in such a way as to circumvent this requirement.
 3. When an existing parking lot is expanded, that new portion of the parking lot is required to comply with landscape requirements.

When an existing parking lot is required by this section to provide landscaping, which would result in creating a parking area that no longer conforms to the parking regulations of the Article and this Ordinance, such existing parking lot shall not be required to install all or a portion of the required landscaping. The applicant shall be required to show that landscaping cannot be accommodated on the site. If only certain requirements are able to be accommodated on the site, those elements shall be required. The Planning and Zoning Officer shall make the determination that all or a portion of required landscaping does not have to be installed.

- E. Nothing in this section shall be deemed to prevent the applicant's voluntary installation of additional parking lot landscaping, so long as parking space requirements and parking lot design requirements are complied with.

20.6.2 Perimeter Parking Lot Landscaping. Perimeter parking lot landscaping provides for the enhancement and screening of parking lots by requiring a scheme of landscaping along public right-of-way, excluding alleys. A perimeter landscape yard is required for all parking lots with gravel or hard surfaced and the landscape treatment shall run the full length of the parking lot where it fronts a public right-of-way, excluding alleys. The landscaped yard shall be improved as follows.

- A. The perimeter landscape yard shall be a minimum of five (5) feet in width as measured from the front lot line.
- B. When a parking lot is visible from a public right-of-way, a single hedge row planted with one (1) shrub every thirty-six (36) inches on center, spaced linearly or in groups. Such shrubs shall measure a minimum of twenty-four (24) inches at planting, and shall be a minimum of thirty-six (36) inches to a maximum of forty-eight (48) inches in height at maturity.
- C. If the perimeter landscape yard is fenced, fencing shall be limited to an ornamental fence of four (4) feet in height and shall comply with fencing requirements.
- D. Alternatively, a low pedestrian wall the height of which provides effective screening to a maximum height of three (3) feet may be used instead of shrubs. Where possible, plant materials shall be installed between the sidewalk and the wall to provide a softening effect on the fence or wall.
- E. All perimeter parking lot landscaping areas should be protected with raised curbs.
- F. When a parking lot is visible from a public right-of-way, one (1) shade tree per fifty (50) feet of the parking lot perimeter, and fraction thereof, which fronts the right-of-way.
- G. Plantings may be spaced at various intervals and/or clustered based on specific site requirements or design scheme to be approved as part of the landscape plan.

20.6.3 Interior Parking Lot Landscaping. For parking lots with gravel or hard surfaced consisting of fifteen (15) or more spaces, interior parking lot landscaping shall be required.

- A. One (1) parking lot island shall be provided between every fifteen (15) contiguous parking spaces. As part of the landscape approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total islands shall be no less than the amount required one (1) island for every fifteen (15) spaces.
- B. In addition to parking lot islands, additional landscaped areas shall be provided within the interior of parking lots. All rows of parking spaces shall be terminated by a parking lot island or landscaped area. The minimum landscaped area, including parking lot islands, shall be ten percent (10%) of the parking lot area.
- C. Parking lot islands shall be the same dimension as the parking stall. Double rows of parking shall provide parking lot islands that are the same dimension as the double row.
- D. Parking lot islands or landscaped areas shall be protected with six (6) inch curbing, except where designed to apply sustainable techniques allowing the flow and access of stormwater and when a gravel parking lot is authorized via section 23.8.4. Such islands and landscaped areas shall be properly drained and irrigated as appropriate to the site conditions to ensure survivability.
- E. The following plantings are required in parking lot islands and landscaped areas:
 - 1. Shade trees shall be the primary plant materials used in parking lot islands and landscaped areas. Ornamental trees, shrubs, hedges and other plant materials may be used to supplement the shade tree plantings but shall not create visibility concerns for automobiles and pedestrians.
 - 2. A minimum of one (1) shade tree shall be provided for every parking lot island or landscaped area. If the island extends the width of a double row, then two (2) shade trees shall be provided.
 - 3. A minimum of fifty percent (50%) of every parking lot island shall be planted in shrubs, live groundcover, perennials or ornamental grasses. Mulch should fill in planting areas for early growth protection until the groundcover is established and covers the planting area. It is encouraged to mulch bare areas for three (3) to five (5) years, or until the plant material is fully established in the parking islands.

Sec. 20.7. - Buffer Yards.

The buffer yards maintain an appropriate relationship between adjacent developments by clarifying the delineation between properties and creating attractive and effective buffers between uses. Where the parking lot with gravel or hard surfaced of a non-residential use or district abuts a residential use or district, excluding mixed-use developments, along the interior side lot line and/or rear lot line, a buffer yard of at least ten (10) feet shall be provided and shall be landscaped as follows:

- A. A screen fence or wall a minimum of five (5) feet in height is required. Screen fences must be solid wood, simulated wood or masonry. Chain-link fences are prohibited.
- B. A single hedge row planted with one (1) shrub every thirty-six (36) inches on center, spaced linearly or in groups. Such shrubs shall measure a minimum of twenty-four (24) inches at planting, and shall be a minimum of thirty-six (36) inches to a maximum of forty-eight (48) inches in height at maturity.
- C. One (1) shade tree every twenty-five (25) feet on center, spaced linearly.
- D. The remainder of the area must be planted with live groundcover.
- E. Evergreens and berming may be used in place of the above if the intent of the regulations is upheld and if approved by the Planning and Zoning Officer.
- F. Plantings may be spaced at various intervals and/or clustered based on specific site requirements or design scheme to be approved as part of the landscape plan.

Sec. 20.8. - Preservation of Existing Trees.

- A. Any existing tree on a zoning lot may be included for credit towards the requirements of this Ordinance as approved by the Planning and Zoning Officer and if deemed to maintain the intent of this Ordinance.

- B. If any preserved tree dies within three (3) years of construction, one (1) tree shall be replaced for each tree credited against preserved tree.
- C. For each tree to be credited, a planting area or open ground area of at least twenty-five (25) square feet shall be included around trees up to four (4) inches in diameter. An additional twenty-five (25) square feet is required for each additional two (2) inches of tree trunk diameter, measured four and one-half (4 1/2) feet above the natural grade.
- D. In no case shall the trunk area of a preserved tree be closer to the edge of the planting area than one-third (1/3) of the length of the longest side of the open ground area in which it is planted.

Sec. 20.9. - Screening Requirements.

- A. *Refuse Disposal Dumpsters, Recycling Containers and Refuse Storage Areas.* All refuse and recycling containers shall be fully enclosed on three (3) sides by a solid wood or simulated wood screen fence, an opaque masonry wall (stone, stucco or brick) or principal structure wall five (5) feet in height and the enclosure shall be gated. The materials used for screening, including the enclosure, should complement the architecture of the principal structure. An extension of an exterior principal structure wall may be used as one of the screening walls for a refuse container, provided that such wall meets the minimum five (5) foot height requirement and is of the same building materials as the principal structure. Such wall may not be the gated enclosure.
- B. *Loading Berths.* Loading berths in all zoning districts shall be screened if visible from the public right-of-way, unless such screening is unnecessary because of unique circumstances of the site which enable the intent of this regulation to be met as determined by the Planning and Zoning Officer.
- C. *Outdoor Storage.* Unless otherwise required by the specific use standards, all outdoor storage areas shall be completely screened by an opaque masonry wall (stone, stucco or brick) or a solid wood or simulated wood screen fence no less than six (6) feet in height. Plant materials should be installed along the fence or wall located along the public right-of-way to provide a softening effect. No materials stored outdoors shall be of a greater height than that of the required fence or wall.
- D. *Outdoor Sales and Display.*
 - 1. When an outdoor sales and display area abuts a residential district or use or is separated from a residential district or use by an alley, the outdoor display area shall be effectively screened from view by an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge, at least six (6) feet in height.
 - 2. Outdoor sales and display areas shall be screened along the public right-of-way, excluding alleys, as required for the perimeter of parking lots. Interior islands should also be installed with appropriate landscaping.
 - 3. Growing areas for nursery stock located in the front or corner side yard shall be considered to meet screening requirements.

Sec. 20.10. - Stormwater Management Practices.

The techniques described in this section are intended to promote implementation of innovative sustainable stormwater management practices. This section identifies techniques that when used in combination can substantially reduce stormwater runoff quantities and pollutant loading.

Green infrastructure uses vegetation, soils and natural processes to manage water and create a healthier urban environment. There are a range of green infrastructure elements that can be woven throughout a watershed from the smaller scale elements that can be integrated into individual developments to the larger scale elements that can span entire watersheds.

A lot coverage bonus of up to ten percent (10%) may be granted for the use of any two (2) of the following techniques, subject to site plan review and approval. In addition, for lots located within the Critical Sensitive Areas or within Conservation Design Districts, the use of these techniques may be required by site plan review.

- A. Green roofs to help mitigate the effects of urbanization on water quality by filtering, absorbing or detaining rainfall. Green roofs can either be intensive or extensive.
- B. Collection and reuse of greywater.
- C. Stormwater harvesting to collect rainfall to meet supplemental water needs such as irrigation, water features or incremental release into the public storm sewer system. In such case, stormwater is collected or harvested from the roof, gutters, concrete patios, driveways, parking lots and other impervious surfaces and stored in cisterns or rain barrels.
- D. Green parking lots to include permeable paved surfaces.
- E. Incorporation of bioretention areas, which function as soil and plant-based filtration devices that remove pollutants by a natural, terrestrial-based community of plants, microbes and soil.
- F. Use of bioswales which absorb low flows or carry runoff from heavy rains to storm sewer inlets or directly to surface waters. The use of native shrubs, forbs, and grasses are required to build soil structure and allow water to infiltrate into the ground more easily than nonnatives.
- G. Incorporation of rain gardens where a natural or dug shallow depression designed to capture and soak up stormwater runoff from the roof or other impervious areas. The rain garden must be planted with suitable trees, shrubs, flowers, and other plants allowing runoff to soak into the ground and protect water quality.
- H. Use of flow-through planters, which are structures or containers with impervious bottoms or placed on impervious surfaces that do not infiltrate into the ground. Flow-through planters can be placed in or above the ground level, and should be filled with gravel, soil and vegetation.
- I. Use of filter strips (vegetated filter strips, filter strips, and grassed filters), which are vegetated areas intended to treat sheet flow by intercepting or trapping field sediment, organics, nutrients, pesticides and/or other potential pollutants from adjacent impervious areas.
- J. Use of tree box filters, which are in-ground containers typically containing street trees in urban areas that can be very effective at controlling runoff, especially when distributed throughout the site. Runoff is directed to the tree box, where it is filtered by vegetation and soil before entering a catch basin.
- K. Use of natural detention basin designs, which are suitable for all development types. Detention may not be feasible on very small sites - such as individual lots - due to the need for very small outlet structures. On very small site, rain garden or bioinfiltration designs may be more appropriate.
- L. Use of soil additives or amendments, which can be used to minimize development impacts on native soils by restoring their historical infiltration capacity and chemical characteristics. After soils have been amended their improved physical, biological and hydrological characteristics will make them more effective agents of stormwater management.
- M. Use of green alleys and streets.
- N. Incorporation of urban tree canopies.
- O. Protection and restoration of existing wetlands.

ARTICLE 21: - NONCONFORMITIES

Sec. 21.1. - General Purpose and Intent.

21.1.1 *Purpose and Intent.* Regulations adopted by this Ordinance, or amendments to this Ordinance may cause properties, uses, lots, structures or improvements that were lawfully established prior to this Ordinance to no longer comply with regulations designated by this Ordinance. Properties, uses, lots, structures, or improvements that were established in violation of regulations and remain in violation of this Ordinance are considered Ordinance violations, not nonconformities. This Article intends to establish procedures and regulations for the use of those properties, lots, structures or improvements, which may become in conflict with this Ordinance. Landowners' interests to continue to use their legally established property shall be recognized; and maintenance, reuse, and rehabilitation of existing buildings are encouraged so long as the nonconformities do not adversely affect surrounding properties or the county as a whole. Continuance of nonconformities that are out of character with the zoning district or the nature of the surrounding area is discouraged.

21.1.2 *Continuation and Increase.* Any legal nonconformity is permitted to continue in accordance with the provisions of this Article. Nonconformity increase or expansion is prohibited except to the extent otherwise authorized by this Article.

21.1.3 *Maintenance and Repair.* Ordinary or routine maintenance and repair of nonconforming situations shall be permitted, unless such repair increases the nonconformity. Nothing in this Article shall prohibit the restoration or rehabilitation of a structure to a safe condition, in accordance with the Building Code.

21.1.4 *Determination of Nonconformity Status.* The burden of establishing that a lawful nonconformity exists rests upon the owner of such nonconformity. For purposes of establishing replacement value, the value shall be that established by the Supervisor the Assessor's Office. Where such information is not available, the burden of proof is on the owner to obtain an appraisal to be completed at his/her expense.

21.1.5 *Tenancy and Ownership.* Changes in ownership, management, or tenancy do not affect the status of a nonconformity.

Sec. 21.2. - Nonconforming Uses.

21.2.1 *Definition.* A nonconforming use is a use that was legally established but is no longer in compliance with the regulations of the zoning district in which it exists.

21.2.2 *Standards.*

- A. Expansion of a nonconforming use in scope, extent, or impact of activity is prohibited, except where expansion eliminates or reduces the nonconformity.
- B. Expansion for the purpose of compliance with the off-street parking standards of this Ordinance shall not be considered expansion of the nonconforming use.

21.2.3 *Change of Use.* A nonconforming use shall not be changed to any use other than a use allowed in the zoning district in which it is located, with the exception of mobile homes which can be replaced with another mobile home provided the owner can present evidence that the subject mobile home was lawfully established and a special use is obtained.

21.2.4 *Discontinuance of Nonconformity Status.*

- A. *Abandoned or Converted to a Conforming Use.* A nonconforming use is considered abandoned if it ceases for any reason for a period of six (6) months. If the nonconforming use is abandoned or converted to a conforming use, then the use's nonconforming status shall be lost. Re-establishment of the nonconforming use is prohibited, and subsequent use of the property shall be in compliance with the regulations of the zoning district in which it is located.
- B. *Damage or Destruction.* When a structure containing a nonconforming use is damaged or destroyed, and the cause of damage was not by any means within the control of the owner, the nonconforming use may be re-established provided that no new nonconformities are created and the degree of the previous nonconformity is not increased. If the structure containing the nonconforming use is a nonconforming structure, such structure must be rebuilt, restored, repaired, or reconstructed in accordance with Section 21.4.

- C. *Relocation.* A nonconforming use of land or a structure shall not be relocated, in whole or in part, to any other location on the same lot or parcel. The nonconforming use may only be relocated to another lot or parcel if the use conforms to all regulations of the zoning district in which it is relocated, including all use regulations.

21.2.5 *Accessory Uses.* If the principal nonconforming use terminates or ceases for any reason, any accessory uses must be terminated.

Sec. 21.3. - Nonconforming Lots.

21.3.1 *Definition.* A nonconforming lot shall be any legally established tract of land or a duly recorded deed that is no longer in compliance with the density and dimensional standards of the zoning district in which it exists. A nonconforming lot may no longer comply with the applicable lot area, lot width or lot frontage standards because of an amendment to the ordinance, a public agency's acquisition of a portion of the lot or by the rezoning of the lot or other applicable regulations.

21.3.2 *Standards.*

- A. The creation of a lot that does not meet the underlying zoning district density and dimensional standards is prohibited; except when, the creation of a lot that does not meet Ordinance standards is a consolidation of more than one (1) legal nonconforming lot and creates a lot that more closely meets Ordinance requirements.
- B. Where governmental action, such as acquisition of a portion of a lot by a public agency, renders a lot nonconforming, the lot shall have nonconforming status and is subject to the standards set forth in this subsection.
- C. Any legally established single lot or parcel of land, which was recorded as of October 9, 1980, that does not meet the requirements of minimum lot width and/or area, may be utilized for a permitted use, provided that yards, courts or usable open spaces are not less than seventy-five percent (75%) of the minimum required dimensions or areas. Development of lots, however, in the Agricultural Districts shall meet the requirements set forth in Article 7 (as the regulations herein do not apply).

21.3.3 *Uses.* Vacant nonconforming lots existing on the date of adoption of this Ordinance and recorded after October 9, 1980 may be developed with permitted uses of the underlying zoning district so long as the use and affiliated structures comply with the minimum requirements and use standards of this Ordinance as well as the requirements of the Winnebago County Health Department. Development of lots, however, in the Agricultural Districts shall meet the requirements set forth in Article 7 (as the regulations herein do not apply).

Sec. 21.4. - Nonconforming Structures.

21.4.1 *Definition.* A nonconforming structure shall be any legally established building or structure that is no longer in compliance with the current regulations of the zoning district in which it exists.

21.4.2 *Standards.*

- A. A nonconforming structure may be used for any permitted use in the underlying zoning district.
- B. No expansion or improvement shall be permitted if such expansion or improvement increases the extent of the nonconformity. Any future additions or structural alterations shall conform to the provisions of this Ordinance.
- C. Improvements necessary for existing buildings to meet local health, sanitary, or safety code requirements shall not be considered increases in the extent of the nonconformity.
- D. Improvements or alterations to historic structures listed on the National Register of Historic Places or listed as a historic site by the Illinois Preservation Agency with a certificate of appropriateness for the improvement or alteration shall not be considered increases in the extent of the nonconformity.
- E. A nonconforming structure may only be relocated if the relocation eliminates the nonconforming aspects of the

situation. A nonconforming structure may be elevated for the purpose of flood-proofing or repair.

- F. When a nonconforming structure is damaged or destroyed to the extent of 50% or more of its replacement value, the structure may be restored or rebuilt only if it conforms to the provisions of this Ordinance. When a nonconforming structure is damaged or destroyed to the extent of less than 50% of its replacement value, it may be repaired and rebuilt to its previous condition, so long as the cause of damage was not by any means within the control of the owner, the nonconformity is not expanded, and no new nonconformity is created.
- G. If a nonconforming structure is restored or improved and more than fifty percent (50%) of the pre-existing structure is removed or replaced to maintain structural integrity, the structure is considered to be damaged or destroyed and the entire structure must be brought into conformance.
- H. Nonconforming single-family development in the AG, A-1 and A-2 Districts may be subject to the standards of Section 7.7.2.

21.4.3 *Nonconforming Structures within the Floodplain.* A lawfully established nonconforming structure that is nonconforming because of the FP Overlay District (structure is within a floodplain) may be reconstructed on the same lot so long as it meets yard setbacks, footprint is same or no larger than 15% greater than prior existing footprint, a building and/or zoning permit is issued within twelve (12) months of structure demolition and reconstruction is completed prior to expiration of the permit. Any subsequent development shall be in compliance with all the regulations of the zoning district in which it is located.

21.4.4 *Accessory Structures.* An accessory structure to a principal nonconforming structure shall not be permitted if destroyed by any means by more than fifty percent (50%) of its replacement value as of the date on which the destruction occurs. An accessory structure may only be altered or rebuilt if it complies with all applicable regulations of this Ordinance.

21.4.5 *Structures Rendered Nonconforming Due to Rezoning Action.* If a structure has been rendered nonconforming or made more nonconforming by a rezoning action, the structure shall have the status of a legal nonconforming structure.

Sec. 21.5. - Nonconforming Signs.

21.5.1 *Definition.* A nonconforming sign shall be any sign that was legally established but is no longer in compliance with the sign regulations of this Ordinance.

21.5.2 *Standards.*

- A. Expansion of a nonconforming sign shall be prohibited.
- B. Ordinary or routine maintenance of a nonconforming sign is permitted. This includes, but is not necessarily limited to: replacing light bulbs, repainting or making minor repairs to maintain safety integrity. Changes to a nonconforming sign face are permitted so long as such changes do not increase nonconformity.
- C. A nonconforming sign shall not be moved in whole or in part to any other location unless the move will result in the entire sign being brought into compliance with all applicable regulations of this Ordinance.

21.5.3 *Discontinuance of Nonconformity Status.* If a sign is destroyed by any means by more than fifty percent (50%) of its replacement value it shall not be reestablished except in compliance with all applicable regulations of this Ordinance.

21.5.4 *Signs Accessory to Nonconforming Use.* Signs accessory to nonconforming uses shall be permitted in accordance Article 22: Signs.

Sec. 21.6. - Amortization.

In accordance with the Illinois Compiled Statutes, the Winnebago County Board shall be authorized to order the amortization of existing nonconformities.

ARTICLE 22: - SIGNS

Sec. 22.1. - Purpose.

The purpose of this Article is to establish a framework for a comprehensive system of sign controls governing the display, design, construction, installation and maintenance of signs that will:

- A. To promote and protect the health, safety and welfare of the County by ensuring the compatibility of signs with surrounding architecture and land uses.
- B. To create a more attractive business and economic climate in the commercial and industrial areas of the County by enhancing and protecting the orderly and effective display of signs.
- C. To discourage an excessive number of signs and unsightly, dissimilar and inappropriate signs.
- D. To protect the public from hazardous conditions that result from the indiscriminate use and placement of signs, structurally unsafe signs, signs which obscure the vision of pedestrians or motorists, and signs which compete or conflict with necessary traffic signals and warning signs.

Sec. 22.2. - Sign Permit.

Unless specifically permitted as exempt from sign permit requirements by this Article, it shall be unlawful for any person to erect, relocate, or structurally alter any sign or other advertising structure without first obtaining a sign permit from the County. The Planning and Zoning Officer may revoke any sign permit where there has been a violation of the provisions of this Ordinance or misrepresentation of fact on the sign permit application.

Sec. 22.3. - Permitted Sign Location.

- A. No signs, other than those placed by agencies of government or signs whose placement has been authorized by this Article or the County, shall be erected on any public property. Any sign placed on public property without authorization may be removed without notice.
- B. No signs shall be placed on any private property without prior consent of the owner thereof and, where applicable, issuance of a sign permit.
- C. All signs shall comply with the view obstruction provisions of this Ordinance and all regulations herein this Article.
- D. No sign mounted on the exterior of a building shall cover any windows, doors or any architectural features.

Sec. 22.4. - Sign Dimension Computations.

The following principles shall control the computation of sign dimensions.

22.4.1 *Computation of Sign Area.* Sign area is calculated as described in this section.

- A. For signs on a background, the entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed. Sign area does not include any supports or bracing, unless such framework or bracing is part of the message or sign face.
- B. For signs consisting of freestanding letters or logos, the sign area is calculated as the total area of each square, circle, rectangle or triangle, or combination thereof that encompasses each individual letter or logo. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.
- C. For awning and canopy signs, the sign area is the printed area of the awning or canopy, calculated as the total area of each square, circle, rectangle or triangle, or combination thereof that encompasses each individual letter or logo.

- D. Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as inc letters or logos, provided that the portion of the transparent film around the perimeter of the individual letters or logos one hundred percent (100%) transparency of the window. Transparency is defined as both the ability to view into the in the establishment from the outside and to view the outside from the interior of the establishment through the same ar
- E. The sign area of a three-dimensional, free-form or sculptural (non-planar) sign is calculated as fifty percent (50%) of the sum of the area of the four (4) vertical sides of the smallest cube that will encompass the sign.
- F. If a sign has two (2) or more faces, the area of all faces is included in determining the area of the sign, unless the two (2) sign faces are placed back to back and are no more than two (2) feet apart. In such case, the sign area is calculated as the area of one (1) face. If the two (2) faces are unequal in area, the area of the larger face is used to calculate sign area.
- G. Necessary supports or uprights on which the sign is erected are not included in the sign area computation.

22.4.2 *Measurement of Sign Height.* Sign height is measured as described below. When measuring sign height, the height of the entire structure, including decorative elements, must be included.

- A. For freestanding signs, height shall be calculated as the vertical distance measured from grade to the highest point of the sign.
- B. For signs attached to buildings, height shall be calculated as the vertical distance from the base of the building to which a sign is attached to the highest point of the sign.

Sec. 22.5. - General Construction and Design Standards.

22.5.1 *Construction.* All signs constructed, erected, modified or altered shall comply with the provisions of this Article and the requirements of the County Code. All signs must be professionally constructed. Signs painted on unfinished wood such as plywood, chip board or scrap metal are prohibited, whether wall-mounted or free-standing.

22.5.2 *Sign Structure and Installation.* Supports and braces shall be an integral part of the sign design. Supports or braces shall be hidden from public view to the extent technically feasible. All signs attached to a building shall be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials.

22.5.3 *Wind Pressure and Direct Load Requirements.* All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of net surface area, and shall be constructed to receive dead loads as required by the County Code.

22.5.4 *Electrical Components.* All electrical fixtures, devices, circuits, conduits, raceways or apparatus used to illuminate, move or project any sign shall be installed and maintained as required in the County Code. An electrical permit is required.

[22.5.5 *Reserved.*]

22.5.6 *Illumination.*

- A. Goose-neck reflectors and exterior spotlights shall be permitted provided that the reflectors and spotlights shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.
- B. Internally illuminated signs are permitted.
- C. All sign illumination shall be designed, located, shielded and directed so as to prevent the casting of glare or direct light upon adjacent publicly dedicated roadways and surrounding properties, or distract operators of vehicles or pedestrians in the public right-of-way.

22.5.7 *Glass.* Glass forming any part of a sign must be safety glass.

22.5.8 *Lettering.* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign must be safely and securely built or attached to the sign structure.

22.5.9 *Limitation on Items of Information.*

- A. All signs must limit the number of items of information on any single sign face to no more than six (6) items to prevent traffic hazards for passing motorists and to minimize the cluttered appearance of signs.
- B. Each piece of information on a sign shall be defined as an item of information. For example, each of the following would be defined as one (1) item of information: a telephone number, the name of the business, even if multiple words, or the business logo. If the sign advertises products or services, each product or service would be one (1) item of information. The street number address of the business is not counted as an item of information.
- C. Changeable message signs, where the items of information are changed manually, are also counted as one (1) item of information. For a sign that contains a time and temperature component, the time and temperature component shall not be counted as an item of information.
- D. All signs on a lot must be related to goods and/or services sold or offered on the premises, with the exception of non-commercial or political signs.
- E. Signs for multi-tenant commercial buildings used to advertise which tenants are located within the development, are limited to one (1) item of information per tenant within the development, which may exceed six (6) items, in addition to the name and address of the development.
- F. Directory signs and menu board signs are exempt from the items of information limitation.

22.5.10 *Sign and Premises Maintenance.*

- A. All signs, and the premises surrounding the sign, shall be maintained in a clean, sanitary and inoffensive condition, and free and clear of all noxious substances, rubbish and weeds.
- B. If the County shall find that any sign or other advertising structure, as defined herein, is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Article, the Planning and Zoning Officer shall immediately be advised of such condition and he/she shall give written notice to the property owner or the sign permit holder thereof. If property owner and/or sign permit holder fails to remove or alter the structure so as to comply with the standards herein set forth such sign or other advertising structure, as defined in this Article, may be removed by County at the expense of the sign permit holder or the owner of the property upon which it is located. The County may cause any other sign or other advertising structure that is an immediate peril to persons or property to be removed summarily and without notice.

22.5.11 *Regulations for Temporary Signs.*

- A. Any sign listed in Section 22.7 is prohibited.
- B. Temporary signs must be related to goods and/or services sold on the premises, except for non-commercial or political messages. Temporary off-premises signs are prohibited.
- C. No temporary sign may be illuminated, except for portable signs as noted in Section 22.9.2.
- D. All temporary signs must remain in good condition during the display period. Throughout the display period, corrective action must be taken immediately should there be any problems with the appearance, condition or maintenance of the sign and/or support hardware.

Sec. 22.6. - Master Sign Plan Required.

- A. When more than one (1) wall sign, awning or canopy is proposed on any building with multiple tenants, the applicant shall submit a master sign plan for review by the Planning and Zoning Officer.
- B. A master sign plan shall provide for coordinated design for all building-mounted signs and shall include, at a minimum, criteria and specifications for general appearance, format of message, font size and style, lighting, location and construction materials.

- C. Where signs are to be located on a wall of a multi-tenant shopping center, they shall be located at a generally uniform height on the building wall and shall not cover or overhang any architectural feature.

Sec. 22.7. - Prohibited Signs.

22.7.1 *Animated Signs.* Animated signs are prohibited.

22.7.2 *Banner Signs (Permanent).* Permanent banner signs used to advertise a business, its products or its services are prohibited. Banners may be used as temporary signs in accordance with this Article.

22.7.3 *Flashing Signs.* No sign shall have blinking or flashing lights, or other illuminating device that has a changing light intensity, brightness or color, traveling/chasing or blinking lights, or rotating beacons.

22.7.4 *Moving Signs.* No sign or other advertising structure shall have moving, revolving or rotating parts or visible mechanical movement of any kind. Clocks with movable hands shall be permitted.

22.7.5 *Obscene Signs.* No sign or other advertising device shall display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

22.7.6 *Painted and Illegally Affixed Signs.* Signs painted directly on an exterior wall, roof, fascia, parapet or chimney of a building or on a fence are prohibited.

22.7.7 *Roof Signs.* Roof signs are prohibited.

22.7.8 *Signs that Interfere with Traffic.* No sign or other advertising structure, as regulated in this Article, shall:

- A. Obstruct free and clear vision at any street, intersection, parking lot entrance or exit, or driveway.
- B. Interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device because of its position, shape or color.
- C. Make use of the words STOP, LOOK, DETOUR, DANGER or any other word, phrase, symbol or character in a manner that misleads, interferes with, or confuses traffic.
- D. No sign in direct line of vision of a traffic signal shall be illuminated in red, green or amber color, so as to resemble a traffic signal.

22.7.9 *Snipe Signs.* Any sign painted, pasted or otherwise affixed to any tree, rock, utility pole, hydrant, bridge, sidewalk, curb or street, bench or trash receptacle shall be prohibited. Logos and labels located on mechanical equipment, recycling bins, trash containers or dumpsters, which are part of the equipment as manufactured and/or installed, shall not be considered snipe signs.

22.7.10 *Strobe Lights, Spotlights and Floodlights.* Strobe lights, spotlights and floodlights used to advertise a business or event are prohibited.

22.7.11 *Temporary Off-Premises Signs.* Temporary off-premises signs are prohibited.

22.7.12 *Unsafe Signs.* No sign or other advertising structure shall constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance.

22.7.13 *Signs on Vehicles or Equipment.* Signs placed or painted on parked vehicles, trucks, buses, trailers or equipment where the primary purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises are prohibited. Signs displayed on trucks, trailers, buses or other vehicles or equipment, which are being operated and stored in the normal course of a business, such as signs indicating the owner or business that are located on delivery trucks, moving vans and rental trucks, are permitted, provided that the primary purpose of such vehicles or equipment is not the display of signs and that they are parked or stored in appropriate areas. Temporary or permanent signs resting on, or attached to, vehicles, trucks, buses, trailers or equipment used as a means to circumvent the provisions of this Ordinance are prohibited.

22.7.14 *Signs Carried or Displayed by Persons in Public Right-of-Way.* Signs that are carried, waved or otherwise displayed by or on persons in the public right-of-way or in a manner visible from the public right-of-way are prohibited.

Sec. 22.8. - Exempt Permanent and Temporary Signs.

The following permanent and temporary signs, and sign alteration and maintenance activities are exempt from the sign permit requirements of this Article.

22.8.1 *Alteration and Maintenance Operations.* The following activities shall be exempt from sign permit requirements:

- A. Changing of the advertising copy or message on an existing changeable copy sign or similar approved sign, whether illuminated or non-illuminated.
- B. Painting, repainting, cleaning, changing permitted items of information, or other normal maintenance and repair of a sign, not involving structural changes or changes in the electrical components of the sign.

22.8.2 *A-Frame Signs.* A-frame signs are exempt from sign permit requirements subject to the following:

- A. A-frame signs are permitted only for non-residential uses in the C-N, C-C, C-G and TND Districts.
- B. A-frame signs are limited to six (6) square feet in area and four (4) feet in height.
- C. The use of a-frame signs is limited to business hours only. Signs must be stored indoors at all other times. A-frame signs must not be used outdoors when high winds or heavy snow conditions exist.
- D. Only one (1) a-frame sign is permitted per business. A minimum twenty (20) foot separation is required between all a-frame signs.
- E. An a-frame sign must be placed within fifteen (15) feet of the primary entrance of the business, and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes. A-frame signs may be placed in the public right-of-way but must maintain a five (5) foot sidewalk clearance at all times.

22.8.3 *Banners (Temporary).* Temporary banners are exempt from sign permit requirements subject to the following:

- A. Temporary banners are permitted for any non-residential use. Banners for home occupations are prohibited.
- B. Temporary banners are limited to thirty-two (32) square feet in area.
- C. Only one (1) banner is permitted per zoning lot.
- D. No temporary banner may be located higher than the roofline of the building to which it is attached or, if freestanding, no higher than the maximum height for monument signs. There shall be no encroachment into the public right-of-way.
- E. Temporary banners are limited to a display of fourteen (14) consecutive days when not related to a date specific or, if date specific, may be erected no earlier than five (5) days prior to the event plus the duration of the event and must be removed within three (3) days after the event but in no circumstance be displayed more than twenty two (22) consecutive days. Temporary banners may be erected on a lot no more than four (4) times in a calendar year with a minimum of seven (7) days between display periods.
- F. Temporary banners shall not be attached to vehicles, truck trailers or commercial equipment.

22.8.4 *Construction Signs.* Construction signs identifying the architect, engineer, developer and/or contractor when placed upon a construction site shall be exempt from sign permit requirements, subject to the following:

- A. Such signs shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.
- B. Such signs shall not be erected prior to issuance of building permits and shall be removed no later than seven (7) days after issuance of an occupancy permit or completion of the project.

C. Construction signs shall be limited to one (1) sign per street frontage.

22.8.5 *Agricultural Identification Signs.* Agricultural identification signs are limited to a maximum of twelve (12) square feet, one per zoning lot and permitted without a sign permit. Agricultural identification signs are restricted to displaying the agricultural products grown or produced onsite and farm name. Signs displayed only for seed identification purposes shall not be limited to the one per zoning lot restriction.

22.8.6 *Directional Signs.*

- A. Such signs shall identify the use only by means of a logo, shape, or color with the exception of words such as ENTRANCE or EXIT. Directional signs shall not include words identifying or advertising the use. Directional signs shall be located entirely on the property to which they pertain and shall identify parking lot entrances and exits, restrooms, public telephone, walkways, and features of a similar nature.
- B. One (1) directional sign is permitted for each driveway access from a public street. One (1) additional directional sign is permitted for each intersection of driveways within a site, to identify traffic routing, entrances and services, such as drive-in lanes.
- C. Directional signs are limited to have a maximum height of five (5) feet, when freestanding, and a maximum surface area of six (6) square feet. Directional signs shall not project beyond the property line.

22.8.7 *Flags.* Flags of any government or governmental agency, or any patriotic, religious, charitable, civic, educational or fraternal organization shall be exempt from sign permit requirements. There shall be no more than three (3) flagpoles per zoning lot.

22.8.8 *Garage or Yard Sale Signs.* Temporary residential garage or yard sale signs shall be exempt from sign permit requirements, subject to the following:

- A. Temporary residential garage or yard sale signs shall not exceed twelve (12) square feet each. Only two (2) residential garage or yard sale signs are permitted per zoning lot.
- B. Signs must be posted no more than twenty-four (24) hours prior to the event and all signs must be removed within twenty-four (24) hours after the event. No signs shall be posted in the public right-of-way.

22.8.9 *Headstones.* Headstones, including tablets, grave markers, statuary/memorial plaques or remembrances of persons or events, that are non-commercial in nature and are located in an established cemetery shall be exempt from sign permit requirements.

22.8.10 *House Number Signs.* House number signs, which are not illuminated, shall be exempt from sign permit requirements. House number signs shall not exceed two (2) square feet and are limited only to the address number.

22.8.11 *Memorial Plaques.* Memorial or commemorative plaques or tablets denoting a building name and/or date of erection, or a location of historic significance, and not exceeding four (4) square feet in area shall be exempt from sign permit requirements. Memorial signs shall be cut into any masonry surface or constructed of bronze or other incombustible materials.

22.8.12 *Miscellaneous Information Matter.* Matter appearing on gasoline pumps, newspaper vending boxes and other vending machines, automatic teller machines, or matter appearing on or adjacent to entry doors such as PUSH, PULL, OPEN and/or CLOSED, or matter appearing on display windows or doors denoting hours of operation, credit cards accepted, and similar information shall be exempt from sign permit requirements. Service station rate signs and the changing of copy of such signs, including the names of grades of fuel and prices and conditions relating to prices such as full or self-service shall be permitted without a permit. However, such signs shall be included in the calculation of total window sign area, which may not exceed forty percent (40%) of total window area.

22.8.13 *County Signs*. Traffic or other county signs, legal notices, railroad crossing signs, signs regulating vehicular or pedestrian traffic, or designating or giving direction to streets, schools, historic sites or public buildings, and such temporary emergency or non-advertising signs shall be exempt from sign permit requirements.

22.8.14 *Nameplate/Occupational Signs*. Nameplate/occupational signs not exceeding two (2) square feet in area denoting only the name, address and profession of an occupant shall be exempt from sign permit requirements. Nameplate/occupational signs are further regulated in section 18.3.8.

22.8.15 *Parking Lot Signs*. Parking lot signs, such as "No Parking" or "Unauthorized users shall be towed," are permitted but may not exceed six (6) square feet and must be oriented to the parking area.

22.8.16 *Political Signs*. Political signs shall be exempt from sign permit requirements subject to the following:

- A. Signs shall be no more than sixteen (16) square feet in area on each side.
- B. Signs shall not be posted on any public property.
- C. Signs shall be posted on private property only, and only with the permission of the property owner. Only two (2) signs per election or referendum will be permitted per lot.
- D. When such signs refer to an election or referendum, such signs shall be posted no earlier than sixty (60) days prior to, and be removed no later than ten (10) days after the election or referendum to which the sign refers.

22.8.17 *Real Estate Signs*.

- A. *For Sale/For Rent Signs*. Real estate signs shall be exempt from sign permit requirements, subject to the following:
 1. Real estate signs shall not exceed six (6) square feet in area, except when the property consists of five hundred (500) feet of road frontage the real estate sign may be increased to a maximum of thirty two (32) square feet in area. Real estate signs shall be limited to six (6) feet in height and shall only advertise the sale, rental, lease or management of the premises upon which said signs are located. One (1) such sign is permitted per street frontage.
 2. Real estate signs must be located five (5) feet from any side lot line.
 3. Real estate signs shall be removed within forty-eight (48) hours of sale or lease.
- B. *Real Estate Open House Signs*. Real estate signs that direct persons to an "open house" are exempt from sign permit requirements, subject to the following:
 1. Real estate open house signs shall not exceed six (6) square feet in area and six (6) feet in height.
 2. Real estate open house signs may not be placed within a public right-of-way.
 3. Real estate open house signs may be displayed one (1) day prior to the day of and during the open house and must be removed within two (2) hours of the end of the event.

22.8.18 *Rear Service Door Signs*. Rear service door signs shall be exempt from sign permit requirements and shall not exceed six (6) square feet.

22.8.19 *Vehicle "For Sale" Signs*. Vehicle "for sale" signs shall be exempt from sign permit requirements subject to the following:

- A. Vehicles that display a "for sale" or similar sign shall be parked in a lot where the sale of new or used vehicles is permitted.
- B. A vehicle may be parked and displayed for sale, with a "for sale" sign, by a private individual at that individual's home as well as driven and parked throughout the normal daily routine.
- C. A vehicle "for sale" sign must be removed within twenty-four (24) hours of the vehicle's sale.

22.8.20 *Warning Signs*. Warning signs, such as "Beware of Dog," "No Trespassing" or "No Dumping," not exceeding two (2) square feet per sign shall be exempt from sign permit requirements.

22.8.21 *Window Signs.* Window signs shall be exempt from sign permit requirements, provided that the total of all window signs, whether temporary or permanent, shall occupy no more than forty percent (40%) of the total window area. Neon window signs are subject to the following:

- A. Neon window signs must be located entirely inside the window. No exterior neon signs are permitted.
- B. Series lighting or neon tubing used to accentuate or trim windows, architectural features, or to outline borders of signs or buildings, is specifically prohibited.
- C. Neon window signs are permitted only in the C-N, C-C, C-G, TND Districts and industrial districts where a commercial use is permitted onsite.

Sec. 22.9. - Temporary Signs Requiring Sign Permit.

Temporary signs are permitted in accordance with the provisions of this Ordinance, except that where other sections of this Ordinance regulate such signs, the more restrictive regulation shall apply.

22.9.1 *Attention-Getting Devices.* Attention-getting devices require a permit and are permitted for non-residential uses in the C-C and C-G Districts and in the industrial districts where a commercial use is permitted onsite subject to the following regulations.

- A. Attention-getting devices are limited to a display of fourteen (14) consecutive days when not related to a date specific or, if date specific, may be erected no earlier than five (5) days prior to the event plus the duration of the event and must be removed within three (3) days after the event but in no circumstance be displayed more than twenty-two (22) consecutive days. Attention-getting devices may be erected on a lot no more than two (2) times in a calendar year with a minimum of seven (7) days between display periods.
- B. Attention-getting devices may not be erected or maintained in such a location or manner as may endanger the public safety or interfere with or obstruct pedestrian or vehicular travel or create a traffic safety problem.
- C. Attention-getting devices may not be erected or maintained within any public right-of-way.
- D. As a condition of the issuance of a permit, requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the safety and convenience of the public may be imposed.
- E. No inflatable promotional device may exceed fifteen (15) feet in height, or the height of the principal building to which it relates, whichever is lower. No inflatable promotional device may be mounted on a roof of a structure.
- F. Commercial or industrial mechanical lifts, excavation buckets or similar extended or positioned in nonconventional manner for the purpose of attracting attention, promoting or advertising is prohibited in all zoning districts.

22.9.2 *Temporary Portable Signs.*

- A. Temporary portable signs are permitted for any non-residential use. Temporary portable signs are prohibited for home occupations.
- B. Temporary pole and portable lighted trailer signs are limited to twenty-four (24) square feet in area and five (5) feet in height.
- C. All temporary portable signs must be set back five (5) feet from any property line.
- D. Temporary portable signs are limited to a display of fourteen (14) consecutive days when not related to a date specific or, if date specific, may be erected no earlier than five (5) days prior to the event plus the duration of the event and must be removed within three (3) days after the event but in no circumstance be displayed more than twenty-two (22) consecutive days. Temporary portable signs may be erected on a lot no more than four (4) times in a calendar year with a minimum of seven (7) days between display periods.

22.9.3 *Permit Fee.* Temporary signs requiring a permit under this Section 22.9 shall require the payment of a fee in the minimum amount established for sign permits, as may be amended from time to time.

Sec. 22.10. - Permanent Signs Requiring Sign Permit.

Permanent signs are permitted in accordance with the provisions of this Ordinance, except that where other sections of this Ordinance regulate such signs, the more restrictive regulation shall apply.

22.10.1 *Billboards*. Billboards are permitted subject to the following restrictions:

- A. Billboards are prohibited in the following districts:
 1. All residential districts
 2. OS District
 3. CN District
 4. CD District
 5. TND District
 6. Scenic Road Overlay District
 7. FP Overlay District
- B. Billboards are permitted in all other districts not listed in Section 22.10.1 A. when located within six hundred sixty (660) feet of the right-of-way of any expressway or primary highway as defined in the Illinois Highway Advertising Control Act of 1971, 225 ILCS 440/1 et seq. Where billboards are permitted, the following spacing requirements apply:
 1. Within six hundred sixty (660) feet of the right-of-way of any expressway as defined in the Illinois Highway Advertising Control Act of 1971, 225 ILCS 440/1 et seq., no billboard designed to be viewed from such highway shall be permitted to be erected within five hundred (500) feet of any other billboard on the same side of the highway, unless separated by a building or other obstruction that prohibits the motorist's view in his direction of travel. Within six hundred sixty (660) feet of the right-of-way of any primary highway, other than expressways set forth above, as defined in the Illinois Highway Advertising Control Act of 1971, 225 ILCS 440/1 et seq., no billboard designed to be viewed from such highway shall be permitted to be erected within three hundred (300) feet of any other billboard on the same side of the highway unless separated by a building or other obstruction that prohibits the motorist's view in his direction of travel. Prior to County approval of a billboard along said expressways or highways, the applicant must show proof of compliance with State requirements.
 2. When the billboard is located within the Agricultural Districts, Industrial Districts or the CC, CG, or OP Districts, additional setbacks apply. No billboard when located in the Agricultural Districts shall be erected closer than two thousand six hundred forty (2,640) feet to an existing billboard and no billboard when located in the Industrial Districts, CC, CG or OP Districts shall be erected closer than one thousand (1,000) feet to an existing billboard on the same side of the road measured along the centerline of such road. No billboard shall be located closer than seventy-five (75) feet from any residential district, five hundred (500) feet from any dwelling or sign structure or three-hundred (300) feet from any public park of more than five (5) acres in area.
- C. The sign area of a billboard shall not be greater than eighteen (18) feet in vertical dimension nor greater than fifty-five (55) feet in horizontal dimensions.
- D. The maximum height of billboard signs is thirty (30) feet above grade.
- E. Billboards shall not be mounted or painted on any building wall, vehicle, trailer or equipment.
- F. Additional restrictions apply to electronic billboards. Electronic billboards are a permitted use only in the CG and Industrial Districts. A special use permit is required for electronic billboards in the CC and OP Districts. In addition, electronic billboards must meet the following standards:
 1. Each message or image must be static for a minimum of eight (8) seconds. Animation, streaming video and images that move or give the appearance of movement are prohibited.

2. An electronic billboard must not exceed a maximum illumination of six thousand (6,000) nits during daylight hours and a maximum illumination of five hundred (500) nits between dusk and dawn, as measured from the sign's face at maximum brightness. All electronic billboard must have ambient light monitors installed, which automatically adjust the brightness of the electronic sign based on ambient light conditions.
3. The sign face of any existing nonconforming billboard shall not be converted to an electronic billboard. However, if an existing billboard is located pursuant to item 22.10.1 B.1. and this item 22.10.1 F. and the nonconformity is only the result of a setback in 22.10.1 B.2., a special use permit may be applied for to enable the billboard to be electronic.

22.10.2 *Awnings and Canopies.* Awnings and canopies that are considered an architectural feature of a structure and are not used for identifying the premises or the goods and/or services sold are not considered a sign. Awnings and canopies used as signs are subject to the following regulations:

- A. Awning and canopy signs are permitted for multi-family residential and non-residential uses in any district.
- B. All awning or canopy signs must maintain a minimum clearance of seven feet six inches (7'6"). Awnings and canopies must not extend beyond a point two (2) feet from the curb line.
- C. Printing on any awning or canopy sign is limited to thirty percent (30%) of any side of the awning or canopy.
- D. Awning and canopy signs shall be constructed out of fabric, canvas or canvas-like material, or metal. Back-lit plastic awnings and canopies are prohibited.
- E. Awning and canopy signs must be securely attached to and supported by a building. All frames and supports must be made of metal or similar rigid material. Frames and supports may not be made of wood or plastics.
- F. Under-awning signs are permitted for non-residential uses subject to the following:
 1. Under-awning signs must be attached to the underside of an awning. Under-awning signs must not project beyond the awning.
 2. Under-awning must maintain a minimum clearance of seven (7) feet.
 3. A maximum of one (1) under-awning signs per business establishment with frontage on the street where the awning is mounted is permitted.
 4. Under-awning signs may not exceed three (3) square feet.
 5. Under-awning signs must be securely fixed to the awning with metal supports.

22.10.3 *Electronic Message Center Signs.*

- A. Electronic message center signs are permitted for all non-residential uses in the commercial, industrial and office park districts and in all agricultural districts, provided that use of such signs in agricultural districts are limited to educational facilities, places of worship and government facilities.
- B. Only one (1) electronic message center sign is permitted per street frontage.
- C. Each message displayed on an electronic message center sign must be static or depicted for a minimum of eight (8) seconds. Any scrolling, flashing or movement of the message is prohibited.
- D. No illumination from an electronic message center sign may be positioned to glare directly into a residential dwelling. In addition, no illumination from such sign may interfere with the safe movement of motor vehicles on public thoroughfares.
- E. An electronic message center sign must not exceed a maximum illumination of six thousand (6,000) nits during daylight hours, and a maximum illumination of five hundred (500) nits between dusk and dawn, as measured from the sign's face at maximum brightness. All electronic message center signs must have ambient light monitors installed, which automatically adjust the brightness level of the electronic sign based on ambient light conditions.

- F. Electronic message center signs are permitted as a wall or freestanding sign, and are subject to the requirements, including area, of this Article for said sign types.
- G. Electronic message center signs shall not display any off-premises commercial advertising.
- H. Electronic display screens, which typically stream videos and images, are prohibited.
- I. The similar yet different permanently installed changeable copy board signs are permitted as a wall or freestanding sign and subject to the requirements, including sign area and the off-premise commercial advertising prohibition, of this Article for said sign types.

22.10.4 *Freestanding Signs*. Freestanding signs are permitted for all multi-family, residential subdivision and non-residential uses, subject to the following regulations and Table 22-1: Freestanding Sign Regulations. In some districts, certain types of freestanding signs may be prohibited or specifically regulated elsewhere in this Ordinance.

- A. One (1) freestanding sign is permitted per street frontage of a lot for non-residential uses. Multi-family developments are limited to one sign and subdivisions are limited to two signs (one on each side of road) at each entrance of development or subdivision which shall only identify the name of the development or subdivision, inclusive of a logo.
- B. No part of a freestanding sign may project into, over or otherwise encroach on a public right-of-way.
- C. Freestanding sign permissions, heights and sign areas are limited as shown in Table 22-1: Freestanding Sign Regulations.

TABLE 22-1: FREESTANDING SIGN REGULATIONS				
DISTRICT	MONUMENT SIGN		POLE SIGN	
	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT
AG	40sf	7'	32sf	6'
A-1	40sf	7'	32sf	6'
A-2	40sf	7'	32sf	6'
OS	40sf	7'	32sf	6'
R-A, R-1 through R-4, R-MH	40sf	7'	Prohibited	
C-N	40sf	7'	Prohibited	
C-C	56sf	8'	32sf	20'
C-G	56sf	8'	32sf	20'
OP	56sf	8'	Prohibited	
I-L	56sf	8'	32sf	20'

I-G	56sf	8'	32sf	20'
I-H	56sf	8'	32sf	20'
CD	40sf	7'	Prohibited	
TND	40sf	7'	Prohibited	

22.10.5 *Projecting Sign*. Projecting signs are permitted for all non-residential uses allowed within the districts, subject to the following regulations. In some districts, projecting signs may be prohibited as regulated in [Table 22-2: Projecting Sign Regulations](#).

- A. One (1) projecting sign is permitted per ground floor establishment with frontage on a street.
- B. Projecting signs may not project more than five (5) feet from the face of the building to which they are attached, including the area between the sign and the face of the building.
- C. The bottom of any projecting sign must be at least seven (7) feet above the sidewalk or thoroughfare. No projecting sign affixed to a building may project higher than the building height, including the sign support structure.
- D. Projecting signs, including frames, braces, and supports must be designed by a licensed structural engineer or manufacturer. No projecting sign may be secured with wire, chains, strips of wood or nails nor may any projecting sign be hung or secured to any other sign. Any movable part of a projecting sign, such as the cover of a service opening, must be securely fastened by chains or hinges.
- E. Projecting sign areas are limited as shown in [Table 22-2: Projecting Sign Regulations](#):

TABLE 22-2: PROJECTING SIGN REGULATIONS	
DISTRICT	MAXIMUM SIGN AREA
AG	24sf
A-1	24sf
A-2	32sf
OS	Prohibited
R-A, R-1 through R-4, R-MH	Prohibited
C-N	16sf
C-C	24sf
C-G	24sf
OP	48sf

I-L	48sf
I-G	48sf
I-H	48sf
CD	Prohibited
TND	24sf

22.10.6 *Menu Board Signs.* Drive-through establishments are permitted two (2) menu board signs per drive through lane no more than forty (40) square feet in sign area, no more than seven (7) feet in height and no less than fifteen (15) feet from any lot line. Menu boards may be internally illuminated.

22.10.7 *Wall Sign.* Wall signs are permitted for non-residential uses in all districts, subject to the following regulations:

- A. The maximum gross area of all wall signs on a zoning lot is established at one (1) square foot per linear foot of building frontage subject to the following:
 - 1. For an interior lot, the maximum gross area of all wall signs on each building wall is established as measured along the building frontage, with a minimum of thirty-two (32) square feet permitted and in no case shall the maximum gross area of all wall signs onsite exceed six hundred eighty (680) square feet. The gross area of all wall signs on each side of the building is limited to the square footage calculated on that side only. In no case may the square footage permitted for one building wall be combined to create a larger sign on a wall other than that permitted on each individual wall.
 - 2. For a corner lot, the maximum gross area of all wall signs located on each building wall is measured along the building frontage, with a minimum of thirty-two (32) square feet permitted and in no case shall the maximum gross area of all wall signs onsite exceed six hundred eighty (680) square feet. The gross area of all wall signs on each side of the building is limited to the square footage calculated on that side only. In no case may the square footage permitted for one building wall be combined to create a larger sign on a wall other than that permitted on each individual wall.
 - 3. For a multi-tenant structure, however, the maximum size of a wall sign for each tenant is measured along each individual business frontage, with a minimum of thirty-two (32) square feet permitted for a wall sign for each tenant. In no case, may the total amount of wall signs on the structure exceed the multiplier times the linear foot of total business frontage or the sum total of thirty-two (32) square feet per tenant, whichever is greater.
- B. Wall signs must be safely and securely attached to the building wall. Wall signs must be affixed flat against the wall and must not project more than eighteen (18) inches from the building wall and must be located entirely on the lot (i.e., no encroachment over lot lines).
- C. No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall or higher than the roofline of the structure to which it is attached. On existing buildings, a parapet wall must not be constructed for the sole purpose of increasing the allowable height of a wall sign. For new buildings, when a sign is to be mounted on a parapet wall, that parapet wall must be consistent with the architectural design of the building, including building materials. Wall signs may not be attached to un-reinforced masonry parapets. Wall signs must not cover windows, doors or architectural features.

D. Wall signs must not be painted on the exterior wall. No new wall signs may be painted on buildings or structures.

Sec. 22.11. - Nonconforming Signs.

See Section 21(Nonconforming Signs) for the provisions for nonconforming signs.

ARTICLE 23: - OFF-STREET PARKING AND LOADING

Sec. 23.1. - Purpose.

The off-street parking and loading regulations of this Article are intended to provide accessible, attractive, secure and well-maintained off-street parking and loading areas with the appropriate number of spaces in proportion to the needs of the proposed use, increase public safety by reducing congestion of public streets, and encourage the use of alternative modes of transportation where appropriate.

Sec. 23.2. - General Provisions.

The provisions of this Section shall apply as follows:

23.2.1 *Existing Facilities.*

- A. The existing number of off-street parking and loading spaces shall not be reduced below the requirements of this Article. If the number of such existing spaces is already less than the requirements of this Article, it shall not be further reduced.
- B. Existing off-street parking and loading areas which do not conform to the requirements of this Article, but were in conformance with the requirements of this Ordinance at the time the parking or loading facilities were established, are permitted to continue as a legal nonconforming structure.
- C. If a building permit for a building or structure was lawfully issued prior to the effective date of this Article, and if construction has begun within one hundred eighty (180) days of the issuance of a permit, the number of off-street parking and loading spaces shall be provided in the amount required for the issuance of said building permit, regardless of what may be required by this Article.

23.2.2 *Damage or Destruction.* When a building is reconstructed or repaired after being damaged or destroyed, off-street parking and loading facilities shall be restored or maintained in an amount equivalent to that at the time of such damage or destruction. However, it shall not be necessary to restore or maintain parking and loading facilities in excess of the applicable requirements of this Article.

23.2.3 *Change in Land Use.* When the existing use of a structure or land is changed to a new use, parking and loading spaces shall be provided as required for the new use. Additional parking or loading spaces shall be required in the amount by which the requirements for the new use exceed the requirements for the existing use.

23.2.4 *Change in Intensity of Use.*

- A. When the intensity of use of any structure or land is increased, additional parking and loading spaces shall be provided. The number of additional parking and loading spaces shall be based on the increase in the number of dwelling units, gross floor area, seating capacity, or other unit of measurement used to calculate the number of required number of parking or loading spaces. When a building or structure lawfully erected or use lawfully established prior to the effective date of the ordinance from which this article is derived increases in size or capacity by forty (40) percent or greater, the parking or loading facilities required by this article shall be provided for the total use.

- B. When the intensity of use of any structure or land is decreased, the number of parking and loading spaces may be reduced as the parking requirements of this Section are met for the entire structure or land as modified.

23.2.5 *Provision of Additional Spaces.* Nothing in this Article shall be deemed to prevent the voluntary establishment of additional off-street parking or loading facilities, provided that all regulations governing the location, design and control of such facilities are in accordance with this Article.

Sec. 23.3. - Computation.

The total number of required parking and loading spaces shall be based upon the requirements for the principal use of the lot. However, when more than one (1) use occupies the same lot, the number of required spaces shall be the sum of the separate requirements for each use. All off-street parking facilities shall be completed before occupancy of the structure. In computing the number of off-street parking or loading spaces required by this Article, the following standards for computation shall apply:

- A. Space allocated to any off-street loading space shall not be used to satisfy the requirement for any off-street parking space or access aisle, or portion thereof. Conversely, the area allocated to any off-street parking space shall not be used to satisfy the requirement for any off-street loading space or portion thereof.
- B. A fraction of less than one-half ($\frac{1}{2}$) may be disregarded, and a fraction of one-half ($\frac{1}{2}$) or more shall be counted as one (1) parking or loading space.
- C. In places of assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each twenty-four (24) inches of such seating facility shall be counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities.
- D. Except as otherwise specified, parking or loading spaces required on an employee basis shall be based on the maximum number of employees normally present on the premises at any one (1) time. When the determination of the number of parking spaces is based on the number of employees, the owner and/or manager shall be counted as an employee(s).

Sec. 23.4. - Construction of Parking and Loading Facilities.

23.4.1 *Site Plan Review Required.* Site plan review is required prior to any construction, alteration or addition of any parking facility providing five (5) or more parking spaces, and for the construction of a new loading berth. For purposes of this section, construction, alteration or addition shall include all paving of previously unpaved surfaces, replacement of pavement with new binder and surface courses, construction of curbing, installation of new parking lot landscaping, stormwater drainage provisions and similar activities. Construction, alteration or addition shall not include maintenance activities such as replacement of existing landscaping, repair of existing curbing, repairs, sealing, re-striping, or placement of surface course pavement over previously paved areas. No permit shall be required for maintenance activities.

23.4.2 *Time of Completion.* Off-street parking and loading facilities, including all required landscaping, shall be completed prior to the issuance of the certificate of occupancy for the use they serve or final inspection if a certificate of occupancy is not required.

Sec. 23.5. - Collective Provisions.

- A. Off-street parking spaces for separate uses may be provided collectively if the aggregate number of spaces provided is not less than the sum of the spaces required for each use separately. No parking or loading space, or portion thereof, shall serve as the required space for more than one (1) use with the exception of the following shared parking arrangement described in Paragraph B below.
- B. Off-street parking spaces for separate uses may be provided collectively at a reduced number if the aggregate number of spaces provided is not less than the sum of the spaces required in Table 19-1: Collective Parking Calculation. Table 19-1 is applied in the following manner:

1. The required number of spaces for each use is calculated according to Table 19-2: Required Off-Street Parking.
2. The required number of spaces for each use is then applied to the percentages for each time, according to the appropriate land use category, in Table 19-1 to determine the number of required spaces. This is done for each time category.
3. The numbers are sum for all land uses within each timeframe and the highest sum total in a timeframe is the required number of spaces.

TABLE 19-1: COLLECTIVE PARKING CALCULATION						
LAND USE	Weekday			Weekend		
	Mid—7am	7am—6pm	6pm—Mid	Mid—7am	7am—6pm	6pm—Mid
Residential	100%	55%	85%	100%	65%	75%
Commercial	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel/Motel	100%	65%	90%	100%	65%	80%
Movie Theater	0%	70%	100%	5%	70%	100%
Office	5%	100%	5%	0%	60%	10%
Industrial	5%	100%	5%	0%	60%	10%

Sec. 23.6. - Land Banked Future Parking.

Land banking allows for designating a portion of land on a site that would be required for parking to be held and preserved as open space, rather than constructed as parking. The Planning and Zoning Officer may permit land banking of up to twenty-five percent (25%) of the required parking spaces through the site plan review process.

- A. Sufficient evidence shall be provided by the applicant that supports the reduced parking needs.
- B. The area proposed for land banking of parking spaces shall be an area suitable for parking at a future time.
- C. Landscaping of the land banked area shall be in full compliance of the zoning regulations and, at a minimum, landscaped with turf. As a result of the site plan review process, the Planning and Zoning Officer may require additional landscaping of the land banked area.
- D. The land banked area cannot be used for any other use and must be part of the same zoning lot and all under the same ownership.
- E. As part of the site plan review process, the applicant shall show the area to be banked on the site plan and marked as "Land Banked Future Parking."
- F. The Planning and Zoning Officer, on the basis of increased parking demand for the use, shall require the conversion

of all or part of the land banked area to off-street parking spaces.

Sec. 23.7. - Location of Off-Street Parking and Loading.

23.7.1 *Residential Uses.*

- A. All required parking spaces for single-family and two-family residential uses shall be located on the same lot as the dwelling.
- B. Parking spaces for all other dwellings shall be located on the same lot as the dwelling or on a lot adjacent to or directly across the public right-of-way from the dwelling, behind the required front yard setback. In no case shall a lot adjacent to or directly across the public right-of-way be located more than four hundred fifty (450) feet from the structure, measured from the closest boundary of the lot on which the multi-family dwelling is constructed.
- C. Tandem parking is permitted for multi-family dwellings but both spaces must be allotted to the same dwelling unit and located on the same lot as the dwelling. Visitor parking may not be designed as tandem parking.
- D. No parking is permitted in the front yard, including behind the front building line for a single-family or two-family dwelling. However, parking is permitted within a driveway for a single-family or two-family dwelling. No parking in a driveway may encroach into the public right-of-way. See Section 23.8.3 for additional driveway regulations. Parking lots are prohibited for single-family and two-family dwellings.

23.7.2 *Non-Residential Uses.* All required off-street parking areas for non-residential uses shall be located on the same lot as, or within one thousand (1,000) feet of the structure or use served, measured from the closest boundary of the lot on which the structure is constructed or use is located. Per Section 20.6.2, a five (5) foot setback along the front lot line is required for a landscape yard. All parking areas shall be designed as required by this Article, including the appropriate surface on which a vehicle shall be parked on.

Sec. 23.8. - Design Standards.

All off-street parking facilities shall comply with the following standards:

23.8.1 *Dimensions.*

- A. An off-street parking space shall be a minimum of eight and one-half (8.5) feet in width and twenty (20) feet in length.
- B. All parking spaces shall have a minimum vertical clearance of seven (7) feet.

23.8.2 *Access.*

- A. Each off-street space shall open directly upon an aisle or driveway of such width as will provide adequate means of vehicular access to such parking space. All off-street parking facilities shall be provided with appropriate means of vehicular access in a manner that least interferes with traffic movement and allows the driver of the vehicle to proceed forward into traffic rather than back out.
- B. All required off-street parking facilities shall have vehicular access from a street, alley, driveway or cross-access connection.
- C. Within off-street parking facilities one-way traffic aisles shall be at least twelve (12) feet in width and two-way traffic aisles shall be at least twenty-four (24) feet in width, but may be reduced to a minimum of twenty-one (21) feet in width with the approval of the Planning & Zoning Officer.

23.8.3 *Driveways.*

A. *Residential Driveways, Excluding Multi-Family Dwellings.*

1. Residential driveways in residential subdivisions shall be no wider than the width of the garage, unless a parking pad is included in conformance with this section (A.2.) or a turn-around drive extension is provided.

2. Single-family and two-family dwellings are permitted an additional parking pad. The driveway may meet the width of pad and garage and then must taper back to the width of the garage.
 3. Only one (1) driveway access point shall be permitted on a zoning lot for a new single-family or two-family dwelling, unless the lot has a lot width of sixty (60) feet or more. In which case, two (2) access points are permitted to construct a circular drive subject to County Engineer or Township Highway Commission approval.
 4. Existing lots with more than one (1) access point and/or a circular driveway that exists at the time of adoption of this Ordinance, may replace and repair the existing driveway, provided that the driveway is not enlarged.
 5. Driveways for corner lots shall not be located closer than seventy-five (75) feet from the right-of-way line of the intersecting roadways, measured along the right-of-way line.
- B. *Multi-Family Dwellings and Non-Residential Driveways.* Except for access to loading berths, no driveway shall have a width exceeding twenty-six (26) feet. Driveways shall be a minimum of nine (9) feet for one-way drives, and a minimum of eighteen (18) feet for two-way drives.

23.8.4 *Surfacing.* All open off-street parking areas shall be improved with a hard surfaced, all-weather dustless material over a base as approved by the County Engineer, except driveways that are accessory to a single-family residential use may be gravel when not located in CD and TND Districts. Semi-pervious paving may be used subject to the approval of the County Engineer. Parking on a low grade parking area surface consisting of grass and/or gravel when otherwise the above hard surfaced restriction applies is permissible only by variation or accessory to a temporary or seasonal use when authorized by the temporary use permit or the special use permit allowing the use.

23.8.5 *Striping.* Off-street parking areas of five (5) or more spaces shall delineate parking spaces with paint or other permanent materials, which shall be maintained in clearly visible condition. Parking spaces for handicapped persons shall be identified with the appropriate sign and shall be visible at all times of the year, regardless of snow cover, plant growth or similar conditions.

23.8.6 *Curbing and Bumper Stops.* Bumper stops, wheel stops or curbing should be provided to prevent vehicles from damaging or encroaching upon any sidewalk, landscaped area, fence, wall or building. When used, curbing shall be at least six (6) inches in height. Interior landscaped parking lot islands or landscaped areas within a hard surfaced lot shall be curbed per the requirements of this Ordinance.

23.8.7 *Lighting.* Parking lot lighting shall be in accordance with the requirements of this Ordinance. Illumination of an off-street parking area shall be shielded and arranged so as to deflect light away from adjacent properties and streets.

23.8.8 *Landscaping and Screening.* All parking lots shall be landscaped in accordance with Article 20 (Landscaping and Screening Requirements).

23.8.9 *Use Prohibitions.* No off-street parking space shall be used for motor vehicle repair work or outdoor storage. Refuse containers shall not be placed on a required parking space.

Sec. 23.9. - Accessible Parking.

23.9.1 *Required Spaces.* With the exception of single-family and two-family dwellings, in all off-street parking facilities where parking is provided for employees, visitors or both, parking spaces for disabled persons shall be provided. The number of accessible parking spaces shall be in addition to the total number of required parking spaces and shall be in accordance with the applicable requirements of the Illinois Accessibility Code, as amended from time to time, and all additional governing codes and applicable laws.

23.9.2 *Dimensions and Design.* Such spaces shall comply with the design standards presented in the State of Illinois Accessibility Code, provided that in no instance shall the width of any one (1) space be less than sixteen (16) feet. Such spaces shall be identified by a sign and pavement markings indicating parking for the disabled only. Such spaces shall be the spaces closest to the entrance of the building or structure, and shall be connected by a paved surface designed to provide safe and easy access.

Sec. 23.10. - Stacking Spaces for Drive-Through Facilities.

Every drive-through facility shall provide a minimum of three (3) stacking spaces per bay, unless otherwise required by Table 23-2: Required Off-Street Parking or this Ordinance. Stacking spaces provided for drive-through uses shall be:

- A. A minimum of nine (9) feet in width, as measured from the outermost point of any service window to the edge of the driveway, and eighteen (18) feet in length. (See Figure 23-1: Measurement of Drive-Through and Figure 23-2: Stacking Spaces)
- B. Placed in a single line behind the drive-through facility.
- C. Located so that, when in use, they do not obstruct ingress or egress to the site and do not obstruct access to required parking or loading spaces.
- D. Stacking spaces shall begin behind the vehicle parked at a last point of service, such as a window or car wash bay.

FIGURE 23-1: MEASUREMENT OF DRIVE-THROUGH

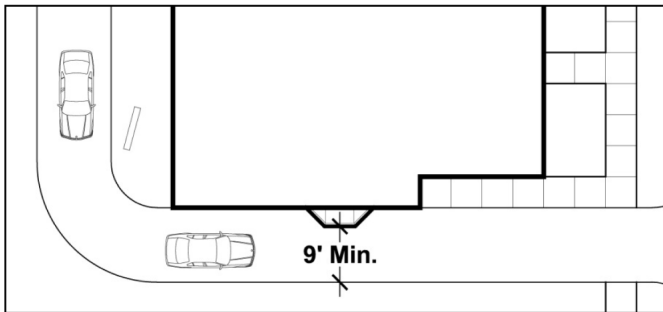
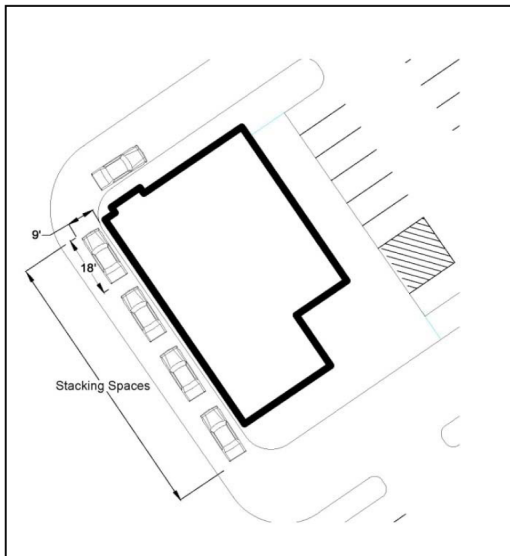


FIGURE 23-2: STACKING SPACES



Sec. 23.11. - Commercial, Recreational & Derelict Vehicle Storage.

23.11.1 *Storage of Commercial Vehicles and Trailers in Residential Districts or Residential Subdivisions (Includes Use of Parking Facilities Accessory to Residential).*

- A. No commercial vehicle and/or trailer may be parked in the public right-of-way or in an access easement created in lieu of a public right-of-way, except for vehicles engaged in loading or unloading, or vehicles in connection with current work being done to the adjacent premises.
- B. No stored or parked commercial vehicle and/or trailer may be occupied or used for human habitation.

- C. Only standard-sized passenger vehicles including, but not limited to, automobiles, passenger size livery vehicles, vans, sports utility vehicles (SUVs) and pick-up trucks are allowed to use parking facilities accessory to residential. It is permissible for two (2) of the above vehicles to be used for commercial purposes by the occupant(s) of a dwelling, provided that the vehicles are stored or parked in a permitted parking area and are unaltered for commercial usage, with the exception of the name and logo of the commercial business is painted on or applied to the vehicle(s). All other commercial vehicles including, but not limited to, semi-truck cabs/tractor units, with or without attached trailers, commercial trailers or equipment, buses, limousines (excluding passenger size livery vehicles), tow trucks, utility trucks, fleet/box trucks, and construction vehicles or equipment of any kind are not allowed to use parking facilities accessory to residential unless one (1) qualifies for and issued a special use permit as listed in Section 7.6 or a zoning permit has been issued allowing a business and affiliated commercial vehicle(s) onsite with the residential use.
- D. Parking facilities accessory to residential shall not be used for the parking of automobiles belonging to the employees of a business or manufacturing establishment, except as provided in section 23.11.1.C.

23.11.2 *Storage of Recreational Vehicles and Trailers.* The parking or storage of recreational vehicles and trailers, including boats, boat trailers, box/enclosed trailers, travel trailers, or similar camping/recreational equipment must meet the following conditions:

- A. Recreational vehicle and/or trailer parking in the public right-of-way or in an access easement created in lieu of a public right-of-way is limited to one (1) forty-eight (48) hour or less occurrence per calendar week or as may be further limited by sign postings. Parking when allowed in the right-of-way or in an access easement shall be arranged in accordance with street markings, and when markings are not present on the street, parking of vehicles or trailers shall be arranged in the parallel manner.
- B. If the recreational vehicle and/or trailer is not stored in a fully enclosed permanent structure, it must be parked or stored on the driveway -that is accessory to the primary residence on-site- when located in a front yard and when located in side and rear yards it must be at least three (3) feet from any lot line. Motor homes, however, are further restricted and shall not be parked or stored in the rear yard. In residential subdivisions, only two (2) noncommercial trailers may be parked or stored outdoors and each trailer must be twenty-two (22) feet or less in length. Temporary storage tents for recreational vehicles and/or trailers are not considered a fully enclosed structure. This section (B.) does not apply to recreational vehicles and/or trailers offered for-sale in an approved outdoor sales and display area of a recreational vehicle dealership or in an approved outdoor storage yard used for vehicle storage.
- C. No recreational vehicle and/or trailer may be used for living, sleeping or housekeeping purposes, except in a lawfully established campground. When not located in a campground, the equipment shall not have fixed connections to electricity, water, gas, or sanitary sewer facilities.
- D. All recreational vehicles and/or trailers must be kept in good repair and maintained in mobile condition. No recreational vehicle and/or trailer may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where parked or stored. The recreational vehicle and/or trailer must be owned by a resident on-site when being stored as an accessory to a residential use.
- E. All racecars shall be stored in a fully enclosed structure. Temporary storage tents for racecars are not considered a fully enclosed structure.
- F. Although all-terrain vehicles (ATVs), dirt bikes, go-carts and snowmobiles may be parked or stored in accordance with the above recreational vehicles and trailers regulations, it shall be unlawful to recreate with such vehicles on a track, course or path without obtaining a zoning permit for an outdoor entertainment establishment.

23.11.3 *Outdoor Storage of Derelict Vehicles.* Outdoor storage of abandoned, junked or derelict vehicles or trailers, including commercial and recreational, is prohibited in all districts unless within a lawful wrecking yard or permitted outdoor storage yard accessory to a vehicle service facility. All other abandoned, junked or derelict vehicles or trailers shall be stored in fully enclosed

structures.

Sec. 23.12. - Required Off-Street Parking Spaces.

A. *Required Off-Street Parking.* The minimum number of off-street parking spaces to be provided for the designated uses shall be as follows in Table 23.1 Off-Street Parking Requirements and calculated according to Section 23.3. Table 23.1 lists parking requirements for the generic uses listed within the districts. In some cases, uses which are considered part of a generic use category are listed with specified parking requirements. These specific uses are listed only for the purposes of this Section and do not indicate whether such uses are permitted or special uses within any district. To the extent that a use is not listed in Table 23.1, the Planning & Zoning Officer will determine the most similar use for purposes of determining required off-street parking.

TABLE <u>23.1</u> : OFF-STREET PARKING REQUIREMENTS	
Adult Use	3 per 1,000 GFA
Agricultural Contractor Office	3 per 1,000sf of office area
Agricultural Sales and Service Establishment	3 per 1,000sf of indoor sales & display area + 3 per 1,000sf of office area
Agriculture	2 per dwelling unit
Airport	10 per 1,000sf GFA of terminal building
Animal Hospital	1 per exam room + 1 per 100sf of public waiting area
Art Gallery	1 per 1,000sf GFA
Arts Studio	2 per 1,000sf of public studio area
Assisted Living Facility	.75 per room + 2 per 1,000sf GFA of office
Bed and Breakfast	1 space + 1 per 2 guestrooms
Broadcast Facilities (Radio, TV)	No Standard Necessary
Campgrounds	2 per camp site
Car Wash	2 per car wash bay
Caretaker's Dwelling Unit	1 per dwelling unit
Cargo Terminal	2 per 1,000sf GFA of office + 1 per 10,000sf GFA of terminal area

Cemetery	1 per 4 seats in chapel + 3 per 1,000sf GFA of office
Community Residence, Large	1 space + 1 per 4 rooms
Community Residence, Small	1 space + 1 per 4 rooms
Concentrated Animal Feeding Operation (CAFO)	3 per 1,000sf of office area
Contractor Storage Yard	3 per 1,000sf GFA
Country Club	Cumulative - determined by sum of requirements for all uses within development (golf course, driving range, restaurant, etc.)
Cultural Facility	5 per 1,000sf GFA
Day Care Center, Adult or Child	2 per 1,000sf GFA
Driving Range	2 per tee stand
Dwelling, Above the Ground Floor	2 per dwelling unit
Dwelling, Multi-Family	2 per dwelling unit
Dwelling, Single-Family	2 per dwelling unit
Dwelling, Townhouse	2 per dwelling unit
Dwelling, Two-Family	2 per dwelling unit
Education Facility, Agricultural	5 per classroom + 3 per 1,000sf GFA of office
Educational Facility, Primary	3 per classroom
Educational Facility, Secondary	3 per classroom + 2 per 1,000sf GFA of office
Educational Facility, University	5 per classroom + 3 per 1,000sf GFA of office
Educational Facility, Vocational	5 per classroom + 3 per 1,000sf GFA of office
Financial Institution	4 per 1,000sf GFA + 1 per ATM
Fraternity/Sorority	1 per 4 beds

Funeral Home	2 per 1,000sf of office & chapel space + 2 per 1,000sf of office area
Gas Station	2 per 1,000sf of accessory retail + 1 per pump
Golf Course	4 per hole
Government Facility	2 per 1,000sf GFA of office + 2 per 1,000sf GFA of public use area
Greenhouse/Nursery	2 per 1,000sf GFA, including outdoor sales & display
Heavy Retail, Rental and Service	2 per 1,000sf GFA, including outdoor sales & display
Hospital	2 per bed
Hotel/Motel	1.5 per room
Independent Living Facility	1.25 per room + 2 per 1,000sf GFA of office
Indoor Entertainment	1 per 15 persons of rated capacity
Movie Theater	1 per 4 seats for first 400 seats + 1 per 6 seats after first 400
Indoor Recreation	1 per 15 persons of rated capacity
Bowling Alley	3 per lane Additional uses within the bowling alley (restaurant, tavern/bar, etc.): Cumulative - determined by sum of requirements for each uses within development
Junkyard	3 per 1,000sf of office area
Kennel	1 per 100sf of public waiting area
Landscaping Business	3 per 1,000sf of office area
Live Entertainment	2 per 1,000sf of public use area
Live/Work Dwelling	2 per dwelling unit
Manufactured Home Park	2 per home site

Manufacturing, General	2 per 1,000sf GFA of manufacturing area and office
Manufacturing, Heavy	2 per 1,000sf GFA of manufacturing area and office
Manufacturing, Light	2 per 1,000sf GFA of manufacturing area and office
Medical/Dental Clinic	1 per exam room + 1 per 100sf of public waiting area
Mining and Excavating	1 per 2 employees
Mini-Warehouse	1 per 25 storage units
Motor Vehicle Dealership	2 per 1,000sf of indoor display area + 3 per 1,000sf of office area
Motor Vehicle Operations Facility	1 per 3,000sf GFA
Motor Vehicle Rental Establishment	1 per 1,000sf of public waiting area + 3 per 1,000sf of office area
Motor Vehicle Service and Repair	3 per bay
Nursing Home	.5 per room + 2 per 1,000sf GFA of office
Office	3 per 1,000sf GFA
Outdoor Entertainment	2 per 1,000sf of public use area
Outdoor Recreation	2 per 1,000sf of public use area
Outdoor Storage Yard	3 per 1,000sf GFA of office & public use area, or, in the event no office & public use area exists, 1 per every 2 employees
Passenger Terminal	5 per 1,000sf GFA of terminal building
Penal and Correctional Institutions	1 per 15 inmates of rated inmate capacity
Personal Services Establishment	3 per 1,000sf GFA
Pet "Day Care" Service	2 per 1,000sf GFA
Place of Worship	5 per 1,000sf GFA

Recycling Center	2 per 1,000sf GFA of manufacturing area and office
Research and Development Facility	3 per 1,000sf GFA
Restaurant	1 per 150sf + 4 stacking spaces per bay + 1/employee
Retail Sales Establishment	3 per 1,000sf GFA
Riding Academy	1 per 4 stalls
Sawmill	3 per 1,000sf of office area
Shopping Center	Less than 500,000sf GFA: 1 per 500sf of gross leasable area 500,000sf or more GFA: 1 per 250sf of gross leasable area
Slaughterhouse	3 per 1,000sf of office area
Social Club or Lodge	3 per 1,000sf GFA
Solar Farm	3 per 1,000sf of office area
Sports Club	2 per 1,000sf of public use area
Sports Stadium (Indoor or Outdoor)	1 per 4 seats
Stable	1 per 4 stalls
Stockyard	3 per 1,000sf of office area
Tattoo/Body Piercing Studio	3 per 1,000sf GFA
Tavern/Bar	1 per 200sf + 1/employee
Truck Stop	1 truck space per 5,000sf GFA Additional uses within the truck stop (retail, recreational facilities, etc.): Cumulative - determined by sum of requirements for each uses within development
Vineyard/Winery	3 per 1,000sf GFA of tasting room area Additional uses within the winery (restaurant, retail, etc.): Cumulative - determined by sum of requirements for each uses within development

Warehouse/Distribution	1 per 20,000sf GFA of warehouse space + 3 per 1,000sf GFA of office space
Wind Farm	3 per 1,000sf of office area

Sec. 23.13. - Required Off-Street Loading Spaces.

Off-street loading spaces shall be provided for a building, structure or use which requires the receipt or distribution of materials or merchandise by trucks or other vehicles in accordance with Table 23-3: Off-Street Loading Requirements. In the case of multi-tenant buildings or mixed-use developments, required loading spaces shall be calculated on the basis of each individual tenant (for example, if only one (1) commercial tenant of a multi-tenant building is over ten thousand (10,000) square feet, only one (1) loading space is required; if all tenants are under ten thousand (10,000) square feet, no loading is required).

TABLE 23-3: OFF-STREET LOADING REQUIREMENTS	
Use Type	Number of Spaces Required
Multi-Family Dwelling	
20,000 — 100,000sf of gross floor area	1 loading space
100,001 — 200,000sf of gross floor area	2 loading spaces
Each additional 100,000sf of gross floor area (This applies only for each additional full 100,000sf over 200,000sf)	1 additional loading space
Commercial or Institutional Use	
8,000 - 100,000sf of gross floor area	1 loading space
100,001 - 200,000sf of gross floor area	2 loading spaces
Each additional 50,000sf of gross floor area (This applies only for each additional full 50,000sf over 200,000sf)	1 additional loading space
Industrial Uses	
5,000 - 10,000sf of gross floor area	1 loading space
10,001 - 40,000sf of gross floor area	2 loading spaces
40,001 - 100,000sf of gross floor area	3 loading spaces

Each additional 50,000sf of gross floor area (This applies only for each additional full 50,000sf over 100,000sf)	1 additional loading space
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Sec. 23.14. - Design of Off-Street Loading Spaces.

23.14.1 *Location.* All off-street loading spaces shall be located on the same lot as the building or use served. No off-street loading spaces shall project into a public right-of-way. No off-street loading spaces shall be located in a required front yard, except as noted herein. Lots abutting I-90, I-39 and US Route 20 Bypass shall position off street loading spaces out of any required yard abutting said roadways as well as not face off-street loading docks towards same roadways. However, lots with the above limited arterial road restrictions are allowed to position off street loading spaces within the required front yard and face loading docks towards the same roadway providing access to said lot. All off-street loading spaces shall be located a minimum of fifty (50) feet from the boundary of any residential district, unless completely enclosed by building walls, a solid fence or wall, or landscaping or any combination thereof, not less than six (6) feet in height.

23.14.2 *Dimensions.* All required off-street loading spaces shall be at least ten (10) feet in width and at least twenty-five (25) feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of at least fourteen (14) feet.

23.14.3 *Surfacing.* All off-street loading spaces shall be improved with a compacted, crushed-stone base no less than eight (8) inches thick, surfaced with no less than two (2) inches of hard surface all-weather, dustless material.

23.14.4 *Access Control and Signage.* Each required off-street loading space shall be designed with adequate means of vehicular access to a street or alley in a manner that will minimize interference with traffic movement.

23.14.5 *Lighting.* Loading facility lighting shall be in accordance with this Ordinance. Illumination of an off-street loading facility shall be arranged so as to deflect the direct rays of light away from adjacent properties and streets.

23.14.6 *Landscaping and Screening.* All loading facilities shall be landscaped and screened in accordance with Article 20 (Landscaping and Screening Requirements).

ARTICLE 24: - DEFINITIONS

Sec. 24.1. - Purpose.

This Article contains definitions for generic uses and general terms used throughout the Ordinance.

Sec. 24.2. - Definitions Generally.

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and future tenses, and the future tense includes the present.
- C. The word "shall" is mandatory, while the words "may" and "should" are permissive.
- D. Both of the terms "shall not" and "may not" are prohibiting.
- E. The masculine gender includes the feminine and neuter.
- F. Whenever a defined word or term appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition. Any word appearing in parenthesis, between a word and its definition herein, shall be construed in the

same sense as that word. Words not defined shall be interpreted in accordance with the definitions from a normal dictionary selected by the Planning and Zoning Officer.

Sec. 24.3. - Rules of Generic Use Definitions.

Certain terms in this Article are defined to be inclusive of many uses in order to eliminate overly detailed lists of uses in the zoning districts established by this Ordinance. These terms shall be referred to in this Ordinance as "Generic Use Definitions."

Sec. 24.4. - Generic Use Definitions.

Accessory Living Quarters. A portion of a principal dwelling or an accessory structure used as a temporary dwelling for family and guests of the occupants of the premises, which has no permanent cooking facilities (i.e. stove) and is not rented or otherwise used as a separate dwelling unit, while the subject site maintains the appearance of the principal use.

Adult Use. "Adult Uses" shall include the following, as defined by this Article and this Ordinance: adult bookstores, adult entertainment cabarets, adult hotel/motel, adult motion picture theaters, adult novelty stores, massage parlors, and other similar uses.

- A. *Adult Bookstore.* An establishment having at least twenty-five percent (25%) of its sales or display area devoted to books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin-operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Anatomical Activities" or "Specified Anatomical Areas," or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.
- B. *Adult Entertainment Cabaret.* A public or private establishment which features topless dancers, strippers, go-go dancers, male or female impersonators, lingerie or bathing suit fashion shows, not infrequently features entertainers who display "Specified Anatomical Areas" or features entertainers who, by reason of their appearance or conduct, perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in, explicit simulation of "Specified Sexual Activities."
- C. *Adult Health Spa/Sauna.* A health spa, sauna or massage parlor that excludes minors by reason of age and/or provides steam baths, heat bathing, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, and is distinguished or characterized by an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas," as defined herein. This definition does not include health clubs, health spas, salons or similar establishments that offer massage therapy or other manipulation of the human body provided by a licensed massage therapist.
- D. *Adult Hotel/Motel.* A hotel, motel or similar commercial establishment offering public accommodations for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or video cassette recorders, DVDs or DVD players, slides, or other photographic reproductions for viewing or recording, characterized by an emphasis upon the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas" and/or rents, leases or lets any room for less than a six (6) hour period, or rents, leases or lets any single room more than twice in a twenty-four (24) hour period.
- E. *Adult Massage Parlor.* An establishment providing massages, for hire, by persons other than a licensed health care professional, that rub, stroke, knead, or tap the body with the hand or an instrument, or both, for the purposes of or engaging in sexual gratification or as related to "Specified Sexual Activities." This does not include any licensed or

sanctioned athletic or medical rehabilitation activity that generally employs or use the services of a physical trainer. In addition, this does not include massage offered by a licensed massage therapist within a health club, day spa or beauty services establishment.

- F. *Adult Motion Picture Theater.* A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
- G. *Adult Novelty Store.* An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing novelties, lotions and other items distinguished or characterized by their emphasis on or use for "Specialized Sexual Activities" or "Specified Anatomical Areas," or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.
- H. *Specified Sexual Activities.* For the purpose of this Ordinance, "Specified Sexual Activities" means: 1) human genitals in a state of sexual stimulation or arousal; 2) acts of human masturbation, sexual intercourse or sodomy; and 3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- I. *Specified Anatomical Areas.* For the purposes of this Ordinance, "Specified Anatomical Areas" means: 1) less than completely and opaquely covered human genitals, pubic region, buttocks or female breasts below a point immediately above the top of the areola; and 2) human genitals in a discernible turgid state, even if completely and opaquely covered.

Agricultural Sales and Service Establishment. A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies. "Agricultural Sales and Service Establishments" excludes the sale of large implements, such as tractors and combines, which are considered "Heavy Retail Sales, Service and Rental" but includes feed sales and farm machinery repair services that are accessory to the principal use.

Agriculture. The use of land for agricultural purposes which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, wholesale greenhouses when such agricultural purposes constitute the principal activity of the land and necessary accessory uses for said agricultural uses. Agriculture does not include the extraction of sand, gravel or limestone.

Agri-Business. A form of commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purpose of entertaining and/or educating the visitors and generating income for the farm, ranch or business owner. "Agri-Business" activities include, but are not limited to, cider mills, retail pumpkin patches, picnic areas, petting zoos featuring only farm animals and other traditional domestic animals, U-pick operations (i.e. apple orchards, strawberry patches, etc.) and accessory gift shops.

Airport. A facility for the landing and takeoff of aircraft, including appurtenant land or structures used or intended for airport buildings, airport structures or airport rights-of-way.

Animal Hospital. An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence. An "Animal Hospital" shall not include a "Kennel" or "Pet 'Day Care' Service."

Animal Sanctuary. A facility where animals are cared for and protected typically until their natural death. An animal sanctuary may also shelter some animals temporarily until they are transferred to permanent homes. An animal sanctuary does not buy, sell or trade animals. The care and/or protection of just one (1) animal such as a lion or tiger does not necessarily prevent the subject site from being classified as the use defined herein.

Art Gallery. A commercial establishment engaged in the sale, loan and/or display of paintings, sculpture, photographs, video art or other works. "Art Gallery" does not include "Cultural Facility," such as a library, museum or non-commercial gallery, which may also display paintings, sculpture, photographs, video art or other works.

Arts Studio. A commercial establishment where an art, type of exercise or activity is taught or studied, such as dance, martial arts, photography, music, painting, gymnastics or yoga.

Asphalt/Concrete Crushing and Storage Facility. A facility for the production of concrete, asphalt and bituminous substances used for paving, including crushing and storage activities.

Batch Plant. A facility for mixing cement, concrete, or asphalt

Bed and Breakfast. An owner-occupied residence which offers temporary lodging to guests in a room(s), where the guest rooms do not include cooking facilities, and which may offer breakfast meals to guests.

Body Modification Establishment. An establishment whose principal business activity is the practice of placing designs, letters, symbols or other marks upon or under the skin of any person, using ink or other techniques to permanently color or mark the skin, and/or the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. "Body Modification Establishment" does not include a business that offers only ear-piercing.

Broadcast Facilities (Radio, TV). A building or complex of building primarily engaged in the provision of broadcasting and information relay services, such as radio and television signals. "Broadcast Facilities (Radio, TV)" does not include "Utilities, Public."

Campground. An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

Car Wash. A commercial establishment engaged in the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment, whether automatic, by hand or self-service.

Caretaker's Dwelling / Unit. A dwelling or dwelling unit for persons employed by the principal use of the lot for purposes of maintenance and protection of persons, property, plants, animals, and equipment.

Cemetery. Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, and necessary sales and maintenance facilities. Mortuaries and chapels may be included when operated within the boundary of such cemetery.

Community Residence. A group residence consisting of a group home or specialized residential care home licensed, certified or accredited by the appropriate state or federal agencies, and serving as a single housekeeping unit for the housing of unrelated persons with functional disabilities who share responsibilities, meals, recreation, social activities and other aspects of residential living. "Community Residence" does not include a residence which services persons as an alternative to incarceration for a criminal offense, nor does it include a residential care facility.

- A. Community Residence - Small: A community residence providing living accommodations for no more than six (6) residents, including live-in staff. Visiting staff who do not reside within the community residence shall not be counted for purposes of establishing the number of residents.
- B. Community Residence - Large: A community residence providing living accommodations for more than six (6) residents, including live-in staff. Visiting staff who do not reside within the community residence shall not be counted for purposes of establishing the number of residents.

Concentrated Animal Feeding Operation (CAFO). A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.

Contractor Shop. An establishment for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.

Contractor Storage Yard. Any land used primarily for the storage of equipment, vehicles, machinery, building materials, landscaping product or materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

Country Club. A club organized and operated primarily for social and outdoor recreation purposes with recreation facilities for members, their families and invited guests.

Cultural Facility. A use that is open to the public and provides cultural services and facilities including, but not limited to, museums, cultural centers, historical societies and libraries operated by a public, private or non-profit organization.

Day Care Center, Adult. A facility, other than within a residential dwelling unit, providing care for elderly and/or functionally-impaired adults in a protective setting for less than twenty-four (24) hours per day.

Day Care Center, Child. A facility, other than within a residential dwelling unit, providing care for children in a protective setting for less than twenty-four (24) hours per day.

Day Care Home, Adult. A dwelling in which a permanent occupant of the dwelling provides care in a protective setting for up to eight (8) elderly and/or functionally impaired adults who do not spend the night at the dwelling.

Day Care Home, Child. A dwelling in which a permanent occupant of the dwelling provides care for up to eight (8), children from outside households. The number counted includes the family's natural or adopted children and all other persons under the age of twelve (12). "Child Day Care Home" does not include facilities that receive only children from a single household.

Drive-Through Facility. Premises used to provide or dispense products or services through an attendant, window or automated machine, to persons remaining in motor vehicles in a designated stacking aisle. A "Drive-Through Facility" may be in combination with other uses, such as a "Financial Institution," "Personal Services Establishment," "Retail Goods Establishment" or "Restaurant." A "Car Wash," "Gas Station" or "Motor Vehicle Service and Repair" shall not be considered to maintain a "Drive-Through Facility."

Dwelling, Above the Ground Floor Commercial Use. Dwelling units within multi-story buildings located above commercial uses on the ground floor or located behind commercial uses on the ground floor. In the case of dwelling units located behind commercial uses on the ground floor, commercial uses must make up the majority and be located along the street frontage. Dwellings must be integrated into a mixed-use structure.

Dwelling, Multi-Family. A building containing five (5) or more individual dwelling units with varying arrangements of party walls and entrances where each dwelling unit has an individual entrance to a common hallway or the outdoors.

Dwelling, Single-Family. A building containing one (1) individual dwelling unit, which is located on an individual lot and is not attached to any other dwelling unit.

Dwelling, Two-Family. A building designed as a single structure, containing two (2) separate living units, each of which is designed to be occupied as a separate permanent residence for one (1) household. A "Two-Family Dwelling" may include a common interior stairwell to both dwelling units but each dwelling unit shall have an individual entrance.

Dwelling, Three-Family. A building designed as a single structure, containing three (3) separate living units, each of which is designed to be occupied as a separate permanent residence for one (1) household. A "Three-Family Dwelling" may include a common interior stairwell to both dwelling units but each dwelling unit shall have an individual entrance.

Dwelling, Four-Family. A building designed as a single structure, containing four (4) separate living units, each of which is designed to be occupied as a separate permanent residence for one (1) household. A "Four-Family Dwelling" may include a common interior stairwell to both dwelling units but each dwelling unit shall have an individual entrance.

Educational Facility, Agricultural. A school established to provide for the teaching of agricultural, inclusive of natural resource conservation skills. "Educational Facilities, Agricultural" shall not include "Educational Facilities, University."

Educational Facility, Primary. A public, private or parochial school offering instruction at the elementary and/or junior high school levels with a full range of curricular programs.

Educational Facility, Secondary. A public, private or parochial school offering instruction at the senior high school level with a full range of curricular programs. "Educational Facilities, Secondary" also includes secondary theological schools for training ministers, priests or rabbis.

Educational Facility, University. A post-secondary institution for higher learning that grants associate or bachelor degrees. The institution may also have research facilities, and/or professional schools that grant master and doctoral degrees. "Educational Facilities, University" also includes post-secondary theological schools for training ministers, priests or rabbis. "Educational Facilities, University" shall not include "Educational Facilities, Vocational."

Educational Facility, Vocational. A school established to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for-profit and that do not offer a complete educational curriculum. "Educational Facilities, Vocational" shall not include "Educational Facilities, University" or "Educational Facilities, Agricultural."

Ethanol Plant. Facilities for the production of ethanol.

Feedlot. Any pen, corral, or structure wherein livestock are maintained in close quarters for the purpose of readying for market.

Financial Institution. A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM).

Forest Preserve. Designated open space that preserves natural features and protects wildlife and critical environmental features. A "Forest Preserve" may include opportunities for passive recreation and environmental education.

Forestry. The management of on-site forest and timberlands through growing, developing, cultivating, harvesting, transporting, and selling trees for commercial or non-commercial purposes. A "Tree Service Business" as referenced in Article 7 is specifically excluded from the definition of "Forestry".

Freight Terminal. A facility for loading, unloading of freight for current distribution and not warehousing. "Freight Terminal" includes truck or rail terminals where goods are received, transferred, stored for the short-term and/or dispatched.

Funeral Home. A building used for the preparation of the deceased for burial display of the deceased and rituals before burial or cremation. A "Funeral Home" includes chapels located within the building used for the display of the deceased and the conducting of rituals before burial or cremation.

Gas Station. A business where flammable or combustible liquids or gases used as fuel for motor vehicles are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory retail uses and car washes may be included as part of a gas station in compliance with the use standards of Article 15.

Golf Course. A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms and shelters as accessory uses. A driving range is considered part of the "Golf Course" definition, unless specifically listed separately in a District Use Table.

Government Facility. A building or structure owned, operated and/or occupied by a governmental agency to provide a governmental service to the public. "Government Facility" shall include public safety facilities and public works facilities, but shall not include park district field houses or recreation centers, which would be considered a "Park/Playground," or school buildings, which would be considered "Educational Facilities." Impound lots operated by a government agency are considered a "Government Facility."

Grain Elevator. Building or complex of buildings where grain is stored, shipped, cleaned, weighed and blended.

Greenhouse/Nursery. Retail business whose principal activity is the selling of plants grown and having outside storage, growing or display.

Group Quarters. A structure with two (2) or more rooming units occupied, designed, or intended to be occupied by individuals who may share common areas and facilities, but do not form a single housekeeping unit, and commonly do not provide compensation under a single lease for occupancy. "Group Quarters" provide sleeping accommodations, but no in-room cooking facilities. "Group Quarters" do not include "Community Residences." "Group Quarters" include dormitories.

Heavy Retail, Rental and Service. This use includes retail, rental and/or service establishments that have regular outdoor service or storage areas, or partially enclosed structures including, but not limited to, truck and semi-truck sales, service and rental establishments, large-scale moving centers, lumberyards, equipment rental facilities, heavy equipment sales, service and rental, motor home sales, service and rental, recreational vehicle sales, service and rental including boats, and large implement such as tractors and combines sales, service and rental.

Horse Event. An event where horses are presented for market, show, sale, fair, parade, race meeting, recreational activity, clinic, competition or any other horse gathering. "Horse Event" does not include "Rodeo."

Hospital. A building or group of buildings, having room facilities for overnight patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities such as central services, and staff offices, provided that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operations.

Hotel/Motel. An establishment providing, for a fee, sleeping accommodations and customary lodging services. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars and recreational facilities. "Hotel/Motel" includes extended stay facilities.

Impound Yard. A facility for the temporary storage of vehicles that have been towed from public or private property for impoundment.

Indoor Entertainment. Predominantly spectator uses conducted within an enclosed building including, but not limited to, movie theaters and sport or game matches or exhibitions. "Indoor Entertainment" includes accessory uses, such as snack bars or refreshment stands, which are designed and typically but not always intended for the use of patrons and spectators. "Indoor Entertainment" shall not include "Indoor Recreation" or "Live Entertainment." "Indoor Entertainment" is distinguished from "Indoor Recreation" in that the predominant use is spectator-oriented and not participatory.

Indoor Recreation. Predominantly participant uses where recreational activities or games of skill are conducted within a wholly enclosed building including, but not limited to, a bowling alley, pool hall, indoor miniature golf course, indoor child's play facility, arcade, indoor tennis courts, indoor swimming pools, indoor batting cages or similar uses. An "Indoor Recreation Facility" may include accessory uses, such as snack bars or refreshment stands. "Indoor Recreation" may also include those establishments that maintain a restaurant on-premises for patrons of the establishment. "Indoor Recreation" shall not include "Indoor Entertainment," "Rodeos," "Horse Events" or "Riding Academies." Park district field houses with indoor recreation facilities are not considered "Indoor Recreation."

Junkyard. A facility used in whole or in part for the storage, collection, processing, or disposal of discarded material.

Kennel. An establishment where more than four (4) dogs, cats and other household domestic animals, over four (4) months of age and owned by another person, are temporarily boarded or an establishment where more than two (2) of said animals are kept for the purpose of breeding offspring to be sold. For clarification purposes, an establishment "fostering" more than four (4) dogs, cats and other household domestic animals is considered a kennel, even if a higher fostering number is allowed by the State. "Kennel" shall not apply to animal hospitals operated by veterinarians duly licensed under the law where the boarding of animals is accessory to medical treatment.

Landfill, Sanitary. A facility for the disposal of non-hazardous household/commercial solid waste by disposition in a landfill in layers, covered with suitable cover material to a depth and at a frequency sufficient to control disease vectors and odors and in such a manner that protects the environment and is so located, conformed and drained that it will not constitute a source of water pollution.

Landscape and Tree Service Business. A business engaged in the decorative and functional alteration, planting, and maintenance of grounds, including maintenance, trimming and removal of trees.

Live Entertainment. A musical, theatrical, dance, cabaret or comedy act performed live by one (1) or more persons. "Restaurants" that regularly host such performances shall be considered "Live Entertainment" uses. Taverns/bars that include dancing by patrons and guests are considered "Live Entertainment" uses. A "Live Entertainment" establishment may provide food for consumption on the premises. "Live Entertainment" shall not include any adult uses as defined in this Article.

Manufactured Home Park. A parcel of land with single control or ownership which has been planned and improved for the placement of manufactured homes for residential use.

Manufacturing, General. The manufacturing of products from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users but is not offensive or obnoxious.

Manufacturing, Heavy. The manufacturing or compounding process of unprocessed raw materials that usually, but not necessarily always, involves a process and/or finished product that could be combustible or explosive. This use also includes any industrial use that generates noise, odor, vibration, illumination, or particulate that is offensive or obnoxious to adjacent land uses, and/or requires a significant amount of on-site storage of highly flammable, toxic, or explosive materials. Examples include, but are not limited to, the production/manufacturing of the following: chemical blending, mixing, or production; plastic or rubber processing and production; coal, coke, tar and paint; petroleum product refining and/or bulk storage; explosives; fertilizers; gelatin or glue; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; stone-work or concrete product manufacturing; manufacturing of agricultural, construction, or mining machinery; and ship construction. This category also includes any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment that cannot be integrated into the principal building, or uses engaging in large-scale stock-piling and/or outdoor storage.

Manufacturing, Light. The manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

Medical Cannabis Cultivation Center. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

Medical Cannabis Dispensing Organization. A facility operated by an organization or business that is registered by the Illinois 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.

Medical or Dental Clinic/Office. A facility operated by one (1) or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. "Medical Clinics" shall also include alternative medicine clinics, such as acupuncture, and physical therapy offices.

Meteorological ("Met") Tower. A temporary tower used to measure wind speed and direction.

Mining and Extracting. Any pursuit or occupation associated with an area of land where operations are conducted to extract valuable mineral deposits, petroleum or other materials.

Mini-Warehouse. A facility used only for the storage of personal property (no commercial storage) where individual renters control individual storage spaces and no commercial transactions are permitted other than the rental of the storage units.

Motor Vehicle Dealership. Any business establishment that sells or leases new or used passenger automobiles, trucks, vans, motorcycles, or other similar sized passenger motorized transportation vehicles from an on-site or adjacent sales office. An automobile dealership may maintain an inventory of the vehicles for sale or lease on-site or at an adjacent location, and may also provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. "Motor Vehicle Dealership" does not include the uses listed under "Heavy Retail, Rental and Service".

Motor Vehicle Operations Facility. A privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles, taxicabs and other livery vehicles. "Motor Vehicle Operations Facility" shall not include a public works facility or public safety facility, where the vehicles of the fire, police or other municipal departments are dispatched, stored and/or maintained.

Motor Vehicle Rental Establishment. Rental of automobiles, light trucks and vans, including incidental parking and servicing of rental vehicles.

Motor Vehicle Service and Repair. Establishments involved in the repair or replacement of auto components, major reconditioning of worn or damaged motor vehicles or trailers, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles.

Office. An "Office," which may or may not offer services to the public, is engaged in the processing, manipulation or application of business information or professional expertise. An "Office" is not materially involved in fabricating, assembling or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. It is characteristic of an "Office" that retail or wholesale goods are not shown on the premises to a customer. Examples include, but are not limited to, professional offices for non-profit organizations, advertising, accounting, investment services, insurance, contracting, architecture, engineering, legal services, and real estate services. "Office" does not include government offices, which are considered "Government Facilities" as defined herein.

Outdoor Dining. A seating area located outdoors of a contiguous restaurant, usually in addition to an indoor seating area. Outdoor seating areas for tavern/bars, typically referred to as a beer garden, are considered "Outdoor Dining."

Outdoor Entertainment. Predominantly spectator uses conducted outdoors in open or only partially enclosed facilities. Typical uses include, but are not limited to, fairgrounds, outdoor stadiums, outdoor theaters, racetracks, rodeos, musical events/arenas, theme parks and amusement parks. "Outdoor Entertainment" shall include accessory uses, such as snack bars or refreshment stands that are designed and typically but not always intended for the use of patrons and spectators. "Outdoor Entertainment" shall not include "Outdoor Recreation."

Outdoor Recreation. Predominantly participant uses that take place outside of a building including, but not limited to, miniature golf courses, swimming pools, tennis courts, ball fields, skateboard parks, and other similar facilities. "Outdoor Recreation" may include accessory uses, such as snack bars or refreshment stands. "Outdoor Recreation" may also include those establishments that maintain an accessory restaurant on-premises for patrons of the establishment. "Outdoor Recreation" shall not include "Outdoor Entertainment," "Parks/Playgrounds," "Golf Course," "Driving Range," "Rodeo," "Horse Event" or "Riding Academy."

Outdoor Storage Yard. An area used for the keeping of any goods, materials, products, merchandise, equipment, operable vehicles and trucks or operable recreational boats and vehicles not within an enclosed building, including incidental maintenance and repair of the material which is being stored.

Park/Playground. A non-commercial, not-for-profit facility, typically supported by taxpayers or members, designed to serve the recreation needs of the residents of the community. "Parks/Playgrounds" include, but are not limited to, ball fields, football fields, soccer fields, basketball courts, playgrounds and field houses that may have indoor recreation facilities.

Parking Lot. An open, hard-surfaced area, other than street or public way, to be used for the storage for limited periods of time of operable passenger automobiles and commercial vehicles.

Parking Structure. A structure composed of one (1) or more levels or floors used for the parking or storage of motor vehicles. A parking structure may be totally below grade, as in an underground parking garage, or either partially or totally above grade with those levels being either open or enclosed.

Passenger Terminal. A facility for on- and off-loading passengers on passenger modes of travel including, but not limited to, buses and public rail systems. "Passenger Terminal" includes bus terminals where there are premises designated for the transient housing or parking of buses and the loading and unloading of passengers.

Personal Services Establishment. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, shoe repair, laundromats, electronic repair shops, pet grooming establishments, dry cleaners, and tailors.

Pet "Day Care" Service. An establishment where pet animals owned by another person are temporarily boarded for pay or remuneration of any sort. "Pet "Day Care" Service" is distinguished from a "Kennel" as pets are typically boarded for the day, though longer term boarding may be available, and the establishment may offer accessory services, such as retail sales of pet care supplies, and services such as dog-walking and animal grooming.

Place of Worship. A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. A "Place of Worship" may include group housing for persons under religious vows or orders. "Places of Worship" may also include day care facilities and/or weekly religious instruction.

Planned Unit Development. The development of a land area as a single unified development, where certain zoning regulations, such as bulk, yard and use standards, may be modified to allow for more flexible planning in conformance with the planned unit development standards and approval processes.

Quarter-Quarter Section. The northeast, northwest, southwest or southeast quarter of a quarter section delineated by the United States government system of land survey and which is exactly or nearly forty (40) acres in size.

Racetrack. A circuit or course, typically oval, used for motor racing, dirt bike racing, RC racing, and similar uses, including recreating. Also called a raceway, drag strip, speedway, or time trial.

Railroad Maintenance Yard. A facility comprised of a series of railroad tracks for storing, sorting, or loading/unloading railroad cars and/or locomotives.

Reception Facility. An establishment for groups that have reserved the establishment's facility or amenities for banquets, typically associated with weddings or meetings before the day of the event for the groups' members and any guests of the groups' members, that may serve food via a caterer's station only and do not have commercial kitchen facilities, which the general public is not admitted and for which no admission charge is imposed at the door.

Recycling Center. A facility where materials are collected, sorted and processed in order to return such products to a condition where they may be reused.

Rehabilitation Center. A facility for treatment of alcohol or drug addiction that is licensed, certified, or accredited by the appropriate local, state, or federal agencies, in which unrelated persons are provided housing, food, treatment, and supportive services.

Research and Development Facility. An establishment which conducts research, development or controlled production in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. "Research and Development Facilities" do not involve the mass manufacture, fabrication, processing, or sale of products.

Research and Development Facility - Agriculture Related. An establishment which conducts research and development in industries that include, but are not limited to, farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal husbandry. "Research and Development Facility - Agriculture Related" does not involve the manufacture, fabrication, processing or sale of products.

Residential Care Facility. A group care facility, licensed by the state, for twenty-four (24) hour medical or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A "Residential Care Facility" may include independent living, assisted living or nursing home facilities, including continuum of care facilities.

Restaurant. A structure in which the principal use is the preparation and sale of food and beverages for consumption on the premises or for carry-out. "Restaurant" shall not include "Tavern/Bar/Brewpub," or snack bars or refreshment stands accessory to "Indoor or Outdoor Entertainment" and "Indoor or Outdoor Recreation" facilities as defined herein. A "Restaurant" with live performances (music, theater, etc.) is considered "Live Entertainment."

Restricted Landing Area. An area of land designated as a runway or a helipad made available for the landing and take-off of aircraft or rotocraft.

Retail Sales Establishment. A commercial enterprise that provides physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. "Retail Goods Establishment" shall not include "Heavy Retail, Rental and Service" as defined herein.

Retreat Center. A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, recreation and outdoor studies for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meals or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters as may be approved, but kitchen and dining facilities shall be located in a single centrally located building or buildings.

Riding Academy. An establishment where horses are boarded and cared for, and where human and horse instruction in riding, jumping, and showing is offered, and where horses may be hired for riding.

Rodeo. A competition or exhibition for display of skills such as riding broncos or roping calves or pigs, and display of same or other animals.

Sawmill. A facility where trees or logs are sawn, split, shaved, stripped, planed, chipped, or otherwise processed to produce wood products.

Shooting Range/Club. A firing range with targets for rifle or handgun practice, archery, and/or clay pigeons used by a club or by more than two (2) persons residing off-site. It may include accessory uses, such as snack bars, seating areas, or refreshment stands, which are intended for the use of patrons and spectators.

Sign, Electronic Display Screen. A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays. Electronic Display Screen Signs do not include electronic billboards.

Sign, Electronic Message. Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Slaughterhouse. A facility where livestock is confined, slaughtered and processed in preparation for distribution. A "Slaughterhouse" may accommodate packing, treating, storage, or sale of the product on the premises.

Social Club or Lodge. A membership organization and its premises that holds regular meetings and caters exclusively to members and their guests for social, intellectual, recreational or athletic purposes, including fraternal organizations, meeting halls, and union halls. "Social Club or Lodge" shall not include "Country Club."

Solar Farm. A site at which photovoltaic cells and generators are used to generate and produce electric power for distribution to consumers, typically managed by a single entity.

Stable. A structure having stalls or compartments used to shelter horses for breeding, boarding, feeding and training.

Stockyard. An enclosure with pens, sheds, and other buildings or structures for the temporary keeping of livestock.

Tavern/Bar. An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an accessory use. A "Tavern/Bar" with live performances (music, theater, etc.) is considered "Live Entertainment."

Tourist Facility. Establishments, including, but not limited to, picnic areas, commercial fishing ponds or lakes, and/or similar tourist facilities.

Utilities. An accessory facility that provides electricity, gas, communication, transportation, or water and sewer services to the public, including pumping stations, substations and booster stations. Utilities do not include primary "Power Plants", "Wind Power Generating Facilities" and "Solar Farms."

Vacation Rentals. The renting out of a furnished existing initially permitted home (single-family dwelling), furnished existing initially permitted apartment dwelling unit (a dwelling unit within a multi-family dwelling, four, three or two family dwelling) or a furnished existing initially permitted condominium dwelling unit on a temporary basis (i.e. typically on a weekly or daily basis) to tourists as an alternative to a hotel/motel. This use is also known as short-term, whole-house rentals. "Vacation Rentals" shall not include "Bed and Breakfast" nor shall it include "Hotel/Motel".

Vineyard. Ground planted with cultivated grapevines.

Warehouse/Distribution. The storage, wholesale and distribution of manufactured products, supplies and equipment.

Wildlife Rehabilitation Facility. A facility that provides human assistance for injured or ill native wildlife with the ultimate goal of releasing the animal back into the wild.

Wind Power Generating Facility (WPGF). An electric generating facility, whose main purpose is to supply electricity, consisting of one (1) or more wind turbines and ancillary facilities.

Winery. A processing facility used to process fruit or vegetable products into wine, sparkling wine or similar spirits that is customarily inclusive of tasting facilities, sales, storage and office functions.

Wireless Telecommunications Antenna. A specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas. "Wireless Telecommunications Antenna" does not include "Satellite Dish Antenna" as defined in this Ordinance.

Wireless Telecommunications Facility. An un-staffed structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators.

Wireless Telecommunications Tower. A structure designed and constructed to support one (1) or more "Wireless Telecommunications Antennas" and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires) of either lattice or monopole construction.

Wrecking Yard. A dismantling business where wrecked or decommissioned vehicles are brought and stored, where their usable parts can be sold for use in operating vehicles and unusable parts disposed of.

Zoo. A facility for exhibition and viewing of wild animals. A "Zoo" includes ancillary uses, such as snack bars, refreshment stands and restaurants for the use of patrons.

(Ord. No. 2019-CO-032, 3-14-19)

Sec. 24.5. - General Terms Definitions.

Abut. To share a common lot line or zoning district boundary without being separated by a street or alley.

Accessibility Ramp. A ramp or similar structure that provides wheelchair or similar access to a building.

Accessory Structure. A structure located on the same lot with the principal building and is customarily incidental and subordinate to the use of the principal building.

Accessory Use. A use that is customarily incidental and subordinate to the principal use of a lot or the main building thereon and located on the same lot as the principal use or building.

Addition or Enlargement. Any construction that increases the size of a building or structure in terms of site coverage, height, length, width or floor area.

Alley. Public right-of-way which affords a secondary means of access to abutting property.

Alteration. Any change in the size, shape, character, occupancy, or use of a building or structure.

Amateur (HAM) Radio Equipment. An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or alternative tower structure supporting a single, radiating antenna platform and other equipment.

Ancillary Facilities (for Wind Power Generating Facility). Accessory structures and buildings, including, but not limited to substations, electrical infrastructure, transmission lines, and other appurtenant structures, access driveways and other vehicular use areas, and other related facilities required for the production and distribution of electricity derived from wind energy.

Apiary. A structure for the keeping of honeybees.

Architectural Feature. A part, portion, or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure, or to make said structure habitable.

Arrays. A group of antennas arranged by a wireless telecommunications service provider and placed on a tower, structure, or building at a given height aboveground to provide the desired directional characteristics.

Attention Getting Device. Any pennants, flag, festoon, valance, propeller, pole covers, spinner, streamer, searchlights, balloons, flashing lights, changing colors, rotating or moving displays and any similar device or ornamentation positioned or designated for the purposes of attracting attention, promoting or advertising.

Awning. A roof-like cover, often of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk or door. For "Awnings" used as a sign, see "Sign, Awning."

Balcony. A platform which projects from the exterior wall of a building above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Banner. See "Sign, Banner."

Basement. That portion of a building located partly underground, but having one-half (½) or more of its clear floor to ceiling height below the average grade of the adjoining ground.

Bay Window. A window that projects outward from the building, which does not rest on the building foundation or on the ground and has no additional structural support to the ground.

Berm. An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or fulfill other such purposes.

Billboard. A sign that advertises a business or product but is not located on the premises where the business is located or the product is the primary product available for sale.

Blockface. That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets, or between an intersecting street and railroad right-of-way or waterway.

Bowling Alley. Indoor facility for the sport of bowling, with customary accessory uses such as snack bars.

Buffer Yard: Land area with landscape plantings and other components used to visibly separate one (1) use from another or to shield or block noise, lights, or other nuisances.

Buildable Lot. A lot on which a building or other structure may be erected in conformity with zoning and building code requirements.

Building Height, Principal Building. The vertical distance measured from grade to the highest point of the roof. Chimneys, spires, steeples, towers, elevator penthouses, tanks and similar projections other than signs shall not be included in calculating the height.

Building Height, Accessory Structure. The vertical distance measured from grade to the highest point of the roof or the highest point of the structure.

Building. Any structure with substantial walls and roof securely affixed to land and entirely separated on all sides from any similar structure by space or by walls in which there are no communicating doors, windows or similar openings.

Building Coverage. The portion of a lot that is occupied by buildings or structures, including accessory structures, expressed as a percentage of total lot area.

Building, Principal. A non-accessory building in which a principal use of the lot on which it is located is conducted.

Business. An occupation, employment, or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

Caliper. The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Canopy. A structure, other than an awning, made of materials such as cloth or metal, or materials with a frame, either attached to a building or projecting from a building, and carried by a frame supported by the ground or sidewalk. For "Canopies" with advertising see "Sign, Canopy."

Carnival/Circus. A traveling or transportable group or aggregation of rides, shows, games, or concessions or any combination thereof.

Chicken Coop. A structure where hens are kept.

Chimney. A vertical shaft of reinforced concrete, masonry or other approved material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

Collocation. Placement of wireless telecommunications equipment from more than one (1) service or service provider on a single tower or site.

Compost Pile (Private). An small enclosure in which organic waste material, such as yard and food waste, is collected and naturally degraded on-site in a controlled setting to produce a fertilizer or soil amendment.

Compost Facility. A facility for the collection of organic waste piles collected from off-site to degrade or a large-scale operation where organic waste piles are collected from off-site to naturally degrade in a controlled setting to produce a fertilizer or soil amendment.

Commercial Vehicle. Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

Conforming Structure. Any structure that complies with all the regulations of this Code, or any amendment hereto, governing bulk for the zoning district in which such structure is located or is designed or intended for a conforming use.

Contiguous. Adjoining or abutting.

Deck. A deck is a roofless outdoor space built as an aboveground platform projecting from the wall of a building and is connected by structural supports at grade or by the building structure.

District. A portion of the County within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Driveway. A paved or gravel access strip of land providing a vehicular connector between the street and a parking space or garage.

Dwelling. A structure or portion thereof designed for occupancy by one (1) family or household for residential purposes as a single housekeeping unit. In no case shall a motor home, trailer coach, tent, or portable building be considered a "Dwelling."

Dwelling, Attached. A dwelling designed as a single structure, containing separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one (1) family or household. Each dwelling is separated from the other by a wall extending from the ground to the roof or a ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling, Detached. A dwelling, consisting of no less than five hundred (500) square feet of living area, which is not attached to any other dwelling.

Dwelling Unit. A dwelling unit, consisting of no less than three hundred (300) square feet of living area, consisting of a group of rooms constituting part of a building, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family or household, which includes permanently installed bathroom and kitchen facilities.

Easement. Land which has been designed by lawful agreement between the owner(s) of the land and a person(s) for a specified use only by such person(s).

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Encroachment. The extension or placement of any structure or building, or component of such, into a required yard or setback.

Erect. To build, construct, attach, hang, place, suspend or affix.

Exterior Stairwell. One (1) or more flights of stairs and the necessary landings and platforms connecting them to form a continuous passage from the entryway of one (1) floor or level to another in a building or structure located on the exterior of a principle building.

Facility Owner (for Wind Power Generating Facility). The entity or entities having an equity interest in the Wind Power Generating Facility, including their respective successors and assigns.

Farmer's Market. The seasonal selling or offering for sale of home-grown vegetables or produce, occurring in a pre-designated area where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

Farmstand. A structure used for the retail sales of items grown or products produced from items grown on the farm where it is located. A "Farmstand" may also sell items grown or products produced from items grown on adjacent farms that are owned by the same individual.

Family. Any number of individuals related by blood, marriage or adoption, living and cooking together in the same premises as a single housekeeping unit, but not including more than three (3) boarders or lodgers.

Fence. An artificially constructed barrier of wood, masonry, stone, wire, metal or other combination of materials erected to enclose or screen. An artificially constructed barrier of wood, masonry, stone, wire, metal or other combination of materials use to separate an area, which is not fully enclosed, is also considered a fence.

Fence, Solid Screen. A fence, including gates, which conceals from viewers in or on adjoining properties and streets, materials stored and operations conducted beyond it.

Fire Escape. An emergency exit, mounted outside of a building that provides a method of escape in the event of a fire or other emergency when interior stairwells are inaccessible.

Flags. Flags, symbols or crests of nations, of any organization or nations, states and cities, fraternal, religious and civic organizations.

Flea Market or Swap Meet. An outdoor retail market that rents space to individual vendors who sell merchandise, such as antiques, used household goods, and curios. Individual vendors may operate one (1) or more stalls, booths, tables, platforms, mobile units, or similar displays, where the proprietor of the market rents or otherwise arranges for assigned space(s) for each vendor and sees that all applicable laws are complied with. Markets or meets held indoors shall be categorized as a retail sales establishment and follow the regulations associated therewith, inclusive of having an adequate number of off-street parking spaces.

Floor Area, Gross. The sum of the gross horizontal area of the plans of the several floors of a building, as measured from the outside face of the walls.

Footcandle. A unit of illumination. It is equivalent to the illumination at all points that are one (1) foot distant from uniform source of one (1) candlepower.

Frequency. The term "frequency" signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

Garage. A building, either attached or detached, used or designed to be used primarily for the parking and storage of vehicles.

Garage/Yard Sale. A temporary event for the sale of miscellaneous household goods or personal articles, primarily in used condition, that are owned by a resident of the dwelling.

Gazebo. A freestanding outdoor structure, commonly open-sided in design, that is intended for recreational use and not for habitation.

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

Greenhouse, Private. A building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Hedge. A row of closely planted shrubs, bushes, or any kind of plant forming a boundary or fence.

Home Occupation. An occupation carried on in a dwelling unit by the resident, where the use of the dwelling unit for the occupation is secondary to the use of the dwelling unit for residential purposes.

Household. Any number of individuals living together on the premises as a single housekeeping unit.

Hub Height. The distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

Impervious Surface. A measure of intensity of land use that represents the portion of a site that is occupied by buildings, structures, pavement, and other impervious surfaces that do not allow for the absorption of water. Semi-pervious surface areas (e.g. permeable pavers) may be counted as impervious surface at a reduced rate based on the coefficient of permeability.

Incompatible Use. A use that is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

Intensity of Use. For the purposes of this Ordinance, "Intensity of Use" is defined as square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring parking or loading facilities.

Lighting, Fully Shielded. A fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Lighting, Unshielded. A fixture that allows light, either directly from the lamp or indirectly from the fixture or a reflector, to be emitted above the horizontal plane running through the lowest point on the fixture where light is emitted.

Loading Berth. A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscaping areas, office, and work areas for the temporary parking of a commercial vehicle while loading or unloading goods or materials, and which abuts upon a street, alley, or other appropriate means of access.

Logo. A business trademark or symbol.

Lot. A parcel or tract of land located within a single block, occupied, or intended for occupancy, by one (1) principal building or principal use, and having frontage upon a street.

Lot of Record. An area of land designated as a lot on a plat of subdivision recorded pursuant to law.

Lot Area. The computed area of the zoning lot contained within the lot lines.

Lot, Corner. A lot situated at the junction of, and abutting on, two (2) or more intersecting streets.

Lot Depth. The distance from the front lot line to the rear lot line measured by averaging the length of the side lot lines.

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

Lot Line. A property boundary line of any lot. Where any portion of the lot extends into an abutting street or alley, the lot line shall be deemed to be the established or existing street or alley right-of-way line.

Lot Line, Corner Side. The lot line that is perpendicular or approximately perpendicular to the front lot line, which separates the longest street frontage of a corner lot from the street.

Lot Line, Front. The lot line that abuts a street. For the purposes of this Code, the "Front Lot Line" of a corner lot shall be the shortest street frontage of the lot.

Lot Line, Rear. The lot line that is most distant from and is, or is approximately, parallel to the front lot line.

Lot Line, Interior Side. The lot line that is not abutting a street and is not a rear lot line.

Lot Line, Side. A lot line that is not a front lot line or a rear lot line.

Lot, Double Frontage. A lot having frontage on two (2) nonintersecting streets. Also called a "Through Lot."

Lot Width. The horizontal distance between side lot lines measured along the front setback line.

Lot, Zoning. A tract of land located within a block designated as a tract to be used, developed or built upon as a single unit. A "Zoning Lot" may or may not coincide with a lot of record or parcel of record, and typically, but not always, coincides with a tax parcel identification number (PIN).

Luminaire. A complete lighting unit extending from a support structure, parallel to the ground, consisting of a light source and all necessary mechanical, electrical and decorative parts. A "Luminaire" does not include a pole or other support.

Manufactured Housing or Manufactured Housing Unit. A building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one (1) or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation.

Memorial Plaque. A sign, tablet, or plaque memorializing a person, event, structure, or site.

Mobile Home. A single-family dwelling built on a permanent chassis designed for residential occupancy and containing complete electrical, plumbing, and sanitary facilities and designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation, which is capable of being drawn over public highways as a unit, or in sections, and which is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended. "Manufactured Homes" are not considered a "Mobile Home." Park model homes and the like which meet this definition are considered mobile homes.

Motor Home. A portable, temporary dwelling to be used for travel, recreational or vacation uses, constructed as an integral part of a self-propelled vehicle.

Motor Vehicle. Any self-propelled wheeled vehicle designed primarily for transportation of persons or goods along public streets.

Movie Theater. A theater designed for showing movies or motion pictures.

Nameplate. A sign indicating the name and address of the person or persons occupying the lot or a part of the building.

Nameplate Capacity (for Wind Power Generating Facility). The maximum rated production capacity of a Wind Turbine, measured in watts, as specified by the manufacturer of the Wind Turbine.

Nonconforming Lot. A lawfully established lot of record that does not meet the lot area or lot width requirements of this Code for the zoning district in which it is located.

Nonconforming Use or Structure. A lawfully established existing use or structure, or part or appurtenance thereof, not in conformance with the requirements of this Code.

Non-Participating Landowner (for Wind Power Generating Facilities). Any person who is not a "Participating Landowner."

Occupied Building (for Wind Power Generating Facilities). A residence, school, hospital, church, public library, or other building used for public gathering that is occupied and in regular use as of the date the permit application is submitted, or which although unoccupied or not in regular use, is in a condition suitable for occupation or regular use without substantial alteration or repair. A building used primarily for storage, such as a garage, storage shed, barn, or other outbuilding shall not be deemed an Occupied Building for purposes of this Article.

On-Site. Located within the property boundary lines of any lot.

Off-Site. Located outside the property boundary lines of any lot.

Off-Street Parking. The storage space for a limited amount of time for an operable automobile on premises other than streets or right-of way.

On-Right-of-Way Parking. The storage space for a limited amount of time for an operable automobile that is located within the street right-of-way.

Operator (for Wind Power Generating Facilities). The entity responsible for the day-to-day operation and maintenance of the Wind Power Generating Facility.

Outdoor Fireplace. A self-contained, manufactured noncombustible cooking unit provided with a tight-fitting screen or lid and supported off the ground by non-combustible legs.

Owner. A titleholder of record, or if title is held in trust, the beneficiary of the trust or the person or persons who have acquired any interest in the property by contract or purchase or otherwise.

Parapet. The extension of a false front or wall above a roof-line.

Parkway. The area, excluding the sidewalk, if any, between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.

Participating Landowner (for Wind Power Generating Facilities). Any person with a vested fee interest in real property upon which a Wind Turbine or Ancillary Facility is located and who is either deriving, or entitled to derive, rental payments from the Facility Owner for the use of the real property upon which such Wind Turbine or Ancillary Facility is located.

Party Wall. A wall starting from the foundation and extending continuously through all stories to or above the roof, that separates one (1) building from another, but is in joint use by each building.

Patio. A paved surface, no higher than one (1) foot above the ground, designed and intended for recreational use by people and not as a parking space.

Performance Standards. A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire, and explosive hazards, or glare of heat or other matters generated by or inherent in use of land or buildings.

Permanent Foundation. 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 includes, but is not necessarily limited to, cellars, basements, or crawl spaces, but excludes the use of piers.

Plan. The 2030 Land Resource Management Plan, as may be amended from time to time.

Planned Unit Development. A development to be constructed by a single owner or group of owners acting jointly, located on a lot of record; involving a related group of uses, planned as an entity and, therefore, acceptable for development and regulation as one (1) complex land use unit, rather than as a mere aggregation of individual buildings located on separate unrelated lots.

Pool Hall. Establishments that provide, as a principal use, pool tables or billiard tables or a combination thereof for customer use.

Porch. A structure, which can be enclosed or unenclosed, that projects from the exterior wall of a building, has direct access to the street level of the building, and is covered by a roof or eaves. An "Unenclosed Porch" is a porch that is open on two (2) or more sides, and may have a railing along the edge. An "Enclosed Porch" is a porch that is enclosed by walls, screens, lattice or other material on two (2) or more sides. A screened-in porch shall be considered an "Enclosed Porch."

Principal Building. A non-accessory building in which a principal use of the lot on which it is located is conducted.

Principal Use. The main use of land or structure as distinguished from an accessory use.

Project Area (for Wind Power Generating Facilities). The entirety of the property for which a permit for the construction of a Wind Power Generating Facility is sought.

Property Line. The lines depicting lot ownership which usually serves as a zoning lot boundary but not always.

Public Use Area (for Parking Standard Calculations). The area within a use where the public or a substantial number of the public has access to, including but not limited to, such areas as dining rooms, restrooms, bar seating, display areas, etc.

Recreational Vehicle. A vehicular unit, which is designed as a temporary dwelling for travel, for recreational use and/or for vacation use, and which is self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, motor home, or boat with accessory trailer.

Real Estate Model Unit. A residential unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development. Model units may also incorporate sales or rental offices for dwellings within the development.

Refuse and/or Recycling Containers. Designated storage areas and equipment used to collect refuse and recyclables, such as refuse disposal dumpsters and recycling bins.

Regional Planning and Economic Development Department. The County Department charged with implementation of the 2030 Land Resource Management Plan by assisting in the economic development of the County. If the Department is renamed, the most current Department title will apply throughout this Ordinance.

Roof, Blue. A roof designed to store water and discharge water, typically rainfall.

Roof, Green. A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Roof, White. A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

Rotor Diameter. The diameter of the circle described by the rotation of the turbine in a plane perpendicular to the nacelle axis, measured at the outermost tip of the blade.

Satellite Dish Antenna. A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

Seasonal/Holiday Sales Lot. A temporary event for the sale of holiday-related goods, such as pumpkins and Christmas trees.

Shed. A relatively small accessory building often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity, or plumbing and it is commonly not placed on a permanent foundation when under two hundred (200) square feet in area. A "Shed" is typically intended to store lawn, garden, or pool care equipment.

Shopping Center. A group of retail and other commercial establishments that is planned, owned and managed as a single property. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. The two (2) main configurations of shopping centers are malls and strip centers.

Sidewalk Sale. A temporary sales event where merchants display merchandise outside of the store.

Sign. A name, identification, description, display, illustration or attention-getting device which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or lot, and which directs attention to a person, business, product, service, place, organization or entertainment. "Sign" shall not include the flag of any nation, state or governmental entity.

Sign, A-Frame. Any sign ordinarily in the shape of an "A," or some variation thereof, located on the ground, not permanently attached and easily movable, and usually two-sided.

Sign, Animated. Any sign which uses movement or change of lighting to depict action or to create a special effect or scene. "Animated Signs" do not include "Electronic Message Signs."

Sign, Awning. A sign that is printed or displayed upon an awning.

Sign, Banner. Any sign printed or displayed upon cloth or other flexible material with or without frames. A banner, in compliance with the regulations of this Code, is not considered an "Attention-Getting Device."

Sign, Canopy. A sign that is printed or displayed upon a canopy.

Sign, Construction. A temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located and which may identify the proposed use for the property.

Sign, Directional. A sign that identifies parking lot entrances and exits, restrooms, public telephone, walkways, parking lot entrances and exits, and features of a similar nature. This sign may contain the name or insignia of the business.

Sign, Flashing. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention.

Sign, Freestanding. Any sign placed upon or supported by the ground independently of any other structure.

Sign, Freestanding Monument. A sign that is placed on or supported by the ground, independent of the principal structure on the lot, where the monument base is designed as an integral part of the sign structure.

Sign, Freestanding Pole. A ground sign that is affixed, attached, or erected on one (1) or two (2) poles that is not itself an integral part of the sign.

Sign, Menu Board. A device which functions to list items for sale at an establishment with drive-through facilities.

Sign, Moving. Any sign which, in whole or in part, rotates, elevates or in any way alters position or geometry. "Moving Signs" do not include clocks.

Sign, Nonconforming. A sign lawfully erected and maintained prior to the adoption of this Code that does not conform to the requirements of this Code.

Sign, Political. A sign advocating action on a public issue or recommending a candidate for public office.

Sign, Projecting. A sign that is attached to a structure that extends eighteen (18) inches or more beyond the surface of the structure to which it is attached.

Sign, Portable. A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, wheeled carrier or other non-motorized mobile structure, with wheels or with wheels removed.

Sign, Real Estate. A sign advertising the real estate upon which the sign is located as being for rent, lease or sale. A "Real Estate Sign" can also advertise an open house.

Sign, Roof. Any sign wholly erected, constructed, or maintained above the roof structure or parapet of any building with the principal support attached to the roof structure.

Sign, Snipe. A temporary sign or poster affixed to a tree, fence, utility pole and the like.

Sign, Wall. A sign mounted flat against and projecting less than eighteen (18) inches from the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. "Wall Sign" shall not include "Window Sign" as defined herein.

Sign, Window. A sign attached to, placed upon, or printed on the interior or exterior of a window or door of a building intended for viewing from the exterior of such a building. A "Window Sign" may be either permanent or temporary.

Solar Panel. A device that collects and converts direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity. "Solar Panel" includes solar thermal panels.

Stacking Space. A space specifically designated as a waiting area for vehicles patronizing a drive-through establishment or waiting to access a parking area.

Stoop. An exterior floor typically, but not necessarily, constructed of concrete and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a building.

Story. That portion of a building other than a basement included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Street. An improved right-of-way that affords a primary means of access to abutting property.

Street Wall. The wall of a building nearest to and facing on a street.

Structural Alteration. Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.

Structure. Anything erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground.

Structure, Temporary. Any structure not designed to be permanently located, placed or affixed in the place where it is or where it is intended to be placed.

Subdivision. The initial division of a parcel of land into two (2) or more parts, any of which parts is less than five (5) acres, for the purpose of ownership, transfer or building development; or, if a new street is involved, any division of a parcel of land. Where appropriate to the context, the term shall relate to the process of subdividing or to the land subdivided.

Subdivision, Replat or Resubdivision. The re-division or recombination of lots of record contained within a previously recorded subdivision plat.

Subdivision Guide. The requirements of this Ordinance and of the 2030 Land Resource Management Plan that are intended to guide and inform subdividers as to what the County considers proper subdivision design.

Subdivision, Major. A subdivision of five (5) or more lots, all fronting on an existing or proposed right-of-way. Such subdivision shall not be in conflict with any portion or provision of this Ordinance or the 2030 Land Resource Management Plan.

Subdivision, Minor. A subdivision of less than five (5) lots, all fronting on an existing, improved street or road, and not involving any new street, road or easement of access. Such subdivision shall not adversely affect the development of the remainder of the parcel or any adjoining parcels, and shall not be in conflict with any portion or provision of this Ordinance.

Swimming Pool. A receptacle for water and/or an artificial pool of water over twenty-four (24) inches in depth, either at a private residence intended only for the use of the individual owner, his family and friends, or at a multiple-unit residence intended only for the use of the tenants of the building, their families and friends. Temporary swimming pools of plastic, rubberized cloth or similar material over twenty-four (24) inches in depth are subject to the same standards as permanent swimming pools.

Temporary Batching Plant. A temporary facility for mixing cement, concrete, or asphalt.

Temporary Car Sales Lot. A temporary outdoor event for motor vehicle or recreational vehicle show or sale.

Temporary Construction Dumpster. A container designed to receive, transport, and dump construction waste or recyclables.

Temporary Contractor Trailer. This use includes watchman's trailers, construction equipment sheds, contractor trailers and similar uses incidental to a construction project and sales of homes within a newly constructed development.

Temporary Holiday/Seasonal Events. A temporary event for holiday-related entertainment activities, such as haunted houses, holiday set-pieces, and similar participatory holiday entertainment activities.

Temporary Outdoor Entertainment Event. A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. "Temporary Outdoor Entertainment Event" includes fireworks shows, carnivals/circuses, temporary worship services, and others. "Temporary Outdoor Entertainment Event" does not include spectator sport horse racing events for commercial purposes.

Temporary Storage Container. Temporary self-storage containers delivered to residential or commercial uses for the resident or business owner to store belongings, and then picked up and returned to a warehouse until called for.

Tent. A portable shelter typically made of canvas, supported by one (1) or more poles and stretched tight by cords or loops attached to pegs into the ground (no permanent installation).

Turbine Height. The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

Use. The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, Permitted. A use permitted in a zoning district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Ordinance.

Use, Special. A use that owing to some special characteristics attendant to its operation or installation is permitted in a zoning district only after special review and approval via the special use permit granted by the County Board.

Wind Turbine. A wind-operated energy device (commercial service) as defined in this Code, or such other wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and transformer pad, and any other appurtenant structure necessary to the production of electricity from wind energy, but such definition does not include accessory buildings, substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures, access roads, or other related facilities

Wall. A constructed solid barrier of concrete, stone, brick, tile or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

Water Garden. Any ornamental tub, pool, or other natural or artificial water container planted with aquatic plants.

Wind Energy System. A private wind energy conversion system typically consisting of a turbine apparatus and associated control or conversion mechanism, where the majority of the power generated is used directly on the lot or parcel of land containing the installation or used on a limited number of surrounding lots whose owners have financial interest in the installation.

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise permitted by this Code.

Yard, Corner Side. The open space between the principal building and the side line of the lot which abuts a street and extending from the front line of lot to the rear line of lot. The terms corner side yard and front yard are often interchanged herein this ordinance, therefore, any corner side yard restriction shall apply to a front yard and any front yard restriction shall apply to a corner side yard.

Yard, Front. The open space across the full width of the lot extending from the principal building to the front line of the lot.

Yard, Interior Side. The open space between the principal building and the side line of the lot and extending from the front yard setback line to the rear yard setback line.

Yard, Rear. The open space extending the full width of the lot between the principal building and the rear lot line.

Zoning Map. The map or maps incorporated into this Ordinance as a part thereof, designating zoning districts.