

STATE OF ILLINOIS )  
 )  
COUNTY OF LEE )

TO THE LEE COUNTY BOARD

IN THE MATTER OF THE PETITION )  
 )  
OF )  
 )  
Lee County Zoning Office )  
112 E. 2<sup>nd</sup> Street )  
Dixon, Illinois 61021 )  
 )

PETITION NO. 25-PC-78

**PETITION: Text Amendment**

The Petitioner, Lee County Zoning Office, states as follows:


1. The Petitioner desires to amend Title 10: ZONING REGULATIONS of the Lee County Code of Ordinances to replace Zoning Board of Appeals with Zoning Hearing Officer and to create standards for amending Special Use Permit that have been previously approved by the Lee County Board, as reflected in Exhibit A, which is attached hereto and made a part hereof.

LEE COUNTY ZONING OFFICE, Petitioner

2/7/2025

\_\_\_\_\_  
Date

BY

  
\_\_\_\_\_  
Alice Henkel, Zoning Administrator

**LEE COUNTY REGIONAL PLANNING COMMISSION  
PUBLIC HEARING TO BE HELD:**

**Monday, March 3, 2025, at 6:30 p.m. 3<sup>rd</sup> floor, County Boardroom  
Old Lee County Courthouse, 112 E. 2<sup>nd</sup> Street, Dixon, Illinois 61021**

## EXHIBIT A

# TITLE 10 ZONING REGULATIONS

## CHAPTER 1 TITLE, PURPOSE AND INTENT

### SECTION:

#### 10-1-1: Short Title

#### 10-1-2: Repeal Of Previous Ordinances

#### 10-1-3: Purpose

#### 10-1-4: Rules And Definitions

#### **10-1-1: SHORT TITLE:**

This title including the zoning maps adopted hereunder and made a part hereof, shall be known as, and may be cited and referred to as the *LEE COUNTY REVISED ZONING ORDINANCE*. (Ord. 06-05-002, 6-21-2005)

#### **10-1-2: REPEAL OF PREVIOUS ORDINANCES:**

The Lee County zoning ordinance (Ordinance 01-98-005, January 20, 1998), and all amendments thereto, including adult entertainment establishments (Ordinance 09-00-023, September 19, 2000) and regional planning commission (Ordinance 09-98-024, September 15, 1998) are hereby repealed, and readopted as modified herein, coincident with the effective date hereof. (Ord. 06-05-002, 6-21-2005)

#### **10-1-3: PURPOSE:**

The purpose of this title is to regulate and control the classification of land uses, and the use of land and buildings within the county in order to promote the public health, safety and welfare of its citizens and to minimize conflict between farming and other land uses.

#### A. These regulations are specifically designed to:

1. Conserve the value of land or buildings throughout the county and to provide safe and affordable housing to county residents;
2. Provide a comfortable and moral environment for the benefit of the residents of the county and maintain and enhance rural community values;
3. Lessen or avoid congestion in public streets and highways;
4. Lessen or avoid the hazards to persons and damage to property resulting from the accumulation or runoff of storms or floodwaters;
5. Limit nonagricultural development in areas of prime farmland;
6. Encourage, preserve and protect the development and improvement of agricultural land for the production of food, fiber and other agricultural purposes and otherwise strengthen and maintain the economic base that agricultural uses bring to the county;

7. Prevent scattered, haphazard or premature urbanization by limiting new growth to appropriate locations;

8. Protect natural resources in the county including air quality, watercourses, floodplains, wetlands, woodlands, steep slopes, wildlife habitats and scenic vistas;

9. Preserve, encourage and enhance aesthetic considerations in connection with development of any areas of the county;

10. Maintain and enhance the unincorporated towns and neighborhoods presently existing in the county;

11. Implement the county comprehensive plan and other officially adopted policies.

B. To realize these goals this title establishes standards and adopts objectives to assure orderly growth in the unincorporated and rural areas of the county of agricultural, residential, commercial, industrial and institutional uses by providing that:

1. All rezoning, special uses, variations, subdivisions and/or development in agricultural districts are subject to a land evaluation and site assessment (LESA) analysis to discourage nonagricultural uses in prime farmland;

2. Encouragement of growth adjacent to existing incorporated towns and existing nonincorporated towns and neighborhoods as limited by the boundaries of existing or expanded facility planning areas (FPA) in order to encourage utilization of urban services, including public sewer, water and police protection, where available. Land not so situated should generally remain in agricultural or other open space uses until such services become available.

3. Detailed planning areas (DPA) shall be established from time to time in areas presenting unique opportunities for economic development as identified on the comprehensive plan map as (DPA), or as identified as potentially unique opportunities for economic development in the future. Detailed plans for land use, community character, utility provision, storm water quantity and quality management, and economic development are needed before substantial development is permitted in these areas.

4. Access points to development areas will be strictly limited and the construction of private roads is discouraged in order to promote public safety and to consolidate access points.

5. Extraction of minerals from appropriately identified areas shall be encouraged subject to rules and regulations designed to protect the public from noise, dust, water and air pollution, unsightliness and traffic considerations with suitable economic guaranties to the county to ensure reclamation and restoration in accordance with plans approved by state, federal and/or county authorities. (Ord. 06-05-002, 6-21-2005)

#### **10-1-4: RULES AND DEFINITIONS:**

A. Rules: In the construction of this title, the rules and definitions contained in title 1, chapter 3 of this code shall be applied except when the context clearly indicates otherwise. The following additional rules of interpretation shall apply when construing the meaning of a word or phrase in a particular context:

1. The phrase "used for" shall include the phrases "arranged for", "intended for", "maintained for", and "occupied for".

2. The word "day" means calendar day and not business day.

3. Words or phrases not otherwise defined herein, are defined in section [11-1B-2](#), "Definitions", of this code and the definitions therein shall apply in this title.

4. References to Illinois statutes, federal laws or county ordinances shall include any amendments thereto, and the latest amendment shall govern.

5. The terms of this title shall be deemed additional requirements to rules, regulations and standards required by other county ordinances. In cases of conflicting requirements, the most restrictive shall apply.

6. The provisions and sections of this title shall be deemed separable and the invalidity of any portion of this title shall not affect the validity of the remainder.

7. If the application of any provision of this title to a particular building, structure or use shall be held invalid, such ruling shall not affect the application of said provision to any other building, structure or use not specifically included in said ruling.

B. Definitions: For purposes of this title, the following words and terms are hereby defined. See section [11-1B-2](#), "Definitions", of this code for terms not defined herein.

**ABANDONED SIGN:** A sign that no longer identifies or advertises a location, product, or activity conducted on the premises on which the sign is located.

**ABANDONMENT:** An action or failure to act surrendering one's right or interest in land.

**ACCESS:** Way or means of approach to provide physical entrance to one property from a public roadway, by means of private road, or by recorded or prescriptive easement.

**ACCESSORY BUILDINGS:** A building or use which is: 1) located or conducted on the same zoning lot as a principal building or use served, except as may be specifically provided elsewhere in this title; 2) clearly incidental to, subordinate in purpose to, and serves the principal use; and 3) either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

**ACOUSTICAL SHIELDING:** A manmade device or a natural feature including landscaping, shrubbery, berm or fencing the purpose of which is to absorb sound or shield view. See definition of Fence Or Fencing.

**ACRE:** Forty three thousand five hundred sixty (43,560) square feet.

**ACTIVE OR SPECIAL RECREATION DISTRICT, AR:** Open space facilities, public or private, generally devoted to playgrounds, play fields, play courts, golf courses, campgrounds, picnic areas, multiuse paths, historic sites and routes, archaeological and other cultural sites and related recreational activities, with or without charge. AR includes special recreation as designated on the comprehensive plan.

**ADDITIONS:** An increase in the area of ground coverage of a building, adding to a building's height or volume, or converting an attic, basement or cellar to livable area.

**ADJOINING LOT:** A lot which shares all or part of a common lot line with another lot and which is not separated by a publicly dedicated right of way. The terms abutting, adjacent, adjoining and contiguous are used synonymously.

**ADULT BOOTH:** Any area of an adult entertainment establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, observe or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

**ADULT CABARET:** Any establishment that, as a substantial or significant portion of its business, features or provides any of the following:

1. Persons who appear seminude or nude.
2. Live performances that are distinguished or characterized by any emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified anatomical areas, or the conduct or simulation of specified sexual activities.
3. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

**ADULT ENTERTAINMENT ESTABLISHMENT:** An "adult cabaret", "adult store" or "adult theater" as defined in this section.

**ADULT MATERIAL:** Any of the following, whether new or used:

1. Books, magazines, periodicals, or other printed matter, or digitally stored materials; or films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.
2. Instruments, novelties, devices or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

**ADULT STORE:** Any establishment:

1. That contains one or more adult booths;
2. That as a substantial or significant portion of its business offers for sale, rental or viewing any adult materials; or
3. That has a segment or section devoted to the sale or display of adult materials.

**ADULT THEATER:** Any establishment that as a substantial or significant portion of its business features or provides: 1) films, motion pictures, video or audio cassettes, slides or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities; 2) live performances that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

**AGRIBUSINESS:** Agriculturally related business such as, but not limited to, anhydrous ammonia facilities; bulk fertilizer facilities, grain elevators, grain storage, sale and repair of farm implements; liquid petroleum products, ethyl alcohol distillation of farm products; animal feed storage; seed research and production; sale of seed, wholesale and retail; preparation, grinding and mixing, wholesale and retail; food processing; livestock depots and sale or raising yards, other farm co-op facilities.

**AGRICULTURAL LABOR HOUSING:** One or more buildings or temporary trailers, together with the lot appurtenant thereto, established, operated or used as living quarters for six (6) or more seasonal or temporary workers engaged exclusively in agricultural activities, including, but not limited to, related food processing.

**AGRICULTURAL SIGN:** Advertises the name of the farm, seed used or crop produced of the owner or operator of the farm property on which the sign is located and may identify farm products sold at a farm stand located on the property.

**AGRICULTURE, AGRICULTURAL USE:** Land, or buildings and machinery, the principal of which includes one or more of the following:

1. The commercial production of farm products.
2. Feeding, breeding and management of livestock or poultry, including, exotic and farm animals, dairying, fur, bees and fish farming.
3. Accessory uses customarily incidental to agricultural activities, including, but not limited to, farm residences.
4. Growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
5. Agriculture does not include the extraction of sand, gravel or limestone, even when such extraction is related to an agricultural activity.

**AIRPORT OR AIRCRAFT LANDING AREA:** Any area of land, water, or both, used for a landing area, runway or other facility (including heliports), designed or used either publicly or privately by any person or persons for the landing or taking off of aircraft and hang gliders, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces. Any area used by public safety aircraft during the performance of public safety activities is excluded from this definition.

**ALLEY:** A public way, not less than sixteen feet (16') nor more than forty feet (40') wide, which affords only a secondary means of vehicular access to adjoining lots.

**ALTERATION:** Any change in size, shape, character, occupancy, or use of a building.

**AMENDMENT, MAP:** An amendment to the official zoning classification map of this title which affects individual parcels of property.

**AMENDMENT, TEXT:** An amendment to the text of this title which affects the entire county.

**AMPHITHEATER:** An indoor or outdoor facility, which may include buildings, used for theatrical events, including, but not limited to, concerts, shows, meetings, seminars and other entertainment.

**AMUSEMENT PARK:** An indoor or outdoor facility, which may include buildings, permanent or temporary, where various devices for entertainment, including, but not limited to, rides, booths for the conducting of games or sale of items are carried on for show or entertainment. An amusement park may contain a food service establishment.

**ANIMAL, FARM:** Species of fowl, ovine, caprine, bovine, porcine and equine, that have been domesticated for agricultural purposes. See definition of Livestock.

**ANIMAL FEEDING OPERATION:** A feeding operation as defined in the Illinois environmental protection act and the rules promulgated under that act concerning agriculture related pollution.

**ANIMAL HOSPITAL:** Any building where animals or pets are provided medical or surgical treatment by qualified personnel and the boarding of animals is limited to short term care incidental to the treatment. Crematoriums are permitted if permitted, prior to establishment, by the EPA. Animal hospital includes the use animal clinic.

**APARTMENT:** A room or suite of rooms in a multi-family building which is used as a single housekeeping unit. Complete kitchen facilities permanently installed shall always be included for each unit.

**AREA, GROSS:** The gross area of a lot is the total area (in acres or square feet) of the land upon which a building, including accessory buildings, or use is proposed to be located, including all common area, parking, private roadways and water.

**AREA, NET:** The net area of a lot is the total area (in acres or square feet) of the land upon which a building, including accessory buildings, or use is proposed to be located, excluding all adjacent rights of way, public or private, water, internal vehicular circulation systems, common open space, or other areas to be dedicated to public use.

**ARENA, ENCLOSED:** A building housing a platform, ring, arena or the like used for training, exhibiting, competing, demonstrating or sale of farm animals or other human athletic activities carried on for pleasure. No wagering of any kind is permitted relating to any activities occurring in an arena. Enclosed arenas may contain a food service establishment.

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



**AUTOMOBILE:** Every vehicle which is self-propelled or propelled by electric power, not operated upon rails, which is defined as a "motor vehicle" under the Illinois vehicle code [1](#).

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

**AUTOMOBILE GRAVEYARD:** Any lot or building which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or trailers, not in running condition, or parts thereof, and not being restored to operation, excluding storage of scrap for subsequent manufacturing process on the same lot, providing such use is permitted in the zoning district in which the facility is located as a principal or special use.

**AUTOMOBILE LAUNDRY:** A drive-in or drive-through facility where motor vehicles are washed with the use of a conveyor and blower, or other cleaning devices, or a facility providing space, water and equipment for the hand washing of motor vehicles, whether by customer or operator.

**AUTOMOBILE REPAIR-MAJOR:** General repair, rebuilding, replacing or reconditioning of engines, motor vehicles or trailers; collision services, including body, frame or fender straightening, replacing or repair; overall painting or paint shop, vehicle steam cleaning.

**AUTOMOBILE REPAIR-MINOR:** Minor repairs, incidental body and fender work, touchup painting and upholstery, replacement of parts and motor service to motor vehicles, but not including any operations specified under major automobile repair.

**AUTOMOBILE SERVICE STATION:** A facility where gasoline, or other vehicle propellants, stored in underground tanks, kerosene, lubricating oil or grease, for operation of motor vehicles, are offered for sale directly to the public at the facility, and including the sale and installation of lubricants, tires, batteries, and similar accessories; including automated or hand car washes; and the service of motor vehicles, but not including: major automobile repair, sale, rental or storage of motor vehicles or trailers. As a special use: convenience foodmarts or drive-in restaurants may be permitted, subject to the rules and regulations of the health department.

**AWNING:** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid material and/or fabric on a supporting framework that may be either permanent or retractable. Similar to: canopy; marquee.

**AWNING SIGN:** A sign displayed on or attached flat against the surface or surfaces of an awning. See also definition of Wall Or Fascia Sign.

**BOCA:** Building code standards published by the Building Officials and Code Administrators, International and updated periodically, as applied by the county from time to time.



**BANK AND FINANCIAL INSTITUTIONS:** State or federally regulated commercial banks, currency exchanges, savings banks, brokerage houses and other similarly regulated financial institutions, or their regulated branches, but not including small loan companies, financial services and pawnshops.

**BANNER:** A flexible substrate on which copy or graphics may be displayed.

**BASEMENT:** A story, partly or wholly underground, where more than fifty percent (50%) of its height is above the established curb level or above the average ground level of the adjoining ground where the curb level has not been established. A basement shall be counted as a story for purposes of height measurement.

**BED AND BREAKFAST:** An operator occupied dwelling, or part thereof, where short term lodging of no more than five (5) guestrooms, with or without meals, are provided to the public for compensation. The serving of meals shall be subject to the rules and regulations of the health department in effect from time to time.

**BILLBOARD:** See definition of Off Premises Sign.

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

**BOARDING OR LODGING HOUSE:** A residential use consisting of at least one dwelling unit together with more than two (2) rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding house is designed to be occupied by overnight or weekly guests. The serving of meals shall be subject to the rules and regulations of the health department in effect from time to time.

**BUILDING:** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no common doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels. The term building is to be construed as if preceded by the word "permanent" and as if followed by the words "or parts thereof". The term includes a gas or liquid storage tank, a manufactured home or a prefabricated building. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days.

**BUILDING, ATTACHED:** A building attached to another building when the buildings share at least eight feet (8') of a common wall, and the attachment must be constructed on permanent footings or a deep foundation and be enclosed by a roof and permanent walls.

**BUILDING, DETACHED:** A building surrounded by open space on the same lot as a principal building.

**BUILDING FACADE:** That portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the building elevation.

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

**BUILDING SETBACK LINE:** A line parallel to any street right of way line at a distance from it, regulated by the applicable front and corner requirements of the district in which the lot lies.

**BULK REGULATIONS:** The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes:

1. Height and area of buildings.
2. Location of exterior walls and overhangs in relation to lot lines, streets or other buildings.
3. Gross floor area of buildings in relation to lot area (floor area ratio).
4. All yards and setbacks required for buildings.
5. Minimum amount of lot area required per dwelling unit.

**BUSINESS OR SERVICE:** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and/or materials, or where services are offered for compensation.

**CAMPGROUND:** A plot of ground upon which two (2) or more campsites are located, established or maintained for occupancy, with or without fee, by camping units of the general public as temporary living quarters for recreation, education or vacation purposes. Camping units shall include tents, cabins, campers or other recreational vehicles or travel trailers.

**CANOPY SIGN:** A sign affixed to the visible surface of an attached or freestanding canopy. May be internally or externally illuminated. Similar to marquee sign.

**CAR WASH:** See definition of Automobile Laundry.

**CHANGEABLE SIGN:** A sign with the capability of content change by means of manual or remote input. Includes the following types:

1. Manually activated: Changeable sign whose message, copy or content can be changed manually on a display surface.
2. Electronically activated: Changeable sign whose message, copy or content can be changed by means of remote electrically energized on-off switching of combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterization by lamps or other light emitting devices; or it may be from an external light source designed to reflect off of the changeable component display. See definition of Electronic Message Sign Or Center.

**CHILDCARE FACILITY:** A building other than a private residence where care, protection and supervision are provided, on a regular schedule, at least twice a week to children, including children of the adult provider, or such other definition as the Illinois child care act shall provide from time to time.

**CHILDCARE HOME:** A private residence where daycare, protection and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, or such other definition as the Illinois child care act shall provide from time to time.

**CHURCH:** A building wherein persons regularly assemble for religious worship which is used only for such purposes and activities that are customarily associated therewith. Accessory uses may include: rectory, parsonage or Sunday school.

**CLINIC, MEDICAL:** A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured people and those who are in need of medical, surgical, psychological, ocular, chiropractic or dental attention, which does not require board or overnight lodging, operated by licensed physicians, dentists or other practitioners. Medical clinics may include laboratories, X-ray and allied departments, drug prescription centers (not drugstores), sale of ocular devices and prostheses for the benefit of patients of said licensed physicians, dentists or other practitioners.

**CLUB OR LODGE, PRIVATE:** A nonprofit corporation or other association, qualified to do business in the state of Illinois, of persons who are bona fide members paying regular dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, to members and their guests, provided suitable and adequate dining room space and kitchen facilities are available and a sufficient number of servers and employees are maintained for cooking, preparing and serving food and meals. The sale of alcoholic beverages to members and their guests shall be allowed provided such sales are secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of food and alcoholic beverages is in compliance with applicable federal, state and county regulations.

**COIN OPERATED AMUSEMENT:** Any machine or electronic device upon which monetary exchange between patron and owner and/or their employee, or insertion of a coin, slug, token, plate, disc or electronic direction, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score, but shall not include any machines or electronic devices which involve gambling or wagering of any kind. It shall include such devices as marble machines, pinball machines, electronic games, skill balls, mechanical grab machines, pool tables, coin operated music players and all games, operations or transactions similar thereto under whatever names games may be known.

**COMMUNICATION ANTENNA:** A freestanding structure, forty feet (40') or less in height, or an apparatus located on an existing structure designed to transmit or receive telephone, personal wireless service, radio or television communications as authorized by the federal communications commission.

**COMMUNICATION TOWER:** A structure greater than forty feet (40') in height and which does not exceed five hundred feet (500') in height (including antenna) which supports communication (transmission or receiving) equipment.

**COMPREHENSIVE PLAN:** The master plan for the short range and long range growth and development of the county adopted by the county board from time to time.

**CONCENTRATED LIVESTOCK PRODUCTION DISTRICT, AG-2 OR AG-3:** A concentrated area used solely for a period of at least one hundred eighty (180) days for the annual production of large quantities of beef, pork, eggs, chicken, milk, mutton or turkey, as specified in regulations published elsewhere in this title. As a matter of public policy, new subdivisions, mobile home parks, industrial development, publicly owned recreational areas and schools are not permitted within certain specified distances, and new concentrated livestock production districts are prohibited within certain specified distances from any existing municipalities, FPAs, subdivisions, publicly owned recreational areas, state or national parks, and schools, as established elsewhere in this title. A concentrated livestock production district is a special use overlay district. It may also qualify as a livestock management facility and/or an animal feeding operation, as defined by the livestock management facilities act [2](#), and regulations relating thereto.

**CONSTRUCTED:** Set, erected, built, raised or moved into place.

**COPY:** The graphic content or message of a sign.

**COUNTY ENGINEER:** See section [11-1B-2](#), "Definitions", of this code.

**COUNTY MANUAL:** A manual published from time to time by the zoning development administrator, with the advice and consent of the administrative committee of the county board containing standard applications, forms, permits, fee schedules, filing and notice requirements relating to zoning and subdivision matters.

**DNR:** Illinois department of natural resources.

**DECIBELS:** A unit of measurement of the intensity (loudness) of sound. Sound is measured as decibels over ambient (background) sound conditions. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

**DESIGNATED PLANNING AREAS (DPA):** Areas designated by the county on the comprehensive plan map that present unique opportunities for economic development and that require specialized detailed plans for land use, community character, utility provision, storm water quantity and quality management and economic development data prior to approval and development.

**DEVELOPMENT:**

1. Any manmade change to real estate including, but not necessarily limited to:
  - a. Demolition, construction, reconstruction, repair, placement of a building or any structural alteration to a building or structure;
  - b. Substantial improvement of an existing building or structure;

c. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a lot for more than one hundred eighty (180) days per year;

d. Installation of utilities, construction of roadways, bridges, culverts or similar projects;

e. Construction or erection of levees, dams, walls, fences or signs;

f. Drilling, mining, filling, dredging, grading, excavating, paving or other nonagricultural alterations of the ground surface;

g. Storage of materials including the placement of gas and liquid storage tanks; or

h. Channel modification or any other activity that might change the direction, height, or velocity of flood or surface waters.

2. "Development" does not include routine maintenance of existing buildings and facilities such as reroofing; resurfacing roadways; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

**DIRECTIONAL SIGN:** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**DISTRICT:** An area or section of the county within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this title.

**DOUBLE FACE SIGN:** A sign with two (2) faces, commonly back to back.

**DWELLING:** A building, or portion thereof, occupied or intended to be occupied exclusively for residential purposes, but not including recreational vehicles, travel trailers or tents, which complies with the use regulations set out in the various districts provided for in this title.

**DWELLING (EARTH SHELTERED):** A single-family dwelling built into the ground with a minimum of one side exposed.

**EPA:** The Illinois environmental protection agency. See 415 Illinois Compiled Statutes 5/3.01 et seq.

**EDUCATIONAL INSTITUTION:** Public, parochial, charitable or nonprofit junior college, college or university, other than trade or business schools, including instructional and recreational uses with or without living quarters, food service establishments, heating plants and other incidental facilities for students, teachers and employees.

**ELECTRIC SIGN:** Any sign activated or illuminated by means of electrical energy.

**ELECTRONIC MESSAGE SIGN OR CENTER:** An electrically activated changeable sign whose variable message capability can be electronically programmed.

**EXTERIOR SIGN:** Any sign placed outside a building.

**EXTRACTION:** Quarries, sand and gravel pits; topsoil, clay, peat and coal extraction; removal of ledge rock, rock crushing, blasting and related uses carried on in accordance

with applicable county, state and federal regulations, permitted as a special use in an agricultural district or designated on the comprehensive plan.

**FACADE:** See definition of Building Facade.

**FACILITY PLANNING AREA (FPA):** The area in which a particular municipality is authorized by the EPA to provide water and public sanitary sewer service, present and future.

**FAMILY:** A group of one or more persons occupying a dwelling and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no unrelated group shall consist of more than five (5) persons, as distinguished from a group occupying a boarding or lodging house or hotel.

**FARM:** A parcel of land at least forty (40) acres in size, devoted to agriculture. A farm does not include a lot less than forty (40) acres in size, which is primarily used for residential purposes even though some agricultural products may be grown or farm animals bred or fed on the parcel incidental to its primary use, unless a statement in accordance with the provisions of section [10-4-2](#) of this title attesting the authenticity of the agricultural use has been filed with the zoning administrator.

**FARM PRODUCTS:** Those plants and animals and their products which are produced or raised for commercial purposes and include, but are not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or plant or animal product which supplies people with food, feed, fiber or fur.

**FARM RESIDENCE:** Any residence on a farm owned or occupied by the farm owners, or their immediate family, operators, tenants, year round hired workers, or no more than six (6) seasonal workers.

**FASCIA SIGN:** See definition of Wall Or Fascia Sign.

**FENCE OR FENCING:** An artificial barrier constructed of any material or combination of materials erected to enclose or screen areas of land from intrusion, noise or view. See definition of Acoustical Shielding.

**FLAG LOT:** See definition of Lot, Reserve.

**FLEA MARKET:** An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

**FLOOR AREA RATIO:** Gross floor area of buildings in relation to lot area. See definition of Bulk Regulations or Lot Coverage.

**FOOD SERVICE ESTABLISHMENT:** Any restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, food store, tavern, bar, cocktail lounge, nightclub, industrial feeding establishment, private, public or nonprofit organization or institution routinely serving food; a catering kitchen, a commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food or



drink is served or provided for human consumption with or without charge. A food service establishment must comply with the rules and regulations of the health department.

**FOOD STORE:** Retail grocery, meat market, poultry market, fish market, fresh fruit and vegetable market, confectionery, convenience food mart, nut store, retail bakery, or any other establishment, whether fixed or movable, where food intended for human consumption off the premises, is prepared, handled, transported, sold or offered for sale at retail. A delicatessen, where foods are cooked or prepared, located within a food store, must comply with the rules and regulations of the health department in effect from time to time.

**FREESTANDING SIGN:** A sign principally supported by one or more columns, poles, or braces placed in or upon the ground.

**FREEWAY:** A major highway having no intersections at grade and having fully controlled access, hence "free" from conflicts and interruptions.

**FRONTAGE:** All the property fronting on one side of a street between the nearest intersecting streets or between a street and a park, cemetery, railroad right of way, shoreline of waterway or corporate boundary line of a municipality or other similar barrier.

**GENERAL BUSINESS DISTRICT, C-3:** Indoor commercial, office and institutional, and controlled outdoor display, land uses with moderate landscaping and signage requirements.

**GENERAL INDUSTRIAL DISTRICT, I-2:** Indoor industrial, fabrication and/or assembly uses, and controlled outdoor storage areas, with moderate landscaping and signage requirements.

**GOLF COURSE:** Public, semiprivate or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto and consisting of not less than sixty (60) acres for each standard nine (9) hole course; and thirty (30) acres for nine (9) hole "par 3" courses.

**GOLF DRIVING RANGE:** An area of land, including buildings or structures, intended solely for the practice of golf club skills.

**GROSS FLOOR AREA:** The lot area covered by a principal building measured at grade from the exterior walls but excluding open porches or terraces, garages or carports.

**HALFWAY HOUSE:** A residence offering temporary living arrangements, under the auspices of a nonprofit corporation, association or government entity which provides treatment, counseling and/or therapy from support staff. Halfway houses focus on rehabilitative support services to residents as they prepare to reenter society in an independent lifestyle.

**HAZARDOUS WASTE:** As defined in the Illinois environmental protection act.

**HAZARDOUS WASTE DISPOSAL SITE:** A site at which hazardous waste is disposed of.

**HEALTH DEPARTMENT:** The Lee County health department.



**HEAVY INDUSTRIAL DISTRICT, I-3:** Controlled heavy industrial; indoor and outdoor storage; and regulated disposal or recycling with moderate landscaping, screening and signage requirements.

**HELIPORT:** A facility for the servicing, take off and landing of helicopters.

**HOME OCCUPATION:** A domestic activity carried on by members of a family residing on the premises, but excluding music schools, convalescent or nursing homes, childcare homes, adult entertainment establishments, or other state or county regulated activities, bed and breakfasts, boarding or lodging houses, massage or other establishments offering services to the general public, and providing that there are no signs nor displays that will indicate from the exterior of the building that is being utilized, in whole or in part, for any purpose other than that of a dwelling; providing further, that there is no stock in trade nor commodity sold on the premises, no person other than a family member residing in the premises is employed, no manufacturing nor assembly equipment nor combustible materials nor chemicals are utilized and no odors, fumes, radiation nor noise emanate from the premises in violation of any applicable performance standards set out in this title.

**HOTEL:** Any building or buildings maintained, advertised, and held out to the public to be a place where lodging is offered for consideration to travelers and guests. The term includes inns, motels, tourist homes or courts and lodging houses, rooming houses, apartment houses and bed and breakfasts.

**ILLUMINATED SIGN:** A sign characterized by the use of artificial light, either projecting through its surface (internally illuminated); or reflecting off its surface (externally illuminated).

**INSTITUTIONAL:** Large scale public buildings, hospitals and regulated special care facilities permitted as a principal or special use in specified districts.

**INTERIOR SIGN:** Any sign placed within a building. Interior signs are not regulated by this title.

**JUNK:** Any old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked motor vehicles, trailers or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk also includes, but is not limited to, motor vehicles, tires, vehicle parts, equipment, glass, bottles, plastics, building materials, household appliances, brush, and wood or lumber when not covered or stacked and stored off of the ground.

**JUNKYARD:** A lot and any buildings thereon which are maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills, unless authorized pursuant to the county solid waste management plan as amended from time to time. A junkyard does not include a scrap processing facility located within a district permitting its operation as a principal or special use.

**KENNEL, COMMERCIAL:** An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, boarding, training, or selling of animals is conducted as a business.

**KENNEL, PRIVATE:** Any lot or building, or portion thereof, on which more than four (4) dogs are kept over four (4) months of age, or where more than four (4) cats or other domestic animals are kept, or where any dogs or other domestic animals are boarded for compensation or kept for sale.

**LESA:** Land evaluation and site assessment point system utilized to determine the existence of prime farmland and applied in every zoning, rezoning, special use, variation, subdivision or building permit proceeding in an agricultural district, except where the property is already zoned and subdivided for the requested use.

**LANDSCAPE WASTE:** All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

**LANDSCAPE WASTE COMPOSTING FACILITY:** A lot used for the composting of landscape waste. A lot principally used for residential purposes which composts landscape waste accumulated exclusively on site shall not be considered a landscape waste composting facility.

**LIGHT DUTY TRUCK:** A noncommercial pickup truck, SUV or similar motor vehicle having a load capacity of not more than one and one-half ( $1\frac{1}{2}$ ) tons.

**LIVESTOCK:** Bison, cattle, sheep, goats, swine, poultry, equidae, or any other animals or fowl which are produced for breeding or for use or sale, with the exception of domestic animals. See definition of Animal, Farm.

**LIVESTOCK MANAGEMENT FACILITY:** Any animal feeding operation, livestock shelter, or on farm milking and accompanying milk handling area. Two (2) or more livestock management facilities under common ownership, where the facilities are not separated by a minimum distance of one-fourth ( $\frac{1}{4}$ ) mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. A livestock enclosure at educational institutions, livestock pasture operations, where animals are housed on a temporary basis, or in transit, such as county fairs, livestock shows, racetracks, and horse breeding and foaling farms, and market holding facilities are not livestock management facilities. See 510 Illinois Compiled Statutes 77/1 et seq.

**LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this title, containing one principal building, accessory buildings, common area, parking, private roadways and water, if any, having its principal frontage upon a street unless otherwise provided in the district in which the parcel is located. The term lot shall include the words "parcel", "piece", and "plot".

**LOT COVERAGE:** The part or percentage of the lot occupied by buildings or structures (floor area ratio).

**LOT, RESERVE:** A lot where access is obtained by way of a narrow strip of land, at least twenty feet (20') in width at all points (reserve strip), from a dedicated street only. Such lot shall contain a minimum of one gross acre exclusive of the portion of the lot used as a reserve strip, unless a specific zoning district requires a larger lot.

**LOT WIDTH:** The horizontal distance between the side lot lines of a lot, measured within the lot boundaries at the required setback lines.

**MANSARD:** A roof like facade comparable to an exterior building wall.

**MANUFACTURED HOUSING:** A building assembly or system of building subassemblies, designed for habitation as a dwelling for one 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 and not less than twenty four feet (24') in width. Synonymous with manufactured home.

**MARINA:** A boat basin and recreational facility located on waterfront property which provides moorings for boats and having one or more of the following facilities: boat launching ramps, boat sales and delivery facilities, boat repair, storage and fueling facilities and, boat construction and engine repair, provided the work is carried on within a building.

**MARQUEE SIGN:** See definition of Canopy Sign.

**MINIWAREHOUSE:** A building containing separate storage areas of varying sizes which are leased or rented on an individual basis.

**MIXED RESIDENTIAL DWELLING DISTRICT, R-3:** Mobile home and two-family residential units at densities up to eight (8) dwelling units per acre.

**MOBILE HOME:** A movable or portable structure, which is eight feet (8') or more in width (but less than 24 feet in width) and is thirty two feet (32') or more in length, and constructed to be towed on its own chassis from the place of construction to the location or subsequent locations, and designed to be used without a permanent foundation and connected to utilities for year around occupancy with or without a permanent foundation. The term shall include structures designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles or travel trailers, not remaining at one location in excess of thirty (30) days during any ninety (90) calendar day period.

**MOBILE HOME PARK:** Any parcel consisting of three (3) or more acres upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. A "mobile home space" means the area within a mobile home park designed for the accommodation of one mobile home. Mobile home sites approved as special uses for agricultural labor housing, construction or security trailers, school classrooms, temporary medical facilities, museums, industrial or commercial sales or educational institution facilities are not considered mobile home parks.

**MOTOR VEHICLES:** See definition of Automobile.

**MULTI-FAMILY RESIDENTIAL DWELLING DISTRICT, R-4:** Multi-family residential units at densities above eight (8) dwelling units per acre. Multi-family residential units are not permitted in nonsewered areas.

**NEIGHBORHOOD OFFICE AND BUSINESS DISTRICT, C-1:** Residential, professional office, indoor commercial, institutional, office, neighborhood and personal service uses supporting residential, commercial and institutional uses, preserving a residential character through building scale, appearance, landscaping and limited signage.

**NONCONFORMING USE:** Any buildings, structure, sign or lot lawfully occupied by a use at the time of passage of this title, amendment or revision thereto, which does not conform after the passage of this title, amendment or revision thereto, with the use or bulk regulations of the district in which it is situated.

**NUDE OR STATE OF NUDITY:** A state of dress or undress that exposes to view: 1) less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or 2) uncovered human male genitals or completely and/or opaquely covered human male genitals in a discernibly turgid state, or any device or covering that when worn, simulates human male genitals in a discernibly turgid state.

**NUISANCES:** Those acts, omissions to act, or conditions existing enumerated in section [4-1-2](#) of this code or set forth in 740 Illinois Compiled Statutes 105/0.01 et seq.

**NURSING HOME (LONG TERM CARE FACILITY):** A private home, institution, building, residence or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to division 5-21 or 5-22 of the Illinois counties code, or any similar institution operated by a political subdivision of the state of Illinois, which provides through its ownership or management, personal care, sheltered care or nursing for three (3) or more persons, not related to the applicant or owner by blood or marriage, as more fully defined in the nursing home care act [3](#).

**OFF PREMISES SIGN:** A sign whose message content may not necessarily bear any relationship to the activities conducted on the premises on which it is located, or to the expression of any commercial or noncommercial speech by the owner or user of the premises on which it is located.

**OFFICE:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**OFFICE, PROFESSIONAL:** An office of a recognized profession, whether licensed or not, such as, but not limited to, accountants, architects, attorneys, engineers, doctors, real estate brokers, surveyors, etc., maintained for the conduct of that profession and related services for its clients.

**ON PREMISES SIGN:** A sign whose message content bears a direct relationship to the activities conducted on the premises on which it is located, or to the expression of any

commercial or noncommercial message by the owner or user of the premises on which it is located.

**PUD:** A planned unit development. An area of not less than ten (10) acres to be developed as a cohesive whole containing residential, commercial and/or industrial uses. Detailed plans for land use, community character, utility provision, storm water quantity and quality management and economic development are needed before substantial development is approved as a special use in a particular district.

**PARAPET:** The extension of a building facade above the line of the structural roof.

**PARKING SPACE:** An all weather surfaced area, enclosed in a principal building, in an accessory building or unenclosed, sufficient in size to store one standard automobile, and if the space is enclosed comprising an area of not less than one hundred forty (140) square feet; if unenclosed twenty feet by ten feet (20' x 10') with an all weather surface. A parking space shall be connected with a street or alley by a surfaced driveway permitting satisfactory ingress and egress of an automobile.

**PERFORMANCE STANDARD:** A criterion to regulate noise, odor, smoke, toxic or noxious matter, dust, potable water quality, vibration, fire, explosive hazards, glare or heat generated, or extraordinary uses by or inherent in uses of land or buildings.

**PLANNED INDUSTRIAL DISTRICT, I-1:** Controlled indoor manufacturing, assembly and storage uses compatible with a rural/agricultural environment with generous landscaping and limited signage.

**PLANNED OFFICE AND BUSINESS DISTRICT, C-2:** Indoor commercial, high quality office, institutional and office support land uses with generous landscaping and limited signage.

**PLANNING COMMISSION:** The county regional planning commission as appointed by the county board.

**POLITICAL SIGN:** A temporary sign intended to advance a political statement, cause or candidate for office.

**PORTABLE SIGN:** Any sign not permanently attached to the ground or to a building or building surface.

**PRINCIPAL USE:** An activity or use which is permitted as a right in a particular district. Principal uses may be restricted by other provisions of this title.

**PROJECTING SIGN:** A sign other than a wall sign that is attached to or projects more than eighteen inches (18") from a building's face or wall or from a structure whose primary purpose is other than the support of a sign.

**PROTECTED USES:** Adult entertainment establishment minimum separation standard:

1. A church, synagogue, mosque, or other place of worship.
2. A public or private nursery, elementary, or secondary school.
3. A childcare facility, childcare home or daycare center.

4. A public park, playground, playing field, forest preserve, conservation district land, or other recreational area.
5. A public or private cemetery.
6. A public housing authority.
7. A municipality, city, or town.

**REAL ESTATE SIGN:** A temporary sign advertising the sale, lease or rental of the lot or premises upon which it is located.

**RECREATIONAL VEHICLE:** A vehicular type portable structure, drivable, self-propelled or permanently towable by a light duty truck, without permanent foundation, and primarily designed as temporary living accommodations for recreational, camping and travel use and including, but not limited to, vans, travel trailers, truck campers, camping trailers and self-propelled motor homes (400 square feet in size or less); and the term used herein shall also include motorcycles, snowmobiles and all-terrain vehicles, and utility trailers to transport boats, motorcycles, snowmobiles, all-terrain vehicles and personal watercraft.

**RESTAURANT:** A food service establishment engaged primarily in the sale of food prepared to order and/or drinks of any kind at retail, for consumption on the premises, or ancillary to the primary business, prepared to order for pick up or take out.

**RESTAURANT, DRIVE-IN:** A food service establishment where food and/or beverages are sold in a form ready for consumption and where all or a portion of the consumption takes place or is designed to take place outside the premises.

**RESTAURANT, SEASONAL:** A food service establishment which sells, prepares or serves food for more than fourteen (14) days, but less than ninety (90) days, in any one calendar year, or that serves at three (3) or more temporary/itinerant events in any one calendar year.

**RESTAURANT, TEMPORARY/ITINERANT:** A food service establishment operating for a temporary period (less than 14 days) in connection with an amusement park, fair, flea market, carnival, circus, bazaar, public exhibition, market or other similar gathering. A special use permit or temporary use permit is required.

**RETAIL:** The sale of goods or services directly to customers when such goods or services are used or consumed by the customer and not purchased primarily for the purpose of resale.

**RETIREMENT COMMUNITY:** A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons fifty (50) years of age or older.

**RIGHT OF WAY:** The land opened, reserved or dedicated for a public street or alley including sewer and water lines, walkways, drainage courses or other public purposes.

**ROADWAY:** The entire area within a public or private vehicular lane, easement or right of way, whether improved or unimproved.



**ROOF SIGN:** A sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

**ROOFLINE:** The uppermost line of the roof of a building or in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**ROOM OR ROOMS:** Any living quarters, sleeping or housekeeping accommodation. A unit or division of the interior of a building.

**RURAL/AGRICULTURAL DISTRICT, AG-1:** See definition of Agriculture, Agricultural Use. AG-1 includes farmlands, nonfarm rural lands such as woodlands, open space, passive recreation, wetlands and extraction as designated on the comprehensive plan.

**RURAL RESIDENTIAL DISTRICT, R-1:** Single-family residential development in rural subdivisions not served by public sewer and water.

**SFHA:** Special flood hazard area. Synonymous with "floodplain". See section [11-1B-2](#), "Definitions", of this code.

**SIC CODES:** U.S. department of labor, occupational safety and health administration, standard industrial classification system.

**SCHOOL:** Any building or part thereof, either public or private, which is designed, constructed and used for systematic instruction in any branch or branches of knowledge.

**SCRAP PROCESSING FACILITY:** A lot and any buildings thereon having facilities for processing iron, steel, nonferrous scrap, mineral wastes or slag, and whose principal product is scrap iron, steel, or nonferrous scrap for sale for resmelting purposes only to establishments engaged in manufacturing of steel or metal alloys.

**SEMINUDE:** A state of dress or undress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves and socks.

**SETBACK (BUILDING LINE):** The required minimum distance from a right of way or lot line that establishes the area within which a building cannot be erected or placed, except as may be permitted elsewhere in this title.

**SIGN:** Any device visible from a public place the essential purpose and design of which is to convey either a commercial or noncommercial message by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs are not considered signs.

**SIGN STRUCTURE:** Any structure designed for the support of a sign.

**SINGLE-FAMILY RESIDENTIAL DISTRICT, R-2:** Sewered single-family residential units at densities of up to five (5) dwelling units per acre.



**SKILLED TRADE:** For the purpose of this Title, a Skilled Trade shall include, but is not limited to, the following: carpenter, electrician, plumber, painter, HVAC technician, home remodeling and repair, roofer, and locksmith. If a potential Skilled Trade has not been provided for under this definition, the Zoning Administrator shall have the authority to determine whether a potential Skilled Trade shall be included under this definition.

**SPECIAL USE:** A use, either public or private, that would not be appropriate, generally or without restriction, throughout a district, because of its unique characteristics, but which, if controlled as to number, area, location or relation to the neighboring uses might complement and promote the public health, morals, order, comfort, convenience, appearance, propriety or general welfare. After due consideration, in each case, such uses may be permitted in specific districts as special uses, and appropriate additional regulations imposed, if specific provisions or guidelines are provided for said special use, and additional regulations, in a particular district.

**SPECIFIED ANATOMICAL AREAS:** Any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.
2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

**SPECIFIED SEXUAL ACTIVITIES:** Any of the following:

1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.
4. Human genitals in a state of sexual stimulation, arousal or tumescence.
5. Excretory functions as part of or in connection with any of the activities set forth in subsection 1, 2, 3 or 4 of this definition.

**STREET:** A public or private roadway which affords the principal means of access to abutting property. Street includes all facilities normally found within a right of way. Street is used synonymously with "highway", "thoroughfare", "parkway", "throughway", "road", "pike", "avenue", "boulevard", "lane", "place", "court" or other such terms but shall not include "walkway", "pedestrianway" or "alley".

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building or structure, including any change in bearing walls, columns, roofs, beams, girders, and supports and frames of signs and billboards.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having permanent location on the ground including signs, billboards and supports and frames thereof.

**TAVERN OR LOUNGE:** A food service establishment where liquors are sold to be consumed on the premises, but not including restaurants where the primary business is serving food.

**TEMPORARY SIGN:** A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

**TEMPORARY USE PERMIT:** A permit not to exceed ninety (90) days to carry on a temporary or seasonal activity in a district which might allow the activity as a special use but, because of time, expense or triviality of the activity a special use request is impractical, which the zoning administrator may issue at their discretion and may revoke at their discretion. Temporary use permits, except for uses protected by 55 Illinois Compiled Statutes 5/5-12001, may not be renewed without the appropriate hearing before the Zoning Hearing Officer. Examples of temporary uses are seasonal or itinerant food establishments, temporary construction yards, fairs, flea markets, circuses, roadside produce stands, etc.

**TRADITIONAL-NEIGHBORHOOD DISTRICT, TN:** Transitional planned mixtures of land uses appropriate and complementary to existing uses in the unincorporated towns and hamlets in the county including predominantly single-family residential, neighborhood residential, multi-family residential, neighborhood commercial, office, institutional, active recreation and agribusiness, principal and special uses primarily sited in, and adjacent to, unincorporated towns and hamlets, including presently existing uses, in order to avoid conflict between farming and other land uses.

**TRAVEL TRAILER:** See definition of Recreational Vehicle.

**VARIATION:** A relaxation of the bulk regulations of this title, found to be in the public interest, where, due to conditions peculiar to the property, and not the result of actions of the owner or petitioner, a literal enforcement of this title would result in unnecessary and undue hardship. No modification nor expansion of use regulations shall be permitted by variation, nor shall a variation be granted because of the presence of nonconforming uses in the district nor in an adjoining district.

**VETERINARY HOSPITAL:** See definition of Animal Hospital.

**WALL OR FASCIA SIGN:** A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen inches (18") from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such sign remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

**WAREHOUSE:** A building, structure or part thereof used primarily for the storage of any foods or merchandise, and not for retail sale of such goods.

**WATER AND STEEP SLOPES DISTRICT, WS:** Any watercourse identified as water or wetlands on the comprehensive plan or the county SFHA plan. Any steep slopes as identified on the soil and water conservation district maps and/or noted in the water and steep slopes district overlay.

**WATERCOURSE:** See section [11-1B-2](#), "Definitions", of this code.

**WETLANDS:** See section [11-1B-2](#), "Definitions", of this code.

**WIND ENERGY SYSTEM, COMMERCIAL:** Wind turbines, towers and related communications and electrical facilities, public or private, operating for the primary purpose of generating electricity for resale to power companies, redistributors or the ultimate user, permitted as a special use in the AG-1 district. A wind energy conversion system (WECS).

**WIND ENERGY SYSTEM, PRIVATE:** Private wind turbines, towers, and related equipment operating for the primary purpose of producing electricity for consumption, on the lot on which the facility is located, and not for resale, for the sole benefit of the owner or lessee of said lot, permitted as an accessory use in an AG-1 district. A wind energy conversion system (WECS).

**WINDOW SIGN:** A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard the distance specified as a minimum in the district concerned shall be measured perpendicular to the respective lot line at any point, thus determining a yard line parallel to the lot line.

**YARD, FRONT:** A yard extending along the front of a lot between the side lot lines, having a depth measured from the front lot line.

**YARD, REAR:** A yard across the rear of a lot between the side lot lines, having a depth measured from the rear lot line where such lot line exists.

**YARD, SIDE:** A yard or yards extending along the side lot lines, measured between the front yard line and rear yard line, or between the front yard line and the intersection of side yard lines, where the rear lot lines exist, and having a width measured from the side lot line.

**ZONING ADMINISTRATOR:** The person, along with such deputies or assistants, duly appointed by the county board to administer and enforce the provisions of this title, and to make such determinations, interpretations and orders as are necessary relating thereto, and to establish and enforce regulations, and determine compliance thereof, relating to plats, sketches, preliminary plans, permits and other applications, submissions or forms and the content thereof, as are necessary or desirable in administering this title.

The zoning administrator may also be the plat officer and/or the zoning enforcement officer, and the terms may be used interchangeably.

**ZONING HEARING OFFICER (ZHO):** An attorney who is licensed to practice in the State of Illinois, who is duly appointed by the County Board to conduct hearings on zoning matters, including variances, special use permits, and appeals of administrative zoning decisions, and to issue recommendations as prescribed in this code. This term shall include any duly appointed Alternate Hearing Officer(s) of Lee County.

**ZONING MAPS:** The area zoning maps as compiled and maintained by the county zoning office, including the official zoning classification map, the comprehensive plan map, FEMA, FIRM or the county SFHA maps, the Illinois department of natural resources wetlands maps, and soil and water conservation district soils maps to determine LESA scores. Other than the official zoning classification map and the comprehensive plan map, maps may be maintained at such locations as are convenient to the zoning administrator.

## **CHAPTER 2**

### **ADMINISTRATION AND ENFORCEMENT**

#### **ARTICLE A. ZONING ADMINISTRATOR**

SECTION:

[10-2A-1: Enforcement](#)

[10-2A-2: Duties](#)

[10-2A-3: Special And Temporary Uses](#)

[10-2A-4: Variation Of Ten Percent Or Less](#)

[10-2A-5: Penalties](#)

#### **10-2A-1: ENFORCEMENT:**

This title shall be administered and enforced by the zoning administrator who also may be the zoning enforcement officer appointed by the county board from time to time. (Ord. 06-05-002, 6-21-2005)

#### **10-2A-2: DUTIES:**

The zoning administrator shall establish and enforce regulations, and determine compliance therewith, relating to plats, sketch plans, preliminary plats, permits and other applications, submissions or forms and the content thereof, as are necessary or desirable in administering this title. He shall collect fees and penalties. Standard applications, forms, permit requirements, schedules of fees relating to zoning and subdivision matters shall be published from time to time and maintained by the zoning administrator in the "County Development Manual" which shall be available to the public for a nominal fee. He shall advise and be present at the public meetings of the Zoning Hearing Officer and the planning commission, prepare all agendas and shall act as liaison between said

officer and the county board. The zoning administrator shall compile and maintain the zoning maps and make them available for public view. (Ord. 06-05-002, 6-21-2005)

#### **10-2A-3: SPECIAL AND TEMPORARY USES:**

The zoning administrator is authorized to issue temporary use permits in appropriate circumstances for periods not to exceed ninety (90) days and to revoke them at their discretion. The zoning administrator shall revoke special use permits where said use has not been established (substantially underway) within one year from the date the special use was granted. The county board may extend this one-year period for such time as it shall determine, for good cause and without further hearing before either the Zoning Hearing Officer or the county board. The zoning administrator shall monitor compliance with rules, regulations and standards imposed as a condition to the granting of a special use and shall impose penalties or recommend revocation of the special use permit to the county board in the event of any such noncompliance. (Ord. 04-16-003, 4-19-2016)

#### **10-2A-4: VARIATION OF TEN PERCENT OR LESS:**

The zoning administrator is authorized to issue variations, and to impose such conditions as are appropriate, without a hearing before the Zoning Hearing Officer, where the variation sought is ten percent (10%) or less of the regulations authorized by this title relating to the location of structures or as to bulk regulations applicable to the district in which the lot is located, as provided in 55 Illinois Compiled Statutes 5/5-12009. Before such variation may be granted, however, notice of the intent to grant any such variation shall be sent by certified mail to all adjoining landowners and to any township board of trustees which has established a plan commission. If any adjoining landowner or such township board of trustees files an objection with the zoning administrator within fifteen (15) days of receipt of said notice then such variation may only be considered by the Zoning Hearing Officer in the same manner as provided hereafter. (Ord. 06-05-002, 6-21-2005)

#### **10-2A-5: PENALTIES:**

A. The county, or any person or entity particularly aggrieved, may enforce the rules and regulations set forth in this title, or imposed as a condition to the grant of any variation, special use permit, or any other permit provided for in this title in any court of law or administrative tribunal having jurisdiction over the matter or the violation.

B. The zoning administrator may levy a fine of not more than five hundred dollars (\$500.00) a day against any person, firm or corporation, their agents, employees or contractors who violate, disobey, omit, neglect or refuse to comply with, or who resist enforcement of this title, and each day a violation continues shall constitute a separate offense. The zoning administrator may also elect to refer any such violations to the state's attorney for prosecution as a misdemeanor punishable by imprisonment for not more than six (6) months, the imposition of fines, or both. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE B. ZONING HEARING OFFICER**

### **SECTION:**

#### **10-2B-1: Establishment**

#### **10-2B-2: Duties of Zoning Hearing Officer**

**10-2B-3: Meetings and Rules10-2B-1: ESTABLISHMENT, APPOINTMENT AND TERM OF OFFICE:**

A. Establishment. The position of county Zoning Hearing Officer is hereby created in accordance with 55 ILCS 5/5/12015.

B. Appointment. The Zoning Hearing Officer shall be appointed by the County Board following recommendation by the designated committee of the County Board. Such appointment shall be confirmed by a majority vote of the members of the County Board present and voting thereon. The Zoning Hearing Officer and Alternate Zoning Hearing Officer(s) shall serve at the pleasure of the county board. Alternate Hearing Officer(s) shall serve when the hearing officer is not available. Vacancies in the position of Zoning Hearing Officer shall be filled expeditiously and in the manner herein provided for the appointment of such officer.

**10-2B-2: DUTIES OF THE ZONING HEARING OFFICER:**

A. Hear And Decide Appeals: The Zoning Hearing Officer shall hear and decide appeals in which it is alleged there is an error in any order, requirement, decision, interpretation or determination (hereinafter referred to collectively as “decision”) made by the zoning administrator. They shall also hear and decide all matters referred to them or upon which they are required to pass under this title. Any petition for variation or a petition to rezone which is denied cannot again be filed for a hearing on the same petition, until a period of six (6) months has elapsed from the date of the original denial by the county board.

B. Powers Generally: The Zoning Hearing Officer may reverse or affirm, wholly or partly, or may modify or amend any order, requirement, decision or determination of any officer, department, board or bureau of the county appealed from, to the extent and in the manner that the Zoning Hearing Officer may decide to be fitting and proper, in accordance with 55 Illinois Compiled Statutes 5/5-12015, and to that end the Zoning Hearing Officer shall have all the powers of the officer, department, board or bureau from whom the appeal is taken.

C. Variations: The Zoning Hearing Officer shall hold public hearings on petitions for variations in the manner provided in 55 Illinois Compiled Statutes 5/5-12009 on those matters set out in section [10-10B](#) of this title. Municipalities whose boundaries are within one and one-half (1½) miles of any part of the property involved in the variation petition, and any township board of trustees, where the township in which the property is located has established a plan commission, shall also be notified of such hearing.

**D. Special Uses:**

1. Hearing: The Zoning Hearing Officer shall hold public hearings on applications for special uses. At such hearing the Zoning Hearing Officer shall hear evidence relating to the effect of such proposed special use upon the character of the neighborhood, effect upon surrounding properties, traffic conditions, public utility facilities, environmental concerns, compliance with rules, regulations and standards set forth in this title, and other matters pertaining to the public health, safety or general welfare. The Zoning Hearing Officer shall file an advisory report, suggested conditions and/or recommendations with



the county board within sixty (60) days from the date of the hearing regarding matters reviewed at the hearing, and no action will be taken by the county board on said application pending such report, suggested conditions and/or recommendations. If no report, suggested conditions and/or recommendations to the contrary are filed with the county board within ninety (90) days by the Zoning Hearing Officer, it shall be conclusively presumed that the Zoning Hearing Officer has recommended approval of the special use.

2. Notice: Prior notice of hearings on special uses shall be provided in accordance with the provisions of 55 Illinois Compiled Statutes 5/5-12009.5. Municipalities whose boundaries are within one and one-half ( $1\frac{1}{2}$ ) miles of any part of the property proposed to be classified as a special use, and any township board of trustees, where said township has established a plan commission, shall also be notified of the public hearing.

3. Standing; Passage Requirements: The owner or owners of parcels immediately touching, or immediately across a street, alley or public right of way from at least twenty percent (20%) of the perimeter of the parcel to be affected by the special use, shall have standing to object to the allowance of a special use permit. A majority vote of the county board is required to grant a special use permit, unless the county board has provided by ordinance that a two-thirds ( $\frac{2}{3}$ ) vote is required, or as otherwise provided in 55 Illinois Compiled Statutes 5/5-12009.5.

#### 4. Amendments to Special Use Permits.

- a. Purpose and Intent. The purpose of the Section is to establish a procedure by which an applicant may seek to amend an approved special use permit in order to address changes in design, conditions or any other factors relevant to the underlying special use.
- b. Applicability.
  - i. This Section shall apply to:  
Approved Special Use Permits: Any previously approved special use permit for which the petitioner (or successor in interest) seeks a material modification to the terms or conditions set forth in the original approval.
  - ii. Minor field adjustments that do not rise to the level of a material change as defined in subsection (C) below may be approved administratively and do not require a formal amendment to the special use permit.
- c. Definitions. For the purposes of this Section, the following definitions shall apply:
  - i. Amendment (or Modification) to Special Use Permit: A request by the applicant to alter, revise, or otherwise modify the terms, conditions, site plan, or use parameters of a pending or approved special use.
  - ii. Material Change: A change that substantially alters the proposed land use, intensity, capacity, traffic patterns, building footprint, operational characteristics, or other elements essential to the original petition.



- iii. Minor Field Adjustment: An insubstantial revision to a site plan or condition (e.g., minor shifts in landscaping, internal parking layout, or similar) that does not significantly affect the approved use, public health and safety, and surrounding properties.
- d. Initiation of an Amendment.
  - i. Application. An applicant wishing to amend a special use petition must submit a written request, on a form provided by the office of the Zoning Administrator, together with supporting documentation detailing the proposed amendment.
  - ii. Fee. A non-refundable fee in the amount established by the County's adopted fee schedule shall be paid at the time of application.
  - iii. Submittal Requirements. The applicant must provide:
    - a. A revised site plan, if applicable, showing the proposed modifications;
    - b. A written statement outlining the reason for the amendment and how it affects any conditions of approval.
    - c. Any additional materials required by the Zoning Administrator, including but not limited to updated Natural Resources Information Report, updated EcoCAT, updated SHPO report, updated decommissioning cost estimate and plan, updated AIMA, updated results and recommendations from IDNR, updated results from United State Fish and Wildlife Services Information for Planning and Consulting environmental review, and any other information requested by the County or the County consultants that is necessary to evaluate the proposed amendment to the special use permit.
- e. Classification of Amendments.
  - i. Minor Amendment. The Zoning Administrator shall determine whether a requested amendment constitutes a minor amendment, which may be processed administratively. Minor amendments typically include:
    - a. Slight shifts in building placement;
    - b. Changes to landscaping or buffering that do not affect the overall compatibility with adjacent uses;
    - c. Adjustments to parking layout or internal circulation that do not significantly alter traffic impacts; and/or
    - d. Other changes deemed minor in nature that do not affect the health, safety, or welfare of the general public or nearby properties.
  - ii. Major Amendment. Any amendment deemed by the Zoning Administrator to be a material change to the original special use petition, or that may significantly impact surrounding properties, shall be treated as a major amendment and processed according to the procedure in subsection (f) below.
- f. Review and Approval Procedure for Major Amendments.

- i. **Public Hearing.** A public hearing shall be required for any major amendment. The hearing shall be notices and conducted in the same manner as required for an original special use petition under section 10-2B-2(D) of this title and in accordance with 55 ILCS 5/5-12009.
  - ii. **Notice Requirements.** Prior to the public hearings on special uses, notice shall be provided in accordance with the provisions of 55 Illinois Compiled Statutes 5/5-12009.5. Municipalities whose boundaries are within one and one-half ( $1\frac{1}{2}$ ) miles of any part of the property proposed to be classified as a special use, and any township board of trustees, where said township has established a plan commission, shall also be notified of the public hearing.
  - iii. **Zoning Hearing Officer.** The Zoning Hearing Officer shall hold the public hearing, review the request, and forward its recommendation to the County Board.
  - iv. **Decision by the County Board.** Following receipt of the recommendation from the Zoning Hearing Officer, the County Board shall approve, approve with conditions, or deny the major amendment request.
- g. **Standards for Approval.** In reviewing any amendment to an approved special use, the reviewing bodies shall consider, at a minimum, the following:
  - i. **Consistency with the Comprehensive Plan.** Whether the proposed amendment remains consistent with the County's Comprehensive Plan or other adopted land use policies;
  - ii. **Compatibility.** The amendment's compatibility with adjacent uses, zoning districts, and the character of the surrounding area;
  - iii. **Impact on Public Services.** Whether the amendment creates an increased burden on public services, including roads, utilities, and emergency services;
  - iv. **Public Health, Safety and Welfare.** Any potential for adverse effects on public health, safety, and welfare;
  - v. **Compliance with Conditions.** Whether existing conditions of approval are maintained, changed, or have been satisfied as applicable.
- h. **Effect of Approval.**
  - i. **Revised Special Use Permit.** Upon approval of an amendment, the applicant shall receive a revised special use permit or an amendment letter from the Lee County Zoning Office reflecting all updated conditions and plans.
  - ii. **Conditions of Approval.** All previously imposed conditions not expressly modified by the amendment shall remain in full force and effect.
- i. **Standing; Passage Requirements.** The owner or owners of parcels immediately touching, or immediately across a street, alley or public right of way from at least twenty percent (20%) of the perimeter of the parcel to be affected by the special use, shall have standing to object to the allowance of

a special use permit. A majority vote of the county board is required to grant a special use permit, unless the county board has provided by ordinance that a two-thirds (2/3) vote is required, or as otherwise provided in 55 Illinois Compiled Statutes 5/5-12009.5.

- j. Revocation or Lapse. Failure to comply with the approved amendment or any conditions placed thereon may result in revocation of the special use, as outlined in section 10-2A-3 of this title, or the amendment may be deemed null and void if not implemented within one year, unless in conflict with a condition of the special use permit, in which case the condition shall govern.
- k. Appeals. Decisions of the Zoning Administrator regarding classification of amendments as minor or major may be appealed to the Zoning Hearing Officer in accordance with section 10-2B-2 of this title.
- l. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision. The holding shall not affect the validity of the remaining portions hereof.

E. Conversion To Special Use: Any nonconforming use may be made a special use by the granting of a special use permit by the Zoning Hearing Officer following the same procedures as for other special uses, if the use is a permitted special use in the district in which the use is located.

F. Limitation On Authority:

1. Nothing herein contained shall be construed to give or grant to the Zoning Hearing Officer the power or authority to alter or change the zoning ordinance or the district map; such power and authority being reserved to the county board.

2. Neither the zoning administrator nor the Zoning Hearing Officer shall exercise their powers so as to:

a. Deprive an owner of a parcel of its use or maintenance for the purpose to which it was lawfully devoted at the time of the enactment of this title, or subsequent amendments or revisions thereto;

b. Impose regulations or require additional permits for bona fide agricultural uses. (Ord. 06-05-002, 6-21-2005)

**10-2B-3: MEETINGS AND RULES:**

A. Keep Minutes; Records: The Zoning Hearing Officer shall keep minutes of their proceedings, keep a record of their findings of fact, and shall also keep records of their examinations and other official action.

B. Decisions Public Record: Every rule, regulation, every amendment or appeal thereof, and every order, requirement, decision or determination of the Zoning Hearing

Officer shall immediately be filed in the office of the Zoning Hearing Officer and shall be a public record.

C. Expenditures: In the performance of their duties, the Zoning Hearing Officer may incur such expenditures as shall be authorized by the county board. D. Rules Of Procedure: The Zoning Hearing Officer shall adopt their own rules of procedure not in conflict with statute or this title. (Ord. 06-05-002, 6-21-2005)

E.

## ARTICLE C. REGIONAL PLANNING COMMISSION

### SECTION:

#### [10-2C-1: Creation And Purpose](#)

#### [10-2C-2: Authority And Jurisdiction](#)

#### [10-2C-3: Criteria](#)

#### [10-2C-4: Membership; Terms; Quorum; Chairman](#)

#### [10-2C-5: Meetings](#)

#### [10-2C-6: Minutes, Records](#)

#### [10-2C-7: Petitions](#)

#### **10-2C-1: CREATION AND PURPOSE:**

A regional planning commission is hereby created primarily to coordinate the revision and application of the comprehensive plan. The regional planning commission has heretofore been defined as the "planning commission". (Ord. 06-05-002, 6-21-2005)

#### **10-2C-2: AUTHORITY AND JURISDICTION:**

The planning commission shall review sketch plans and subdivision preliminary plats, and other matters which due to LESA scores, or other matters designated in title 11 of this code, require public hearings. The planning commission shall also be empowered to make recommendations to the county board as to these matters, revisions and applications of the comprehensive plan and any other matter referred to the planning commission by the county board. (Ord. 06-05-002, 6-21-2005)

#### **10-2C-3: CRITERIA:**

The planning commission may adopt criteria, not inconsistent with the provisions of this title, and providing due process, relating to the application of subdivision regulations and the waiver of LESA standards in proceedings before it, and copies of such criteria shall be published in the "County Development Manual" and available to petitioners after said criteria have been approved by the county board. (Ord. 06-05-002, 6-21-2005)

#### **10-2C-4: MEMBERSHIP; TERMS; QUORUM; CHAIRMAN:**

A. Membership: The planning commission shall consist of five (5) members and two (2) alternates all of whom shall be appointed by the county board chairman with the advice and consent of the county board. Alternate members, if appointed, shall serve as members of the planning commission only in the absence of regular members, with the

alternate member who has the greatest amount of time remaining in his or her term to have priority over the other alternate member in determining which alternate member shall serve in the absence of a regular member.

B. Terms: Initially, two (2) members shall be selected to serve a one year term, two (2) members shall be selected to serve a two (2) year term and one member shall be selected to serve a three (3) year term. One alternate shall serve a two (2) year term and the other alternate shall serve a three (3) year term. All subsequent appointments shall be for a three (3) year term.

C. Quorum; Action: Three (3) members shall constitute a quorum of the planning commission, and three (3) concurring votes are necessary to recommend action to the county board.

D. Chairman: The chairman of the planning commission shall be appointed for a two (2) year term by the chairman of the county board upon the advice and consent of the county board. (Ord. 06-05-002, 6-21-2005)

#### **10-2C-5: MEETINGS:**

A. Regular meetings of the planning commission shall be held at such time and place within the county as the planning commission may determine.

B. Special meetings may be held at the call of the chairman or as determined by the planning commission. Such chairman, or in their absence, the acting chairman, may administer oaths. All meetings of the planning commission shall be open to the public. (Ord. 06-05-002, 6-21-2005)

#### **10-2C-6: MINUTES, RECORDS:**

The planning commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official action. (Ord. 06-05-002, 6-21-2005)

#### **10-2C-7: PETITIONS:**

No petition heard by the planning commission shall be allowed to be reconsidered after an adverse decision by the county board for a period of six (6) months following the decision of the county board. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE D. MAP OR TEXT AMENDMENTS; REVOCATION; DUE PROCESS**

### **SECTION:**

#### **10-2D-1: Map Or Text Amendments**

#### **10-2D-2: Hearings**

#### **10-2D-3: Optional Revocation**

#### **10-2D-4: Map Amendment Due Process Standards**

**10-2D-1: MAP OR TEXT AMENDMENTS:**

A. County Board Action: The county board may from time to time initiate a map amendment, a text amendment or supplement, or change by ordinance any regulations herein established, upon its own motion, or after receipt of appropriate petition, or recommendation of the zoning administrator. The county board shall then refer the matter to either the Zoning Hearing Officer or the planning commission for the proper hearings, all in accordance with 55 Illinois Compiled Statutes 5/5-12014. (Ord. 06-05-002, 6-21-2005)

**10-2D-2: HEARINGS:**

A. Hearings Conducted: The Zoning Hearing Officer or the planning commission, as designated by statute, or by the county board, shall conduct the proper hearings after public notice has been provided in the manner prescribed by statute and by this title.

B. Notice Of Hearing: Notice of hearing regarding proposed map amendments, in addition to publication in a newspaper as required by statute, shall be posted on the roadway or street frontage of property proposed to be reclassified, and shall be mailed, to each municipality within one and one-half (1½) miles thereof, and to the board of trustees of any township, in which the property is located, which has established a plan commission, at least fifteen (15) days in advance of the hearing on said map amendment. (Ord. 06-05-002, 6-21-2005)

**10-2D-3: OPTIONAL REVOCATION:**

In the case of property previously classified, other than pursuant to a countywide general map amendment, but not used for a purpose permitted, either as a principal or special use, in the district in which it was classified within one year from the date of its classification, or, if the use of said property has been discontinued for a continuous period of three (3) years, the Zoning Hearing Officer has the power to institute proceedings on their own motion to consider the reclassification of the property to another district. (Ord. 06-05-002, 6-21-2005)

**10-2D-4: MAP AMENDMENT DUE PROCESS STANDARDS:**

The Zoning Hearing Officer shall consider the following standards, and make findings thereon, when evaluating a map amendment:

- A. The existing uses of nearby property.
- B. The extent property values will be diminished by any zoning restrictions.
- C. The extent to which the destruction of property values promotes the public health, safety and welfare.
- D. The gain to the public versus the hardship to the individual property owner.
- E. The suitability of the subject property for zoned purposes.
- F. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the subject property.
- G. The compatibility of the present, and proposed, classification with the comprehensive plan.

H. Whether there is a public need in the neighborhood for the proposed use.

## **CHAPTER 3 DISTRICTS AND MAPS**

### SECTION:

#### **10-3-1: Districts Established**

#### **10-3-2: Zoning Maps**

#### **10-3-3: Applicability**

#### **10-3-1: DISTRICTS ESTABLISHED:**

For the purpose of this title all land lying outside the unincorporated area in the county is hereby organized into the following districts:

##### A. Underlying Principal Districts:

AG-1 Rural/agricultural district

R-1 Rural residential district

R-2 Single-family residential district

R-3 Mixed residential dwelling district

R-4 Multi-family residential dwelling district

C-1 Neighborhood office and business district

C-2 Planned office and business district

C-3 General business district

I-1 Planned industrial district

I-2 General industrial district

I-3 Heavy industrial district

##### B. Overlay Districts:

AG-2 Concentrated livestock production district (one-half mile radius)

AG-3 Concentrated livestock production district (one mile radius)

TN Traditional-neighborhood district

PUD Planned unit development

DPA Detailed planning areas

AR Active or special recreation district

WS Water and steep slopes district



(Ord. 06-05-002, 6-21-2005)

**10-3-2: ZONING MAPS:**

**A. Boundaries Established; Classifications Shown; Restrictions:**

1. The boundaries of the underlying principal districts established are depicted upon the official zoning classification map of the county, which map is hereby made a part of this title. The boundaries of overlay districts shall be noted on the official zoning classification map and/or on the zoning maps of the county.

2. Such maps, included within the definition of "zoning maps" heretofore set out, along with any notations, references and other matters shown thereon, shall be as much a part of this title as if they were fully described herein.

3. The official zoning classification map shall be on file and available for public reference in the office of the zoning administrator, complete with amendments which have been adopted as provided herein. Any other zoning maps shall be available for public inspection at such other locations in the county as the zoning administrator finds convenient.

4. Any property whose classification is not shown on the official zoning classification map, or land hereafter disconnected from a municipality, shall be classified in the AG-1 rural/agricultural underlying principal district unless otherwise classified by map amendment within ninety (90) days of said disconnection and after public hearing before, and recommendation by, the Zoning Hearing Officer.

5. No building nor structure shall be erected or altered, no development shall occur on any land, nor shall any building be used for any purpose, other than a use permitted in the underlying principal district, and the overlay district, if any, in which such land, building or structure is located.

6. No lot which may now, or may hereafter be built upon or developed, as herein required, may be so reduced in area that no use permitted in said district in which the lot is located can any longer comply with the bulk regulations applicable to said district.

**B. Official Zoning Classification Map Identified, Certified:**

1. The official zoning classification map shall be identified by the signature of the chairman of the county board, attested by the county clerk and bear the seal of the county under the following words: "This is to certify that this is the Official Zoning Map referred to in subsection 10-3-2A of the Lee County Zoning Ordinance of the County of Lee, Illinois" together with the date of the adoption of this title, or the latest revision thereto.

2. If changes are made in underlying principal district boundaries or other matters portrayed on the official zoning classification map, such changes shall be made by the zoning administrator promptly after the map amendment authorizing such changes has been approved by the county board together with the file number of the zoning petition resulting in said change. Said petitions, attested to by the county clerk, shall be filed and kept by the zoning administrator as a permanent record of each zoning change. Notice of any such changes shall also be forwarded to the board of trustees of any township, in which the property affected is located, which has established a plan commission.

3. The map amendment ordinance shall provide that such changes shall not become effective until they have been adopted by the county board.

4. No changes of any nature shall be made on the official zoning classification map, or matters depicted thereon, except in conformity with the procedure set forth in this title. Any unauthorized change of any kind by any person or persons shall be considered a violation of this title, shall not be construed as a map amendment, and shall be punishable as provided in this title.

5. The official zoning classification map located in the office of the zoning administrator shall be the final authority as to the current zoning status of property, buildings and structures in the county, being paramount to any purported copies thereof.

C. Uncertainty As To Boundaries: If uncertainty arises with respect to the zoning boundaries of the various districts as shown on the zoning maps, the zoning administrator shall determine the boundaries in accordance with the following rules:

1. Zoning district boundaries, unless otherwise indicated, are the centerline of streets, roadways, alleys, railroads or easements; or the boundary lines of sections, quarter sections, or an even division thereof; tracts or lots, or such lines extended.

2. Where a zoning district boundary line divides a lot in single ownership, the regulations of either zoning district may apply to the entire lot, but under no circumstances, shall less than fifty feet (50') in an adjoining district remain isolated in a separate zoning district.

3. In areas not divided into lots and blocks, the zoning district boundary lines on the zoning maps shall be determined by scale to the nearest fifty feet (50').

4. In the AG-2 and AG-3 concentrated livestock production overlay district the boundaries shall be determined by drawing a circle, the radius of which shall be the applicable setback distance set out in 510 Illinois Compiled Statutes 77/35(d) or those distances set forth in the regulations regarding AG-2 and AG-3 districts.

5. In the water and steep slopes district the boundary lines of the district shall be defined by the SFHA boundaries as herein defined from time to time and by the soil and water conservation district maps published from time to time. (Ord. 06-05-002, 6-21-2005)

#### **10-3-3: APPLICABILITY:**

All land located in the county shall be classified in one underlying principal district. The designation of any such land to an overlay district shall not remove the underlying principal district classification. Overlay districts impose additional restrictions where they are created over an underlying principal district and take precedence over the privileges and requirements of the underlying principal district. A particular parcel may be located in more than one overlay district and subject to the requirements of several districts. Designation of a parcel in an overlay district does not of itself eliminate the applicability of the provisions, performance standards or applicable regulations, relating to the underlying principal district, and the provisions of the underlying principal district control except where there is conflict.

## **CHAPTER 4**

### **AG-1 RURAL/AGRICULTURAL DISTRICT**

#### **SECTION:**

**10-4-1: Statement Of Intent**

**10-4-2: Definitions; Residential Restrictions**

**10-4-3: Use Regulations**

**10-4-4: Other Use Restrictions**

**10-4-5: Special Uses**

**10-4-6: Special Use Restrictions**

**10-4-7: Accessory Uses**

**10-4-7.1: Accessory Special Uses**

**10-4-7.2: Accessory Special Use Restrictions**

**10-4-8: Bulk Regulations**

**10-4-9: Parking Requirements**

**10-4-10: Performance Standards**

**10-4-11: Other Restrictions**

#### **10-4-1: STATEMENT OF INTENT:**

The intent of this title in establishing a rural/agricultural district is to allow maximum freedom of operation for bona fide agricultural uses, and to protect such from encroachment by other unrelated special uses which are subject to the regulations and requirements specified in section [10-4-4](#) of this chapter. (Ord. 06-05-002, 6-21-2005)

#### **10-4-2: DEFINITIONS; RESIDENTIAL RESTRICTIONS:**

A. Definition: "Bona fide agricultural uses" means those uses set forth in the definition "agriculture, agricultural use"; temporary uses such as roadside farm stands devoted to the sale of farm products produced upon the land upon which the farm stand is located with related signage; and farm buildings exempt from county use and bulk regulations under 55 Illinois Compiled Statutes 5/5-12001.

#### **B. Residential Restrictions:**

1. One Dwelling Per Lot; Exceptions: Not more than one dwelling may be permitted on a single lot or farm, unless: a) the dwellings existed at the time of the passage of this title; b) the dwelling existed as, or was under construction as, a farm residence, which has been, or may be, converted to a nonfarm residence; c) the dwellings exist as a special use for itinerant or permanent farm laborers.

2. Parcels Less Than Forty Acres: A dwelling constructed on a parcel less than forty (40) acres in size, or a parcel of land less than forty (40) acres in size including a dwelling transferred to anyone, except the owner of an adjoining farm, purporting to be transferred

for agricultural use shall not be construed to be a farm unless a signed statement shall be presented by the owner to the zoning administrator, upon a form prescribed by the zoning administrator and published in the "County Development Manual" attesting to the authenticity of the agricultural use. It shall be determined by the zoning administrator to be agricultural if: a) a majority of the total cash income of the applicant is or shall be derived from pursuit of the agricultural activities included in bona fide agricultural uses, on the parcel involved, and b) the applicant is a member of the immediate family of the owner of an adjoining farm or the owner of a farm on the opposite frontage to the parcel involved. Such signed statement shall be filed in the records of the zoning administrator.

3. LESA Report: The zoning administrator shall require a LESA report before issuing a building or development permit, or allowing a subdivision or resubdivision, or permitting residential construction or development on any parcel zoned agricultural, or to rezone a parcel, or grant a special use permit, or to grant a variation or expand or extend any special use permit on any parcel zoned agricultural in the county. Should any residential construction or development, or special use, or any expansion or extension thereof, be desired on a parcel in an agricultural district with a LESA score of two hundred twenty five (225) (or such other number which the county board shall set from time to time), or more, a public hearing shall be required before the planning commission with the intent of assisting in the decision of whether to issue a building or development permit, allow a subdivision or resubdivision, or grant a rezoning, special use permit, variation or expansion or extension thereof.

4. New Dwellings: From and after the date of the adoption of this title, as revised, in any quarter section by government survey, in an agricultural district, no more than four (4) new dwelling units can be built, platted or zoned in any agricultural classification, excepting a farm residence. The zoning administrator shall note any new dwelling units on the zoning maps and keep such additional records as are necessary to carry out the intent of this subsection. Lots, less than forty (40) acres, which are currently classified as a residential district are exempt from this provision, except to the extent they are hereafter resubdivided into smaller lots, which smaller lots shall be subject to the quarter section limitation on new dwelling units. Dwellings constructed to replace buildings lost to fire or other casualty are exempt from the provisions of this subsection.

5. Encroachment: The provisions of this section are intended to protect bona fide agricultural uses from encroachment by incompatible uses in violation of rules and regulations in this district and to restrict the development of prime farmland. To the extent a parcel qualifies for residential development, subdivision, construction or rezoning in this district the applicant is encouraged to cluster residential uses into lots as small as two (2) acres. (Ord. 06-05-002, 6-21-2005)

#### **10-4-3: USE REGULATIONS:**

A. Principal Uses: Other than bona fide agricultural uses within the AG-1 rural/agricultural district, no development, buildings, structure or premises shall be used or arranged, or designed to be developed or used, except for one or more of the uses marked P and set forth under AG-1 in the table in section [10-9-1](#) of this title, subject to the rules and regulations of this district. (Ord. 06-05-002, 6-21-2005)

#### **10-4-4: OTHER USE RESTRICTIONS:**

Restricted principal uses, including residential restrictions, are marked R,P on the table in section [10-9-1](#) of this title.

A. Agribusiness: 1) a commercial grain elevator, or other grain storage facility may not be located closer than five hundred feet (500') to any residence other than the residence of the owner of the site; 2) a bulk fertilizer facility, liquid petroleum product facility, ethanol production facility, or other regulated farm production facility shall comply with state regulations as to setbacks and performance standards.

B. Institutional uses: Minimum area five (5) acres; ground floor area shall not exceed thirty percent (30%); building setbacks a minimum of two feet (2') for each foot of building height from all yard lines.

C. Home occupations, including farm product sales at retail, require a maintained gravel, crushed rock, or other improved access roadway from a public street. (Ord. 06-05-002, 6-21-2005)

#### **10-4-5: SPECIAL USES:**

Other than principal uses, those special uses marked S and set forth under AG-1 in the table in section [10-9-1](#) of this title, may be permitted by the county board after public hearing by the Zoning Hearing Officer, within the AG-1 rural/agricultural district, subject to the rules and regulations set forth herein, imposed by statute, or by the county board at the time the special use is allowed. (Ord. 06-05-002, 6-21-2005)

#### **10-4-6: SPECIAL USE RESTRICTIONS:**

Restricted special uses are marked R,S on the table in section [10-9-1](#) of this title:

A. Circuses: Circuses may not operate more than fifteen (15) consecutive days, may not sell beer, wine nor alcoholic beverages, and may be located no closer than one thousand feet (1,000') to any dwelling except to that of the owner or lessor of the circus site.

B. Agribusiness: Feed yards and market holding facilities for animals in farm market transit, or temporary livestock depots or raising yards (confinement feeding of livestock not in conjunction with a farming operation) shall be not less than five (5) acres and shall not be construed as a livestock management facility.

C. Fishing: Fishing in an artificial lake or pond for a fee, including a food service establishment; no night illumination permitted.

D. Extractions: Performance standards included in chapter 16 of this title are applicable. (Ord. 06-05-002, 6-21-2005)

#### **10-4-7: ACCESSORY USES:**

As provided in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

##### **10-4-7.1: ACCESSORY SPECIAL USES:**

Special uses marked S and set forth under AG-1 in the table in section [10-9-2](#) of this title, may be permitted by the county board after public hearing by the Zoning Hearing Officer, within the AG-1 rural/agricultural district, subject to the rules and regulations set forth herein, imposed by statute, or by the county board at the time the special use is allowed.

(Ord. 2023-08-002, 8-24-2023)

**10-4-7.2: ACCESSORY SPECIAL USE RESTRICTIONS:**

Restricted special uses are marked R,S on the table in section [10-9-2](#) of this title:

A. Skilled Trades (Offsite Services Only)

1. The owner of the business must reside onsite, in a residence that meets the requirements of the Lee County Zoning Ordinance.
2. Businesses that provide Skilled Trades (Offsite Services Only) shall be allowed under this Section, so long as all services provided by the business are performed offsite.
3. Businesses that provide Skilled Trades (Offsite Services Only) that are allowed under this Section shall be limited to one (1) employee at the physical address of the business, during business hours.
4. No retail of goods shall occur at the business's location.
5. The business's location shall not be open to the public.
6. No manufacturing nor assembly equipment nor combustible materials nor chemicals nor hazardous materials may be utilized at the business's location.
7. No odors, fumes, radiation nor noise may emanate from the premises.
8. No "Inventory or Materials Storage, Outdoor" may be permitted in relation to the business without first applying for a special use permit.

(Ord. 2023-08-002, 8-24-2023)

**10-4-8: BULK REGULATIONS:**

As provided in section [10-9-3](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-4-9: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

**10-4-10: PERFORMANCE STANDARDS:**

Noises, odors, excessive lighting, waste disposal, dust and agricultural debris dispersion and other environmental problems are inherent in agricultural activities and should be tolerated to the maximum extent in agricultural districts limited only by the public good, safety and welfare; county health and nuisance regulations; state statutes; EPA and DNR regulations. Sections [10-15-2](#), "Vibration"; [10-15-6](#), "Electromagnetic Radiation"; [10-15-8](#), "Fire And Explosion"; [10-15-12](#), "Hazardous Materials"; [10-15-14](#), "Signal Receiving Antennas (Satellite Dishes)"; [10-15-15](#), "Wind Energy Systems"; [10-15-16](#), "Swimming Pools"; [10-15-17](#), "Manufactured Housing"; [10-15-18](#), "Communication Towers" of this title shall apply where applicable. (Ord. 06-05-002, 6-21-2005)

**10-4-11: OTHER RESTRICTIONS:**

Chapters 12, "Signs"; 13, "Landscaping"; and 14, "Fencing" of this title shall apply where applicable.



## CHAPTER 5 RESIDENTIAL DISTRICTS

### SECTION:

#### 10-5-1: Statement Of Intent

#### **10-5-1: STATEMENT OF INTENT:**

The following provisions are of general application in all residential districts:

A. Prohibited: No development, sale, offering for sale nor advertising for sale of any lot for residential purposes shall occur prior to said lot being classified in a residential district, nor prior to the approval of a preliminary subdivision plat for the subdivision in which said lot is located, or proposed to be located, and the depositing of security instruments acceptable to the county board guaranteeing the construction and maintenance of any public improvements.

B. Additional Regulations: In addition to the bulk regulations in effect for a residential district, any dwelling, or combination of dwellings, on a lot which is not connected to a public or community sanitary sewer, in any residential district, shall conform with the R-1 district requirements for area according to the percolation rate, and except that a smaller lot of record at the time of passage of this title may be occupied by a single-family dwelling, or a two-family dwelling in an R-3 district, provided that two (2) or more contiguous lots in common ownership of record at the time of passage of this title shall be combined in one parcel to approach the required area insofar as possible, that the intent of the bulk regulations of the residential districts be reasonably observed and that the area or parcel so obtained is not reduced in transfer.

C. Accessory Buildings: No accessory buildings or structures shall be constructed on a residential lot prior to the construction of the principal dwelling.

D. Yard Regulations: For purposes of yard regulations, a two-family dwelling, a group or halfway house or a multiple-dwelling building shall be considered as one building occupying one lot.

E. Manufactured Housing: Unless excluded by deed or plat restriction, manufactured housing is permitted for all single-family and two-family dwellings constructed in any residential district.

F. Performance Standards: Sections [10-15-1](#), "Exterior Lighting"; [10-15-2](#), "Vibration"; [10-15-3](#), "Noise"; [10-15-4](#), "Air Pollution"; [10-15-5](#), "Odor"; [10-15-6](#), "Electromagnetic Radiation"; [10-15-7](#), "Glare And Heat"; [10-15-8](#), "Fire And Explosion"; [10-15-9](#), "Toxic Or Noxious Material"; [10-15-10](#), "Waste Material"; [10-15-11](#), "Exterior Construction Material"; [10-15-12](#), "Hazardous Materials"; [10-15-14](#), "Signal Receiving Antennas (Satellite Dishes)"; [10-15-15](#), "Wind Energy Systems"; [10-15-16](#), "Swimming Pools"; [10-15-17](#), "Manufactured Housing"; [10-15-18](#), "Communication Towers" of this title shall apply where applicable.

G. Other Restrictions: Chapters 12, "Signs"; 13, "Landscaping"; and 14, "Fencing" of this code also apply. (Ord. 06-05-002, 6-21-2005)

## ARTICLE A. R-1 RURAL RESIDENTIAL DISTRICT

### SECTION:

#### [10-5A-1](#): Scope

#### [10-5A-2](#): Use Regulations

#### [10-5A-3](#): Accessory Uses

#### [10-5A-4](#): Bulk Regulations

#### [10-5A-5](#): Parking Requirements

#### [10-5A-6](#): Restrictions

##### **10-5A-1: SCOPE:**

The regulations set forth in this article, or set forth elsewhere in this title, when referred to in this article, are the district regulations in the rural residential district. (Ord. 06-05-002, 6-21-2005)

##### **10-5A-2: USE REGULATIONS:**

Single-family residential uses in rural subdivisions not served by public sewer and water as provided under R-1 in the table in section [10-9-1](#) of this title, along with special uses set out thereon. (Ord. 06-05-002, 6-21-2005)

##### **10-5A-3: ACCESSORY USES:**

In addition to the principal uses listed above, the lot or structures thereon may be used for the nonbusiness purposes set out under R-1 in the table in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

##### **10-5A-4: BULK REGULATIONS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

##### **10-5A-5: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

##### **10-5A-6: RESTRICTIONS:**

The following restrictions shall apply to principal uses, special uses or accessory uses where applicable:

A. Agricultural uses in this district shall not include: 1) the disposal or feeding of garbage; 2) the confinement or raising of poultry or livestock within three hundred feet (300') of any dwelling except the dwelling of the owner and/or the lessor of the lot.

B. Private kennels and stables are permitted as accessory uses but may not be located within three hundred feet (300') of any dwelling except the dwelling of the owner and/or the lessor of the lot. (Ord. 06-05-002, 6-21-2005)

## ARTICLE B. R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

### SECTION:

#### [10-5B-1](#): Scope

**10-5B-2: Use Regulations**

**10-5B-3: Accessory Uses**

**10-5B-4: Bulk Regulations**

**10-5B-5: Parking Requirements**

**10-5B-6: Restrictions**

**10-5B-1: SCOPE:**

The regulations set forth in this article, or set forth elsewhere in this title, when referred to in this article, are the district regulations in the single-family residential district. (Ord. 06-05-002, 6-21-2005)

**10-5B-2: USE REGULATIONS:**

Single-family residential uses, including principal residential uses permitted in the R-1 district, in subdivisions served by public or community sewer systems, as provided under R-2 in the table in section [10-9-1](#) of this title, along with related special uses set forth thereon. (Ord. 06-05-002, 6-21-2005)

**10-5B-3: ACCESSORY USES:**

In addition to the principal uses set out above, the lot or structures thereon may be used for the nonbusiness purposes set out under R-2 in the table in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-5B-4: BULK REGULATIONS:**

As provided in section [10-9-3](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-5B-5: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

**10-5B-6: RESTRICTIONS:**

The following restrictions shall apply to principal uses, special uses or accessory uses, where applicable:

A. Home occupation signs not to exceed two (2) square feet are permitted if attached to the dwelling and unlighted.

B. Height of accessory uses shall not exceed the height of the principal dwelling on the lot or the height of the principal dwelling on any adjoining lot whichever is higher. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE C. R-3 MIXED RESIDENTIAL DWELLING DISTRICT**

**SECTION:**

**10-5C-1: Scope**

**10-5C-2: Use Regulations**

**10-5C-3: Accessory Uses**

**10-5C-4: Bulk Regulations**

#### **10-5C-5: Parking Requirements**

#### **10-5C-6: Restrictions**

##### **10-5C-1: SCOPE:**

The regulations set forth in this article, or set forth elsewhere in this title, when referred to in this article, are the district regulations in the mixed residential dwelling district. (Ord. 06-05-002, 6-21-2005)

##### **10-5C-2: USE REGULATIONS:**

Mixed residential uses, including any principal residential use permitted in a single-family residential district, in subdivisions served by public or community sewer systems, as provided under R-3 in the table in section [10-9-1](#) of this title, along with special uses set forth thereon. (Ord. 06-05-002, 6-21-2005)

##### **10-5C-3: ACCESSORY USES:**

In addition to the principal uses listed above, the lot or structures thereon, may be used for the nonbusiness purposes set out under R-3 in the table in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

##### **10-5C-4: BULK REGULATIONS:**

As provided in section [10-9-3](#) of this title. (Ord. 06-05-002, 6-21-2005)

##### **10-5C-5: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

##### **10-5C-6: RESTRICTIONS:**

The following restrictions shall apply to principal uses, special uses or accessory uses where applicable:

A. A mobile home park in a subdivision of not less than three (3) acres may be allowed as a special use, provided that the gross area of the mobile home park be no less than five thousand (5,000) square feet times the total number of all the mobile home sites in the subdivision, and that the net area of each mobile home site is not less than two thousand (2,000) square feet including parking. Gravel, crushed rock or other improved surface roadway at least twenty feet (20') in uniform width shall be installed and regularly maintained throughout the mobile home park providing vehicular access to each site. Each mobile home site shall have at least one improved surface parking area on the mobile home site accessible from the roadway. Uniform waste disposal regulations in compliance with the health department and state regulations shall be established and adhered to. Recycling performance standards shall apply if the mobile home park provides central waste disposal services.

B. Height of accessory uses shall not exceed the height of the principal use on the lot or mobile home site. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE D. R-4 MULTI-FAMILY RESIDENTIAL DWELLING DISTRICT**

SECTION:

**10-5D-1: Scope**

**10-5D-2: Use Regulations**

**10-5D-3: Accessory Uses**

**10-5D-4: Bulk Regulations**

**10-5D-5: Parking Requirements**

**10-5D-6: Restrictions**

**10-5D-1: SCOPE:**

The regulations set forth in this article, or set forth elsewhere in this title, when referred to in this article, are the district regulations in the multi-family residential dwelling district. (Ord. 06-05-002, 6-21-2005)

**10-5D-2: USE REGULATIONS:**

Multi-family residential uses, including two-family dwellings permitted in the R-3 residential district, in subdivisions served by public or community sewer systems, as provided under R-4 in the table in section [10-9-1](#) of this title, along with special uses set forth thereon. (Ord. 06-05-002, 6-21-2005)

**10-5D-3: ACCESSORY USES:**

In addition to the principal uses set out above, the lot or structures thereon may be used for the nonbusiness purposes set out under R-4 in the table in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-5D-4: BULK REGULATIONS:**

As provided in section [10-9-3](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-5D-5: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

**10-5D-6: RESTRICTIONS:**

The following restrictions shall apply to principal uses, special uses or accessory uses where applicable:

- A. Recycling performance standards shall apply.

## **CHAPTER 6 COMMERCIAL DISTRICTS**

**SECTION:**

**10-6-1: General Provisions**

**10-6-1: GENERAL PROVISIONS:**

The following provisions are of general application in all commercial districts:

- A. Application Of SIC Codes To Determine Particular Commercial District Designations: To the extent a particular commercial use is not specifically allocated to a district in section [10-9-1](#) of this title, the zoning administrator may make a determination into which district it properly belongs by referring to the SIC codes on file in the county

planning office and incorporated herein by reference, and include said commercial use in the district in which other similar sub-uses under the same SIC code are included in section [10-9-1](#) of this title.

B. Additional Regulations: In addition to the regulations, restrictions and performance standards applicable to any commercial use under this title, said use shall also comply with any county, state or federal health, environmental or operational regulations peculiar to the business, and the owner and/or operator shall operate at all times to eliminate or minimize gas or other noxious fumes, odors, dust, smoke, noise, vibration, waste materials, explosion and fire hazards, and other similar hazards or nuisances, and the initial permits and the continued operation of the use shall be contingent upon such compliance.

C. Rezoning: The impact of any commercial rezoning request shall be evaluated taking into consideration the economic viability of existing commercial areas in the immediate area and the effect such rezoning will have on promoting the expansion, retention and upgrading of neighborhood office, retail and community service uses.

D. Performance Standards: Sections [10-15-1](#), "Exterior Lighting"; [10-15-2](#), "Vibration"; [10-15-3](#), "Noise"; [10-15-4](#), "Air Pollution"; [10-15-5](#), "Odor"; [10-15-6](#), "Electromagnetic Radiation"; [10-15-7](#), "Glare And Heat"; [10-15-8](#), "Fire And Explosion"; [10-15-9](#), "Toxic Or Noxious Material"; [10-15-10](#), "Waste Material"; [10-15-11](#), "Exterior Construction Material"; [10-15-12](#), "Hazardous Materials"; [10-15-14](#), "Signal Receiving Antennas (Satellite Dishes)"; [10-15-15](#), "Wind Energy Systems"; [10-15-18](#), "Communication Towers"; [10-15-19](#), "Recycling" of this title.

E. Other Restrictions: Chapters 12, "Signs"; 13, "Landscaping"; 14, "Fencing" of this title shall apply to all commercial uses. (Ord. 06-05-002, 6-21-2005)

## ARTICLE A. C-1 NEIGHBORHOOD OFFICE AND BUSINESS DISTRICT

### SECTION:

#### [10-6A-1](#): Scope

#### [10-6A-2](#): Use Regulations

#### [10-6A-3](#): Accessory Uses

#### [10-6A-4](#): Bulk Regulations

#### [10-6A-5](#): Parking Requirements

#### [10-6A-6](#): Restrictions

#### **10-6A-1: SCOPE:**

The regulations set forth in this article, or set forth elsewhere in this title, when referred to in this article, are the regulations in the neighborhood office and business district. (Ord. 06-05-002, 6-21-2005)

#### **10-6A-2: USE REGULATIONS:**



Residential, professional office, indoor commercial, institutional, office, neighborhood and personal service uses supporting residential, commercial and institutional uses, preserving a residential character through building scale, appearance, landscaping and limited signage as provided under C-1 in the table in section [10-9-1](#) of this title, along with special uses set forth thereon. (Ord. 06-05-002, 6-21-2005)

**10-6A-3: ACCESSORY USES:**

In addition to the principal uses set out above, a lot or structures thereon may be used for the accessory uses set out under C-1 in the table in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-6A-4: BULK REGULATIONS:**

As provided in section [10-9-3](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-6A-5: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

**10-6A-6: RESTRICTIONS:**

The following restrictions shall apply to principal uses, special uses and accessory uses where applicable:

A. No more than one dwelling shall be allowed on a C-1 lot and no dwellings or boarding units may be located on the same floor as a commercial use.

B. Access to streets shall be limited to no more than one entrance and one exit on each adjoining street with each entrance and exit not to exceed twenty six feet (26') in width.

C. Indoor commercial uses shall be limited to the ground floor of commercial buildings. (Ord. 06-05-002, 6-21-2005)

## ARTICLE B. C-2 PLANNED OFFICE AND BUSINESS DISTRICT

SECTION:

[10-6B-1](#): Scope

[10-6B-2](#): Use Regulations

[10-6B-3](#): Accessory Uses

[10-6B-4](#): Bulk Regulations

[10-6B-5](#): Parking Requirements

[10-6B-6](#): Restrictions

**10-6B-1: SCOPE:**

The regulations set forth in this article, or set forth elsewhere in this title, when referred to in this article, are the regulations in the planned office and business district. (Ord. 06-05-002, 6-21-2005)

**10-6B-2: USE REGULATIONS:**

Indoor commercial, high quality office, institutional and office support land uses with generous landscaping and limited signage as provided under C-2 in the table in section [10-9-1](#) of this title, along with special uses set forth thereon. (Ord. 06-05-002, 6-21-2005)

**10-6B-3: ACCESSORY USES:**

In addition to the uses set out above, a lot or structures thereon may be used for the accessory uses set out under C-2 in the table in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-6B-4: BULK REGULATIONS:**

As provided in section [10-9-3](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-6B-5: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

**10-6B-6: RESTRICTIONS:**

The following restrictions shall apply to principal uses, special uses and accessory uses where applicable:

A. Any industrial or storage use shall be incidental to the principal use of any buildings or premises.

B. Access to streets shall be limited to one entrance and one exit to each adjoining street with each entrance and exit not to exceed twenty six feet (26') in width.

C. Retail trade uses shall be limited to the ground floor of commercial buildings. (Ord. 06-05-002, 6-21-2005)

## ARTICLE C. C-3 GENERAL BUSINESS DISTRICT

**SECTION:****[10-6C-1](#): Scope****[10-6C-2](#): Use Regulations****[10-6C-3](#): Accessory Uses****[10-6C-4](#): Bulk Regulations****[10-6C-5](#): Parking Requirements****10-6C-1: SCOPE:**

The regulations set forth in this article, or set forth elsewhere in this title, when referred to in this article, are the regulations for the general business district. (Ord. 06-05-002, 6-21-2005)

**10-6C-2: USE REGULATIONS:**

Indoor commercial, office and institutional, and controlled outdoor display, land uses with moderate landscaping and signage requirements as provided under C-3 in the table in

section [10-9-1](#) of this title, along with special uses set forth thereon. (Ord. 06-05-002, 6-21-2005)

**10-6C-3: ACCESSORY USES:**

In addition to the uses set out above, a lot or structures thereon may be used for the accessory uses set out under C-3 in the table in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-6C-4: BULK REGULATIONS:**

As provided in section [10-9-3](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-6C-5: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

## **CHAPTER 7 INDUSTRIAL DISTRICTS**

**SECTION:**

**[10-7-1](#): General Provisions**

**10-7-1: GENERAL PROVISIONS:**

The following provisions are of general application in all industrial districts:

A. Application Of SIC Codes To Determine Particular Industrial District Designations: To the extent a particular industrial use is not specifically allocated to a district in the table in section [10-9-1](#) of this title, the zoning administrator may make a determination into which district it properly belongs by referring to the SIC codes on file in the county planning office and incorporated herein by reference, and include said industrial use in the district in which other similar sub-uses under the same SIC code are included in the table in section [10-9-1](#) of this title.

B. Additional Regulations: In addition to the regulations, restrictions and performance standards applicable to any industrial use under this title, said use shall also comply with any county, state or federal health, environmental or operational regulations peculiar to its industry and the owner or operator shall operate at all times to eliminate or minimize gas or other noxious fumes, odors, dust, smoke, noise, vibration, waste materials, explosion and fire hazards, and other similar hazards or nuisances, and the initial permits and the continued operation of the use shall be contingent on said compliance.

C. Performance Standards: Sections [10-15-1](#), "Exterior Lighting"; [10-15-2](#), "Vibration"; [10-15-3](#), "Noise"; [10-15-4](#), "Air Pollution"; [10-15-5](#), "Odor"; [10-15-6](#), "Electromagnetic Radiation"; [10-15-7](#), "Glare And Heat"; [10-15-8](#), "Fire And Explosion"; [10-15-9](#), "Toxic Or Noxious Material"; [10-15-10](#), "Waste Material"; [10-15-11](#), "Exterior Construction Material"; [10-15-12](#), "Hazardous Materials"; [10-15-14](#), "Signal Receiving Antennas (Satellite Dishes)"; [10-15-15](#), "Wind Energy Systems"; [10-15-18](#), "Communication Towers"; [10-15-19](#), "Recycling" of this title.

D. Other Restrictions: Chapters 12, "Signs"; 13, "Landscaping"; 14, "Fencing" of this title shall apply to all industrial districts where applicable. (Ord. 06-05-002, 6-21-2005)

## ARTICLE A. I-1 PLANNED INDUSTRIAL DISTRICT

### SECTION:

#### [10-7A-1: Scope](#)

#### [10-7A-2: Use Regulations](#)

#### [10-7A-3: Accessory Uses](#)

#### [10-7A-4: Bulk Regulations](#)

#### [10-7A-5: Parking Requirements](#)

#### **10-7A-1: SCOPE:**

The regulations set forth in this article, or set forth elsewhere in this title, when referred to in this article, are the district regulations in the planned industrial district. (Ord. 06-05-002, 6-21-2005)

#### **10-7A-2: USE REGULATIONS:**

Controlled indoor manufacturing, assembly and storage uses compatible with a rural/agricultural environment with generous landscaping and limited signage requirements as provided under I-1 in the table in section [10-9-1](#) of this title, along with special uses set forth thereon. (Ord. 06-05-002, 6-21-2005)

#### **10-7A-3: ACCESSORY USES:**

In addition to the uses set out above, a lot or structures thereon may be used for the accessory uses set out under I-1 in the table in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

#### **10-7A-4: BULK REGULATIONS:**

As provided in section [10-9-3](#) of this title. (Ord. 06-05-002, 6-21-2005)

#### **10-7A-5: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

## ARTICLE B. I-2 GENERAL INDUSTRIAL DISTRICT

### SECTION:

#### [10-7B-1: Scope](#)

#### [10-7B-2: Use Regulations](#)

#### [10-7B-3: Accessory Uses](#)

#### [10-7B-4: Bulk Regulations](#)

#### [10-7B-5: Parking Requirements](#)

#### **10-7B-1: SCOPE:**

The regulations set forth in this article, or set forth elsewhere in this title, when referred to in this article, are the district regulations for the general industrial district. (Ord. 06-05-002, 6-21-2005)

**10-7B-2: USE REGULATIONS:**

Indoor industrial, fabrication and/or assembly uses, and controlled outdoor storage areas, with moderate landscaping and signage requirements as provided under I-2 in the table in section [10-9-1](#) of this title, along with special uses set forth thereon. (Ord. 06-05-002, 6-21-2005)

**10-7B-3: ACCESSORY USES:**

In addition to the uses set out above, a lot or structures thereon may be used for the accessory uses set out under I-2 in the table in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-7B-4: BULK REGULATIONS:**

As provided in section [10-9-3](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-7B-5: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

## ARTICLE C. I-3 HEAVY INDUSTRIAL DISTRICT

**SECTION:****[10-7C-1](#): Scope****[10-7C-2](#): Use Regulations****[10-7C-3](#): Accessory Uses****[10-7C-4](#): Bulk Regulations****[10-7C-5](#): Parking Requirements****[10-7C-6](#): Restrictions****10-7C-1: SCOPE:**

The regulations set forth in this article, or set forth elsewhere in this title, when referred to in this article, are the district regulations for the heavy industrial district. (Ord. 06-05-002, 6-21-2005)

**10-7C-2: USE REGULATIONS:**

Controlled heavy industrial; indoor and outdoor storage; and regulated disposal or recycling with moderate landscaping, screening and signage requirements as provided under I-3 in the table in section [10-9-1](#) of this title, along with special uses set forth thereon. (Ord. 06-05-002, 6-21-2005)

**10-7C-3: ACCESSORY USES:**

In addition to the uses set out above, a lot or structures thereon may be used for the accessory uses set out under I-3 in the table in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-7C-4: BULK REGULATIONS:**

As provided in section [10-9-3](#) of this title. (Ord. 06-05-002, 6-21-2005)

**10-7C-5: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

#### **10-7C-6: RESTRICTIONS:**

The following restrictions shall apply to principal uses, special uses and accessory uses where applicable:

##### **A. Adult Entertainment Establishments:**

1. Minimum Distance From Other Adult Entertainment Establishments: No adult entertainment establishment shall be established, maintained, or operated on any lot that has a property line within one thousand feet (1,000') of the property line of any other lot on which any other adult entertainment establishment is established, maintained or operated.

2. Minimum Distance From Protected Uses: No adult entertainment establishment shall be established, maintained, or operated within one thousand feet (1,000') of any protected uses.

3. Minimum Distance From Any Dwelling: No adult entertainment establishment shall be located, established, maintained or operated on any lot that has a property line within one thousand feet (1,000') of the property line of any dwelling lot.

4. Measurement: For purposes of this subsection distances shall be measured in a straight line, without regard to intervening structures or natural objects from the nearest point of the lot on which the adult entertainment establishment is located to the nearest point of a lot line of a protected use, dwelling or other adult entertainment establishment.

5. Limited Exception For Subsequent Protected Uses Or Newly Constructed Dwellings: An adult entertainment establishment lawfully operating under this title shall not be deemed to be in violation of the location restrictions set forth in this subsection solely because a protected use or new dwelling is subsequently located or established within one thousand feet (1,000') of the adult entertainment establishment. (Ord. 06-05-002, 6-21-2005)

## **CHAPTER 8 OVERLAY DISTRICTS**

### **ARTICLE A. CONCENTRATED LIVESTOCK PRODUCTION DISTRICTS AND LIVESTOCK MANAGEMENT FACILITIES**

#### **SECTION:**

**10-8A-1: Use Regulations**

**10-8A-2: District Restrictions**

**10-8A-3: Owner's Compliance Affidavit; Revocation**

**10-8A-4: Public Policy**



**10-8A-1: USE REGULATIONS:**

The concentrated livestock production district is a special use granted to the owner of a property classified as agricultural which, after petition by the owner, has been found to meet the district restrictions and the public policy concerns set out herein prior to the effective date of this article. The district is designated R,S under AG-2 and AG-3 in the table in section [10-9-1](#) of this title. No applicant has the absolute right to the district designation. Failure to grant the designation in the future does not prevent the owner from carrying on the activities set out in section [10-4-2](#) of this title in the AG-1 district, subject to regulations applying to livestock management facilities, where applicable. (Ord. 12-05-001, 12-20-2005)

**10-8A-2: DISTRICT RESTRICTIONS:**

A. Any livestock producer operating a concentrated agricultural facility (usually less than 7 acres) used solely for a period of at least one hundred eighty (180) days per annum for the following uses pursuant to a special use granted prior to the effective date of this article, is eligible to continue said AG-2 or AG-3 special use:

<b>Product</b>	<b>AG-2 Annual Production Of</b>	<b>AG-3 Annual Production In Excess Of</b>
<b>Product</b>	<b>AG-2 Annual Production Of</b>	<b>AG-3 Annual Production In Excess Of</b>
Beef (pounds)	50,000 to 600,000	600,000
Pork (pounds)	50,000 to 400,000	400,000
Eggs (dozen)	10,000 to 30,000	30,000
Broiler chicken (pounds)	20,000 to 65,000	65,000
Milk (pounds)	300,000 to 2,000,000	2,000,000
Lamb or mutton (pounds)	20,000 to 80,000	80,000
Turkey (pounds)	40,000 to 130,000	130,000

B. Within sixty (60) days after approval by the county board of this article, an AG-2 or AG-3 concentrated livestock production district, the zoning administrator shall mark the circumference of the existing districts and note the extent of the areas restricted by public policy on the official zoning classification map and the zoning maps. (Ord. 12-05-001, 12-20-2005)

**10-8A-3: OWNER'S COMPLIANCE AFFIDAVIT; REVOCATION:**

A. The continuation of the AG-2 and AG-3 district special use is not a matter of right but is contingent upon the annual filing of an affidavit and certification by the concentrated livestock production district owner or operator, by March 1 of each year, that it continues to meet the requirements of the district, and that the facility complies with any state laws

regarding the operation of livestock management facilities, if applicable, in such form as is set out in the "County Development Manual" from time to time.

B. In the event no such annual affidavit and certification is timely filed, it shall be the duty of the zoning administrator to investigate any such AG-2 or AG-3 district. If after investigation the zoning administrator determines that the area has not been used solely for a period of one hundred eighty (180) days in the prior year as a concentrated livestock production district, said zoning administrator shall petition the Zoning Hearing Officer to revoke the designation and to rezone the property to AG-1.

C. The Zoning Hearing Officer shall thereafter provide notice of hearing and proceed in accordance with the same requirements applicable to any other map amendment.

D. If the county board revokes the AG-2 or AG-3 designation the zoning administrator shall remove the district and the noted public policy restrictions from the official zoning classification map within sixty (60) days from the date of the county board decision. The zoning administrator shall also notify the board of trustees of any township in which the property is located, which has established a plan commission, of any such removal within said sixty (60) day period. (Ord. 12-05-001, 12-20-2005)

#### **10-8A-4: PUBLIC POLICY:**

A. It is hereby declared to be the public policy of the county that no new subdivisions, mobile home parks, industrial development, publicly owned recreation areas or schools shall be allowed within one-half ( $\frac{1}{2}$ ) mile of any existing AG-2 district, or one mile of any existing AG-3 district.

Notwithstanding the aforesaid county public policy, the Zoning Hearing Officer may grant variations on a case by case basis from the setback requirements in existing AG-2 and AG-3 districts after a hearing and making written findings that the public interest and the interest of the livestock production facility are not adversely affected by the development of any of the aforesaid uses, and imposing on any such development conditions including waivers being obtained from any owners or subdividers thereof, binding them, and running with the land, acknowledging the inherent disadvantages involved with development in proximity to livestock production facilities and holding harmless the livestock production facility from claims and/or damages resulting from the lawful operations of the livestock production facility. In granting any such variations, the Zoning Hearing Officer shall take into consideration such factors as prevailing winds, intervening topography, location of waste disposal facilities and any other factors which in the opinion of the Zoning Hearing Officer is relevant to its decision.

B. Unless waivers have been obtained pursuant to 510 Illinois Compiled Statutes 77/35(g), no new livestock management facility will be allowed within one-half ( $\frac{1}{2}$ ) mile of any existing municipalities, FPA, DPA, as designated on the comprehensive plan, subdivisions, publicly owned recreation areas, state or national parks or schools. Where applicable, the petitioner must also comply with any additional setback requirements set forth in 510 Illinois Compiled Statutes 77/35(d) and any state regulations promulgated thereunder.

C. No AG-2 districts existing as of the effective date of this article, that may now qualify as an AG-3 district shall be permitted to obtain an AG-3 designation in the future.

D. All uses in an AG-2 and AG-3 concentrated livestock production district are subject to the same performance standards and other restrictions as apply to the AG-1 agricultural district. (Ord. 12-05-001, 12-20-2005)

## ARTICLE B. TRADITIONAL-NEIGHBORHOOD DISTRICT

### SECTION:

#### [10-8B-1: Scope](#)

#### [10-8B-2: Use Regulations](#)

#### [10-8B-3: Accessory Uses](#)

#### [10-8B-4: Bulk Regulations](#)

#### [10-8B-5: Parking Requirements](#)

#### **10-8B-1: SCOPE:**

The regulations set forth in this article, or set forth elsewhere in this title, when referred to in this article, are the district regulations in the traditional-neighborhood district. (Ord. 06-05-002, 6-21-2005)

#### **10-8B-2: USE REGULATIONS:**

Transitional planned mixtures of land uses appropriate and complementary to existing uses in the unincorporated towns and hamlets in the county including predominantly single-family residential, neighborhood residential, multi-family residential, neighborhood commercial, office, institutional, active recreation and agribusiness, principal and special uses, primarily sited in, and adjacent to, unincorporated towns and hamlets in order to avoid conflict between farming and other land uses, as set out under TN in the table in section [10-9-1](#) of this title. Prior to classifying a lot or area as TN a plan should be developed by the zoning administrator in cooperation with the township commissioners or other officials having jurisdiction over the unincorporated town or hamlet where the traditional-neighborhood district is to be located in order to ensure that the proposed uses are compatible with surrounding uses. Liberal use of variations and strict appearance requirements should be imposed to ensure compatibility with any surrounding uses. The zoning administrator with the approval of the county board, may retain planning consultants to evaluate any plan submitted by an applicant involving more than five (5) acres and the cost of said consultants may be assessed to the applicant. Upon approval of any said TN district by the county board the boundaries of said district will be designated on the zoning maps. (Ord. 06-05-002, 6-21-2005)

#### **10-8B-3: ACCESSORY USES:**

In addition to the principal uses set out above, a lot or structures thereon may be used for the purposes set out under TN in the table in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

#### **10-8B-4: BULK REGULATIONS:**

As provided in section [10-9-3](#) of this title. (Ord. 06-05-002, 6-21-2005)

#### **10-8B-5: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE C. LARGE SCALE DEVELOPMENT PLANS**

### **SECTION:**

#### **10-8C-1: Statement Of Intent**

#### **10-8C-1: STATEMENT OF INTENT:**

A. It is in the best interests of the county that large tracts of property under unified ownership, or located and identified by the comprehensive plan to be in strategic areas, be developed as a cohesive whole in order to bolster economic development, establish community character, provide adequate utility services, ensure adequate storm water management, provide suitable transportation patterns, plan and coordinate necessary institutional services and create opportunities for affordable housing and gainful employment.

B. Large tracts of property under unified ownership may be designated planned unit developments (PUD) after petition by the owner, sufficient investigation by county employees or their consultants, adequate assurance of the development's success, hearings by the Zoning Hearing Officer and approval by the county board as a special use.

C. Other large tracts of property which have been identified on the comprehensive plan as strategic in nature and designated as detailed planning areas (DPA) will not be permitted to develop in a haphazard manner and will require detailed planning and economic development analysis prior to development, subdivision or rezoning.

D. Performance standards: Sections [10-15-1](#), "Exterior Lighting"; [10-15-2](#), "Vibration"; [10-15-3](#), "Noise"; [10-15-4](#), "Air Pollution"; [10-15-5](#), "Odor"; [10-15-6](#), "Electromagnetic Radiation"; [10-15-7](#), "Glare And Heat"; [10-15-8](#), "Fire And Explosion"; [10-15-9](#), "Toxic Or Noxious Material"; [10-15-10](#), "Waste Materials"; [10-15-11](#), "Exterior Construction Material"; [10-15-12](#), "Hazardous Materials"; [10-15-14](#), "Signal Receiving Antennas (Satellite Dishes)"; [10-15-15](#), "Wind Energy Systems"; [10-15-16](#), "Swimming Pools"; [10-15-17](#), "Manufactured Housing"; [10-15-18](#), "Communication Towers"; [10-15-19](#), "Recycling" of this title shall apply.

E. The use of coordinated signage, landscaping and fencing throughout the tract shall be encouraged and the Zoning Hearing Officer and/or the zoning administrator shall have the power to waive requirements otherwise included in this title to achieve such uniformity. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE C1. PUD; PLANNED UNIT DEVELOPMENTS**

### **SECTION:**

#### **10-8C1-1: Submission Of Plan; Conditions Required**

#### **10-8C1-2: Adequate Assurances; Use Of Consultants**

#### **10-8C1-3: Restrictions**

**10-8C1-1: SUBMISSION OF PLAN; CONDITIONS REQUIRED:**

The owners of any contiguous tract of land, not less than ten (10) acres in size, under unified ownership, may petition the county board to have said property designated a PUD. The approval process shall require the same procedures as any other special use. Prior to having the matter submitted to the Zoning Hearing Officer, the petitioner shall submit a development plan and additional engineering reports as shall be required by the zoning administrator. At a minimum, said reports shall include a traffic study, a natural resource and LESA report from the soil and water conservation district, a preliminary utility report governing sanitary sewer, potable water and storm water management along with a preliminary opinion as to such matters from the health department and the county engineer. Preliminary impact reports shall also be requested from any township road commissioner, fire protection district, library district, school district, FPA and any municipality located within one and one-half (1½) miles of any boundary of or serving the proposed area. If the property is located in whole or in part in a township with a plan commission, hearings on the matter shall also be conducted in said township. Impact on any concentrated livestock production district or livestock management facility in the immediate environs shall be considered. The PUD may include residential, commercial, institutional, industrial and related accessory uses as set forth under PUD in the table in section [10-9-1](#) of this title, to the extent that said uses are complementary to the purposes of the PUD and are compatible with the comprehensive plan. After hearings, the Zoning Hearing Officer shall submit findings and may suggest conditions to coordinate and enhance the quality of community life in the development to the county board. (Ord. 06-05-002, 6-21-2005)

**10-8C1-2: ADEQUATE ASSURANCES; USE OF CONSULTANTS:**

The petitioner will also produce a preliminary development staging plan along with satisfactory assurances of its ability to complete the project and any required public improvements. The county may require bonds, cash deposits or other security to ensure that public improvements are constructed in a timely and proper manner. The county may retain planning or engineering consultants at the cost of the petitioner to advise the Zoning Hearing Officer or the planning commission regarding the content of any of the reports required above or any other matters relating to the approval of the PUD. (Ord. 06-05-002, 6-21-2005)

**10-8C1-3: RESTRICTIONS:**

Upon approval of the PUD the county board may relax use and bulk regulations consistent with the purpose of the plan and recommendations of any planning or engineering consultants, except:

A. If the PUD is primarily a residential PUD, commercial (C-1 only) and institutional uses, including churches and schools, shall not occupy more than fifteen percent (15%) of the gross land area of the development. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE C2. DPA; DETAILED PLANNING AREAS**

**SECTION:****[10-8C2-1](#): Evolution Of Plan; Conditions Required**

#### **10-8C2-2: Adequate Assurances; Use Of Consultants**

##### **10-8C2-1: EVOLUTION OF PLAN; CONDITIONS REQUIRED:**

The owners of any contiguous tract of land, located in an area designated DPA on the comprehensive plan, acting either independently or in concert; the county board; the planning commission; the county industrial development association; or the county tourism council may initiate detailed planning in a DPA, by petitioning the county board to refer the matter of the development of all or a part of a DPA to the planning commission to coordinate, along with the zoning administrator, and the landowners involved, a detailed land use and implementation plan, and providing a comprehensive analysis of the economic benefits of said development on the county as a whole. If the initiation of detailed planning is by the landowners, after analysis by the planning commission, the project shall proceed as if the project were a PUD, and hearings shall be held before the Zoning Hearing Officer. If the process is initiated by the county board or by petition of the planning commission; county industrial development association; or county tourism council the matter shall proceed before the planning commission to be charged with overseeing detailed planning, economic analysis, development staging, public service availability, storm water management, traffic implementation, impact on affected township road districts, school districts, fire protection districts, library districts, FPAs, municipalities within one and one-half (1½) miles, township planning commissions, concentrated livestock production districts or livestock management facilities in the immediate environs of the project. The planning commission shall develop findings and make recommendations to the county board. If such recommendations and findings are adopted a DPA for the area shall be developed and defined as a subarea of the comprehensive plan. Future development shall occur only if in compliance with the subarea plan. (Ord. 06-05-002, 6-21-2005)

##### **10-8C2-2: ADEQUATE ASSURANCES; USE OF CONSULTANTS:**

If the initiation of detailed planning is petitioned by the landowners, development is ready to occur, and the Zoning Hearing Officer has recommended approval of a DPA, the county board may demand the same assurances, bonds, cash deposits or other security to ensure that public improvements are constructed in a timely and proper manner as in the case of approval of a PUD. The county may retain planning or engineering consultants at its cost to advise the planning commission or the Zoning Hearing Officer regarding the impact on the public and the economic benefit to the county of any development in a DPA. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE D. ACTIVE OR SPECIAL RECREATION DISTRICT**

### **SECTION:**

#### **10-8D-1: Evolution Of Plan; Interagency Cooperation**

#### **10-8D-2: Designation And Implementation Of Plan**

#### **10-8D-3: Restrictions**

##### **10-8D-1: EVOLUTION OF PLAN; INTERAGENCY COOPERATION:**

The comprehensive plan has identified public or private, existing or potential, areas within the county as having particular, recreational or tourism possibilities, or having special



historical or archeological significance or as natural areas desirable to tie into regional recreational, historical or natural pathway goals. These areas are identified as active or special recreation (AR) areas on the comprehensive plan. Among these areas are existing golf courses and campgrounds, picnic areas, the Rock River trail, the Lincoln Highway, historic Route 2, numerous abandoned railroad rights of way and sites of historical, geological and archeological significance. It is the policy of the county to encourage the development of these areas and adjacent areas for recreational use and the promotion of tourism in the county by further identifying them and by encouraging their utilization for recreational use at the appropriate time by providing incentives and facilitations to owners of said parcels to develop them for such uses or to provide easements for such uses. The county is unable by itself to dedicate the resources necessary to accomplish these goals and when necessary will enter into intergovernmental agreements and public or private partnerships with local or regional organizations to accomplish them. These areas will be designated on the zoning maps from time to time, and subjected to special requirements in the event of their impending development. (Ord. 06-05-002, 6-21-2005)

#### **10-8D-2: DESIGNATION AND IMPLEMENTATION OF PLAN:**

The planning commission at the request of the county board shall hold hearings from time to time to determine the appropriateness of designating areas as active or special recreation (AR) areas. The planning commission shall consider such questions as the public good, including benefits to tourism, additional recreational potential, accessibility to and accommodations for the public, including the disabled, costs of development, projected revenues to the county, regional benefits, impact on property in the area, any necessary intergovernmental or private agreements and any desirable zoning changes to adjacent properties. The planning commission will file written findings with the county board within sixty (60) days after the completion of the hearings. The county board may accept, modify or disregard any such findings. In the event the county board elects to proceed to designate such areas as active or special recreation (AR) areas it shall refer to the Zoning Hearing Officer any matters requiring hearings by the Zoning Hearing Officer under this title. The Zoning Hearing Officer shall hold hearings in the same manner and with the same powers as it would in any special use zoning proceeding. The Zoning Hearing Officer and/or the zoning administrator are encouraged to permit variations, waivers or other modifications necessary to promote the public good in an active or special recreation designated area. Upon approval of the designation by the county board the same shall be reflected on the county zoning maps. (Ord. 06-05-002, 6-21-2005)

#### **10-8D-3: RESTRICTIONS:**

A. Variations: The Zoning Hearing Officer shall not permit variations or waivers of any of the requirements of the water and steep slopes district except where in compliance with title 11 of this code, where applicable, nor allow food to be served except in accordance with regulations applying to food service establishments.

B. Public Picnic Areas: Minimum area is ten thousand (10,000) square feet, with no more than one sign, with the face areas not to exceed twenty (20) square feet in total and erected no closer than twenty feet (20') in from the right of way line. A gravel, crushed stone or other improved access road at least twenty feet (20') in width shall be provided and maintained. Parking for at least two (2) cars per picnic site shall be provided. A picnic

site shall be construed as consisting of two (2) or less permanent picnic tables along with a grill. Grills shall not be constructed or placed less than one hundred feet (100') from one another. (Ord. 06-05-002, 6-21-2005)

## ARTICLE E. WATER AND STEEP SLOPES DISTRICT

### SECTION:

#### 10-8E-1: Application Of Designation;

#### 10-8E-2: Abrogation And Greater Restrictions

##### **10-8E-1: APPLICATION OF DESIGNATION:**

The water and steep slopes district includes all of the lakes, rivers, perennial streams, watercourses defined as floodplain (SFHA) on the comprehensive plan or on the county zoning maps from time to time. (Ord. 06-05-002, 6-21-2005)

##### **10-8E-2: ABROGATION AND GREATER RESTRICTIONS:**

All development, subdivisions, resubdivisions, rezonings, building additions, mobile home parks or manufactured housing parks, and additions thereto, planned unit developments (PUDs), detailed planning areas (DPAs), campgrounds, golf courses, building permits, special use permits and variation requests, filed or developed after the effective date of this title shall be subject to the provisions of title 11, "Subdivision, Flood Control And Storm Water Management", of this code unless exempted thereunder.

## CHAPTER 9 USE AND BULK REGULATIONS

### SECTION:

#### 10-9-1: Principal, Special, Temporary, Restricted Uses

#### 10-9-2: Accessory Uses

#### 10-9-3: Bulk Regulations

##### **10-9-1: PRINCIPAL, SPECIAL, TEMPORARY, RESTRICTED USES:**

##### **INSERT TABLE**

Principal use = P Special use = S Temporary use = T Restricted use = R

(Ord. 06-05-002, 6-21-2005; amd. Ord. 11-05-016, 11-15-2005; Res. 09-15-003, 9-15-2015; Ord. 12-17-002, 12-19-2017; Ord. 21-PC-65, --2022)

##### **10-9-2: ACCESSORY USES:**

##### **INSERT TABLE**

Permitted use: P Special use: S Restricted use: R

(Ord. 06-05-002, 6-21-2005; amd. Ord. 2023-08-002, 8-24-2023)

### **10-9-3: BULK REGULATIONS:**

**INSERT TABLE**

Special use: S Restricted use: R

(Ord. 06-05-002, 6-21-2005)

## **CHAPTER 10 SPECIAL EXCEPTIONS, VARIATIONS AND NONCONFORMING USES**

### **ARTICLE A. SPECIAL EXCEPTIONS**

#### **SECTION:**

[10-10A-1: Application](#)

[10-10A-2: Restrictions](#)

[10-10A-3: Procedures](#)

[10-10A-4: Report](#)

#### **10-10A-1: APPLICATION:**

The county board may by special exception, after public hearing by the Zoning Hearing Officer, and subject to such protective restrictions that it deems necessary, authorize the location, relocation, extension or structural alteration of any of the following buildings, structures or uses in any district in which they are prohibited by this title:

- A. Any public buildings erected, or proposed to be erected, owned or leased by a municipality, county, state or federal governmental agency;
- B. An airport or aircraft landing area;
- C. A public waste disposal facility or landfill;
- D. A hazardous waste disposal facility;
- E. Commercial amusement or recreational development for temporary or seasonal uses;
- F. Medical clinics and institutional uses, except institutions for lodging criminals or treating the insane or those with contagious diseases;

G. Parking lots on property not more than three hundred feet (300') from the boundary of any commercial or industrial district under such conditions as will protect the character of surrounding property;

H. Peaker plants or alternative energy generating plants which are not publicly regulated;

I. Such other unusual or unanticipated uses as the county board determines appropriate and worthy of consideration. (Ord. 06-05-002, 6-21-2005)

#### **10-10A-2: RESTRICTIONS:**

The following additional restrictions apply to buildings and structures permitted herein by special exception, and/or where permitted as a principal or special use in a particular district:

A. Institutional buildings may not occupy over fifty percent (50%) of the gross area of the lot or property and will not have any materially deleterious effect on, nor depreciate, the value of surrounding property. Any new or relocated medical clinics or institutional buildings shall be set back an additional two feet (2') for each foot of building height, up to the maximum height limit otherwise permitted in the district, from the minimum yard setbacks applicable in the district in which the institutional building is being located or relocated.

B. Public, semipublic service or institutional buildings or schools when permitted in a district as a principal use, special use or special exception, may be erected to a height not to exceed sixty feet (60'). Churches and temples may not exceed seventy five feet (75') in height. Any new or relocated buildings referred to in this subsection shall be setback from each yard at least one foot (1') additional for each one foot (1') of building height above the maximum height limit otherwise permitted in the district in which the new or relocated building is located.

C. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, telecommunications towers or necessary mechanical appurtenances may be erected to any lawful and safe height.

D. Except as specifically provided in this section, district use and bulk regulations, and any performance standards applicable to the district in which the new or relocated building is located, shall apply to any such uses. (Ord. 06-05-002, 6-21-2005)

#### **10-10A-3: PROCEDURES:**

An applicant requesting a special exception shall fill out such application as is required by the zoning administrator in the "County Development Manual". The county zoning administrator shall thereupon submit the matter to the county board. The county board shall submit the matter to the Zoning Hearing Officer with instructions to hold a hearing at the earliest opportunity after notices to all parties entitled to notice have been sent. The Zoning Hearing Officer will hold a hearing in the same manner as if the request had been for a special use. (Ord. 06-05-002, 6-21-2005)

#### **10-10A-4: REPORT:**

The Zoning Hearing Officer shall report to the county board in writing within sixty (60) days after the hearing with its recommendations regarding whether to allow or reject the application for special exception. The county board may adopt, reject or modify the recommendations of the Zoning Hearing Officer and shall thereafter return the matter to the zoning administrator with instructions regarding the issuance or denial of the permit. (Ord. 06-05-002, 6-21-2005)

## ARTICLE B. VARIATIONS

### SECTION:

#### 10-10B-1: Application

#### 10-10B-2: Conditions And Restrictions

#### 10-10B-3: Procedures

#### **10-10B-1: APPLICATION:**

When a property owner shows that a strict application of the terms of this title relating to bulk regulations imposes upon him practical difficulties or particular hardship, then the Zoning Hearing Officer may in the following instances only, make such variation of the strict application of the terms of this title as are in harmony with its general purpose and intent when the Zoning Hearing Officer is satisfied, based upon the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variation:

A. To permit the extension of a district where the boundary line of a district divided a lot in single ownership as shown of record;

B. To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value, by fire or act of God, or the public enemy, where the Zoning Hearing Officer shall find some compelling public necessity requiring a continuance of the nonconforming use, but in no case shall a permit be issued if its primary function is to continue a monopoly.

C. To create a variation by reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographical conditions, when the strict application of any provisions of this title would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property; provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purposes and intent of the comprehensive plan as established by the regulations and provisions contained in this title.

D. To waive the parking requirements in the business or industrial districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

E. To permit a building to be erected, reconstructed altered or enlarged so that the building lines will extend beyond the distance specified in this title into side yards, or into front yards; provided, that such variation may not be granted:

1. Unless there is a building in the block which extends beyond the distance from the front street line specified in this title, in which case the building line may be permitted to extend as near to the front street line as such nonconforming building; or

2. Unless the lot is irregular in shape, topography or size; or

3. Unless the street line of the lot is irregular in shape, topography or size. (Ord. 06-05-002, 6-21-2005)

#### **10-10B-2: CONDITIONS AND RESTRICTIONS:**

The Zoning Hearing Officer may impose such conditions and restrictions upon the use of the premises benefited by a variation as it may deem necessary. (Ord. 06-05-002, 6-21-2005)

#### **10-10B-3: PROCEDURES:**

An applicant for a variation shall file a petition for a variation on such forms and shall pay such fees as are set out in the "County Development Manual", and shall specifically describe the circumstances constituting the practical difficulty or hardship. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE C. NONCONFORMING BUILDINGS AND USES**

### **SECTION:**

#### **10-10C-1: Continuance Of Use**

#### **10-10C-2: Discontinuance Of Use**

#### **10-10C-3: Change Of Nonconforming Building Use**

#### **10-10C-4: Termination And Removal Of Nonconforming Buildings, Structures And Uses In Residential Districts**

#### **10-10C-5: Amortization And Discontinuance Of Adult Entertainment Establishment Use**

#### **10-10C-6: Repairs And Alterations**

#### **10-10C-7: Additions And Enlargements**

#### **10-10C-8: Exempted Buildings, Structures Or Uses**

#### **10-10C-1: CONTINUANCE OF USE:**

Any lawfully established use of a building, structure, sign or lot, at the effective date hereof, or of amendments hereto, that does not conform to these regulations for the district in which it is located shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein. Any legal nonconforming building, structure, sign or lot may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein. Any building or structure for which a permit has been lawfully granted prior to the effective date hereof, or of amendments hereto, can be completed in accordance with the

approved plans; provided construction is started within six (6) months and diligently pursued to completion. Such building or structure shall thereafter be deemed a lawfully established building or structure. (Ord. 06-05-002, 6-21-2005)

**10-10C-2: DISCONTINUANCE OF USE:**

Whenever any part of a building, structure or property occupied by a nonconforming use is changed to or replaced by a use subject to the provisions of this title such premises shall not thereafter be used or occupied by a nonconforming use, even though the building, structure, or any part thereof, may have been originally designed for the prior nonconforming use. Whenever a nonconforming use of a building or structure, or part thereof, has been discontinued for a period of twelve (12) consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not after being discontinued or abandoned, be reestablished and the use of the premises thereafter shall be in conformity with the regulations of the applicable district. Where a structure or a nonenclosed building is involved, discontinuance of a nonconforming use shall constitute an abandonment, and such structure or nonenclosed building shall not thereafter be used in a nonconforming manner. A nonconforming use not authorized by this title prior to the adoption hereof, shall be discontinued and not reestablished, unless such use is a permitted use in the district in which it is located after the adoption hereof. (Ord. 06-05-002, 6-21-2005)

**10-10C-3: CHANGE OF NONCONFORMING BUILDING USE:**

The nonconforming use of any building, structure, or part thereof, which is designed or intended for a use not permitted in the district in which it is located, may be changed to another nonconforming use thereof but only if such other use is permitted pursuant to a special use permit currently in effect. (Ord. 06-05-002, 6-21-2005)

**10-10C-4: TERMINATION AND REMOVAL OF NONCONFORMING BUILDINGS, STRUCTURES AND USES IN RESIDENTIAL DISTRICTS:**

The period of time during which the following nonconforming uses may continue or remain in residential districts shall be limited to two (2) years from the effective date hereof, or of any amendment hereto, which caused the use to become nonconforming:

A. Any nonconforming use of a building or structure having an assessed valuation of less than five hundred dollars (\$500.00) on the effective date hereof;

B. All nonconforming signs;

C. Any nonconforming use of property where no enclosed building is involved or where the only buildings thereon are accessory or incidental to such use, or where such use is maintained in connection with a conforming building.

Every such nonconforming use shall be completely removed from the premises at the expiration of the two (2) year period. (Ord. 06-05-002, 6-21-2005)

**10-10C-5: AMORTIZATION AND DISCONTINUANCE OF ADULT ENTERTAINMENT ESTABLISHMENT USE:**

Any nonconforming building, structure, lot or use which existed lawfully at the time of the adoption of ordinance 09-00-023 in any district pertaining to adult entertainment



establishment uses which became nonconforming upon said adoption may be continued as provided herein.

A. Upon written notice from the zoning administrator to the recorded owners or occupants, that any building, structure, lot or regulated use is nonconforming under the zoning classification of permitted uses, or previously granted special use permits, under this title, the owner, occupants or persons with interests therein shall have six (6) months from the date of the notice to discontinue any nonconforming use.

B. Owners, occupants or other persons with an interest in any such nonconforming building, structure or lot containing adult entertainment establishments experiencing an undue hardship due to the six (6) month amortization period may request a longer amortization period by filing a petition on forms provided by the zoning administrator and paying the fees set out in the "County Development Manual" requesting a longer amortization period. The filing of the petition shall not extend the six (6) month amortization period. Such period may only be extended by a majority vote of the county board after a hearing before the Zoning Hearing Officer in the same manner and with the same requirements as if said petition was a petition for a variation. (Ord. 06-05-002, 6-21-2005)

#### **10-10C-6: REPAIRS AND ALTERATIONS:**

So long as a nonconforming building or structure is used, or is eligible for use, normal maintenance of such building or structure is permitted including necessary nonstructural repairs, replacement of roofing materials, veneering of existing outer walls and incidental alterations which do not extend or intensify the nonconforming use. No structural alteration shall be made to a building or other structure containing a nonconforming use, except in the following instances:

A. When the alteration is required by law;

B. When the alteration will result in the elimination of the nonconforming use;

C. When a building containing residential nonconforming uses, other than single-family dwellings, may be altered in such a way to improve livability, provided no structural alteration shall be undertaken which would increase the number of dwellings or the bulk of the building. (Ord. 06-05-002, 6-21-2005)

#### **10-10C-7: ADDITIONS AND ENLARGEMENTS:**

A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located. No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use. No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the lot as it existed at the effective date hereof, or to displace any conforming use in the same building or on the same lot. A building, structure or sign which is nonconforming with respect to yards, maximum lot coverage, height or any other bulk regulation shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations applicable to the

district in which it is located, unless such building or structure is exempt under section [10-10C-8](#) of this article. (Ord. 06-05-002, 6-21-2005)

**10-10C-8: EXEMPTED BUILDINGS, STRUCTURES OR USES:**

When a lawfully existing building or other structure otherwise conforms to the use regulations of this zoning ordinance, but is nonconforming only in the particular manner hereinafter specified, the building and use shall be exempt from the requirements of sections [10-10C-4](#) and [10-10C-5](#) of this article.

A. In any R district, where a dwelling is nonconforming only as to the number of dwelling units it contains provided no such building shall be altered in any way as to increase the number of dwelling units therein.

B. In any R district, where a use permitted in the C-1 district occupies ground floor space within a multi-family dwelling located on a corner lot.

C. Any single-family dwelling which became nonconforming on the effective date hereof and is nonconforming only as to total lot area, front, side or rear yard requirements, may be remodeled, extended or structurally altered, if in the opinion of the zoning administrator such alteration will not adversely affect the health, safety, value or general welfare of adjoining or neighboring lots.

D. In any C or I district, where the use is less distant from an R district than that specified in the setback regulation for the district in which it is located.

E. In any district where an established building, structure or use is nonconforming with respect to the standards prescribed in this zoning ordinance for any of the following:

1. Yards - front, side or rear.
2. Off street parking or loading.
3. Gross floor area.

F. In any AG-1 district where an established nonfarm dwelling was located on or before the effective date hereof, it shall be deemed a legal use.

G. A lot which was established in an agricultural district by recorded deed or subdivision plat, or was otherwise legally established on or before the adoption hereof may be used for single-family residential purposes provided that the yard requirements of the R-1 district are complied with.

## **CHAPTER 11**

### **PARKING AND LOADING**

**SECTION:**

**[10-11-1](#): Requirements**

**[10-11-2](#): Additional Parking Regulations**

**[10-11-3](#): Location Of Accessory Parking**

#### **10-11-4: Off Street Parking And Loading Requirements**

##### **10-11-1: REQUIREMENTS:**

General parking and loading requirements are set out in this section and shall control except to the extent inconsistent with this chapter. To the extent a particular use is not described in this section, the zoning administrator may make a determination as to the required parking, off street parking or loading by referring to the SIC codes on file in the county planning office and incorporated herein by reference, and applying the parking requirements applicable to similar uses under the same SIC code.

A. Parking Standards: These parking standards supplement the text requirements of this chapter. The requirements set out herein are cumulative and not in the alternative.

<b>Use Type</b>	<b>Use</b>	<b>Parking Space Required</b>
<b>Use Type</b>	<b>Use</b>	<b>Parking Space Required</b>
Commercial and office uses	Automobile and trailer sales	1 space per 600 square feet of gross floor area
	Automobile laundry	30 stacking spaces per wash rack; 1 space per employee
	Automobile service stations	1 space per employee; 2 spaces per service bay
	Bowling alleys	4 spaces per alley; additional spaces as required for ancillary uses
	Food service establishments	1 space per 200 square feet of gross floor area
	Funeral homes	10 spaces for each chapel or parlor; 1 space per funeral vehicle on site
	Furniture or appliance stores, household equipment or furniture repair shops	1 space per 600 square feet of gross floor area
	Manufacturing, assembly, production, processing, cleaning, servicing, testing or repair of materials, goods or products	1 space for each 2 employees; 1 space for each vehicle used in the business; 1 space per 1,000 square feet of gross floor area for guest parking
	Office and professional office	1 space per 100 square feet of gross floor area
	Retail stores and banks	1 space per 200 square feet of gross floor area; 10 stacking spaces per teller or drive-in window at banks or other drive-ins
	Theaters, indoor	1 space for each 3 seats
	Wholesale (excluding warehousing and storage)	1 space per 600 square feet of gross floor area in excess of 4,000 square feet

Community services uses	Church, school, college and other institutional auditoriums	1 space for each 3 auditorium seats; adequate bus parking; loading and unloading facilities on site
	Colleges, universities and business, professional and trade schools	1 space per employee; 1 space per 4 students (based on maximum number of students attending classes at any one time during any 24 hour period)
	Hospitals	1 space for each 2 hospital beds; 1 space per employee; 1 space for each staff doctor
	Libraries, art galleries, museums	1 space per 1,000 square feet of gross floor area
	Medical clinics and healthcare facilities	1 space per employee or doctor; 1 space per 200 square feet of gross floor area
	Public or private community centers or recreational buildings	1 space per each 2 employees; adequate spaces to serve the public as determined by the zoning administrator
	Public utility and public service uses	1 space per employee; adequate spaces to serve the public as determined by the zoning administrator
Discretionary parking standards	For the following uses spaces shall be determined by the zoning administrator taking into consideration the needs of the public, the number of employees and visitors and any other persons residing on the property. Any decision of the zoning administrator can be appealed in the manner provided in subsection 10-2B-2B of this title:	
	Adult entertainment establishment	
	Airports, aircraft landing areas, heliports	
	Convents and monasteries	
	Crematories and mausoleum	
	Fraternal or religious institutions	
	Outdoor amusements establishments	
	Outdoor amusements establishments, fairgrounds, carnivals, kiddie parks, and other such uses, temporary or permanent	
	Penal or correctional institutions	
	Public swimming pools	
	Rectories or parish houses	
Miscellaneous uses	Fraternities, sororities and dormitories	1 space per employee; 1 space for each 3 residents
	Institutional buildings	1 space per employee; 1 space per doctor or other professional; 1 space for each 4 beds
	Nursing homes	1 space per employee; 1 space for each staff doctor; 1 space for each 4 beds

	Private clubs and lodges (nonresidential)	Spaces equal to 25 percent of the capacity in persons
	Theaters, drive-in	Reservoir spaces equal to 10 percent of the automobile capacity of the facility
Places of assembly	Stadiums, arenas, auditoriums (other than church, college or institutional schools), dance halls, exhibition halls, skating rinks, convention halls and other similar places of assembly	Spaces equal to 20 percent of the capacity in persons
Residential uses	Club or lodge, private	1 space per dwelling/unit; 1 space per employee
	Hotel or boarding house	1 space per dwelling/unit; 1 space for staff
	One- and two-family dwellings	2 spaces per dwelling/unit
Schools, public or private	Auditoriums, gymnasiums and similar uses	Spaces equal to 20 percent of the capacity in persons
	Elementary or junior high school	1 space per employee; 1 space for each 10 students (based upon 30 students per classroom); 1 space for each motor vehicle used in the conduct of the school
	High schools	1 space per employee; 1 space for each 5 students; 1 space for each motor vehicle used in the conduct of the school
	Nursery school	1 space per employee; 3 spaces for visitors; 1 space for each motor vehicle used in the conduct of the school

B. Loading Requirements: These loading standards supplement the text requirements of this chapter. The requirements set out herein are cumulative and not in the alternative.

Use	Gross Floor Area In Square Feet	Required Number/Minimum Horizontal Dimensions Of Berths
Use	Gross Floor Area In Square Feet	Required Number/Minimum Horizontal Dimensions Of Berths
Auditoriums, convention halls, exhibition halls, sports arenas, stadiums	10,000 to 20,000 20,000 to 100,000	1 - 12' x 30' 1 - 12' x 60'
Banks and offices, business, professional and governmental	10,000 to 100,000	1 - 12' x 30' 1 additional 12' x 30'

	For each additional 100,000 or fraction thereof, to 500,000 For each additional 500,000 or fraction thereof	1 additional 12'x 30'
Bowling alleys	For each additional 100,000 or fraction thereof	1 additional 12' x 60'
Establishments engaged in production, processing, cleaning, servicing, or repair of materials, goods or products	5,000 to 10,000 10,000 to 40,000 40,000 to 100,000	1 - 12' x 30' 1 - 12' x 60' 2 - 12' x 60'
Food service establishments	10,000 to 25,000 25,000 to 40,000	2 - 12' x 30' 2 - 12' x 60'
Hospitals, nursing homes and other institutional uses	10,000 to 200,000	1 - 12' x 30'
Hotels, clubs and lodges (in addition to requirements below)	For each additional 200,000 or fraction thereof	1 additional 12' x 30'
Hotels, clubs and lodges, when containing any of the following: retail shops, convention halls, business or professional offices (other than accessory auditoriums or exhibition halls)	10,000 to 20,000 20,000 to 150,000 For each additional 150,000 or fraction thereof	1 - 12' x 30' 1 - 12' x 60' 1 additional 12' x 60'
Motor vehicle and machinery sales	40,000 to 100,000	3 - 12' x 60'
Retail stores	5,000 to 10,000	1 - 12' x 30'
Theaters	8,000 to 25,000 For each additional 50,000 or fraction thereof	1 - 12' x 30' 1 additional 12' x 30'
Warehouse and storage buildings	For each additional 100,000 or fraction thereof	1 additional 12' x 60'
Wholesale establishments (but not including warehouse and storage buildings other than accessory)	For each additional 200,000 or fraction thereof	1 additional 12' x 60'

### C. Off Street Parking Design Requirements:

1. Screening: Five feet (5') minimum height (see chapter 13 of this title).

2. Lighting: Directed inward (see section [10-15-1](#) of this title).

3. Surface: All weather (see definition of Parking Space).

4. Landscaping: Landscaping shall be provided within all open parking lots containing twenty (20) or more parking spaces. Parking lot plantings should divide spaces, create shade and reduce glare and heat from pavement surfaces.

5. Each parking row, regardless of length, begins and ends with a landscape island constructed with barrier curbs. Landscape islands shall maintain a thirty inch (30") clear area measured from face of curb to vehicular overhang. Clear area may be sodded or be a permanent surface carriage walk. (Ord. 06-05-002, 6-21-2005)

#### 10-11-2: ADDITIONAL PARKING REGULATIONS:

A. Use Of Parking Facilities: Off street parking facilities accessory to residential use and existing in any residential district shall be used solely for the parking of passenger automobiles and not more than one light duty truck used by occupants of the dwellings to which such parking facilities are accessory. Under no circumstances shall required parking facilities accessory to residential dwellings be used for the storage of commercial motor vehicles or for the parking of motor vehicles belonging to the employees, owners, tenants, visitors or customers of office, commercial or industrial establishments.

B. Joint Parking Facilities: Off street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces located together shall not be less than the sum of the separate requirements for each use.

C. Computation: When the required number of off street parking spaces results in a fractional space, any fraction of less than one-half ( $\frac{1}{2}$ ) shall be disregarded while a fraction in excess of one-half ( $\frac{1}{2}$ ) shall be counted as one parking space.

D. Open And Enclosed Parking Spaces: Accessory parking spaces may be open to the sky or enclosed in a building or structure. Accessory parking spaces located in a residential district other than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a special use.

E. Surfacing: All open off street parking areas shall be improved in accordance with the provisions of title 11 of this code. (Ord. 06-05-002, 6-21-2005)

#### 10-11-3: LOCATION OF ACCESSORY PARKING:

The location of off street parking spaces in relation to the use served shall be regulated as follows. All distances specified are walking distances as measured between such parking spaces and the main entrance to the use served along public sidewalks or roadways.

A. For Uses In A Residential District: Parking spaces accessory to dwellings shall be located on the same lot as the use served.

B. For Uses In Office, Commercial And Industrial Districts: All required parking spaces shall be within one thousand feet (1,000') of the use served, except for spaces accessory



to dwelling units (except those located in a hotel or boarding house, which shall be within 300 feet of the use served). No parking spaces accessory to a use in an office, commercial or industrial district shall be located in a residential district, except that private, free off street parking accessory to such uses may be allowed by temporary or special use permit in any residential district within two hundred feet (200') of and adjacent to any office, commercial or industrial use. (Ord. 06-05-002, 6-21-2005)

#### 10-11-4: OFF STREET PARKING AND LOADING REQUIREMENTS:

A. Scope Of Regulations: The off street parking and loading provisions shall apply as follows:

1. For all buildings and structures erected and all uses of property established after the effective date hereof, accessory parking and loading facilities shall be provided as required herein or in section [10-11-1](#) of this chapter.

2. When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity (18 inches per seat), or other units of measurement specified herein, additional parking or loading facilities as required herein shall be provided for such increase in intensity of use.

3. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use.

4. If the building or structure was constructed, or the use was in effect, prior to the effective date hereof, additional parking or loading facilities required under sections [10-11-2](#) and [10-11-3](#) of this chapter shall only be required to the extent that such additional requirements exceed fifteen percent (15%) of the parking and loading requirements in effect as of the effective date hereof.

B. Existing Parking And Loading Facilities: Accessory off street parking or loading facilities which are located on the same lot as the building or use served, and which were in existence on the effective date hereof, or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this zoning ordinance for a similar new building or use.

C. Permissive Parking And Loading Facilities: The voluntary establishment of off street parking or loading facilities to serve any existing use of property or buildings is encouraged, provided that all regulations set out in this title or title 11 of this code governing the location, design, improvement and operation of such facilities are adhered to.

D. Damage And Destruction: For any conforming or legally nonconforming building or use which is in existence on the effective date hereof, which subsequent hereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. In no case, however, shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this title for equivalent new construction or a new use.

E. Control Of Off Site Parking Facilities: When required parking facilities are provided on property other than the lot on which the building or use served by such facilities is located, they shall be and remain in the same ownership or possession as the lot occupied by the building or use to which the parking facilities are accessory. No such off site parking facilities shall be authorized and no occupancy permit shall be issued for any building or structural alteration where the plans call for parking other than on the same lot until and unless the Zoning Hearing Officer has reviewed the plans, held a hearing and has made findings that the common ownership or possession of the lot, and that the site of the parking facilities, are reasonably certain to continue, and that the off site parking facilities will be maintained, at all times during the life of the proposed building or use.

F. Submission Of Sketch Plan: Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a sketch plan (drawn to scale and fully dimensioned) depicting any parking or loading facilities provided in compliance with this title and title 11 of this code. Any such sketch plan shall indicate access to the area and traffic patterns in the adjoining roadways and alleys. (Ord. 06-05-002, 6-21-2005)

## **CHAPTER 12**

### **SIGNS**

#### **SECTION:**

#### **10-12-1: Purpose**

#### **10-12-2: Sign Permits**

#### **10-12-3: Permit Application Procedure**

#### **10-12-4: Permit Granting, Issuance And Revocation**

#### **10-12-5: Enforcement**

#### **10-12-6: Signs Prohibited**

#### **10-12-7: Nonconforming Existing Signs**

#### **10-12-8: Area Of Sign**

#### **10-12-9: Height Of Sign**

#### **10-12-10: Signs Permitted In Areas Zoned For Agricultural Use For On Premises Use**

#### **10-12-11: Signs Permitted In Areas Zoned For Residential Use**

#### **10-12-12: Signs Permitted In Areas Zoned For Commercial And Industrial Use**

#### **10-12-1: PURPOSE:**

The purpose of this chapter is to establish standards for the use of signage for all properties within the county. It is recognized that on premises signs and off premises signs, serve a vital communicative function by allowing residents and visitors alike to readily ascertain the availability and location of facilities that serve their needs. See subsection 10-1-4B of this title for definitions of terms used in this chapter. (Ord. 06-05-002, 6-21-2005)

#### **10-12-2: SIGN PERMITS:**

A. Except as otherwise provided in subsection B of this section, it shall be unlawful for any person to construct, enlarge, change the character of or move any sign in the county, or cause the same to be done, without first obtaining a sign permit from the zoning administrator in the manner set out in section [10-2A-2](#) of this title. A permit shall not be required to repaint, clean, repair or perform normal maintenance of the sign or sign structure.

B. The following signs are allowed without the need for a sign permit. These signs shall comply with all other requirements of this chapter.

1. Address numerals and identification signs not exceeding four (4) square feet in area placed on the wall or fascia of a building (wall sign), on a window (window sign) or on a canopy or marquee (canopy sign/marquee sign).

2. Legal notices, directional signs and other signs established, or ordered, by any governmental agency.

3. Memorial signs and tablets displayed in cemeteries.

4. Real estate signs, auction signs or other such temporary signs.

5. On premises directional signs in areas zoned for commercial or industrial use if eight (8) square feet or less.

6. Political signs, banners and flags of government, religious, fraternal or civic organizations.

7. Interior signs. (Ord. 06-05-002, 6-21-2005)

#### **10-12-3: PERMIT APPLICATION PROCEDURE:**

Each initial application for a sign permit shall be filed with the zoning administrator on such forms and for such fees as are published in the "County Development Manual" from time to time, prior to installation of a sign or modification of an existing sign face or sign structure. (Ord. 06-05-002, 6-21-2005)

#### **10-12-4: PERMIT GRANTING, ISSUANCE AND REVOCATION:**

A. All sign permit applications shall be reviewed by the zoning administrator, who shall deny or grant such applications. Upon granting, the zoning administrator shall issue the sign permit.

B. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

C. Any sign permit issued by the zoning administrator shall be null and void and automatically revoked in the event that construction, installation or manufacture of the sign has not been commenced within one hundred eighty (180) days from the date of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of ninety (90) days any time after the work is commenced, the original permit shall become null and void. Thereafter, a new permit shall be obtained to complete the work, and a new permit fee shall be required.

D. Revocation shall not give cause to a right of total or partial reimbursement of permit fees paid.

E. Appeals may be taken from any determination of the zoning administrator pursuant to subsections 10-2B-2A and B of this title. (Ord. 06-05-002, 6-21-2005)

**10-12-5: ENFORCEMENT:**

A. Upon written notice to the sign owner, if known, or the owner of the lot upon which the sign is located or affixed, the zoning administrator shall have the authority to order the repair or removal of any sign which is defective, which is an illegal nonconforming sign, or which has been erected, installed, constructed, modified or maintained in violation of this chapter so as to constitute a nuisance or be dangerous to the public health and safety. In the event the person so notified should fail to comply with such an order within thirty (30) days of the date of such notice, that person will be subject to the penalties set out in subsections 10-2A-5A and/or B of this title.

B. The zoning administrator shall cause to be removed any sign that endangers the public health or safety, extends or projects into any public thoroughfare or right of way within the county, abandoned sign, dangerous or materially defective sign, or signs for which no permit has been issued. In the event of removal of a sign by the county, the owner of the sign or building or lot upon which the sign is located may be charged for the cost of removing such sign. Removal of a sign shall only take place after at least a five (5) day written notice stating the reasons for said violation or removal. Said notice shall state that if the sign is not removed or the violation is not corrected within said five (5) day or other notice period, the sign shall be removed in accordance with the provisions of this subsection. All notices mailed by the zoning administrator shall be mailed to the owner of the lot on which the sign is located, to the owner of the sign and to the occupant of the lot, if any, if the identity and whereabouts of such persons can be determined. Otherwise, notice shall be mailed to such persons at the last known address and posted on the sign, on the building, on the lot or published in a newspaper of general circulation in the county. (Ord. 06-05-002, 6-21-2005)

**10-12-6: SIGNS PROHIBITED:**

A. No sign other than an official traffic sign or similar sign shall be erected within the lines of any right of way, roadway or street or overhead the lines of any street or right of way unless specifically authorized by other ordinances or regulations of the county or by specific authorization of the county board.

B. No sign nor sign structure shall be erected at the intersection of any street or roadway in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of, or be confused with, any authorized traffic sign, signal or device.

C. Portable signs.

D. Roof signs, mansard signs unless they do not extend above the roofline of the roof.

E. No sign shall be attached to or painted on natural objects such as trees or rocks.

F. No persons shall park any motor vehicle on a right of way or on private properties, so as to be seen from a right of way, which has attached thereto or located thereon any sign for the purpose of providing advertisement of products or devices or directing people to a business activity located on the lot or off the lot. Licensed business vehicles containing typical business signage, actively used on a daily basis for business purposes, are exempt from this prohibition.

G. No person shall erect, construct, or maintain any sign upon any lot or building without the express consent of the owner or person entitled to possession of the lot or building or their authorized representative. (Ord. 06-05-002, 6-21-2005)

#### **10-12-7: NONCONFORMING EXISTING SIGNS:**

A. Existing signs lawfully in existence on the effective date of this title, which do not conform to the provisions of this chapter shall be designated as nonconforming signs. A nonconforming sign shall not be altered or moved unless it is made to comply with the provisions of this chapter.

B. A nonconforming sign shall lose its nonconforming use status if the sign is relocated or replaced or the structure or size of the sign is altered in any way except in compliance with these standards.

C. A nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance and repair. If the sign suffers more than fifty percent (50%) appraised damage or deterioration, it must be brought into conformance with this section or removed. (Ord. 06-05-002, 6-21-2005)

#### **10-12-8: AREA OF SIGN:**

A. In the case of a sign placed within a frame, a marquee sign, projecting sign or other structure, sign area consists of the entire surface area of the sign on which copy could be placed. The structure or bracing of a sign, including the supports of monument signs not used for copy, shall not be counted as a part of the sign's message. Where a freestanding sign has two (2) or more display faces, the total area of all of the display faces which can be viewed from any single location shall be considered the sign face area.

B. In the case of a sign whose message is fabricated (such as an awning sign or canopy sign) together with the background which borders or frames that message, sign face area shall be the total area of the entire background.

C. In the case of a sign whose message is applied to a background, which provides no border or frame (such as individual letters to a building facade or awning), sign face area shall be the smallest area enclosed in a single rectangle.

D. The following illustration demonstrates how sign face area is measured. (Ord. 06-05-002, 6-21-2005)

#### **10-12-9: HEIGHT OF SIGN:**

A. The overall height of a freestanding sign is measured from the top of the sign to the level of the roadway that the sign is intended to be viewed from.

B. No freestanding sign shall exceed fifty feet (50') in overall height nor exceed one and one-half ( $1\frac{1}{2}$ ) times the maximum height of a structure permitted in the district, or the height of any building on the lot, whichever is less. (Ord. 06-05-002, 6-21-2005)

#### 10-12-10: SIGNS PERMITTED IN AREAS ZONED FOR AGRICULTURAL USE FOR ON PREMISES USE:

A. Agricultural signs not exceeding thirty two (32) square feet are not regulated by this title.

B. Agricultural freestanding signs shall not exceed sixty four (64) square feet nor fifteen feet (15') in overall height. (Ord. 06-05-002, 6-21-2005)

#### 10-12-11: SIGNS PERMITTED IN AREAS ZONED FOR RESIDENTIAL USE:

A. For one-family, two-family, three-family or four-family dwellings:

1. Wall signs not exceeding four (4) square feet are not regulated by this title;
2. Wall signs are not allowed to exceed eight (8) square feet;
3. Freestanding signs are not allowed to exceed sixteen (16) square feet nor five feet (5') in overall height.

B. For multi-family dwellings of five (5) or more units:

1. Wall signs not exceeding four (4) square feet are not regulated by this title;
2. Wall signs are not allowed to exceed forty (40) square feet;
3. Freestanding signs are not allowed to exceed thirty two (32) square feet nor eight feet (8') in overall height.

C. For institutional use, group developments or subdivisions:

1. Wall signs not exceeding four (4) square feet are not regulated by this title;
2. Wall signs are not allowed to exceed sixty (60) square feet;
3. Freestanding signs are not allowed to exceed sixty four (64) square feet nor twelve feet (12') in overall height. (Ord. 06-05-002, 6-21-2005)

#### 10-12-12: SIGNS PERMITTED IN AREAS ZONED FOR COMMERCIAL AND INDUSTRIAL USE:

A. Wall signs not exceeding four (4) square feet are not regulated by this title.

B. Freestanding signs shall not exceed three hundred (300) square feet nor fifty feet (50') in overall height. (Ord. 06-05-002, 6-21-2005)

## **CHAPTER 13 LANDSCAPING**

### **SECTION:**

#### **10-13-1: Purpose**

## **10-13-2: Development Standards**

### **10-13-1: PURPOSE:**

The purpose of this chapter is to establish standards for the use of landscaping for properties located in the county which are undergoing development, to promote a functional and attractive development, to minimize adverse impacts from adjoining properties and to ensure that properties are developed in accordance with plans previously approved by the county board or other county authority. (Ord. 06-05-002, 6-21-2005)

### **10-13-2: DEVELOPMENT STANDARDS:**

The following landscaping standards shall apply to all development requiring a building permit, plan approval or other type of permit under this title or title 11 of this code:

#### **A. Preserve Existing Natural Elements:**

1. Each development application, or building permit application shall be accompanied by a preliminary analysis of the lot or property describing: topography, existing vegetation, existing buildings or other structures, adjoining roadways, public or private, visual features and a description of the property's current use.

2. Development plans shall minimize impact on existing natural features, and where possible incorporate such natural features into the plan.

3. Construction activities, where possible, shall be restricted to those portions of the site, which shall be identified and staked, and that do not disrupt natural features and the drip lines of mature trees.

4. No development shall occur in "wetlands" and/or SFHAs as defined in title 11 of this code unless the provisions of said title are complied with. Such areas shall remain undeveloped where possible.

5. Trees with a caliper measurement of six inches (6") or more or groves of trees shall be developed around where possible. Variations in bulk regulations and other landscaping requirements will be considered to preserve such natural features.

6. Development on steep slopes and over highly erodible soils should be discouraged, and adherence to the county greenways plan should be encouraged in the placement of pathways and the preservation of animal migratory patterns.

7. The storm water management provisions of title 11 of this code shall be applied in every development.

#### **B. Site Landscape Standard:**

1. A landscape plan for all developments, buildings or alterations requiring a building or development permit shall be required.

2. The landscape plan shall comply with all of the requirements set out in the "County Development Manual".



3. A minimum of fifteen percent (15%) of total land area of the development site shall be devoted to landscaped open space. Standards shall be relaxed on a site specific basis when dealing with sites which are already partly or completely developed. Particular standard deviation should be permitted where the developer has retained significant natural features or designed in accommodation with the county greenways plan.

C. Types Of Landscaped Areas: Plantings are ordinarily required in four (4) distinct areas of a lot or property. These areas are: interior parkways; buffer yard areas; parking lots; site interiors. Parking lot landscaping is addressed in section [10-11-1](#) of this title. The standards set out herein may be relaxed where appropriate, or duplicative of requirements specified elsewhere.

1. Interior parkway plantings are required of new developments in order to screen vehicles visible to public roadways and to enhance the rural character of the county along roadway corridors. In single-family residential districts the type and density of interior parkway plantings shall be in keeping with the surrounding environment of the development.

a. In mixed and multiple-family residential districts there shall be:

(1) A minimum of twenty feet (20'), or seventy five percent (75%) of any applicable yard requirement, whichever is less, interior parkway provided adjacent to all public roadways;

(2) Shade trees spaced at not less than one tree every forty (40) linear feet of frontage, excluding driveways, parallel to and within the right of way, interior parkway or within the first five feet (5') of the front lot line;

(3) Surface areas of interior parkways shall be planted with sod, natural grasses or ground cover;

(4) Parking lot shielding as included in chapter 14, "Fencing", of this title.

b. In office/commercial districts there shall be:

(1) A minimum of ten feet (10'), or seventy five percent (75%) of any applicable yard requirement, whichever is less, interior parkway provided adjacent to all public roadways;

(2) Shade trees shall be spaced at not less than one tree every forty (40) linear feet of frontage, excluding driveways, parallel to and within the right of way, interior parkway, or within the first five feet (5') of the front lot line;

(3) Surface areas of interior parkways shall be planted with sod;

(4) Open automobile parking areas (4 automobiles or more) visible from the public roadway shall be effectively shielded as follows:

(A) One 8-foot ornamental or evergreen tree for each thirty feet (30') of parkway frontage;

(B) Acoustical shielding at least three feet (3') in height along the entire frontage of the parking area except that driveway openings shall remain visually unimpaired.

c. In industrial districts and for institutional uses there shall be:

(1) A minimum of fifty feet (50') wide interior parkway adjacent to all public roadways;

(2) Shade trees shall be spaced at not less than one tree for every forty (40) linear feet of frontage, excluding driveways, parallel to and within the right of way, interior parkway, or within the first five feet (5') of the front lot line;

(3) Surface areas of interior parkways shall be planted with sod;

(4) Open automobile parking areas (6 automobiles or more) visible from the public roadway shall be effectively shielded as follows:

(A) One 8-foot ornamental or evergreen tree for each thirty feet (30') of parkway frontage;

(B) Acoustical shielding at least three feet (3') in height along the entire frontage of the parking area, except that driveway opening shall remain visually unimpaired.

d. In all districts to shield open storage and service and utility areas from visibility from public roadways there shall be:

(1) Acoustical shielding in such quantities and heights to completely eliminate the visual presence of such facilities.

2. Buffer yards are required between land uses to create a sense of privacy and security. Buffers may be constructed of one or a variety of types of acoustical shielding and plantings appropriate to the environment the shielding is meant to protect. In single-family residential districts the type and density of buffer yards shall be in keeping with the surrounding environment of the development. When reference is made to landscaping along an entire buffer yard, interior parkways, rights of way, crossover accesses, driveways, utility easements and other special circumstances are excluded.

a. In mixed and multi-family residential districts a planting strip shall be provided along the entire area of the buffer yard. The width of the strip shall be from twenty five feet (25') down to fifteen feet (15') wide depending upon the types of plantings provided. The planting strip may be bermed at a maximum slope of three to one (3:1). Twenty five percent (25%) of all plantings shall be evergreen. A minimum of thirty percent (30%) of the buffer yard shall be planted with groups or hedges of three foot (3') high shrubs. Each buffer yard shall contain at least two (2) 2-inch, and one 3-inch, caliper trees. To the extent the developer increases the number of evergreen plantings and other required plantings, the buffer yard may be reduced from twenty five feet (25') wide to a minimum of fifteen feet (15') wide as follows:

(1) Two foot (2') wide reduction for each additional three inch (3") caliper tree;

- (2) One foot (1') wide reduction for each additional two inch (2") caliper tree;
- (3) One foot (1') wide reduction for each additional ten percent (10%) of additional evergreen plantings above twenty five percent (25%);
- (4) One foot (1') wide reduction for each ten percent (10%) increase in three foot (3') high groups or hedges of shrubs above thirty percent (30%) of the buffer yard.

b. Office or commercial districts:

(1) On office, commercial or institutional lots, abutting a residential lot, a planting strip ten feet (10') down to five feet (5') wide depending upon the types of plantings, shall be provided, along the entire length of the buffer yard. Acoustical shielding, at least seventy five percent (75%) opaque, and at least six feet (6') tall, shall be installed along the entire lot line. In addition, twenty five percent (25%) of the buffer strip shall be planted with shrubs three feet (3') or higher. Twenty five percent (25%) of all plantings shall be evergreen. Each buffer yard shall contain at least two (2) 2-inch caliper trees. To the extent the developer increases the number of evergreen trees and other required plantings, the buffer yard may be reduced from ten feet (10') wide to five feet (5') wide as follows:

(A) One foot (1') wide reduction for each additional two inch (2") caliper tree or better;

(B) One foot (1') wide reduction for each additional ten percent (10%) of additional evergreen plantings above twenty five percent (25%);

(C) One foot (1') wide reduction for each ten percent (10%) in increase in three foot (3') high groups or hedges of shrubs above twenty five percent (25%) of the buffer yard.

(2) On office, commercial or institutional lots abutting office, business, institutional or industrial lots, a planting strip twenty five feet (25') down to five feet (5') wide, depending on the types of plantings, shall be provided along the entire length of the buffer yard. Acoustical shielding at least seventy five percent (75%) opaque and at least six feet (6') tall shall be installed along the entire lot line affected. In addition, ten percent (10%) of the buffer strip linear length shall be planted with shrubs at least three feet (3') high. In addition, twenty five percent (25%) of all required shrub plantings shall be evergreen. The planting strip may be bermed at a maximum slope of three to one (3:1). Each buffer yard shall contain a minimum of three (3) 2-inch caliper trees. To the extent the developer increases the number of evergreen trees and other required plantings, the buffer yard width may be reduced from twenty five feet (25') to five feet (5') as follows:

(A) One foot (1') reduction for each additional two inch (2") caliper tree or better;

(B) One foot (1') reduction for each additional ten percent (10%) of additional evergreen plantings above twenty five percent (25%);

(C) One foot (1') reduction for each ten percent (10%) in increase in three foot (3') high groups or hedges of shrubs above ten percent (10%).

c. Industrial district:

(1) On industrial property abutting residential property, a planting strip of a minimum of fifty feet (50') wide shall be provided along the entire length of the buffer yard. Acoustical shielding at least seventy five percent (75%) opaque and at least six feet (6') tall shall be installed along the entire lot line affected. In addition twenty five percent (25%) of the buffer strip linear length shall be planted with three foot (3') shrubs. Twenty five percent (25%) of all required shrubs shall be evergreen. At a minimum, six (6) 2<sup>1</sup>/<sub>2</sub>-inch caliper trees shall be planted in the buffer yard.

(2) On industrial property abutting office, commercial, or institutional property, a planting strip twenty five feet (25') down to fifteen feet (15') wide, depending on the type of plantings, shall be provided along the entire length of the buffer yard. Acoustical shielding at least seventy five percent (75%) opaque and at least six feet (6') tall shall be installed along the entire lot line affected. In addition twenty five percent (25%) of the buffer strip linear length shall be bermed to a minimum height of three feet (3') at a maximum slope of three to one (3:1). Ten percent (10%) of the buffer yard shall be planted with shrubs. Twenty five percent (25%) of all required shrubs shall be evergreen. There shall be a minimum of four (4) 2-inch caliper shade trees. Shrubs shall be a minimum of three feet (3'). To the extent the developer increases the number of evergreen trees and other required plantings, the buffer yard width may be reduced as follows:

(A) One foot (1') reduction for each additional two inch (2") caliper tree or better;

(B) One foot (1') reduction for each additional ten percent (10%) of additional evergreen plantings above twenty five percent (25%);

(C) One foot (1') reduction for each ten percent (10%) in increase in three foot (3') high berms, groups or hedges of shrubs above ten percent (10%).

(3) On industrial property abutting industrial property, a planting strip of a minimum of ten feet (10') wide shall be provided along the entire length of the buffer yard. A minimum of thirty percent (30%) of the length of the buffer yard shall be planted with shrubs or evergreens three feet (3') or greater in height. There shall be a minimum of four (4) 2-inch caliper shade or evergreen trees.

3. Site interior landscaping shall utilize plant materials, berming and other elements to screen and aesthetically enhance site and buildings through the implementation of the following standards. These standards are applicable to all uses in all districts except purely agricultural uses in agricultural districts.

a. Foundation plantings:

(1) A minimum four foot (4') wide landscape area shall be provided along fifty percent (50%) of building walls (excluding driveways, entrance areas, patios and decks) when adjacent to or facing off street parking areas or a public street.

(2) One hundred percent (100%) of this landscape area shall be planted with a mixture of ornamental and evergreen trees, shrubs or ground covers (including sod).

(3) These plantings shall emphasize the softening of large expanses of the building walls, accent building entrances and architectural features, and screen mechanical equipment adjacent to buildings.

b. Service area screening:

(1) All freestanding utility and mechanical equipment shall be screened from view through the use of acoustical shielding, or evergreen plant materials compatible with building design.

(2) Trash dumpsters and other similar waste receptacles or equipment shall be screened by acoustical shielding on three (3) sides to such a height that such refuse equipment is not visible from the public roadway.

c. Intersection visibility:

(1) Landscaping and acoustical shielding must be designed and installed to minimize potential obstruction of critical sight lines at intersections.

(2) Trees are allowed in these critical visibility areas if the lowest branching begins not less than six feet (6') above to pavement. (Ord. 06-05-002, 6-21-2005)

## CHAPTER 14 FENCING

### SECTION:

#### 10-14-1: Purpose

#### 10-14-2: Applicability

#### 10-14-3: Standards

#### **10-14-1: PURPOSE:**

The purpose of this chapter is to regulate the materials, location, height and maintenance of fencing, landscape walls (acoustical shielding), and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public. (Ord. 06-05-002, 6-21-2005)

#### **10-14-2: APPLICABILITY:**

The requirements of this chapter apply to all fencing, acoustical shielding and decorative posts equal to, or exceeding thirty inches (30") in height for all land uses and activities. (Ord. 06-05-002, 6-21-2005)

#### **10-14-3: STANDARDS:**

##### A. Fencing Materials:

##### 1. Residential Districts:

a. Acceptable materials for constructing fencing, and decorative posts include wood, plastic or polymer, stone, brick, wrought iron, wire, chainlink and wire mesh, except that wire mesh fencing is not permitted within a required front yard or any street yard. Any

fence within a street yard, including along property lines which intersect a right of way, shall be a maximum of sixty percent (60%) opaque including landscaping.

2. Nonresidential Districts:

a. Acceptable materials for constructing fencing, and decorative posts include wood, plastic or polymer, stone, brick, wrought iron, chainlink, wire and wire mesh. Barbed wire and single wire fencing shall not be permitted except in an agricultural district. Any fence within a street yard, including along property lines which intersect a right of way, shall be a maximum of sixty percent (60%) opaque except in an agricultural district.

3. Temporary fencing may include the use of wood or plastic snow fences for the purpose of limiting snow drifting between November 1 and April 1, protection of excavation, erosion control and construction sites, and the protection of plants during grading and construction is permitted for up to one hundred eighty (180) consecutive days, and no more than one hundred eighty (180) consecutive days per calendar year.

4. Snow Fences:

a. Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.

5. Acoustical Shielding Materials:

a. All districts: Landscaped berms or walls made entirely of trees or shrubs are permitted. Berms shall be grassed or covered with plantings to prevent erosion and to create a pleasing aesthetic effect.

6. Location:

a. On all properties, except in an agricultural district, no fence, acoustical shielding, nor decorative post shall be located closer than two feet (2') to the front yard or street yard property line. Fences may be located on any property line abutting a side or rear yard.

7. Maximum Height:

a. The maximum height of any fence, acoustical shielding or decorative post (except for trees and shrubs) shall be the following:

(1) Fences in excess of thirty six inches (36") tall shall not be permitted within a front yard setback;

(2) Six feet (6') when located on any residentially zoned property, but not within a required front yard setback or a required street yard setback; and

(3) Eight feet (8') when located on any nonresidentially zoned property, but not within a required front yard or a required street yard, except that security fences may exceed this height.

(4) Agricultural fencing shall be of such height as is necessary for the agricultural purpose.

8. Orientation:

a. Any and all fences, acoustical shielding or decorative posts shall be erected so as to locate visible supports and other structural components to the interior of the lot upon which they are located.

9. Maintenance:

a. Any and all fences, acoustical shielding or decorative posts shall be maintained in a structurally sound and attractive manner.

10. Parking And Driveway Areas:

a. All open motor vehicle parking areas containing more than four (4) parking spaces shall be effectively shielded on each side adjoining or fronting on any lot situated in a residential district, or on any institutional lot, by a wall, fence, or other acoustical shielding no less than five feet (5') nor more than seven feet (7') in height. Such required acoustical shielding shall conform with the front and yard setback requirements for the district in which the parking spaces are located as set out in this chapter. All driveways crossing a public street, however, shall have a clear unimpaired sight triangle inside the property measuring eight feet by eight feet (8' x 8').

11. Swimming Pools:

a. Fences for swimming pools shall be provided per the model swimming pool enclosure code established by the National Spa and Pool Institute (NSPI). (Ord. 06-05-002, 6-21-2005)

## **CHAPTER 15**

### **PERFORMANCE STANDARDS**

SECTION:

[10-15-1: Exterior Lighting](#)

[10-15-2: Vibration](#)

[10-15-3: Noise](#)

[10-15-4: Air Pollution](#)

[10-15-5: Odor](#)

[10-15-6: Electromagnetic Radiation](#)

[10-15-7: Glare And Heat](#)

[10-15-8: Fire And Explosion](#)

[10-15-9: Toxic Or Noxious Material](#)

[10-15-10: Waste Material](#)

[10-15-11: Exterior Construction Material](#)

[10-15-12: Hazardous Materials](#)



**10-15-13: Airport Hazard Controls (Approach Elevation Restrictions)**

**10-15-14: Signal Receiving Antennas (Satellite Dishes)**

**10-15-15: Wind Energy Systems**

**10-15-16: Swimming Pools**

**10-15-17: Manufactured Housing**

**10-15-18: Communication Towers**

**10-15-19: Recycling**

**10-15-20: Solar Energy Systems**

**10-15-21: Solar Energy Systems As An Accessory Use**

**10-15-1: EXTERIOR LIGHTING:**

A. Purpose: The purpose of this section is to regulate the spillover of light and glare on operators of motor vehicles, pedestrians and land uses in the vicinity of a light source in order to promote traffic safety, maintain security and increase the use of energy efficient sources. It is also the intention of this section to prevent the creation of nuisances resulting from over lighting and poorly shielded or inappropriately directed lighting fixtures.

B. Applicability: The requirements of this section apply to all private and commercial exterior lighting within the jurisdiction of this title except for lighting within public rights-of-way and/or lighting located on public property.

C. Depiction On Required Site Plan: The applicant for any permit for work involving outdoor lighting fixtures governed by this title or title 11 of this Code shall submit, as part of the site plan, evidence that the proposed work will comply with this section. Any and all exterior lighting shall be depicted as to its location, orientation and configuration. The applicant must also provide any additional information the Zoning Administrator may determine is necessary, including, but not limited to, illumination level profiles.

D. Requirements:

1. Orientation Of Fixture: In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from any property located within a residential zoning district, except as noted below:

a. The use of shielded luminaires and careful fixture placement is required so as to facilitate compliance with this requirement.

b. Use of wall pack lighting (unless shielded) is prohibited.

c. Use of bottom-up lighting for the purpose of advertising or building accent illumination is also prohibited.

E. Residential Lighting And Fixtures: Outdoor light fixtures attached to residential buildings and located below the eave and one thousand eight hundred (1,800) lumens (equivalent to a 100 watt incandescent bulb) or less are exempt from the provisions of this section. Total light for under eave illumination will not exceed four thousand seven

hundred twenty (4,720) lumens (equivalent to four 75-watt incandescent bulbs) per residence. Light fixtures greater than one thousand eight hundred (1,800) lumens are not exempt. Outdoor fixtures above the eave, or attached to buildings or poles separate from the residence are not exempt. Spot or flood lights shall be fully shielded and directed no more than forty five degrees (45°) above straight down.

F. Additional Requirements For Industrial And Commercial Lighting:

1. All outdoor lighting fixtures, including display lighting, shall be turned off after close of business, unless needed for safety or security, in which case the lighting shall conform to this section.

2. Auto/truck filling station island canopy ceiling fixtures shall be fully recessed.

G. Agricultural Lighting: Lighting required for actual agricultural pursuits is exempt from this section with the exception of security only lighting, which must conform to this section.

H. Recreational Facilities: Any light source permitted in this section may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, tennis courts, or show areas, provided all of the following conditions are met:

1. All fixtures used for the event lighting shall be fully shielded, or be designed, or provided with sharp cutoff capability, so as to minimize up light, spill light and glare.

2. All events shall be scheduled so as to complete all activity before or as near to ten thirty o'clock (10:30) P.M. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after eleven o'clock (11:00) P.M. except to conclude a scheduled event that was in progress before eleven o'clock (11:00) P.M. and unforeseen circumstances prevented concluding before eleven o'clock (11:00) P.M.

I. Holiday Lighting: Reasonable and typical holiday lighting is exempt from the provisions of this section from the day before Thanksgiving until January 15 of the following year.

J. Intensity Of Illumination: In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 foot-candle above ambient lighting conditions on a cloudless night.

K. Location: Light fixtures shall not be located within required buffer yards.

L. Flashing, Flickering And Other Distracting Lighting: Flashing, flickering and/or other lighting, which may distract motorists is prohibited.

M. Minimum Lighting Standards: All areas designated on required site plans for vehicular parking, loading or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 foot-candle.

N. Nonconforming Lighting: All lighting fixtures existing prior to the effective date of this title shall be considered as legal conforming uses, except where that lighting substantially deviates from the purpose and intent set forth in this section and is brought

to the attention of the zoning administrator by an aggravated party. In such cases poor lighting may be considered a nuisance and be subject to abatement or other relief under section [4-1-5](#) of this code.

When property with preexisting nonconforming lighting is abandoned as determined by the zoning administrator, or there is a change in the use of the property or ownership, this section will apply when the abandonment ceases or the new use or ownership commences.

O. Special Events Lighting: Any temporary use using exterior lighting which is not in complete compliance with the requirements of this section shall secure a temporary use permit. (Ord. 06-05-002, 6-21-2005)

#### **10-15-2: VIBRATION:**

A. Purpose: The purpose of this section is to regulate the creation of vibration which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

B. Applicability: The requirements of this section apply to all uses and activities which create detectable vibrations except that this section shall not apply to vibrations created during the construction of the principal use on the lot or property.

C. Depiction On Required Site Plan: Any activity or equipment, which creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the lot or property.

D. Requirements: No activity or operation shall cause or create earth borne vibrations in excess of the displacement values given below.

E. Method Of Measurement: Measurements shall be made at or beyond the adjacent lot line or the nearest residential district boundary line, as described below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three (3) mutually perpendicular directions. The maximum permitted displacements shall be determined in each district by the following formula:

1.  $D = K/f$ , where D = displacement in inches
2. K = a constant to be determined by reference to the tables below
3. f = the frequency of vibration transmitted through the ground, cycles per second

F. Standards In The I-2 General Industrial District: In the general industrial district, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below:

On or beyond any adjacent lot line:

Location	K
Continuous	0.015

Impulsive	0.030
Less than 8 pulses per 24 hour period	0.075

On or beyond any residential district boundary line:

<b>Location</b>	<b>K</b>
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24 hour period	0.015

G. Standards In The I-3 Heavy Industrial District: In the heavy industrial district, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below:

On or beyond any adjacent lot line:

<b>Location</b>	<b>K</b>
Continuous	0.015
Impulsive	0.030
Less than 8 pulses per 24 hour period	0.075

On or beyond any residential district boundary line:

<b>Location</b>	<b>K</b>
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24 hour period	0.015

H. Standards In The Planned Industrial District: In the planned industrial district, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below:

On or beyond any residential district boundary line:

<b>Location</b>	<b>K</b>
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24 hour period	0.015

(Ord. 06-05-002, 6-21-2005)

### **10-15-3: NOISE:**

A. Purpose: The purpose of this section is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public. (Ord. 06-05-002, 6-21-2005)

B. Applicability: The requirements of this section apply to uses and activities which create detectable noise, except that this section shall not apply to noise created during the construction of the principal use on a lot or property, or by incidental traffic, parking, loading, maintenance or agricultural operations. The requirements of this section shall not apply to any use in an agricultural district, including, without limitation, any special use which has been granted in an agricultural district. (Ord. 06-05-002, 6-21-2005; amd. Ord. 01-06-005, 1-17-2006)

C. Requirements: All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line of the subject property the values given in table A of this section as measured by, at the minimum, a type 2 sound meter that is in compliance with ANSI standard S1.4-1983, where said lot abuts property within any residential, office, commercial district or the planned industrial district. (Ord. 06-05-002, 6-21-2005)

Table A  
MAXIMUM PERMITTED NOISE LEVEL AT LOT LINE FOR NOISE RADIATED CONTINUOUSLY<sup>1</sup>

<b>Zoning District</b>	<b>Increase In Noise Level Over Ambient Level</b>
R-1, R-2, R-3, R-4	Plus 3 dBA
TN, I-1, C-1, C-2, C-3	Plus 3 dBA
I-2, I-3	Plus 8 dBA

Note:

1. If the noise level is not smooth and continuous or is present only during the daytime hours, 1 or more of the corrections, in table B of this section shall be added to or subtracted from each of the decibel levels given in this table.

(Ord. 01-06-005, 1-17-2006)

Noises that were in effect as of the effective date of this title shall be considered legal nonconforming noises. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this title shall be the responsibility of the noise producer. (Ord. 06-05-002, 6-21-2005)

Table

B

ADJUSTMENT FACTORS FOR MAXIMUM NOISE LEVELS

Types Of Operation In Character Of Noise	Correction Of Decibels
Daytime operation only	Plus 5
Noise source operates less than 20 percent of any 1 hour period	Plus 5 <sup>1</sup>
Noise source operates less than 5 percent of any 1 hour period	Plus 10 <sup>1</sup>
Noise source operates less than 1 percent of any 1 hour period	Plus 15 <sup>1</sup>
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, speech, etc.)	Minus 5

Note:

1. Apply only 1 of these corrections.

(Ord. 06-05-002, 6-21-2005)

10-15-4: AIR POLLUTION:

A. Purpose: The purpose of this section is to regulate the creation of air pollution, which adversely affects adjoining lots or properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

B. Applicability: The requirements of this section apply to all land uses and activities, except that this section shall not apply to air pollution created during the construction of the principal use on a lot or property, or by incidental traffic, parking, loading or maintenance operations.

C. Standards:

1. The emissions from all sources within any lot, of particulate matter containing a particle diameter larger than forty four (44) microns is prohibited.

2. Emission of smoke or particulate matter of density equal to, or greater than number 2 on the Ringelmann chart (U.S. bureau of mines) is prohibited at all times.

3. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards and roadways within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.

4. All applicable state and federal standards and standards relating specifically to extraction. See chapter 16 of this title. (Ord. 06-05-002, 6-21-2005)

10-15-5: ODOR:

A. Purpose: The purpose of this section is to regulate the creation of odor which adversely affects adjoining lots or properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

B. Applicability: The requirements of this section apply to all land uses and activities, except that this section shall not apply to odors created during the construction of the principal use on a lot or property or by incidental traffic, parking, loading or maintenance operations. Public landfills and public sanitary sewage treatment plans shall be exempted from the requirements of this section as essential public services. Odors ordinarily associated with agricultural uses are also exempt.

C. Standards: Except for food preparation and cooking, odors emanating from residential uses and odors associated with property development and maintenance (such as construction, lawn care and the painting and roofing of structures) no odor shall be created for periods exceeding a total of fifteen (15) minutes per any day which are detectable (by a health observer such as the zoning administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property located within any residential, office, commercial district, or the planned industrial district. (Ord. 06-05-002, 6-21-2005)

10-15-6: ELECTROMAGNETIC RADIATION:

A. Purpose: The purpose of this section is to regulate the creation of electromagnetic radiation, which adversely affects adjoining lots or properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

B. Applicability: The requirements of this section apply to all land uses and activities.

C. Standards: It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, hearing, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the federal communications commission regarding such sources of electromagnetic radiation. Further, said operation in compliance with the federal communications commission shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and property design because of proximity, primary field, blanketing, spurious radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of an "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and



standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: 1) American Institute of Electrical Engineers, 2) Institute of Radio Engineers, and 3) Electronic Industries Association. (Ord. 06-05-002, 6-21-2005)

#### 10-15-7: GLARE AND HEAT:

A. Purpose: The purpose of this section is to regulate the creation of glare or heat which adversely affects adjoining lots or properties in order to prevent the creation of nuisances and to promote the general public welfare.

B. Applicability: The requirements of this section apply to all land uses and activities except that this section shall not apply to glare created during the construction of the principal use on the lot or property or by incidental traffic, parking, loading or maintenance operations.

C. Standards: No direct or sky reflected glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line of the subject property shall be permitted. Furthermore, there shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the zoning administrator or a designee) at the lot line. Solar systems regulated by 30 Illinois Compiled Statutes 725.1/1 et seq., shall be entitled to the protection of its provisions. (Ord. 06-05-002, 6-21-2005)

#### 10-15-8: FIRE AND EXPLOSION:

A. Purpose: The purpose of this section is to regulate the creation of fire and/or explosion hazards, which adversely affects adjoining lots or properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

B. Applicability: The requirements of this section apply to all land uses and activities.

C. Standards: Any use involving materials, which could decompose by detonation shall locate such materials not less than four hundred feet (400') from any residential, commercial or office district except that this section shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with all fire prevention codes of the county and state of Illinois. (Ord. 06-05-002, 6-21-2005)

#### 10-15-9: TOXIC OR NOXIOUS MATERIAL:

A. Purpose: The purpose of this section is to regulate the handling of toxic or noxious material which adversely affects adjoining lots or properties in order to prevent the creation of nuisances and to promote the general public welfare.

B. Applicability: The requirements of this section apply to all land uses and activities.

C. Standards:

1. No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be

detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to any property or business.

2. No use shall discharge at any point into any public or private sewage disposal system or watercourse or into the ground any liquid or solid materials except in accordance with the regulations of the DNR and EPA. (Ord. 06-05-002, 6-21-2005)

#### 10-15-10: WASTE MATERIAL:

A. Purpose: The purpose of this section is to regulate the handling of waste material which adversely affects adjoining lots or properties in order to prevent the creation of nuisances and to promote the general public welfare.

B. Applicability: The requirements of this section apply to all land uses and activities.

C. Standards:

1. No use shall discharge across the boundaries of any lot or property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort or welfare, or cause injury or damage to any property or business.

2. No use shall discharge at any point into any public or private sewage disposal system or watercourse, or into the ground, any liquid or solid materials except in accordance with the regulations of the DNR and EPA. (Ord. 06-05-002, 6-21-2005)

#### 10-15-11: EXTERIOR CONSTRUCTION MATERIAL:

A. Purpose: The purpose of this section is to regulate the use of certain exterior construction materials so as to attain a degree of uniformity in exterior appearance, and thus maintain and enhance the attractiveness and property value of buildings and structures in specified districts.

B. Applicability: The requirements of this section apply to all land uses and activities.

C. Standards For All Residential, Commercial And The I-1 Zoning Districts: Except for exposed foundations not to exceed three feet (3') in height from the adjacent grade, all nonsingle-family developments located within the R-3, R-4, TN, C-1, C-2, C-3 and I-1 districts shall employ only "high quality, decorative exterior construction materials" on the visible exterior of the following portions of all buildings and structures:

1. Any portion of a building or structure visible from adjacent residentially zoned property;

2. Any portion of a building or structure located within fifty feet (50') of a public right of way; or

3. Any other portion of a building or structure visible from a public street and/or situated at an angle of sixty degrees (60°) or less, from a line which is parallel to the nearest right of way (for uncurved rights of way), or from a line which is parallel to a chord connecting the right of way boundary on the inside of the curve at points located at, or opposite from, the two (2) outer boundaries of the subject property along the right of way line (for curved rights of way).

4. The following exterior construction materials shall not be considered "high quality, decorative exterior construction materials": nondecorative concrete block or cinder block, nondecorative concrete foundation walls or panels, corrugated or other metal with exposed fasteners, nondecorative plywood, asphaltic siding, or other materials using exposed fastener systems or nondecorative surfaces.

D. Exceptions: The special use process may be used to propose the use of exterior construction materials otherwise prohibited by subsection C of this section. (Ord. 06-05-002, 6-21-2005)

#### 10-15-12: HAZARDOUS MATERIALS:

A. Purpose: The purpose of this section is to provide information to the county regarding the nature of land uses, which involve research, production, storage, disposal, handling and/or shipment of hazardous materials.

B. Applicability: The requirements of this section apply to all land uses and activities involving any one or more of the following:

1. Microorganism cultures subject to Illinois statutes;
2. Pesticides subject to Illinois statutes;
3. Biological products subject to Illinois statutes;
4. Hazardous substances subject to Illinois statutes;
5. Toxic substances subject to Illinois statutes;
6. Infectious agents subject to Illinois statutes;

7. Any material for which the state of Illinois requires notification to a local fire department; or

8. Any other uses, activities, or materials, which are subject to county, state or federal hazardous or related materials regulations.

C. Standards: All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required permit application. (Ord. 06-05-002, 6-21-2005)

#### 10-15-13: AIRPORT HAZARD CONTROLS (APPROACH ELEVATION RESTRICTIONS):

See provisions on file in the county. (Ord. 06-05-002, 6-21-2005)

#### 10-15-14: SIGNAL RECEIVING ANTENNAS (SATELLITE DISHES):

A. Purpose: This section regulating the placement of signal receiving antennas (including roof mounted antennas which are greater than 15 feet and satellite dishes which are greater than 18 inches) is adopted to:

1. Provide uniform regulation of all signal receiving devices;
2. Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;

3. Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna; and

4. Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.

B. Permit Required: No owner, lessee or licensee of property within the county, shall build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the zoning administrator.

C. Definitions: For the purposes of this section:

OWNER: The holder of record of a fee simple estate in, or of a life interest in, real property, or a vendee of record under a land contract for the sale of a fee simple estate or a life interest, but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered an "owner" to the extent of his interest. The personal representative of at least one owner shall be considered an owner. A lessee or licensee applying for a permit hereunder shall be held to the same standards as an owner.

SIGNAL RECEIVING ANTENNA: Any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and shortwave radio antennas, regardless of the method of mounting.

D. Application: Application for a signal receiving antenna permit shall be made in writing to the zoning administrator. With such application, there shall be submitted a fee and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings, or such other forms as are set out in the "County Development Manual". If such application meets all requirements of this section, the application shall be approved.

E. Installation Standards: Signal receiving antennas installed in any district within the county shall comply with the following provisions:

1. Setbacks:

a. Any signal receiving antenna and its mounting post shall be located a minimum of ten feet (10') from any lot or property line.

b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.

c. If side yard, front yard or roof mounting is requested, the zoning administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.

2. Mounting: Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and county building code requirements. The zoning administrator may require engineering calculations.

3. Diameter: The diameter of the signal receiving antenna shall not exceed fifteen feet (15') in diameter for commercial uses or ten feet (10') in diameter for residential uses, except for systems used to provide community antenna television services.

4. Height:

a. A ground mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed eighteen feet (18') in height, as measured from the ground to the highest point of the dish.

b. A roof mounted antenna may not exceed fifteen feet (15') in height above the surrounding roofline as measured from the lowest point of the existing roofline.

5. Wind Pressure: All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) miles per hour.

6. Electrical Installations: Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the national electrical safety code, Illinois state electrical code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.

7. Temporary Placement: No portable or trailer mounted signal receiving antenna shall be allowed, except for temporary installation for on site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this section. Failure to comply shall result in a citation being issued for violation of this section. Any person making such temporary placement shall first give written notice to the zoning administrator of the date when such placement shall begin and end.

8. Advertising: No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.

9. Interface With Broadcasting: Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with federal communications commission regulations.

10. Compliance With Federal Regulations: The installation and use of every signal receiving antenna shall be in conformity with the federal cable communications policy act of 1984 and regulations adopted thereunder.

11. Aesthetic Considerations: Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.

F. Enforcement:

1. It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this section. In the event of any violation, the county board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this section.

2. Any person, corporation or other entity who fails to comply with the provisions of this section shall, upon conviction, be subject to the general penalties found in subsection 10-2A-5B and/or section [10-17-4](#) of this title. (Ord. 06-05-002, 6-21-2005)

10-15-15: WIND ENERGY SYSTEMS:

A. Definitions. For purposes of this section, the following words and terms are hereby defined:

AGRICULTURAL IMPACT  
MITIGATION AGREEMENT:

An agreement negotiated between the Illinois Department of Agriculture and the utility company focused on the restoration aspect of impacts that result from utility projects being constructed across a landowner's productive agricultural land.

AIRCRAFT DETECTION LIGHTING  
SYSTEMS (ADLS):

A system that utilizes surveillance radar to track aircraft operating in proximity to the wind utility site. ADLS will activate the obstruction lighting system when aircraft enter the light activation volume and will deactivate when all aircraft depart.

APPLICANT:

The entity who submits to the County an application for the siting and operation of any WECS or Substation. All references to Applicant in this section shall include Applicant's successors-in-interest and assigns, which includes a WECS Permittee (as defined below).

AS-BUILT DRAWINGS:

A revised set of drawings submitted by a contractor upon completion of a project or a particular job.

	They reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions, geometry, and surveyed location of all elements of the work completed under the contract.
COMMERCIAL OPERATION DATE:	The calendar date on which the WECS Project produces power for commercial sale, not including test power.
COMMERCIAL WIND ENERGY FACILITY:	A wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. Also referred to herein as Wind Energy Conversion System or WECS or WECS Project .
COUNTY APPOINTED THIRD PARTY ENGINEER:	An Illinois licensed, professional engineer who is selected by the County and paid for by the Applicant to perform reviews and inspections of applicable project plans and sites.
ESCROWEE:	A bank or trust company duly authorized to do business in the State of Illinois and legally authorized to do business in the State of Illinois and legally authorized to administer trusts and escrow accounts.
FINANCIAL ASSURANCE or FINANCIAL SECURITY or DECOMMISSION SECURITY:	Assurance from a credit worthy party, examples of which include a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit.
HEARING FACILITATOR:	<p>An attorney, licensed to practice in the State of Illinois, to be jointly selected and compensation negotiated by the State s Attorney (or his/her designee) and the County Zoning Administrator. Upon completion of the Hearing, the Applicant shall reimburse the County of Lee for the total fees charged by the Facilitator.</p> <p>The Hearing Facilitator shall be an independent contractor who shall conduct a hearing in accordance with the Rules of Procedure for the Lee County Zoning Hearing Officer but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, the admissibility of evidence and the propriety of any arguments.</p>
ILLINOIS CERTIFIED SHORTHAND REPORTER:	A court reporter is the silent person in the courtroom who is responsible for making a full, verbatim stenographic report of all of the testimony and the evidence and all other proceedings presented in the



LAND EVALUATION AND SITE  
ASSESSMENT:

trial court. And, upon request, produce a written transcript of the proceedings.

An evaluation system created by the U.S. Department of Agriculture to combine soil quality factors with other factors that affect the importance of the site for continued agricultural use.

LANDOWNER:

Person(s) holding legal title to property for the location of a WECS from whom the Company is seeking, or has obtained, a temporary or permanent easement, or any person(s) legally authorized by a landowner to make decisions regarding the mitigation or restoration of agricultural impacts to such landowner s property, unless the property owner has an equity interest in a WECS.

METEOROLOGICAL TOWER:

Those towers which are erected primarily to measure wind speed and direction plus other data relevant to siting and operation of a WECS Project. For purposes of this section, Meteorological Towers do not include towers and equipment used by airports, the Illinois Department of Transportation, or other similar applications or government agencies, to monitor weather conditions.

NOTICE TO PROCEED:

A written document, named as such, stating that the Applicant expresses an intent to commence construction activities on a WECS Project and identifying the date on which the construction activities are scheduled to commence.

NONPARTICIPATING PROPERTY:  
NONPARTICIPATING RESIDENCE:

Real property that is not a participating property.

A residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the WECS Project is filed with the county.

OCCUPIED COMMUNITY BUILDING:

Any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the WECS Project is filed with the county: a school, place of worship, day care facility, public library, or community center.

OPERATOR:

The person or entity responsible for the day-to-day operation and maintenance of a wind energy conversion system, including any third-party subcontractors. The Operator must be a qualified wind power professional. All references to Operator in the Ordinance shall include Operator s successors-in- interest and assigns.

**OWNER:**

The person or entity or entities with an equity interest in a wind energy conversion system, including their respective successors-in-interest and assigns. The Owner does not mean (i) the property owner from whom land is leased for locating a wind energy conversion system (unless the property owner has an equity interest in a wind energy conversion system); or (ii) any person holding a security interest in a wind energy conversion system solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure, such person seeks to sell a wind energy conversion system at the earliest practicable date. This definition includes the definition of Facility Owner as defined in 55 ILCS 5/5-12020.

**PARTICIPATING PROPERTY:**

Real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a WECS Project or supporting facilities. Participating property also includes real property that is owned by a facility owner for the purpose of constructing WECS Project or supporting facilities.

**PARTICIPATING RESIDENCE:**

A residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the WECS Project is filed with the county.

**PROFESSIONAL ENGINEER:**

A qualified individual who is licensed as a professional engineer in any state in the United States. Where a structural engineer is required to take some action under the terms of this section, a Professional Engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.

**PROTECTED LANDS:**

Real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act, or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

**PUBLIC CONSERVATION LANDS:**

Land owned in fee title by County, state or federal agencies and managed specifically for conservation purposes, including but not limited to County, state and federal parks, state and federal wildlife

management areas, state scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. Public conservation lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public conservation lands also do not include private lands for which the owners have entered contractual relationships with government or non-profit conservation organizations for conservation purposes.

SHADOW FLICKER:

The on-and-off flickering effect of a shadow caused when the sun passes behind the rotor of wind turbine.

SPECIAL USE PERMIT:

A permit approved by the County Board, after a public hearing, allowing a particular use at a specified location subject to compliance with certain specified special conditions as may be required by the County Board.

SUBSTATION:

The apparatus that collects and connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility s transmission lines.

SUPPORTING FACILITIES:

The transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the WECS.

WECS PERMITTEE:

An Applicant who applies for and receives a Special Use Permit under this section for the siting and operation of any WECS or Substation. All references to a WECS Permittee in this section shall include a WECS Permittee s successors-in-interest and assigns.

WECS TOWER or WIND TOWER:

Means and includes wind turbine tower, nacelle, and blades.

WECS TOWER HEIGHT:

The distance from the rotor blade at its highest point to the top surface of the WECS foundation.

WECS BUILDING PERMIT:

A permit necessary for the commencement of work performed toward the construction, erection, or installation of an approved WECS, Substation or operations and maintenance building in connection with a WECS Project. A WECS Building Permit may be issued by the county after a WECS Project has obtained a Special Use Permit from the County Board and the Lee County Zoning Administrator

determines that all conditions, if any, have been satisfied that are imposed by the Special Use Permit. The WECS Building Permit shall require the Applicant (WECS Permittee) to deliver a written Notice to Proceed for the WECS Project to the county prior to commencement of construction of the WECS Project. The term commencement of construction , as used in this section, includes any site development work (e.g., demolition, grubbing, grading, excavation, road work, construction of Project-related structures and infrastructure improvements, etc.) regarding the WECS Project.

Any piece of electrical generating equipment that converts the kinetic energy of moving wind into electrical energy using airfoils or similar devices to capture the wind.

#### WIND TURBINE:

##### B. Applicability.

1. This section governs the siting of WECS and Substations that generate electricity to be sold to wholesale or retail markets.
2. Owners of WECS with an aggregate generating capacity of 0.5MW or less who locate the WECS(s) on their own property are not subject to this section.

##### C. Prohibition.

1. No WECS Project, WECS or Substation governed by this section shall be constructed, erected, installed, or located within the county, unless prior siting approval and building permits have been obtained for each individual WECS Project, WECS and Substation or for a group of WECS Projects and Substations under a joint siting application pursuant to this section.
2. No Commercial Wind Energy Facility shall be permitted in any zoning district other than the Ag-1, Rural/Agricultural District; the I-1, Planned Industrial District; the I-2, General Industrial District; and the I-3, Heavy Industrial District.

##### D. Special Use Permit Application.

1. To obtain siting approval, the Applicant must first submit a Special Use Permit application to the County.
2. The Special Use Permit application shall contain or be accompanied by the following information:
  - a. A WECS Project Summary, including, to the extent available: (a) a general description of the project, including (i) its approximate overall name plate generating capacity, (ii) the potential equipment manufacturer(s), (iii) type(s) of WECS(s), (iv) the number of WECS, and name plate generating capacity of each WECS, (v) the maximum

height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s), (vi) the number of Substations, (vii) a project site plan, project phasing plan and project construction timeline plan, and (viii) the general location of the project; and (b) a description of the Applicant, Owner and Operator, including their respective business structures;

b. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known, and documentation demonstrating land ownership or legal control of the property;

c. A site plan for the WECS Project showing the planned location of each WECS Tower, including legal descriptions for each site, guy lines and anchor bases (if any), Participating and Non-participating Residences, Occupied Community Buildings parcel boundary lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), operations and maintenance buildings, and permanent Meteorological Towers, electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, the location of any wetlands, flood plain, drainage structures including surface ditches and subsurface drainage lines, underground mines, scenic and natural areas within one thousand five hundred (1,500) feet of the proposed WECS, the location of all known communications towers within two (2) miles of the proposed WECS, and the layout of all structures within the geographical boundaries of any applicable setback;

d. All determinations of No Hazard to Air Navigation from the Federal Aviation Administration;

e. A proposed Decommissioning Plan for the WECS Project including cost estimations;

f. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this section;

g. An Agricultural Impact Mitigation Agreement (AIMA) executed between the Applicant and the Illinois Department of Agriculture;

h. The topographic map shall include the WECS Project site and the surrounding area;

i. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures;

j. Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.

k. Waivers from the shadow flicker mitigation requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.

l. Results and recommendations from the Illinois Dept. of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.

m. Results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with the United States Fish and Wildlife Service's Land-Based Wind Energy Guidelines.

n. Information demonstrating that the WECS Project will avoid protected lands.

o. Any other information requested by the County or the County consultants that is necessary to evaluate the siting application and operation of the WECS Project and to demonstrate that the WECS Project meets each of the regulations in this section, including the Special Use Permit standards set forth below.

3. Material changes to the application are not permitted once the notice of the public hearing has been published, unless requested or permitted by the County; and

4. The Applicant shall submit twelve (12) copies of the Special Use Permit application to the County, and at least one (1) copy in electronic format.

E. Design And Installation. The design standards and bulk regulations listed in § [10-9-3](#) of the Lee County Code for setbacks, lot size, lot coverage, lot area, height; § [10-14-3](#) of the Lee County Code for fences, § [10-13-2](#) of the Lee County Code for landscaping, and § [10-12-10](#) of the Lee County Code for signage, shall be suspended for a Commercial Wind Energy Facility and the following regulations shall apply instead. All other design standards and bulk regulations of the district shall apply.

1. Design Safety Certification.

a. WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("CGL"), or an equivalent third party. All turbines shall be new equipment commercially available; no used or experimental equipment shall be used in the WECS Project without the approval of a variance by the County Board.

b. Following the granting of siting approval under this section, a structural engineer shall certify, as part of the WECS Building Permit application process, that the foundation and tower design of the WECS is within accepted professional standards, given local soil, subsurface and climate conditions.

2. Controls and Brakes. All WECSs shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, tilt, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

3. Electrical Components. All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and International Electrical Commission).

4. Aesthetics and Lighting. The following items are recommended standards to mitigate visual impact:

a. Coatings and Coloring: Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.

b. Turbine Consistency: To the extent feasible, the WECS Project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction. Turbines shall also be consistent in color and direction with nearby facilities.

c. Lighting: WECS Projects shall utilize minimal lighting that is compliant with the applicable FAA regulations, as amended by the FAA. To the extent that such tower lighting is available, and is approved by the FAA for a WECS Project, the Applicant shall install Aircraft Detection Lighting Systems ("ADLS") or other similar technology to reduce light pollution and visual impacts caused by the WECS Towers.

d. Intra-project Power and Communication Lines: All power lines used to collect power from individual turbines and all communication lines shall be buried underground at a depth in accordance with the Agricultural Impact Mitigation Agreement until same reach the property line or a substation adjacent to the property line. The Lee County Zoning Administrator, when or after granting a building permit, may grant variances when shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury Lines.

5. Warnings.

a. Appropriate warning signage concerning voltage, that is in accordance with NESC and ANSI Z535 Safety Sign Standards and OSHA regulations, must be placed at the base of all pad-mounted transformers and Substations, and at all entrances to the Wind Towers.

b. Visible, reflective, colored objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

6. Climb Prevention. All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:

a. Fences with locking portals at least six (6) feet high; or

b. Anti-climbing devices twelve (12) feet vertically from the base of the WECS Tower.

7. Setback Requirements. WECS Towers shall be sited as follows, with setback distances measured from the center of the base of the WECS Tower:



- a. Occupied Community Buildings: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure.
- b. Participating Residences: 1.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure;
- c. Nonparticipating Residences: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure;
- d. Boundary Lines of Participating Property: None.
- e. Boundary Lines of Nonparticipating Property: 1.1 times the maximum blade tip height of the WECS Tower to the nearest point on the property line of the nonparticipating property.
- f. Public Road Rights-of-Way: 1.1 times the maximum blade tip height of the WECS Tower to the center point of the public road right-of-way.
- g. Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Houses or Outbuildings): 1.1 times the maximum blade tip height of the WECS Tower to the nearest edge of the property line, easement, or right of way containing the overhead line.
- h. Overhead Utility Service Lines to Individual Houses or Outbuildings: None.
- i. Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the property line of the fish and wildlife area or protected land.

The setback requirements may be waived by the written consent of the owner(s) of each affected property. The Applicant does not need obtain a variance from the County upon waiver by the property owner of the setback requirement. Any waiver of any of the above setback requirements shall run with the land and be recorded with the Recorder of Deeds of the County.

8. Compliance with Additional Regulations. Nothing in this section is intended to preempt other applicable state and federal laws and regulations.

9. Use of Public Roads.

a. Road Use Agreement Approval Requirements. A Road Use Agreement (RUA) shall be approved by the Developer and the County Board not less than thirty (30) days prior to the issuance of the building permits for the Commercial Solar Energy Facility.

b. Agreement Contents.

(1) The contents of the Road Use Agreement shall include, but not be limited to the following:

(A) Transportation Impact Analysis (TIA) that details the expected construction routes and the ESAL count per roadway segment. Core samples, or non-destructive testing methods, as approved by the County Engineer, shall be used to determine the base and surface thickness of each public roadway used. In addition, all bridges and

culverts on the construction routes shall be identified and evaluated for structural adequacy. Adequate exhibits shall be included so that the full impact on the public roadways within the project footprint can be determined.

(B) Requirements that regulate the construction traffic impacts.

(C) Requirements for repairing damage to the roadway base, surface and appurtenances, in addition to providing for roadway surface upgrades.

(D) Governing practices regarding utility installations on or near the rights of way.

(E) County requirements that include providing permits when proper information is provided by the Developer.

(F) Requirement for a Certificate of Liability Insurance for ten million dollars (\$10,000,000) per occurrence.

(G) Requirement for a Security instrument in the amount of one hundred twenty-five percent (125%) of the estimated roadway base damage repair and roadway surface repairs and upgrades.

c. Consulting Fund. Not less than thirty (30) days after zoning has been granted, an initial engineering and legal fee of no less than one hundred thousand dollars (\$100,000) shall be deposited into the County Treasury (the Consulting Fund) to cover all engineering consulting and legal fees incurred by the County for the duration of the project from conception to completion. The amount of the initial engineering and legal fee may be adjusted at the discretion of the County Engineer based on the size of the proposed project. Additional funds shall be required, as deemed necessary by the County Engineer. Monies remaining in the Consulting Fund at the completion of the project will be refunded back to the Commercial Solar Energy Facility.

10. Site Assessment. To ensure that the subsurface conditions of the site will provide proper support for the WECS Towers and soil restoration, the Applicant, at its expense, shall provide soil and geotechnical boring reports to the County Engineer with respect to each WECS Tower location, as part of its WECS Building Permit. The Applicant shall follow the guidelines for Conservation Practices Impact Mitigation submitted by the County Soil and Water Conservation District (or equivalent regulatory agency). The Applicant shall submit grading plans for the proposed Substations for review and comment by the County Soil and Water Conservation District prior to the issuance of any WECS Building Permit for the construction of said substations.

#### 11. Communications Analysis.

a. The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience) conduct an appropriate analysis of the television reception documenting the television stations that are received within one and one-half (1 ½) miles of the footprint of the WECS Project. The results of said study shall be public record and will serve as a baseline reading for television reception conditions prior to the construction of the WECS Project and shall be submitted as part of the Special Use Permit application.

b. The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), conduct a communications analysis that indicates that the E-911 communications, emergency communications or official County and local municipal communications reception shall not be negatively impacted or influenced by the proposed wind power facility. Said communication analysis shall be a public record and shall be submitted as part of the Special Use Permit application.

c. The Applicant and the Operator, at the Applicant's expense, shall take immediate actions to minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals and to eliminate any such interference that impacts local government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, caused by the operation of the WECS. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the WECS Project Summary and Site Plan, as set forth in Article IV, Section 2(a) and Article IV, Section 2(c) of this section. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant and the Operator, at Applicant's expense, shall take reasonable measures to minimize and mitigate such anticipated interference and with regard to interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the Applicant and the Operator, at Applicant's expense, shall take all necessary and available commercial measures to eliminate any such interference. If, after construction of the WECS, the Applicant (WECS Permittee) or Operator receives a written complaint related to the above-mentioned interference, the Applicant (WECS Permittee) shall take commercially reasonable steps to respond to the complaint, except in the case of a complaint of interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications. In the case of local, government public safety communications, the Applicant (WECS Permittee) and the Operator, at the Applicant's expense, shall immediately take all necessary and available commercial measures to eliminate any such interference.

d. If, after construction of the WECS, the Applicant (WECS Permittee) or Operator receives a written complaint related to interference with local broadcast residential television, the Applicant (WECS Permittee) shall take commercially reasonable steps to respond to the complaint. A summary of the complaint and subsequent response from Applicant shall be forwarded to the Lee County Board for review. Once the construction is complete and a television reception complaint is received by the Lee County Zoning Administrator who will have thirty (30) calendar days to verify the complaint, the Applicant (WECS Permittee) will be given fifteen (15) calendar days to respond, in writing (validation date). Said response shall be addressed and forwarded to both the Lee County Zoning Administrator and the complainant. Such response shall include but not be limited to the following: an acknowledgment that a complaint was made and evaluated by the Applicant (WECS Permittee). If considered valid by the Applicant (WECS Permittee): an explanation, including a timeline, as to what the Applicant (WECS Permittee) intends to do about the complaint. The Applicant (WECS Permittee) of the wind power facility will

be given an additional fifteen (15) calendar days from the validation date to resolve said TV reception issue. If considered invalid by the Applicant (WECS Permittee), an explanation, including supporting documentation and expert opinions, as to why the Applicant (WECS Permittee) believes the complaint is not valid. Television reception complaints must be filed within six (6) months of the date each wind turbine generator goes online.

12. Noise Levels. Noise levels from each WECS or WECS Project shall comply with applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant shall submit manufacturer's wind turbine sound power level characteristics and other relevant data regarding wind turbine noise characteristics necessary for a competent noise analysis. The Applicant, using a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its Special Use Permit application. A report confirming compliance shall be provided to the Lee County Zoning Administrator, within fifteen (15) days of issuance.

13. Agricultural Impact Mitigation Agreement. Pursuant to 505 ILCS 147/15(a), the Applicant, at its expense, shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the WECS Project application. All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the Applicant pursuant to the terms of the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture. The Applicant shall submit the executed Agricultural Impact Mitigation Agreement to the County as part of the Special Use Permit application.

14. Avian and Wildlife Impact Study. The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience) conduct an avian and wildlife impact study and submit said study to the County as part of the Special Use Permit application. Each WECS or WECS Project shall be located, designed, constructed, and operated to avoid and if necessary, mitigate the impacts to wildlife.

15. As-Built Map and Plans. Within sixty (60) calendar days of completion of construction of the Commercial Solar Energy Facility, the Applicant or Operator shall deliver to the Lee County Zoning Administrator and Lee County Supervisor of Assessments, "as-built" maps, site plan and engineering plans for the Commercial Solar Energy Facility that have been signed and stamped by a Professional Engineer and a licensed surveyor.

16. Engineer's Certificate. The WECS Project engineer's certificate shall be completed by a structural engineer registered in the State of Illinois or by a Professional Engineer with a certification from a structural engineer registered in the State of Illinois and shall certify that the WECS tower and foundation design is compatible with and appropriate for each turbine design proposed to be installed and that the specific soils and subsurface conditions at the site can support the apparatus, given local soil, subsurface and climate conditions. All commercially installed wind turbines must utilize self-supporting, tubular towers. The WECS Project engineer's certificate shall be a public record and shall be submitted as part of the Special Use Permit application.

17. Outdoor Storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the Commercial Solar Energy Facility shall be allowed, except for outdoor storage that is otherwise expressly allowed in the zoning district as specified herein. The Zoning Administrator, or their designee, shall have the discretion to determine whether outdoor storage complies with this provision.

18. Hours of Construction. During construction of the Commercial Solar Energy Facility, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 8:00 P.M., within one-quarter (1/4) miles of a Nonparticipating Residence, unless a written waiver is obtained by the affected nonparticipating resident.

19. Conformance with Approved Application and Plans. The Applicant shall construct and operate the WECS Project in substantial conformance with the construction plans contained in a County- approved submitted Special Use Permit application(s), conditions placed upon the operation of the Facility, this section and all applicable state, federal and local laws and regulations.

20. Additional Terms and Conditions.

a. All technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the Special Use Permit Application shall be prepared and signed by an Illinois Professional Engineer (or structural engineer) for the relevant discipline.

b. The County may retain a qualified, independent code inspector or professional engineer both to make appropriate inspections of the WECS Project during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering and/or decommissioning of the WECS Project is performed in compliance with applicable electrical and building codes. The cost and fees incurred by the County in retaining said inspector or engineer shall be promptly reimbursed by the Applicant of the WECS Project.

c. The Applicant shall provide locked metal gates or a locked chain are installed at the access road entrances of all the wind turbine generator locations. An exception may be made when the landowner has filed a written statement with the County which states that the owner does not want a locked metal gate installed and has provided a signed liability waiver to the County.

d. The Special Use Permit granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest and assigns. If any provision in this section, or conditions placed upon the operation of the Commercial Wind Energy Facility is held invalid, such invalidity shall not affect any other provision of this section that can be given effect without the invalid provision and, to this end, the provisions in this section are severable.

e. The Applicant shall provide an executed road use agreement between the Applicant and, the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation, to the County showing approved entrances, a minimum of



thirty (30) days prior to the issuance of any WECS Building Permit or prior to construction of the WECS Project.

f. No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. The wind turbine generator shall not be installed in a location along the major axis of existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

g. The Applicant of the WECS Project shall use two (2) methods to detect icing conditions on turbine blades: (1) sensors that detect when blades become imbalanced or create vibration due to ice accumulation; and (2) meteorological data from on-site meteorological towers, on-site anemometers, and other relevant weather sources that will be used to determine if ice accumulation is occurring. These control systems will either automatically shut down the turbines(s) in icing conditions or the Applicant will manually shut down the turbine(s) if icing conditions are identified.

#### F. Operation.

##### 1. Maintenance.

a. Annual Report. The Applicant must submit, on an annual basis on the anniversary date of the Special Use Permit application, an operation and maintenance report to the County. The report shall contain the following information: (i) a general description of any physical repairs, replacements or modification(s) to the WECS and/or its infrastructure; (ii) complaints pertaining to setbacks, noise, shadow flicker, appearance, safety, lighting and use of any public roads received by the Applicant concerning the WECS and the resolution of such complaints; (iii) calls for emergency services; (iv) status of liability insurance; (v) a general summary of service calls to the WECS; (vi) contact information for current owner(s), operator(s), project manager(s) and primary contact person; and (vii) any updates to the emergency response plan. Failure to provide the annual report shall be considered a material violation of this section and subject to division I.(Remedies).

b. Re-Certification. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under division E.(Design and Installation), Paragraph 1 (Design Safety Certification), of this section. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement or other modifications made in the ordinary course of operations), the Applicant shall confer with a relevant third-party certifying entity identified in division E. (Design and Installation), Paragraph 1 (Design Safety Certification), of this section to determine whether the physical modification requires re-certification.

##### 2. Coordination with Emergency Responders.

a. The Applicant shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines

(SOGs), and any amendments to such documents, for the wind power facility so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over each tower site may evaluate and coordinate their emergency response plans with the Applicant of the WECS Project.

b. The Applicant, at its expense, shall provide annual training for, and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the WECS Project. Special equipment to be provided includes, but is not limited to, permanently installed rescue equipment such as winches, pulleys, harnesses, etc.

c. The Applicant and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24-hour contact information (names, titles, email addresses, cell phone numbers) for the Applicant and the Operator and at least three (3) designated WECS Project representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day/7 days per week/365 days per year"). Any change in the designated WECS Project representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annual basis.

d. Nothing in this section shall alleviate the need to comply with all other applicable life safety, fire/emergency laws and regulations.

### 3. Water, Sewer, Materials Handling, Storage and Disposal.

a. All solid waste related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

b. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

c. The WECS Project shall comply with existing septic and well regulations as required by the County Health Department and the State of Illinois Department of Public Health.

4. Shadow Flicker. The Applicant must present to the County Board a model study on potential shadow flicker. The Applicant shall appropriately demonstrate to the County Board through conservative industry standard modeling that no occupied community building or non-participating residence will experience an expected duration of 30 hours or more per year. An occupied community building owner or a non-participating participating residence owner may waive this shadow flicker mitigation requirement. Each waiver of the above shadow flicker mitigation requirement shall be set forth in a written waiver executed by the occupied community building owner or non-participating residence owner and filed with the County Recorder of Deeds Office against title to the affected real property.



5. Points of Contact. The Applicant, Operator, and/or Owner shall maintain with the Lee County Zoning Administrator and Lee County Sheriff's Department a primary point of contact and two (2) secondary points of contact. This information shall always be kept current, and changes shall be reported within seven (7) days of change.

6. Signage. Signage regulations are to be consistent with ANSI, NESC, OSHA and AWEA standards. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations, and at all entrances to Wind Towers. The signs at the entrances to the facility shall include the facility's 911 address and a 24-hour emergency contact number.

7. Drainage Systems. The Applicant, at its expense, will repair, in a prompt and timely manner, all waterways, drainage ditches, agricultural drainage systems, field tiles, or any other private and public infrastructure improvements damaged during construction, maintenance and operation phases of the WECS Project in accordance with the Agricultural Impact Mitigation Agreement.

8. Complaint Resolution. The Applicant shall, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the WECS Project. The Applicant shall resolve such non-emergency complaints on a case-by-case basis and shall provide written confirmation to the County. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the Applicant of the WECS Project. The Applicant shall also designate and maintain for the duration of the WECS Project either a local telephone number or a toll-free telephone number and an email address as its public information, inquiry, and complaint "hotline" which shall be answered by a customer service representative 24/7 basis. The Applicant shall post the telephone number(s) and email address(es) for the customer service representative(s) in a prominent, easy to find location on their websites and at the WECS Project site on signage.

#### G. Liability Insurance And Indemnification.

1. Liability Insurance. Commencing with the issuance of a Commercial Solar Energy Facility Building Permit, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least Five Million Dollars (\$5,000,000.00) per occurrence and in the aggregate; and, shall further maintain the above-stated lines of insurance from delivery of the Notice to Proceed by the Applicant for the Commercial Solar Energy Facility, in coverage amounts of at least Five Million Dollars (\$5,000,000.00) per occurrence and Twenty Million Dollars (\$20,000,000.00) in the aggregate during the life of the Commercial Solar Energy Facility. The Applicant shall file the original certificate of insurance upon commencement of project construction prior to the issuance of a Commercial Solar Energy Facility Building Permit, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter.

#### 2. Standard Conditions for Liability Insurance.

##### a. General Liability Insurance.

(1) The County of Lee, Illinois, its officers and employees shall be included as an additional insured on the General Liability policy on a primary and non-contributory basis for both ongoing and completed operations. A minimum of a three (3) year extended reporting period is required for all claims-made policies.

(2) The County of Lee, Illinois, its officers and employees shall be named as additional insured with a waiver of subrogation on the Commercial Liability policy.

(3) Any Commercial Umbrella utilized shall be a "Following Form" policy.

(4) All policies must contain no more than thirty (30) day notice of cancellation.

(5) Current copies of the insurance policies and certificates of insurance shall be kept on file with the Zoning Administrator.

b. Maintenance of General Liability Insurance.

(1) The Applicant of the Commercial Solar Energy Facility shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of at least five million dollars (\$5,000,000) per occurrence and five million dollars (\$5,000,000) in the aggregate.

(2) The Applicant of the Commercial Solar Energy Facility shall maintain a current Commercial Auto policy of at least one million dollars (\$1,000,000).

(3) The Applicant of the Commercial Solar Energy Facility shall maintain Workman's Compensation insurance in the following amounts:

(A) One million dollars (\$1,000,000) per accident;

(B) Occupational Disease: One million dollars (\$1,000,000) per employee with a policy limit of one million dollars (\$1,000,000).

c. Pollution liability insurance shall be maintained in the amount of five million dollars (\$5,000,000) per policy.

d. The general liability policy shall identify landowners included in the Special Use Permit as additional insured.

3. The Applicant (WECS Permittee) shall defend, indemnify and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees relating to or arising out of the issuance of the Special Use Permit or the construction, operation, maintenance and removal of the WECS and affiliated equipment including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the Applicant (WECS Permittee), the Owner or the Operator under this section or the Special Use Permit, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities arise from the negligence or intentional acts of such Indemnified

Parties. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

H. Decommissioning And Site Reclamation Plan Required. Applicant (or Owner, if different from Applicant) must submit a Decommissioning Plan with cost estimation to the County as part of the siting application and provide testimony supporting the calculation of costs provided in said plan during the public hearing on the application. Prior to receiving any building permit for the Commercial Wind Energy Facility, the Applicant or Owner shall provide a Decommissioning Agreement and post the required Financial Assurances for the benefit of the County. The Decommissioning Agreement and Financial Assurances shall comply with 55 ILCS 5/5-12020. Periodically, and as required by the Agricultural Impact Mitigation Agreement, the Owner must update the Decommissioning Plan, cost estimations, and provide updated Financial Assurances to the benefit of the County.

I. Remedies.

1. The Applicant's failure to materially comply with any of the provisions under the Special Use Permit, any conditions imposed on the project, and/ or failure to comply with any law or regulation shall be a default and shall be grounds for revocation of the Special Use Permit by the County Board.

2. Prior to implementation of the applicable County procedures for the resolution of default(s), the County Board must first provide written notice to the Applicant and Operator, setting forth the alleged default(s) and provide an opportunity for the Applicant or the Operator to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the Applicant commence the cure within that 30-day cure period, and diligently pursues a cure, then the Applicant shall receive an additional sixty (60) days to continue to pursue the cure before the County pursues procedures for the resolution of default. If the default relates to a life safety issue or interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the Applicant or the Operator shall take all necessary and available commercial measures to immediately cure the default. If the Applicant or Operator cannot cure the default(s) or resolve the alleged default(s) within the cure period, then applicable County ordinance provisions addressing the resolution of such default(s) shall govern.

J. Fee Schedule And Permitting Processes.

1. Application Fees.

a. Prior to processing any Application for a Commercial Solar Energy Facility, the Applicant must submit a certified check to the County for the Application Fee equal to \$5,000 per megawatt (mW) of proposed nameplate capacity, up to a maximum fee of \$100,000. These funds shall be placed in an FDIC insured account and will be used to cover the county's cost incurred in processing the Application.

b. Should the actual costs to the County exceed the submitted Application Fee, the Applicant shall be responsible for those additional costs and shall remit additional funds to the County within 15 days of receipt of a request from the County. No hearings

on an Application shall be conducted nor final decisions rendered on an Application if there are Application fees due to the County.

c. Any unused amounts of the Application Fee shall be refunded to the Applicant within six months of the County Board rendering a final decision on the matter, unless any pending litigation, disputes or negotiations involving the County exist regarding the Commercial Solar Energy Facility, in which case any amounts owed to the Applicant shall be refunded within six months of the conclusion of the litigation, disputes or negotiations. An Applicant may request any unused Application Fee be applied toward the Building Permit Fees for the Facility.

2. Building Permit Fees. Prior to the issuance of building permits, the Building Permit Applicant must deposit a Building Permit Fee in an amount determined by Lee County Board resolution.

3. All Costs To Be Paid By Applicant or Owner. In addition to all fees noted above, the Applicant or Owner shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/ or negotiations.

#### K. Hearing Facilitator.

The County may engage the services of a hearing facilitator. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the board and the county but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments.

The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois. The Applicant shall reimburse the county for the fees and costs charged by the facilitator.

#### L. Hearing Factors.

1. The County Board may approve a Commercial Wind Energy Facility Special Use Permit application if it finds the evidence complies with state, federal and local law and regulations, and with the standards of this zoning code including the factors listed below. The factors below are applied as a balancing test, not individual requirements to be met.

a. The establishment, maintenance, or operation of the WECS Project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

b. The WECS Project will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties;

c. The establishment of the WECS Project will not impede the normal and orderly development and improvement of the surrounding properties;

d. Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

f. The proposed WECS Project is not contrary to the objectives of the current comprehensive plan of the County (if any); and

g. The WECS Project shall, in all other respects, conform to the applicable regulations of this section and the zoning district in which it is located (if a zoning ordinance is in effect), except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.

2. Special Use Permit Conditions and Restrictions. The County Board may stipulate conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the WECS Project as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this section.

### 3. Revocation.

a. In any case where a Special Use Permit has been approved for a WECS Project, the Applicant shall apply for a WECS Building Permit from the County and all other permits required by other government or regulatory agencies to commence construction and commence and actively pursue construction of the Project within thirty-six (36) months from the date of the granting of the Special Use Permit. If the Applicant fails to apply for a WECS Building Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the thirty-six (36) month period, then without further action by the County Board, the Special Use Permit authorizing the construction and operation of the WECS Project shall be automatically revoked and void. Upon written request supported by evidence that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in commencement of construction of the Project is due to conditions out of his/her/its control, the County Board, in its sole discretion, may extend the above thirty-six (36) month period by passage of an ordinance that amends the Special Use Permit.

b. The Special Use Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the WECS Project or the WECS ceases to operate for more than twelve (12) consecutive months for any reason.

c. Subject to the provisions of Article IX (Remedies), a Special Use Permit may be revoked by the County Board if the WECS Project is not constructed, installed and/or operated in substantial conformance with the County-approved Project plans, the regulations of this section and the stipulated Special Use Permit conditions and restrictions.

4. Transferability; Owner or WECS Permittee. The Applicant shall provide written notification to the County Board at least thirty (30) days prior to any change in ownership of a WECS Project of any such change in ownership. The phrase "change in ownership of a WECS Project" includes any kind of assignment, sale; lease, transfer or other

conveyance of ownership or operating control of the Applicant, the WECS Project or any portion thereof. The Applicant or successors-in-interest or assignees of the Special Use Permit, as applicable, shall remain liable for compliance with all conditions, restrictions and obligations contained in the Special Use Permit, the provisions of this section and applicable County, state, and federal laws.

5. Modification. Any modification of a WECS Project that alters or changes the essential character or operation of the WECS Project in a way not intended at the time the Special Use Permit was granted, or as subsequently amended, shall require a new Special Use Permit. The Applicant or authorized representative, shall apply for an amended Special Use Permit prior to any modification of the WECS Project.

6. Permit Effective Date: The Special Use Permit shall become effective upon approval of the ordinance by the County Board.

M. Interpretation. The provisions of these regulations shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of Lee County, Illinois. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of Lee County, Illinois, nor conflict with any statutes of the State of Illinois.

(Ord. 06-05-002, 6-21-2005; amd. Ord. 08-21-006, 8-19-2021; Ord. 11-22-007, 11-22-2022; Ord. 2023-05-002, 5-25-2023; Ord. 2023-07-007, 7-20-2023)

#### 10-15-16: SWIMMING POOLS:

A. Definition: A "swimming pool" is a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half feet (1½') located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semipermanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

B. Exempt Pools: Storable children's swimming or wading pools, with a maximum dimension of fifteen feet (15') and a maximum wall height of fifteen inches (15") and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this section.

C. Permit Required: Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the zoning administrator. Plans and specifications and pertinent explanatory data should be submitted to the zoning administrator at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee as provided in the "County Development Manual" shall accompany such application.



D. Construction Requirements: In addition to such other requirements as may be reasonably imposed by the zoning administrator, the zoning administrator shall not issue a permit for construction as provided for in subsection C of this section unless the following construction requirements are observed:

1. Approved Materials: All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all ordinances of the county now in effect or hereafter enacted.

2. Plumbing: All plumbing work shall be in accordance with all applicable ordinances of the county and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

3. Electrical Installations: All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with state laws and county ordinances regulating electrical installations.

E. Setbacks And Other Requirements:

1. Private swimming pools shall be erected or constructed on rear or side yards only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

2. All swimming pools shall be at least ten feet (10') from any lot line or building unless designed and approved as an addition to a building.

F. Enclosure:

1. Fence; Inground Pools: All outdoor, inground swimming pools shall have a fence or other solid structure not less than sixty inches (60") in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three inches (3") square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

2. Aboveground Pools; Pool Wall Barrier:

- a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than three feet (3') above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six feet (6') of any other wall or fence or other structure, which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.



b. The pool enclosure may be omitted where portable pools are installed aboveground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty six inches (36") high on the top. (Ord. 06-05-002, 6-21-2005)

#### 10-15-17: MANUFACTURED HOUSING:

A. The roof of the manufactured home shall be pitched at a ratio of not less than three inches (3") of rise (vertical distance) in twelve inches (12") of run (horizontal distance) or greater, and covered with durable material that is residential in appearance, but not limited to approved wood, asphalt combination shingles or wood shake shingles, but excluding corrugated fiberglass or metal roof.

B. Exterior siding shall be residential in appearance and may not have a high gloss finish including, but not limited to, clapboard, simulated clapboard such as conventional vinyl or metal siding, wood shingles, brick veneer or similar material but excluding smooth, ribbed or corrugated metal or plastic panels. Such exterior siding shall be "high quality, decorative exterior construction materials". See section [10-15-11](#), "Exterior Construction Material", of this chapter.

C. The towing devices, hitches, axles and wheels shall be removed.

D. The manufactured home shall be located on a permanent, frost free foundation.

E. At each door (entrance or exit) of the manufactured home there shall be provided a permanent stoop that is not less than thirty six inches by thirty six inches (36" x 36").

F. The manufactured home shall be oriented on the lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial screening or landscaping so that the narrow dimension of the dwelling unit is not less than fifty percent (50%) of the dwelling unit's long dimension.

G. The zoning administrator may require the lot to be enclosed by acoustical shielding to ensure compatibility with surrounding lots.

H. The manufactured home shall be not less than twenty four feet (24') in width.

I. All manufactured housing shall otherwise be constructed in compliance with all bulk regulations and be in accordance with all building codes in effect from time to time. (Ord. 06-05-002, 6-21-2005)

#### 10-15-18: COMMUNICATION TOWERS:

A. Intent: Communication towers are permitted uses in all business and industrial districts and shall be special uses in residential and agricultural districts. Communications towers are subject to the following provisions which are intended to allow communications towers for mobile telephone services and other radio and television information services while minimizing adverse visual and operational effects of such towers through careful design, placement and screening; to avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of towers; and to maximize use of any new communications towers to reduce the number of towers needed.

B. Placement: The applicant shall demonstrate, using technological evidence, that the communication tower must be placed where proposed in order to satisfy its function.

C. Building Towers: If the applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), the applicant shall demonstrate that they have contacted the owners of tall structures within a one-fourth ( $\frac{1}{4}$ ) mile radius of the site proposed, asked for permission to install the antenna on those structures, and were denied for reasons other than economic ones. This should include smokestacks, water towers, tall buildings, antenna support structures of other cellular communications companies, other communications towers (fire, police, etc.), and other tall structures. The county may deny the application if the applicant has not made a good faith effort to mount the antenna on an existing structure suitable for the purpose.

D. Height: The applicant shall demonstrate that the tower and antenna are the minimum height required to function satisfactorily. In no case shall towers located in residential districts be more than one hundred feet (100') in height. Towers located in commercial districts shall not be more than three hundred feet (300') in height. Towers located in agricultural or industrial district areas shall not exceed five hundred feet (500') in height. In all districts the height of the towers shall be subject to the provisions of section [10-15-13](#), "Airport Hazard Controls (Approach Elevation Restrictions)", of this chapter.

E. Setbacks: All setbacks are to be measured from the base of the tower to the property line or street right of way. If the tower is proposed to be placed on a leased portion of a larger lot owned by someone other than the tower owner, setbacks shall be measured from the boundaries of such larger lot:

1. Communication towers must be set back from all property lines by a minimum distance of one hundred percent (100%) of the height of the tower plus twenty five feet (25');

2. No setbacks shall be required if the antenna is to be located on an existing structure.

F. Structure Safety: The applicant shall demonstrate that the proposed communications tower and antenna are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All communication towers shall be fitted with anticlimbing devices, as approved by the manufacturers.

G. Separation From Other Communications Towers: A separation of one thousand five hundred feet (1,500') shall be maintained between communications towers (measured by drawing a straight line between the base of the existing tower and the base of the proposed tower as shown on the site plan). Separations of less than one thousand five hundred feet (1,500') shall require a special use permit. In no case will communications towers be located closer than five hundred feet (500') apart.

H. Fencing: A fence of not less than eight feet (8') in height shall be required around the base of the communication tower. The fence shall enclose any uses ancillary to the

communications tower. A fence or other approved physical barrier shall enclose all guywires and support structures.

I. Landscaping: Landscaping shall be required to screen the support structure if the tower is located in a commercial or residential district. A landscaping plan shall be submitted with the site plan. All required landscaping shall be maintained according to the approved site plan.

J. Color: Unless the FAA imposes specific marking requirements, all communications towers shall be painted silver or have a galvanized finish in order to reduce the visual impact. Alternate colors may be required to minimize visual impact in residential or commercial districts.

K. Lighting: No communications towers shall be artificially lighted except when required by the FAA. If lighting is required, dual mode lighting (intermittent red lighting for nighttime use and high intensity lighting for daytime use) shall be installed unless dual mode lighting is specifically denied by the FAA. Security lighting is permitted at ground level. All lighting shall be designed so as not to project onto surrounding residential property.

L. Advertising: No commercial advertising or signs shall be allowed on communications towers.

M. Residential Districts: A special use permit shall be required for any communication tower located in residential districts. Communications equipment should be attached to existing poles and/or structures wherever possible.

N. Additional Restrictions: The county may impose additional restrictions in residential and agricultural districts:

1. Alternate colors;
2. Additional setback;
3. Site lighting requirements;
4. Location of accessory buildings;
5. Additional landscaping or buffer.

O. Prohibited Uses: All uses ancillary to the communications towers and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited in residential districts.

P. Site Plan: A full site plan shall be provided to the county for all communications towers, showing the site boundaries, type and elevation of tower, fencing, landscaping, access, lighting and any buildings or other ancillary equipment.

Q. Permit Required: It shall be unlawful to construct, alter, or install communicating equipment or communication towers without filing a written permit application with the Zoning Administrator. (Ord. 06-05-002, 6-21-2005)

10-15-19: RECYCLING:

See provisions on file in the County. (Ord. 06-05-002, 6-21-2005)

#### 10-15-20: SOLAR ENERGY SYSTEMS:

For the purposes of this section, the following words and terms are hereby defined:

AGRICULTURAL IMPACT MITIGATION  
AGREEMENT (AIMA):

An agreement negotiated between the Illinois Department of Agriculture and a utility company focused on the restoration aspect of impacts that result from utility projects being constructed across a landowner's productive agricultural land.

APPLICANT:

The entity who submits to the County an application for the siting and operation of any Commercial Solar Energy Facility or Substation. All references to Applicant in this section shall include Applicant's successors-in-interest and assigns, which includes a Commercial Solar Energy Facility Permittee (as defined herein).

AS-BUILT DRAWINGS:

A revised set of drawings submitted by a contractor upon completion of a project or a particular job. They reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions, geometry, and surveyed location of all elements of the work completed under the contract.

COMMERCIAL OPERATION DATE:

The calendar date on which the Commercial Solar Energy Facility produces power for commercial sale, not including test power.

COMMERCIAL SOLAR ENERGY FACILITY:

Any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property.

COMMERCIAL SOLAR ENERGY BUILDING  
PERMIT:

A permit necessary for the commencement of work performed toward the construction, erection or installation of an approved Commercial Solar Energy Facility, Substation, Supporting Facilities, or operations and maintenance building in connection with a Commercial Solar Energy Facility. A Commercial Solar Energy Building Permit may be issued by the county after a Commercial Solar Energy Facility has obtained a Special Use Permit from the County Board and the Lee County Zoning Administrator determines that all conditions, if any, have been satisfied that are imposed by the Special Use Permit. The

COMMERCIAL SOLAR ENERGY FACILITY  
PERMITTEE:

Commercial Solar Energy Building Permit shall require the Applicant to deliver a written Notice to Proceed for the Commercial Solar Energy Facility to the county prior to commencement of construction of the Commercial Solar Energy Facility. The term commencement of construction, as used in this section, includes any site development work (e.g., demolition, grubbing, grading, excavation, road work, construction of Project-related structures and infrastructure improvements, etc.) regarding the Commercial Solar Energy Facility.

COUNTY APPOINTED THIRD PARTY  
ENGINEER:

An Applicant who applies for and receives a Special Use Permit under this section for the siting and operation of any Commercial Solar Energy Facility or Substation. All references to a Commercial Solar Energy Facility Permittee in this section shall include a Commercial Solar Energy Facility Permittee's successors-in-interest and assigns.

FINANCIAL ASSURANCE or FINANCIAL  
SECURITY or DECOMMISSION SECURITY:

An Illinois licensed, professional engineer who is selected by the County and paid for by the Applicant to perform reviews and inspections of applicable project plans and sites.

GROUND-MOUNTED SOLAR ENERGY  
SYSTEM:

Assurance from a credit worthy party, examples of which include a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit.

HEARING FACILITATOR:

A solar energy system and its related equipment that has its support structure placed directly on the ground and is not attached or affixed to an existing structure.

1) the Hearing Facilitator shall be an attorney, licensed to practice in the State of Illinois, to be jointly selected and compensation negotiated by the State's Attorney (or his/her designee) and the County Zoning Administrator. Upon completion of the Hearing, the Applicant shall reimburse the County of Lee for the total fees charged by the Facilitator; and 2) the Hearing Facilitator shall be an independent contractor who shall conduct a hearing in accordance with the Rules of Procedure for the Lee County Zoning Hearing Officer but has no adjudicatory responsibility other than ruling on requests for continuances,

ILLINOIS CERTIFIED SHORTHAND  
REPORTER:

procedural matters, the admissibility of evidence and the propriety of any arguments.

A court reporter is the silent person in the courtroom who is responsible for making a full, verbatim stenographic report of all the testimony and the evidence and all other proceedings presented in the trial court. And, upon request, produce a written transcript of the proceedings.

LANDOWNER:

A person or persons holding legal title to property for the location of a Commercial Solar Energy Facility from whom the Company is seeking, or has obtained, a temporary or permanent easement, or any person(s) legally authorized by a landowner to make decisions regarding the mitigation or restoration of agricultural impacts to such landowner s property, unless the property owner has an equity interest in an Commercial Solar Energy Facility.

NOTICE TO PROCEED:

A written document, named as such, stating that the Applicant expresses an intent to commence construction activities on a Commercial Solar Energy Facility and identifying the date on which the construction activities are scheduled to commence.

NONPARTICIPATING PROPERTY:  
NONPARTICIPATING RESIDENCE:

Real property that is not a participating property.

A residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the Commercial Solar Energy Facility is filed with the county.

OCCUPIED COMMUNITY BUILDING:

Any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the Commercial Solar Energy Facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

OPERATOR:

The person or entity responsible for the day-to-day operation and maintenance of a Commercial Solar Energy Facility, including any third-party subcontractors. The Operator must be a qualified solar power professional. All references to Operator in the Ordinance shall include Operator s successors-in- interest and assigns.

**OWNER:**

The person or entity or entities with an equity interest in a Commercial Solar Energy Facility, including their respective successors-in-interest and assigns. The Owner does not mean (i) the property owner from whom land is leased for locating a Commercial Solar Energy Facility (unless the property owner has an equity interest in a Commercial Solar Energy Facility); or (ii) any person holding a security interest in a Commercial Solar Energy Facility solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure, such person seeks to sell a Commercial Solar Energy Facility at the earliest practicable date. This definition includes the definition of Facility Owner as defined in 55 ILCS 5/5-12020.

**PARTICIPATING PROPERTY:**

Real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a Commercial Solar Energy Facility or supporting facilities. Participating property also includes real property that is owned by a facility owner for the purpose of constructing a Commercial Solar Energy Facility or supporting facilities.

**PARTICIPATING RESIDENCE:**

A residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the Commercial Solar Energy Facility is filed with the county.

**PRIME FARMLAND:**

Agricultural land comprised of soils that are defined by the USDA Natural Resources Conservation Service as being prime soils (generally considered the most productive soils with the least input of nutrients and management).

**PROFESSIONAL ENGINEER:**

A qualified individual who is licensed as a professional engineer in any state in the United States. Where a structural engineer is required to take some action under the terms of this section, a Professional Engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.



PROTECTED LANDS:

Real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

PUBLIC CONSERVATION LANDS:

Land owned in fee title by County, state or federal agencies and managed specifically for conservation purposes, including but not limited to County, state and federal parks, state and federal wildlife management areas, state scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. Public conservation lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public conservation lands also do not include private lands for which the owners have entered contractual relationships with government or non-profit conservation organizations for conservation purposes.

SPECIAL USE PERMIT:

A permit approved by the County Board, after a public hearing, allowing a particular use at a specified location subject to compliance with certain specified special conditions as may be required by the County Board.

SOLAR CABLE MANAGEMENT SYSTEM:

A system, such as a CAB system, used to safely store and bundle cables underneath and between solar panels and arrays that meet all the federal and state safety requirements as well as any UL requirements and standards.

SUBSTATION:

The apparatus that collects and connects the electrical collection system of the Commercial Solar Energy Facility and increases the voltage for connection with the utility's transmission lines.

SUPPORTING FACILITIES:

The transmission lines, substations, access roads, storage containers, and equipment associated with the generation and storage of electricity by the Commercial Solar Energy Facility.

VISUAL SCREEN:

A visual barrier that uses vegetative landscaping, opaque fencing, or approved combination thereof, that is of such nature and density that provides year-round opacity and screens structures and

activities on the parcel, from a single-story dwelling viewpoint.

B. Applicability.

1. This section governs the siting of Commercial Solar Energy Facilities and Substations that generate electricity to be sold to wholesale or retail markets.

C. Prohibition.

1. No Commercial Solar Energy Facility or Substation governed by this section shall be constructed, erected, installed, or located within the county, unless prior siting approval and building permits have been obtained for each individual Commercial Solar Energy Facility or for a group of Commercial Solar Energy Facilities under a joint siting application pursuant to this section.

2. No Commercial Solar Energy Facility may be permitted in any zoning district other than the Ag-1, Rural/Agricultural District; the I-1, Planned Industrial District; the I-2, General Industrial District; and the I-3, Heavy Industrial District.

D. Special Use Permit Application.

1. To obtain siting approval, the Applicant must first submit a Special Use Permit application to the County.

2. The Special Use Permit application shall contain or be accompanied by the following information:

a. A Commercial Solar Energy Facility Summary, including, to the extent available: (a) a general description of the project, including (i) its approximate overall name plate generating capacity, (ii) the potential equipment manufacturer(s), (iii) type(s) of solar panels, cells and modules, (iv) the number of solar panels, cells and modules, (v) the maximum height of the solar panels at full tilt, (vi) the number of Substations, (vii) a project site plan, project phasing plan and project construction timeline plan, and (viii) the general location of the project; and (b) a description of the Applicant, Owner and Operator, including their respective business structures;

b. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known, and documentation demonstrating land ownership or legal control of the property;

c. A site plan for the Commercial Solar Energy Facility showing the planned location of solar panels, including legal descriptions for each site, Participating and Non-participating Residences, Occupied Community Buildings, parcel boundary lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), operations and maintenance buildings, electrical cabling to the Substation(s), ancillary equipment, third party transmission lines, the location of any wetlands, flood plain, drainage structures including surface ditches and subsurface drainage lines, underground mines, scenic and natural areas within one thousand five

hundred (1,500) feet of the proposed Commercial Solar Energy Facility, and the layout of all structures within the geographical boundaries of any applicable setback;

- d. A proposed Decommissioning Plan for the Commercial Solar Energy Facility;
- e. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this section;
- f. An Agricultural Impact Mitigation Agreement (AIMA) executed between the Applicant and the Illinois Department of Agriculture;
- g. The topographic map shall include the Commercial Solar Energy Facility site and the surrounding area;
- h. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures, including but not limited to a stormwater management plan approved by the Lee County Engineer and a Natural Resources Information Report as prepared by Lee County Soil and Water Conservation District;
- i. Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.
- j. Results and recommendations from the Illinois Dept. of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.
- k. Results of any United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with any applicable United States Fish and Wildlife Service's solar wildlife guidelines.
- l. Information demonstrating that the Commercial Solar Energy Facility will avoid protected lands.
- m. Any other information requested by the County or the County consultants that is necessary to evaluate the siting application and operation of the Commercial Solar Energy Facility and to demonstrate that the Commercial Solar Energy Facility meets each of the regulations in this section, including the Special Use Permit standards set forth below.

3. Material changes to the application are not permitted once the notice of the public hearing has been published, unless requested or permitted by the County; and

4. The Applicant shall submit twelve (12) copies of the Special Use Permit application to the County, and at least one (1) copy in electronic format.

E. Design And Installation. The design standards and bulk regulations listed in § [10-9-3](#) of the Lee County Code for setbacks, lot size, lot coverage, lot area, height; § [10-14-3](#) of the Lee County Code for fences, § [10-13-2](#) of the Lee County Code for landscaping, and § [10-12-10](#) of the Lee County Code for signage, shall be suspended for a

Commercial Solar Energy Facility and the following regulations shall apply instead. All other design standards and bulk regulations of the district shall apply.

1. Design Safety Certification

a. Commercial Solar Energy Facilities shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), or an equivalent third party. All solar panels, cells and modules; solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems shall be new equipment commercially available; no used or experimental equipment shall be used without the approval of a variance by the County Board.

b. Following the granting of siting approval under this section, a structural engineer shall certify, as part of the Commercial Solar Energy Facility Building Permit application process, that the design of the Commercial Solar Energy Facility is within accepted professional standards, given local soil, subsurface and climate conditions.

2. Electrical Components. All electrical components of the Commercial Solar Energy Facility shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and International Electrical Commission).

3. Height. No component of a solar panel, cell or modules may exceed twenty (20) feet in height above the ground at full tilt.

4. Aesthetics and Lighting.

a. Visual Screening: To help minimize the visual impacts of a Commercial Solar Energy Facility on nonparticipating residences, from a single-story dwelling viewpoint, located within one-quarter ( $\frac{1}{4}$ ) mile, of any component of the facility including fencing, of the non-participating residence's foundation. Screening shall be provided as follows:

(1) Platted Subdivisions. A platted subdivision shall have a visual screen designed, installed, maintained, and ultimately removed by the Applicant at the time of decommissioning. The visual screen will be installed on the property leased by the Commercial Solar Energy Facility, immediately adjacent to the exterior of the required fencing.

(2) Non-participating Residences, Excluding Platted Subdivisions. Subject to the provision of this paragraph, a Visual Screening Option shall be provided by the Applicant to the owner of any non-participating residence.

(A) The Visual Screening Option shall provide the following options:

i. The owner of any non-participating residence, at their discretion, may elect to receive a one-time payment from the Applicant equal to the cost of design, installation, maintenance, and removal of a visual screen in lieu of the actual visual screen. This option shall be detailed in writing by the Applicant, including a proposed design and budgetary estimate for the design, installation, maintenance, and removal of the visual screen, as prepared by an Illinois Registered Landscape Architect. This one-time payment allows for

the owner of the non-participating residence to install the visual screen on their own property if and as they desire. This one-time payment shall be paid prior to the issuance of any building permit, and proof of payment shall be provided to the Zoning Administrator.

ii. Alternatively, the owner of any non-participating residence, at their discretion, may request a visual screen be designed, installed, maintained and ultimately removed by the Applicant at the time of decommissioning. If this option is chosen, the visual screen will be installed on the property being leased by the Commercial Solar Energy Facility, immediately adjacent to the exterior of the required fencing.

iii. If the owner of any non-participating dwelling does not elect one of the above two (2) options, the second option which allows for the design, installation, maintenance, and removal of a vegetative screen shall apply.

iv. A minimum of thirty (30) days prior to the issuance of any building permit, the Applicant shall provide a signed copy of a Memorandum of Understanding to the Zoning Administrator, outlining the terms of the Visual Screening Option as agreed upon by the Applicant and owner of any non-participating residence.

(B) Standards for a Visual Screen are as follows:

i. A Visual Screen shall be in the form of vegetative landscaping, opaque fencing, or approved combination thereof, as agreed upon by the owner of any non-participating residence and the Applicant.

ii. All Visual Screens shall be designed and prepared by an Illinois Registered Landscape Architect.

iii. Any fencing used as part of a Visual Screen must be built in accordance with § 10-14 of the Lee County Code.

iv. All vegetation shall be planted at a minimum of three (3) feet tall and must reach a minimum height of eight (8) feet within four (4) years of planting.

v. If the vegetation, or any portion thereof, that has been installed by the Applicant does not maintain a height of eight (8) feet any time after its fourth (4th) year of being planted, the Visual Screen, or affected portion, shall be replaced by the Applicant at the start of the next growing season.

vi. All Visual Screens that are installed by the Applicant shall be maintained in good condition by the Applicant at all times, for the life of the project.

vii. The Visual Screen shall be installed as early as possible, during the construction phase of the Commercial Solar Energy Facility.

(C) A Visual Screen shall not be required where it is found that natural topography effectively screens a non-participating residence from a Commercial Solar Energy Facility. If existing topography provides partial screening from a Commercial Solar Energy Facility, then a Visual Screen shall be installed to provide screening in accordance with this Section.

b. Lighting: If lighting is provided at the Commercial Solar Energy Facility, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.

c. Intra-project Power and Communication Lines:

(1) All power lines used to collect power and all communication lines shall be buried underground at a depth in accordance with the Agricultural Impact Mitigation Agreement until same reach the property line or a substation adjacent to the property line.

(2) When power lines used to collect power and communication lines are buried underground, the County Zoning Administrator, when or after granting a building permit, may grant variances when shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury said line(s).

(3) If the power lines used to collect power and communication lines are not buried, a Solar Cable Management System, or similar technology, must be utilized.

5. Fencing.

a. Unless otherwise provided in this section, security fencing having a minimum height of six (6) feet shall be installed, maintained, and secured around the Commercial Solar Energy Facility, in compliance with the National Electric Code requirements for fencing.

b. At the request of the nonparticipating resident, an eight (8) foot high woven wire fence may be substituted around an adjacent, Nonparticipating Property.

c. Fencing is not required between Participating Properties.

d. Fencing shall contain appropriate warning signage that is in accordance with NESC and ANSI Z535 Safety Sign Standards and OSHA regulations.

6. Warnings.

a. A reasonably visible warning sign concerning voltage, that is in accordance with NESC and ANSI Z535 Safety Sign Standards and OSHA regulations, must be placed at the base of all pad-mounted transformers and Substations, and at all entrances.

b. Visible, reflective, colored objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

7. Setback Requirements.

a. The Commercial Solar Energy Facility shall be sited as follows, with setback distances measured from the nearest edge of any component of the facility, including fencing:

(1) Occupied Community Buildings and Dwellings on Nonparticipating Properties: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.

(2) Nonparticipating Residences: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.

(3) Boundary Lines of Participating Property: None.

(4) Boundary Lines of Nonparticipating Property: fifty (50) feet to the nearest point on the property line of the nonparticipating property.

(5) Public Road Rights-of-Way: fifty (50) feet from the nearest edge of the public road right-of-way.

b. The setback requirements for Nonparticipating properties may be waived by the written consent of the owner(s) of each affected Nonparticipating property.

c. The Applicant does not need to obtain a variance from the County upon waiver by the property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded with the Recorder of Deeds of the County.

8. Compliance with Additional Regulations. Nothing in this section is intended to preempt other applicable state and federal laws and regulations.

9. Use of Public Roads.

a. Road Use Agreement Approval Requirements.

(1) A Road Use Agreement (RUA) shall be approved by the Developer and the County Board not less than thirty (30) days prior to the issuance of the building permits for the Commercial Solar Energy Facility.

b. Agreement Contents.

(1) The contents of the Road Use Agreement shall include, but not be limited to the following:

(A) Transportation Impact Analysis (TIA) that details the expected construction routes and the ESAL count per roadway segment. Core samples, or non-destructive testing methods, as approved by the County Engineer, shall be used to determine the base and surface thickness of each public roadway used. In addition, all bridges and culverts on the construction routes shall be identified and evaluated for structural adequacy. Adequate exhibits shall be included so that the full impact on the public roadways within the project footprint can be determined.

(B) Requirements that regulate the construction traffic impacts.

(C) Requirements for repairing damage to the roadway base, surface and appurtenances, in addition to providing for roadway surface upgrades.

(D) Governing practices regarding utility installations on or near the rights of way.

(E) County requirements that include providing permits when proper information is provided by the Developer.



(F) Requirement for a Certificate of Liability Insurance for ten million dollars (\$10,000,000) per occurrence.

(G) Requirement for a Security instrument in the amount of one hundred twenty-five percent (125%) of the estimated roadway base damage repair and roadway surface repairs and upgrades.

c. Consulting Fund. Not less than thirty (30) days after zoning has been granted, an initial engineering and legal fee of no less than one hundred thousand dollars (\$100,000) shall be deposited into the County Treasury (the Consulting Fund) to cover all engineering consulting and legal fees incurred by the County for the duration of the project from conception to completion. The amount of the initial engineering and legal fee may be adjusted at the discretion of the County Engineer based on the size of the proposed project. Additional funds shall be required, as deemed necessary by the County Engineer. Monies remaining in the Consulting Fund at the completion of the project will be refunded back to the Commercial Solar Energy Facility.

10. Site Assessment. To ensure that the subsurface conditions of the site will provide proper support for the Commercial Solar Energy Facility and soil restoration, the Applicant, at its expense, shall provide soil and geotechnical boring reports to the County Engineer as part of its Commercial Solar Energy Facility Building Permit. The Applicant shall follow the guidelines for Conservation Practices Impact Mitigation submitted by the Lee County Soil and Water Conservation District (or equivalent regulatory agency). Also, the Applicant shall submit grading plans for the proposed Substations for review and comment by the Lee County Soil and Water Conservation District prior to the issuance of any Commercial Solar Energy Facility Building Permit for the construction of said substations.

11. Noise Levels. Noise levels from Commercial Solar Energy Facilities shall comply with applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics necessary for a competent noise analysis. The Applicant, using a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its Special Use Permit application. A report confirming compliance shall be provided to the Lee County Zoning Administrator, within fifteen (15) days of issuance.

12. Agricultural Impact Mitigation. Pursuant to 505 ILCS 147/15(a), the Applicant, at its expense, shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the Commercial Solar Energy Facility application. All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the Applicant pursuant to the terms of the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture. The Applicant shall submit the executed Agricultural Impact Mitigation Agreement to the County as part of the Special Use Permit application.

13. As-Built Map and Plans. Within sixty (60) calendar days of completion of construction of the Commercial Solar Energy Facility, the Applicant or Operator shall

deliver to the Lee County Zoning Administrator and Lee County Supervisor of Assessments, "as-built" maps, site plan and engineering plans for the Commercial Solar Energy Facility that have been signed and stamped by a Professional Engineer and a licensed surveyor.

14. Engineer's Certificate. The Commercial Solar Energy Facility engineer's certificate shall be completed by a structural engineer registered in the State of Illinois or by a Professional Engineer with a certification from a structural engineer registered in the State of Illinois and shall certify that the specific soils and subsurface conditions at the site can support the apparatus, given local soil, subsurface and climate conditions. The Commercial Solar Energy Facility engineer's certificate shall be a public record and shall be submitted as part of the Special Use Permit application.

15. Outdoor Storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the Commercial Solar Energy Facility shall be allowed, except for outdoor storage that is otherwise expressly allowed in the zoning district as specified herein. The Zoning Administrator, or their designee, shall have the discretion to determine whether outdoor storage complies with this provision.

16. Hours of Construction. During construction of the Commercial Solar Energy Facility, construction activities shall commence no earlier than 7:00 A.M. and shall be discontinued no later than 8:00 P.M., within one-quarter (1/4) miles of a Nonparticipating Residence, unless a written waiver is obtained by the affected nonparticipating resident.

17. Conformance with Approved Application and Plans. The Applicant shall construct and operate the Commercial Solar Energy Facility in substantial conformance with the construction plans contained in a County approved, Special Use Permit application(s), conditions placed upon the operation of the Facility, this section and all applicable state, federal, and local laws and regulations.

18. Additional Terms and Conditions.

a. All technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the Special Use Permit Application shall be prepared and signed by an Illinois Professional Engineer (or structural engineer) for the relevant discipline.

b. The County may retain a qualified, independent code inspector or professional engineer both to make appropriate inspections of the Commercial Solar Energy Facility during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering and/or decommissioning of the Commercial Solar Energy Facility is performed in compliance with applicable electrical and building codes. The cost and fees incurred by the County in retaining said inspector or engineer shall be promptly reimbursed by the Applicant of the Commercial Solar Energy Facility.

c. The Special Use Permit granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest, and assigns. If any provision in this section, or conditions placed upon the operation of the Commercial Solar Energy Facility is held

invalid, such invalidity shall not affect any other provision of this section that can be given effect without the invalid provision and, to this end, the provisions in this section are severable.

d. The Applicant shall provide an executed road use agreement between the Applicant and the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation, to the Lee County Board showing approved entrances, a minimum of thirty (30) days prior to the issuance of any Commercial Solar Energy Facility Building Permit.

## F. Operation.

### 1. Maintenance

a. Annual Report. The Applicant must submit, on an annual basis on the anniversary date of the Special Use Permit application, an operation and maintenance report to the County. The report shall contain the following information: (i) a general description of any physical repairs, replacements or modification(s) to the Commercial Solar Energy Facility and/or its infrastructure; (ii) complaints pertaining to setbacks, noise, appearance, safety, lighting and use of any public roads received by the Applicant concerning the Commercial Solar Energy Facility and the resolution of such complaints; (iii) calls for emergency services; (iv) status of liability insurance; (v) a general summary of service calls to the Commercial Solar Energy Facility; (vi) contact information for current owner(s), operator(s), project manager(s) and primary contact person; and (vii) any updates to the emergency response plan. Failure to provide the annual report shall be considered a material violation of this section and subject to division I. (Remedies).

b. Re-Certification. Any physical modification to the Commercial Solar Energy Facility that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Division E. (Design and Installation), Paragraph 1 (Design Safety Certification), of this section. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement or other modifications made in the ordinary course of operations), the Applicant shall confer with a relevant third-party certifying entity identified in division E. (Design and Installation), Paragraph 1 (Design Safety Certification), of this section to determine whether the physical modification requires re-certification.

### 2. Coordination with Emergency Responders:

a. The Applicant shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the Commercial Solar Energy Facility so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over each Commercial Solar Energy Facility site may evaluate and coordinate their emergency response plans with the Applicant of the Commercial Solar Energy Facility.

b. The Applicant, at its expense, shall provide annual training for and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the Commercial Solar Energy Facility.

c. The Applicant and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24-hour contact information (names, titles, email addresses, cell phone numbers) for the Applicant and the Operator and at least three (3) designated Commercial Solar Energy Facility representatives (a primary representative with two (2) alternate representatives, each of whom are on-call “24 hours per day/7 days per week/365 days per year”). Any change in the designated Commercial Solar Energy Facility representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annual basis.

d. Nothing in this section shall alleviate the need to comply with all other applicable life safety, fire/emergency laws and regulations.

### 3. Water, Sewer, Materials Handling, Storage and Disposal

a. All solid waste related to the construction, operation and maintenance of the Commercial Solar Energy Facility shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

b. All hazardous materials related to the construction, operation and maintenance of the Commercial Solar Energy Facility shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

c. The Commercial Solar Energy Facility shall comply with existing septic and well regulations as required by the County Health Department and the State of Illinois Department of Public Health.

4. Points of Contact. The Applicant, Operator, and/or Owner shall maintain with the Lee County Zoning Administrator and Lee County Sheriff's Department a primary point of contact and two (2) secondary points of contact. This information shall always be kept current, and changes shall be reported within seven (7) days of change.

5. Signage. Signage regulations are to be consistent with ANSI, NESC and OSHA standards. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations, and at all entrances to, and along the perimeter of, the Commercial Solar Energy Facility. The signs at the entrances to the facility shall include the facility's 911 address and a 24-hour emergency contact number.

6. Drainage Systems. The Applicant, at its expense, will repair, in a prompt and timely manner, all waterways, drainage ditches, agricultural drainage systems, field tiles, or any other private and public infrastructure improvements damaged during construction, maintenance and operation phases of the Commercial Solar Energy Facility in accordance with the Agricultural Impact Mitigation Agreement.

### G. Liability Insurance And Indemnification.

1. Liability Insurance. Commencing with the issuance of a Commercial Solar Energy Facility Building Permit, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least Five Million Dollars (\$5,000,000) per occurrence and in the aggregate; and, shall further maintain the above-stated lines of insurance from delivery of the Notice to Proceed by the Applicant for the Commercial Solar Energy Facility, in coverage amounts of at least Five Million Dollars (\$5,000,000) per occurrence and Twenty Million Dollars (\$20,000,000) in the aggregate during the life of the Commercial Solar Energy Facility. The Applicant shall file the original certificate of insurance upon commencement of project construction prior to the issuance of a Commercial Solar Energy Facility Building Permit, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter.

2. Standard Conditions for Liability Insurance

a. General Liability Insurance

(1) The County of Lee, Illinois, its officers and employees shall be included as an additional insured on the General Liability policy on a primary and non-contributory basis for both ongoing and completed operations. A minimum of a three (3) year extended reporting period is required for all claims-made policies.

(2) The County of Lee, Illinois, its officers and employees shall be named as additional insured with a waiver of subrogation on the Commercial Liability policy.

(3) Any Commercial Umbrella utilized shall be a "Following Form" policy.

(4) All policies must contain no more than thirty (30) day notice of cancellation.

(5) Current copies of the insurance policies and certificates of insurance shall be kept on file with the Zoning Administrator.

b. Maintenance of General Liability Insurance.

(1) The Applicant of the Commercial Solar Energy Facility shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of at least five million dollars (\$5,000,000) per occurrence and five million dollars (\$5,000,000) in the aggregate.

(2) The Applicant of the Commercial Solar Energy Facility shall maintain a current Commercial Auto policy of at least one million dollars (\$1,000,000).

(3) The Applicant of the Commercial Solar Energy Facility shall maintain Workman's Compensation insurance in the following amounts:

(A) One million dollars (\$1,000,000) per accident;

(B) Occupational Disease: One million dollars (\$1,000,000) per employee with a policy limit of one million dollars (\$1,000,000).



c. Pollution liability insurance shall be maintained in the amount of five million dollars (\$5,000,000) per policy.

d. The general liability policy shall identify landowners included in the Special Use Permit as additional insured.

3. The Applicant shall defend, indemnify and hold harmless the County of Lee and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees relating to or arising out of the issuance of the Special Use Permit or the construction, operation, maintenance and removal of the Commercial Solar Energy Facility including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the Applicant, the Owner or the Operator under this section or the Special Use Permit, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities arise from the negligence or intentional acts of such Indemnified Parties. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

H. Decommissioning And Site Reclamation Plan Required. Applicant (or Owner, if different from Applicant) must submit a Decommissioning Plan with cost estimation to the County as part of the siting application and provide testimony supporting the calculation of costs provided in said plan during the public hearing on the application. Prior to receiving any building permit for the Commercial Solar Energy Facility, the Applicant or Owner shall provide a Decommissioning Agreement and post the required Financial Assurances for the benefit of the County. The Decommissioning Agreement and Financial Assurances shall comply with 55 ILCS 5/5-12020. Periodically, and as required by the Agricultural Impact Mitigation Agreement, the Owner must update the Decommissioning Plan, cost estimations and provide updated Financial Assurances to the benefit of the County.

#### I. Remedies.

1. The Applicant's failure to materially comply with any of the provisions under the Special Use Permit, any conditions imposed on the project, and/or failure to comply with any law or regulation shall be a default and shall be grounds for revocation of the Special Use Permit by the County Board.

2. Prior to implementation of the applicable County procedures for the resolution of default(s), the County Board must first provide written notice to the Applicant and Operator, setting forth the alleged default(s) and provide an opportunity for the Applicant or the Operator to cure the default(s) within a thirty(30) calendar day period from the date of the notice. Should the Applicant commence the cure within that 30-day cure period, and diligently pursues a cure, then the Applicant shall receive an additional sixty (60) days to continue to pursue the cure before the County pursues procedures for the resolution of default. If the default relates to a life safety issue or interference with local, government

public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the Applicant or the Operator shall take all necessary and available commercial measures to immediately cure the default. If the Applicant or Operator cannot cure the default(s) or resolve the alleged default(s) within the cure period, then applicable County ordinance provisions addressing the resolution of such default(s) shall govern.

#### J. Fee Schedule And Permitting Processes.

##### 1. Application Fees.

a. Prior to processing any Application for a Commercial Solar Energy Facility, the Applicant must submit a certified check to the County for the Application Fee equal to \$5,000 per megawatt (mW) of proposed nameplate capacity, up to a maximum fee of \$100,000. These funds shall be placed in an FDIC insured account and will be used to cover the county's cost incurred in processing the Application.

b. Should the actual costs to the County exceed the submitted Application Fee, the Applicant shall be responsible for those additional costs and shall remit additional funds to the County within 15 days of receipt of a request from the County. No hearings on an Application shall be conducted nor final decisions rendered on an Application if there are Application fees due to the County.

c. Any unused amounts of the Application Fee shall be refunded to the Applicant within six months of the County Board rendering a final decision on the matter, unless any pending litigation, disputes or negotiations involving the County exist regarding the Commercial Solar Energy Facility, in which case any amounts owed to the Applicant shall be refunded within six months of the conclusion of the litigation, disputes or negotiations. An Applicant may request any unused Application Fee be applied toward the Building Permit Fees for the Facility.

2. Building Permit Fees. Prior to the issuance of building permits, the Building Permit Applicant must deposit a Building Permit Fee in an amount determined by Lee County Board resolution.

3. All Costs to be Paid by Applicant or Owner. In addition to all fees noted above, the Applicant or Owner shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/ or negotiations.

#### K. Hearing Facilitator.

The County may engage the services of a hearing facilitator. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the board and the county but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments.



The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois. The Applicant shall reimburse the county for the fees and costs charged by the facilitator.

L. Hearing Factors. The County Board may approve a Commercial Solar Energy Facility Special Use Permit application, if it finds the evidence complies with state and federal law and regulations, and with the standards of this zoning code including the factors listed below. The factors below are applied as a balancing test, not individual requirements to be met.

1. The establishment, maintenance or operation of the Commercial Solar Energy Facility will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

2. The Commercial Solar Energy Facility will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties;

3. The establishment of the Commercial Solar Energy Facility will not impede the normal and orderly development and improvement of the surrounding properties;

4. Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

6. The proposed Commercial Solar Energy Facility is not contrary to the objectives of the current comprehensive plan of the County (if any); and

7. The Commercial Solar Energy Facility shall, in all other respects, conform to the applicable regulations of this section and the zoning district in which it is located (if a zoning ordinance is in effect), except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.

a. Special Use Permit Conditions and Restrictions. The County Board may stipulate conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the Commercial Solar Energy Facility as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this section.

b. Revocation.

(A) In any case where a Special Use Permit has been approved for a Commercial Solar Energy Facility, the Applicant shall apply for a Commercial Solar Energy Facility Building Permit from the County and all other permits required by other government or regulatory agencies to commence construction, and commence and actively pursue construction of the Project within thirty-six (36) months from the date of the granting of the Special Use Permit. If the Applicant fails to apply for a Commercial Solar Energy Facility Building Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the thirty-six (36) month period, then

without further action by the County Board, the Special Use Permit authorizing the construction and operation of the Commercial Solar Energy Facility shall be automatically revoked and void. Upon written request supported by evidence that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in commencement of construction of the Project is due to conditions out of his/her/its control, the County Board, in its sole discretion, may extend the above thirty-six (36) month period by passage of an ordinance that amends the Special Use Permit.

(B) The Special Use Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the Commercial Solar Energy Facility or the Commercial Solar Energy Facility ceases to operate for more than twelve (12) consecutive months for any reason.

(C) Subject to the provisions of division I. (Remedies), a Special Use Permit may be revoked by the County Board if the Commercial Solar Energy Facility is not constructed, installed and/or operated in substantial conformance with the County-approved Project plans, the regulations of this section and the stipulated Special Use Permit conditions and restrictions.

c. Transferability; Owner or Commercial Solar Energy Facility Permittee. The Applicant shall provide written notification to the County Board at least thirty (30) days prior to any change in ownership of a Commercial Solar Energy Facility of any such change in ownership. The phrase "change in ownership of a Commercial Solar Energy Facility" includes any kind of assignment, sale; lease, transfer or other conveyance of ownership or operating control of the Applicant, the Commercial Solar Energy Facility or any portion thereof. The Applicant or successors-in-interest or assignees of the Special Use Permit, as applicable, shall remain liable for compliance with all conditions, restrictions and obligations contained in the Special Use Permit, the provisions of this section and applicable County, state and federal laws.

d. Modification. Any modification of a Commercial Solar Energy Facility that alters or changes the essential character or operation of the Commercial Solar Energy Facility in a way not intended at the time the Special Use Permit was granted, or as subsequently amended, shall require a new Special Use Permit. The Applicant, or authorized representative, shall apply for an amended Special Use Permit prior to any modification of the Commercial Solar Energy Facility.

e. Permit Effective Date: The Special Use Permit shall become effective upon approval of the ordinance by the County Board.

M. Interpretation. The provisions of these regulations shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of Lee County. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of Lee County nor conflict with any statutes of the State of Illinois.

(Ord. 12-17-002, 12-19-2017; amd. Ord. 11-20-004, 11-19-2020; Ord.07-21-004, 7-5-2021; Ord. 11-22-008, 11-22-2022; Ord. 2023-05-003, 5-25-2023; Ord. 2023-07-008, 7-20-2023)

### **10-15-21: SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE:**

The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems as an Accessory Use in Lee County that promotes the right to clean energy and access to solar power; and ensures the protection of public health, safety, and welfare by encouraging the development and use of solar energy systems in order to conserve and protect the value of land, buildings, and resources by preventing the adoption of measures which will have the ultimate effect, however unintended, of preventing the use of solar energy systems on any home that is subject to a homeowners' association, common interest community association, or condominium unit owners' association. This ordinance is not intended to replace safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

#### **A. Definitions:**

BUILDING- INTEGRATED SOLAR ENERGY SYSTEMS:	An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights and awnings.
GROUND MOUNTED SOLAR ENERGY SYSTEM:	A solar energy system and its related equipment that has its support structure placed directly on the ground and is not attached or affixed to an existing structure.
PHOTOVOLTAIC SYSTEM:	An active solar energy system that converts solar energy directly into electric.
ROOF MOUNT:	A solar energy system that is mounted on a rack that is fastened onto a building roof.
ROOF PITCH:	The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths.
SOLAR COLLECTOR:	An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into

	thermal, mechanical, chemical or electrical energy.
SOLAR ENERGY:	Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
SOLAR ENERGY SYSTEM AS AN ACCESSORY USE:	A device, array of devices, or structural design feature, the purpose of which is to provide for: (I) generation of electricity; (ii) collection, storage and distribution of solar energy for space heating or cooling; (iii) daylight for interior lighting; or (iv) water heating, so long as these provisions are used within the bounds of a specific parcel.
SOLAR MOUNTING DEVICES:	Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
SOLAR RESOURCE:	A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four (4) hours between the hours of 9:00 a.m. and 3:00 p.m. Standard Time on all days of the year.

#### B. Solar Permit And Fees:

1. Construction of Solar Energy Systems as an Accessory Use: No person shall construct or operate a Solar Energy System as an Accessory Use without having fully complied with all the provisions of this ordinance.

2. Permits Required: No person shall construct or operate a Solar Energy System as an Accessory Use without first obtaining a building permit and, if necessary, a special use permit.

3. Permitted Use: A Solar Energy System as an Accessory Use may be permitted in all zoning districts, in accordance with the following regulations and design standards.

4. Review Of Solar Permit Applications: Except as otherwise set forth in this Chapter, solar permit applications with respect to solar energy systems that are a permitted accessory use shall be made to the Lee County Zoning Administrator and reviewed for approval by the Lee County Zoning Administrator.

5. Application Plans: Except as otherwise set forth in this Chapter, every solar permit application for the construction, alteration or relocation of a solar energy system shall be accompanied with a written plan and drawing for the proposed solar energy system. The written plan shall:

a. Identify the owner of the property upon which the proposed solar energy system will be located.

b. Identify the owner and operator of the proposed solar energy system, if not the same as the owner of the property upon which the proposed solar energy system will be located.

c. Indicate the zoning classification of the property and whether the solar energy system will be an accessory or principal use.

d. Include to-scale horizontal and vertical drawings showing all buildings and accessory structures located on the property, all adjoining roadways, the location of the solar energy system on the building or on the property, including all set-back and property lines, the elevation of the solar energy system, and the location and types of all screening.

e. For roof mount solar energy systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

f. Indicate the total wattage anticipated to be generated by the solar energy system.

g. Indicate whether the applicant has obtained an interconnection agreement with the electric utility in whose service territory the solar energy system is located, whether the electricity generated will be distributed privately, or whether the electricity generated will be used on site.

h. Identify the name of the installer of the solar energy system.

No solar permit shall be issued except after approval of the written plan and drawing and after payment of the fees as provided.

6. Abandonment: Any Solar Energy System as an Accessory Use that is no longer in use or that is visibly damaged or in disrepair for a period of one year, shall be removed by the property owner, at the expense of the property owner, within thirty (30) days of the one-year period.

7. Fee Surcharge: Any person who constructs, alters, relocates or demolishes a solar energy system prior to the application, payment and issuance of a solar permit as required herein shall be charged three (3) times the application fee.

#### C. Accessory Use:

1. Permitted Accessory Use: The following solar energy systems shall be allowed as a permitted accessory use in all zoning districts within the County when used exclusively for non-commercial purposes:

- a. A ground mount solar energy system.
- b. A roof mount solar energy system.
- c. A building-integrated solar energy system.

2. Requirements: Solar energy systems under this section shall be subject to the following requirements:

a. No solar energy system that is an accessory use may be erected prior to the establishment or construction of the main building to which such system is accessory.

b. All solar energy systems that are constructed as an accessory use shall not be larger than necessary to provide one hundred twenty percent (120%) of the electrical requirements of the structure to which it accessory, as determined by a contractor licensed to install photovoltaic solar energy systems.

c. Height: The following height requirements shall be met:

(1) Building or roof mount solar energy systems shall not exceed the maximum allowed height in their respective zoning district.

(2) Ground mount solar energy systems shall not exceed ten (10) feet in height when oriented at maximum tilt.

d. Setback: All minimum setback requirements for the zoning district in which the solar energy system is in use must be satisfied, in addition to:

(1) Roof mount or building-integrated solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

(2) Ground mount solar energy systems shall not extend into the side yard or rear setback when oriented at minimum design tilt.

(3) No ground mount solar energy systems shall be allowed in the front yard of any property.

e. Visibility: Solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. A solar energy system may be screened from routine view through use of fencing, shrubbery, trees, or such other landscaping or building as may be necessary to satisfy the visibility requirements herein. The color of the solar collector and solar mounting devices shall be consistent with other roofing materials. The visibility requirements as set forth herein are also subject to the following:

(1) Building-integrated solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided that the building component in which the system is integrated meets all required set-back, land use or performance standards for the zoning district in which the building is located.

(2) Roof mount solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided that the highest finished pitch is no steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.

(3) Solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

f. Glare: Solar energy systems shall be designed, constructed and sited to minimize or prevent glare and/or reflections on adjacent properties and roadways, and shall not materially and negatively impact the use thereon. A solar energy system shall



not interfere with traffic, including air traffic, or otherwise create a safety hazard. In the event that reasonable glare and/or reflection concerns are raised within the County, the owner will take actions to address those concerns, including but not limited to additional screening or otherwise modifying the solar energy system.

g. Miscellaneous:

(1) Roof mount solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the roof upon which the systems are mounted.

(2) Roof mount solar energy systems shall not be constructed in any manner which creates an unreasonable risk of falling ice or snow, or which causes water to flow directly from any solar collector to ground level.

(3) Ground mount solar energy systems approved as an accessory use in any residential or commercial districts shall not be larger than the lesser of (i) half the building footprint of the main building on the property, or (ii) six hundred twenty-five (625) square feet. Ground mount solar energy systems approved as an accessory use in any agricultural or industrial districts are exempt from this provision.

(4) No ground mount solar energy system shall be constructed in a manner which increases water drainage flow to any adjacent property. If it appears that there is a risk of increased water drainage flow, the County Zoning Administrator may require the installation and maintenance of appropriate groundcover or detention areas to mitigate any such risk. If the applicant provides a written report from a qualified professional engineer indicating that the proposed ground mount solar energy system will not increase water drainage flow to adjacent property, the requirement shall be deemed satisfied for purposes of issuance of the solar permit only.

(5) Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must be consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

(6) Solar energy systems must be certified by a third-party for safety, performance and quality through a UL (formerly Underwriters Laboratories) listing or approved equivalent and solar hot water systems must have an SRCC (Solar Rating and Certification Company) rating.

(7) Solar energy systems shall comply with all applicable local and state building, electric and plumbing codes.

3. Special Use Permit: Solar energy systems permitted under subsection (A) of this section that demonstrate that the requirements in subsection (B) cannot be met without materially diminishing the minimum reasonable performance of the solar energy system, as that term is defined herein, may request a special use permit from the County.

a. Minimum Reasonable Performance: The standards for the minimum reasonable performance of certain solar energy systems are as follows:



(1) Fixed-Mount Active Solar Energy Systems: They should be mounted to face within forty-five (45) degrees of south (one hundred eighty-five (185) degrees azimuth).

(2) Solar Electric (Photovoltaic) Systems: The solar collectors should have a pitch between twenty (20) and sixty-five (65) degrees.

(3) Location Of All Solar Energy Systems: The solar energy system should be located where the lot or building has a solar resource, as defined herein.

b. Special Use Permit: A special use permit shall be granted, regardless of whether the requirements in subsection (B) are not met, if the applicant demonstrates that the minimum reasonable performance of the solar energy system is materially diminished and that the following conditions are present:

(1) Safety Conditions: The solar energy system must meet all applicable local, state, and federal health and safety standards.

(2) Aesthetic Conditions: The solar energy system must be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible, while still allowing the system to be mounted for efficient performance.

(3) Non-Tracking Ground Mount Systems: Pole or ground mount solar energy systems must be set back from the property line by a minimum of five feet (5').

4. Restrictions On Solar Energy Systems Limited: Nothing in this Chapter shall be deemed a limitation upon any homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within the County that prohibit or restrict homeowners from installing solar energy systems. (Ord. 05-22-002, 5-19-2022)

## **CHAPTER 16 EXTRACTIONS**

### **SECTION:**

**10-16-1: Applicability**

**10-16-2: Purpose**

**10-16-3: Mining Operation Special Use Permit Required**

**10-16-4: Application For Special Use Permit**

**10-16-5: Term Of License; Renewal**

**10-16-6: Mining Operation Requirements**

**10-16-7: Setback Requirements**

**10-16-8: Bond**

**10-16-9: Exceptions**

**10-16-10: Revocation Of License**

#### **10-16-11: Penalty**

#### **10-16-1: APPLICABILITY:**

This chapter provides the restrictions and regulations governing quarries, sand and gravel pits; topsoil, clay, peat and coal extraction; removal of ledge rock, rock crushing, blasting and related uses. (Ord. 06-05-002, 6-21-2005)

#### **10-16-2: PURPOSE:**

It is declared to be the policy of the county to provide for the reclamation of lands disturbed by mining in order to encourage productive use thereof, including, but not limited to, the planting of forests; the seeding of grasses and legumes for grazing purposes; the planting of crops for harvest; the enhancement of wildlife and aquatic resources; the establishment of recreational, home and industrial sites; and for the conservation, development, management and appropriate use of all the natural resources of such areas for compatible multiple purposes; to aid in maintaining or improving the tax base; and protecting the health, safety and general welfare of the people, as well as the natural beauty and aesthetic values, in the affected areas of the county. (Ord. 06-05-002, 6-21-2005)

#### **10-16-3: MINING OPERATION SPECIAL USE PERMIT REQUIRED:**

A. No person, firm or corporation shall hereafter engage in the mining of topsoil, clay, gravel, sand, stone or other minerals, or the removal of ledge rock on any land within the county without first obtaining from the county a mining special use permit in such form and in such manner as shall hereinafter be provided.

B. No mining special use permit shall be issued or renewed, pursuant to this title unless the mining proposed to be conducted will be in an AG-1 agricultural district. (Ord. 06-05-002, 6-21-2005)

#### **10-16-4: APPLICATION FOR SPECIAL USE PERMIT:**

A. Any person, corporation or other entity desiring to commence, or to extend an expiring special use permit for mining and processing of topsoil, clay, gravel, sand, stone or other minerals shall make written application for such special use permit or extension thereof, to the zoning administrator. Application for such special use permit shall be made upon a form furnished by the zoning administrator, which form shall contain a description of the tract, or tracts, of land and the number of acres thereof to be mined by the applicant and which description shall include the section, town and range in which the land is located and shall otherwise describe the land and that portion thereof to be mined with sufficient certainty so that it may be located and distinguished from other lands, and a statement that the applicant has the right and power by legal estate owned to mine and reclaim that land so described. Such application shall be accompanied by the following:

1. A bond meeting the requirements hereinafter set forth in this title;
2. A detailed sketch of the land drawn at a scale of one inch equals one hundred feet (1" = 100') showing at least the following specifics:
  - a. Existing topographical features at two foot (2') intervals, up to and including seven percent (7%) grade. Greater than seven percent (7%) grade would require five foot (5') contours.

- b. Location of watercourses and drainage systems.
- c. Outline of area to be excavated.
- d. The proposed location of sorting, grading, crushing, recycling and similar equipment necessary to the operation and initial distribution of the excavated products.
- e. The proposed location of any buildings, scale house, equipment storage areas, and equipment repair sheds or areas.
- f. The proposed location, in detail, of all stockpiles such as, but not limited to, overburden, topsoil and mined, processed and recycled material.

3. A detailed reclamation and landscape plan and map drawn at a scale of one inch equals one hundred feet (1" = 100') designating which parts of the land shall be reclaimed for forest, pasture, crop, horticultural, homesite, recreational, industrial or other uses including food, shelter and ground cover for wildlife, and shall show the same by appropriate designation on the reclamation and landscape plan. The reclamation and landscape plan and map shall specify progress and completion dates of the reclamation and landscape plan; provided, however, the reclamation is to be completed prior to the expiration of three (3) years after the termination of the mining operation on the land. In the event the operator and the county shall mutually determine that characteristics of the area concerned have been found to be present during the conduct of mining which merit a modification in the reclamation plan or schedule, changes may be made in the original reclamation and landscape plan by mutual consent of the operator and the county board, which changes shall preserve, as substantially as possible, the original reclamation and landscape plan, but shall also take into consideration the previously unknown variables. Contours shall conform to requirements of development proposed, but not less than required for existing original topography.

4. A written statement containing an explanation of the characteristics of the site to be mined and of the character of the surrounding territory, an explanation of the reclamation plan and an explanation of the schedule of development.

5. In satisfaction of the requirements of subsections A2, A3 and A4 of this section applicant shall be permitted to submit the forms, including the reclamation plan and reclamation map, delivered by him to the proper department of the state, in his application for a permit under an act of the general assembly entitled: "the surface-mined land conservation and reclamation act". (Ord. 06-05-002, 6-21-2005)

#### **10-16-5: TERM OF LICENSE; RENEWAL:**

A. A special use permit may be in effect for a period of up to fifteen (15) years from the date of the issuance thereof, as determined by the county board, provided the requirements of operation and reclamation set forth under the special use permit shall be met. An examination of the premises shall be made by the zoning administrator at intervals of not more than each six (6) months during the term of operation.

B. Each special use permit shall be renewable for successive five (5) year terms upon written application to the zoning administrator, accompanied by a bond, meeting the requirements hereinafter set forth in this title and a sworn statement detailing compliance

with the progress requirements for the completion of the approved reclamation and landscape plan and the satisfactory inspection record over the previous five (5) year period. (Ord. 06-05-002, 6-21-2005)

#### **10-16-6: MINING OPERATION REQUIREMENTS:**

A. Each person, firm or corporation to whom a special use permit to mine is issued may engage in mining upon the lands described in the special use permit, subject to the following regulations:

1. The mining operations shall be conducted in compliance with the laws of the state and federal government especially as related to safety standards, and ordinances and resolutions of the county, as amended from time to time and in compliance with a furtherance of the approved reclamation plan for the land subject to the special use permit.

2. Clearing of the mining site shall include the moving of existing trees and shrubs to such locations as will provide screening as hereinafter provided whenever possible or as will conform to the plan for ultimate use of the property as shown on the reclamation plan to be submitted.

3. Maximum depth of excavation shall not be below existing ground water, except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation for conformance to the approved reclamation plan.

4. Adequate planting including native species and/or fencing shall be provided along all public roads adjacent to the property involved, sufficient to screen the operation from public view, as shown on approved reclamation and landscape plans and as approved by the county board in granting the special use permit.

5. Not more than one entrance and one exit from a roadway shall be provided to the area of operation. Such entrance shall be subject to approval by the highway department having jurisdiction of the roadway and shall preferably be located along a secondary roadway, and shall be located as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development. If required by the highway department having jurisdiction, acceleration and deceleration strips shall be provided on either side of such entrance and exit, each not less than one hundred feet (100') in length, and shall be paved of such material as shall be required by the highway department having jurisdiction. Furthermore, a paved roadway from the entrance and exit, a distance of not less than three hundred feet (300') from the right of way line into the area of operation shall be provided in order to minimize the deposits of dirt and gravel from trucks onto the public roadway. Such pavement shall be in accordance with the specifications of the county highway department. Entrances and exits shall be provided with the gates to be securely locked during hours of operation.

6. Trucks used in hauling materials from the site of excavation shall be loaded in such a manner as to prevent spillage onto the public roadway. Hours of operation of transport vehicles shall be from six o'clock (6:00) A.M. to seven o'clock (7:00) P.M. from April 1 until November 1. During the balance of the year the operation of transport vehicles

shall be restricted to six o'clock (6:00) A.M. to six o'clock (6:00) P.M. Hours may be extended during a public emergency during which sand, gravel or limestone is needed and upon the order of the county engineer or the zoning administrator. The county board members representing the district in which the mining operation is located shall be notified as soon as permission is granted for extended hours of operation.

7. Overburden shall not be removed in excess of the area to be mined within one year. Reclamation and landscaping plans shall be carried on as excavation progresses. Where ground cover or other planting is indicated on approved plans, such planting shall be made in areas where excavation is completed and land is not being used for material storage before further overburden is removed and in order to ensure reclamation and development as operations proceed.

8. Mining operations, not including maintenance of equipment used in the mining operation shall be conducted only during the hours of six o'clock (6:00) A.M. to six o'clock (6:00) P.M., except during a public emergency during which sand and gravel is needed and upon order of the county engineer or the zoning administrator. The county board members representing the district in which the mining operation is located shall be notified as soon as permission is granted for extended hours of operation.

9. No extraction operations shall be conducted in such a manner as to permanently lower the water table of surrounding inhabited properties.

10. Where required by the county board in granting a special use permit for a mining operation, to promote safety, a fence shall be erected which shall be of a nature and character to protect the general public from danger.

11. Weeds and other unsightly or noxious vegetation shall be cut or trimmed at least twice a year or as may be necessary to present a reasonably neat appearance and to prevent seeding on adjoining property.

12. Existing trees and ground cover along public roadway frontage shall be preserved, maintained, and supplemented for the depth of the required roadway setback.

13. Upon the completion of the operations, the land shall be left in a condition so that sufficient drainage is provided in order to prevent water pockets or undue erosion with all grading and drainage such that natural storm water leaves the entire property at the original, natural, drainage points and that the area drainage to any one such point is not increased. In the event the reclamation plan shall provide for the permanent establishment of a lake, the grading and drainage may be altered, but not in such a manner as to cause damage or inconvenience to surrounding or adjoining properties.

14. Graded or backfilled areas or banks in the cases of excavations made to water producing depth shall be covered with topsoil to a minimum average depth of six inches (6"). Such topsoil shall have a minimum of twenty five percent (25%) organic material except that no greater depth of topsoil or percentage of organic material shall be required than originally existing on the property prior to the commencement of mining operations.

15. Upon replacement of the topsoil, trees, shrubs, legumes, grasses or ground cover, native species if possible shall be planted in accordance with the approved landscape, soil erosion control and reclamation plan.

16. Whenever production on any property shall have been completed, all buildings, plants, structures (except fences) and equipment shall be entirely removed within six (6) months after such completion, unless same are to be used in connection with the reclamation project proposed or relative to the removal of stored materials. Any and all stockpiled materials shall be removed in not more than two (2) years following cessation of production and the area occupied by such stockpiled material, or materials, shall then be restored as provided for in the reclamation plan.

17. Whenever production on any property involves blasting such operation shall be in accordance with the Illinois department of mines and minerals regulations. In addition, these operations shall have a seismograph located on site available to calibrate ground disturbances in close proximity to the mining.

18. Concrete and asphalt may be stockpiled on the mining site for recycling purposes only. Recycling of these materials may only be conducted in conjunction with a licensed mining operation and in accordance with EPA applicable regulations. Concrete and asphalt to be recycled and their byproducts (such as, but not limited to, reinforcing bar and wire mesh), must be properly processed and disposed of at a minimum of once per year. All activity associated with concrete and asphalt recycling shall not be conducted closer than two hundred feet (200') from the boundaries of an adjoining property line. Maximum height of stockpiles shall not exceed berm heights as approved on the reclamation map, and/or exceed the height of excavation below grade. All recycled materials shall be certified as to origin and potential for ground water or surface water contamination. A settling basin shall be provided for all runoff generated from recycled materials and associated activities. A minimum one hundred foot (100') separation from any surface waters shall be provided from recycled materials and associated activities. (Ord. 06-05-002, 6-21-2005)

#### **10-16-7: SETBACK REQUIREMENTS:**

Unless otherwise specifically provided in the applicable special use permit, production, processing and excavation shall not be conducted closer than two hundred feet (200') to the boundary of any zoning district where such operations are not permitted, nor shall such production, process or excavation be conducted less than one hundred feet (100') from the boundaries of an adjoining property line nor shall such production, processing and excavation be conducted less than one hundred fifty feet (150') from the right of way of any existing or platted street, roadway or highway. (Ord. 06-05-002, 6-21-2005)

#### **10-16-8: BOND:**

The bond herein required to be filed with the zoning administrator shall be in such form as the zoning administrator shall prescribe, payable to the county and conditioned that the principal shall faithfully perform and complete the reclamation plan approved as herein provided, and such bond shall be signed by the special use applicant as principal. The penalty of such bond shall be five thousand dollars (\$5,000.00) plus such additional amount as will equal two thousand dollars (\$2,000.00) for each acre or major portion



thereof of land proposed by the principal to be thereafter mined. (Ord. 06-05-002, 6-21-2005)

**10-16-9: EXCEPTIONS:**

Any mining operation legally commenced prior to the adoption of this chapter shall be exempt from the requirements hereof, as to outstanding special use permits, except that said operations shall not be exempt from the requirements pertaining to the existing special use permit requirements, the hours of operation, the operation of motor vehicles and safety regulations. (Ord. 06-05-002, 6-21-2005)

**10-16-10: REVOCATION OF LICENSE:**

Upon failure by the holder of a special use permit, issued pursuant to the provisions of this title, to fully comply with the provisions hereof and when same has been certified by the zoning administrator to the Zoning Hearing Officer, the said Zoning Hearing Officer shall give notice to said permittee, and the owner of the land (which notice may be given by mail addressed to their last known address) setting forth the provision of this title being violated by the permittee, and the time and place of hearing to be held by said Zoning Hearing Officer to consider the same; and upon such hearing being held, if said Zoning Hearing Officer shall find that the provisions of this title have not been complied with by the permittee, the special use permit may thereupon be suspended or terminated by said Zoning Hearing Officer. (Ord. 06-05-002, 6-21-2005)

**10-16-11: PENALTY:**

Any person, corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with, or, who resists the enforcement of, any of the provisions of this chapter and each section thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) for each offense. Each day that a violation continues to exist constitutes a separate offense. (Ord. 06-05-002, 6-21-2005)

## **CHAPTER 17**

### **APPLICATIONS, PERMITS, FEES AND PENALTIES**

**SECTION:**

**10-17-1: General**

**10-17-2: Building Codes**

**10-17-3: Compliance With Water And Sewage Disposal Regulations**

**10-17-4: Penalties**

**10-17-1: GENERAL:**

The procedures governing the form of permit applications, zoning and subdivision requests, filing requirements and fees, notice requirements, hearing processes, Zoning Hearing Officer meetings, planning commission meetings, county board meetings, certifications, the LESA process and other procedural matters are contained in the "County Development Manual" prepared by the zoning administrator and the administrative committee of the county board, and updated from time to time. A copy is available in the county planning office. (Ord. 06-05-002, 6-21-2005)



**10-17-2: BUILDING CODES:**

The county may adopt building codes from time to time to establish standards relating to plumbing, electrical, building materials, fire protection ratings and other construction matters. In the absence of the adoption of any such codes, or to refer to standards which any adopted code does not cover, the county shall rely upon the latest published edition of BOCA, or upon such other edition of BOCA as the county shall designate. (Ord. 06-05-002, 6-21-2005)

**10-17-3: COMPLIANCE WITH WATER AND SEWAGE DISPOSAL REGULATIONS:**

No building permit shall be issued for the construction or alteration of any building or structure in any district requiring water or sewage services unless said building or structure is in compliance with the county and state health department regulations regarding water supply and sewage disposal applicable to the property and use in said district. (Ord. 06-05-002, 6-21-2005)

**10-17-4: PENALTIES:**

Any person, corporation or other entity who violates any of the provisions of this zoning ordinance shall be guilty of a petty offense punishable by a fine not to exceed five hundred dollars (\$500.00), with each day the violation remains uncorrected constituting a separate offense. In addition, wilful, wanton and/or repeated violations of this title may be referred to the state's attorney for prosecution as a misdemeanor. (Ord. 06-05-002, 6-21-2005)

## **CHAPTER 18**

### **EXCULPATIONS; GRANDFATHERING**

**SECTION:****10-18-1: Exculpations****10-18-2: Grandfather Clause****10-18-1: EXCULPATIONS:**

The standards imposed by this title are based upon the best engineering and scientific study available at the time this title is adopted. The degree of protection to the public is considered reasonable for regulatory purposes. Neither the county, nor any of its employees or agents, assume any responsibility or liability in the event that proper reliance on the standards as imposed herein are not sufficient to avoid any of the results that this title is directed at achieving. (Ord. 06-05-002, 6-21-2005)

**10-18-2: GRANDFATHER CLAUSE:**

Any actions taken prior to the effective date of this title, in reliance upon and in accordance with prior county zoning regulations in effect at the time the actions were taken, shall be considered as in compliance with this title and legal, until such point hereafter as any modifications are requested regarding such prior actions, at which time any such modifications or further actions shall comply with all the provisions of this title. (Ord. 06-05-002, 6-21-2005)