

CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

40-1-1 **PURPOSE.** In accordance with State law, this Code regulates lots, structures, uses and similar matters in order to preserve, protect, and promote the public health, safety and general welfare through implementation of the County’s comprehensive plan. More specifically, this Code is intended to assist in achieving the following objectives:

(A) To encourage the development of buildings and uses on appropriate sites in order to maximize County-wide social and economic benefits while accommodating the particular needs of all residents;

(B) To discourage development on inappropriate sites, especially on agricultural land;

(C) To protect and enhance the character and stability of sound existing residential, commercial and industrial areas, and to gradually eliminate nonconforming uses and structures;

(D) To conserve and increase the value of taxable property throughout the County;

(E) To ensure the provision of adequate light, air and privacy to the occupants of all buildings;

(F) To protect property from damage caused by fire, flooding, and adverse soil and topographical conditions;

(G) To provide adequate and well-designed off-street parking areas for all buildings and uses, and to reduce vehicular congestion on the public streets and highways; and

(H) To provide for the efficient administration and fair enforcement of all the substantive regulations set forth herein.

40-1-2 **JURISDICTION.** This Code shall be applicable throughout Clinton County, except within the corporate limits of municipalities which have adopted local zoning codes.

40-1-3 **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of the County, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

40-1-4 **DISCLAIMER OF LIABILITY.**

(A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent or employee of the County shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See “Local Governmental and Governmental Employees Tort Immunity Act”, Ill. Comp. Stat., Ch. 745 Secs. 10/1-101)**

(B) Any suit brought against any official, board member, agent, or employee of the County, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the State's Attorney until the final determination of the legal proceedings.

40-1-5 **SEPARABILITY.** If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

40-1-6 **WHEN EFFECTIVE.** This Code shall take effect after its final passage, approval, and publication as provided by law, on the effective date set forth below. **(55 ILCS 5/5-12001)**

ARTICLE II - DEFINITIONS

40-2-1 CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 40-2-2** unless the context clearly indicates otherwise; terms not defined in **Section 40-2-2** shall have their standard English dictionary meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory; the term "may" is discretionary.

(F) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**.

(G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

40-2-2 SELECTED DEFINITIONS.

Abutting: Having a common lot line or district line. Synonym for "adjacent" and "contiguous".

Access Way: A curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking.

Accessory Building/Structure/Use: Any building, structure or use which:

(A) Is subordinate to and serves a principal building or use;
 (B) Is subordinate in area, extent or purpose to the principal building or use (R1 – R2 – R3);

(C) Contributes to the comfort, convenience or necessity of occupants of the principal building or use served;

(D) Is located on the same zoning lot as the principal building or use served;

(E) Does not change the basic character of the premises as determined by its principal use. **(Ord. No. 05-04-02)**

Administrator: The official appointed by the County Board of Clinton County to administer this Code, or his representative. **(Synonymous with "Zoning Administrator.")**

Adult Arcade: Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image producing devices are maintained to show images to **five (5)** or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas". **(Ord. No. 05-04-02)**

Adult Bookstore, Adult Novelty Store or Adult Video Store: Adult bookstore, adult novelty store or adult video store means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any **one (1)** or more of the following:

(A) books, magazines, periodicals or other printed matter, or photographs, film motion pictures, video cassettes, or video reproductions, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(B) instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". **(Ord. No. 05-04-02)**

Adult Cabaret: Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(A) persons who appear in a state of nudity or semi-nude; or

(B) live performances which are characterized by the exposure of "specified anatomical area" or by "specified sexual activities"; or

(C) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". **(Ord. No. 05-04-02)**

Adult Entertainment Facility: Adult entertainment facility means (i) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows or other exhibitions or (ii) an adult bookstore or adult video store whose primary business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions. "Unincorporated area of a county" means any area not within the boundaries of a municipality. **(Ord. No. 2015-07-57)**

Adult Motel: Adult motel means a hotel, motel or similar commercial establishment which:

(A) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(B) offers a sleeping room for rent for a period of time is less than **ten (10) hours**; or

(C) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than **ten (10) hours**. **(Ord. No. 05-04-02)**

Adult Motion Picture Theater: Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". **(Ord. No. 05-04-02)**

Adult Oriented Business: Adult oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio, or sexual encounter center. **(Ord. No. 05-04-02)**

Adult Theater: Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities". **(Ord. No. 05-04-02)**

Agriculture: Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, apiculture, horticulture, floriculture, or animal/poultry husbandry. The term "agriculture" encompasses buildings occupied as residences by persons engaged in agricultural activities. In addition, it includes accessory uses and structures customarily incidental to agricultural activities. Buildings occupied as residences by persons not engaged in agriculture shall not be considered as being used for agricultural purposes, even though they are located on agricultural land; and said buildings are subject to the provisions of this Code.

Agricultural Land: Land suited for producing food, feed, forage, fiber, and oilseed crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed according to modern farming methods.

Aisle: A vehicular traffic-way within an off-street parking area, used as a means of access/egress from parking spaces.

Alley: A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

Alter: To change the size, shape, or use of a structure.

Amendment: A change in the provisions of this Code {including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

Anchor: Any approved device used to keep a manufactured home firmly attached to the stand on which it is placed.

Attached: As applied to buildings, "attached" means having a common wall and/or a common roof.

Bed and Breakfast Establishment:

(A) An operator-occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast may be provided to the guests only.

Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service.

(B) Operator shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this act to reside in the bed and breakfast establishment, or on contiguous property.

(C) Guest room shall mean a sleeping room intended to serve no more than **two (2) transient guests** per night. **(Ord. No. 1-19-10)**

Billboards: A billboard is a single or double-faced street graphic that is permanently fixed or placed on particular premises and that is used for the display or messages or advertising not associated with the establishment located on said premises. A billboard typically has provision for changing the message/advertising thereon. **(Ord. No. 05-04-02)**

Board of Appeals: The Zoning Board of Appeals of Clinton County, Illinois.

Boarding House: A residential building or portion thereof--other than a motel or hotel--containing lodging rooms for accommodation of **three (3) to ten (10) persons** who are not members of the keeper's family, and where lodging or meals or both are provided by prearrangement and for definite periods, but not on an overnight or per-meal basis to the transient public.

Buffer Strip: An area of land--undeveloped except for landscaping, fences, etc.,--used to protect a use situated on **one (1) lot** from the deleterious effects of the use on the adjacent lot.

Building: Any covered structure permanently affixed to land and designed or uses to shelter persons or chattels.

Building Height: The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof, the deck line of mansard roof, or peak of hip, gambrel or gable roof. Chimneys, towers, cooling towers and similar projections shall not be included in calculating building height. **(Ord. No. 05-04-02)**

Building Line: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the centerline of the existing street or road.

Bulk Storage – Flammable, Sale/Distribution: The storage of petroleum products in above ground containers designed for sale/distribution. **(Ord. No. 07-04-01; 07-29-04)**

Campground: A tract of land on which facilities are developed for accommodating travel trailers for temporary occupancy during **one (1) year** or more seasons of the year where recreational vehicles can be located and occupied as an accommodation away from the residence of occupants, and not constituting the principal place of residence of the occupants. **(Ord. No. 2014-07-022)**

Carlyle Lake Easement: This area of the Carlyle Lake has specific laws and regulations pertaining to building. The U.S. Army Corp of Engineers office must be contacted for permits in this area and you must also comply with the Clinton County Zoning Code. **(Ord. No. 4-91-4)**

Centerline:

- (A) The centerline of any right-of-way having a uniform width;
- (B) The original centerline, where a right-of-way has been widened irregularly;
- (C) The new centerline, whenever a road has been relocated.

Certificate of Zoning Compliance, Initial: A building permit issued by the Zoning Administrator indicating that the proposed construction work is in conformity with the requirements of this Code, the Clinton County Flood Plain Code, and the Clinton County Subdivision Code, and therefore proceed. **(Ord. No. 4-91-4)**

Certificate of Zoning Compliance, Final: A permit issued by the Zoning Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code and may, therefore, be occupied or used.

Certificate of Zoning Compliance for Recording "Approved": This statement and signature of the Zoning Administrator is placed on the instrument that is to be recorded. If the document is not in compliance with the Zoning Code, it will be rejected by the Recorder's Office. **(Ord. No. 4-91-4)**

Churches: A building used for non-profit purposes wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. **(Ord. No. 09-03; 2003)**

Clinic: An establishment where licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

Club House: A structure containing less than **nine hundred (900) square feet** which is occupied less than **ninety (90) days** within a calendar year, used for recreational purposes and normally found along lakes, rivers and streams. **(Ord. No. 05-04-02)**

Club/Lodge: A nonprofit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial Use/Establishment: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Comprehensive Plan: The plan or any portion thereof adopted by the County Board to guide and coordinate the physical and economic development of Clinton County. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways; bridges; public buildings or uses; utilities; schools; residential, commercial or industrial land uses; parks; drainage facilities; etc.

Conforming: In compliance with the applicable provisions of this Code.

Convenience Store: Any small retail, commercial or service establishment offering foods/services primarily to the residents of a particular multiple-family complex, manufactured home park, or similar development.

Corrective Action Order: A legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Code.

County: Clinton County, Illinois.

Day Care Center: See "Nursery School."

Detached: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

Dimensions: Refers to both lot depth and lot width.

District Zoning: A portion of the territory of the County wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

Driveway: A minor way commonly providing vehicular access to a garage or off-street parking area.

Dwelling: A building or portion thereof designed or used primarily as living quarters for **one (1)** or more families, but not including hotels, motels, or other accommodations for the transient public.

Dwelling, Multiple-Family: A building or portion thereof containing **three (3)** or more dwelling units.

Dwelling, Single-Family: A dwelling on a permanent foundation containing one dwelling unit and intended for the occupancy of one family for residential purposes. In no case shall a motor home, trailer coach, automobile, tent, or portable building be considered a dwelling. **(Ord. No. 05-04-02)**

Dwelling, Two-Family: A dwelling containing **two (2) dwelling units**, a duplex.

Dwelling Unit: One or more rooms designed or used as living quarters by one family. A "dwelling unit" always includes a bathroom and a kitchen.

Easement: A right to use another person's real property for certain limited purposes.

Employee: Employee means a person who performs any service on the premises of adult oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee

does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises. **(Ord. No. 05-04-02)**

Enclosed: As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use. Synonym for "extend" and "expand".

Erect: To build, construct.

Escort: Escort means a person who, for consideration and/or payment, offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person. **(Ord. No. 05-04-02)**

Escort Agency: Escort agency means a person or business or association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purpose for a fee, tip, or other consideration. **(Ord. No. 05-04-02)**

Establishment: Establishment means and includes any of the following:

- (A) the opening or commencement of any adult oriented business as a new business;
- (B) the conversion of an existing business, whether or not an adult oriented business, to any adult oriented business;
- (C) the additions of any adult oriented business to any other existing adult oriented business; or
- (D) the relocation of any adult oriented business. **(Ord. No. 05-04-02)**

Existing: Actually constructed or in operation on the effective date of this Code.

Factory Skirting: Skirting that is factory manufactured and fire rated that is placed around the perimeter of the manufactured home. **(Ord. No. 4-91-4)**

Family: **One (1) person**, or **two (2)** or more persons related by blood, marriage, or legal adoption, or not more than **three (3)** unrelated persons, maintaining a common household in a dwelling unit.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors; attic floor space; halls, closets, and stairwells; space devoted to mechanical equipment; and enclosed porches.

Frontage: The lineal extent of the front (street-side) of a lot.

Group Care Facility: A facility or dwelling unit housing a group of individuals who:

- (A) Are not related by blood, marriage, adoption or guardianship; and

(B) Share the premises as their permanent residence, as a single housekeeping unit, under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. Said facility or dwelling unit shall not house more than **six (6) individuals** at a time. **(Ord. No. 2013-11-26; 11-18-13)**

Handicapped/Disabled: A person having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. **(Ord. No. 05-04-02)**

Hereafter: Any time after the effective date of this Code.

High Volume Horizontal Fracturing Permit means the permit issued by the Department of Natural Resources under Illinois Public Act 098-0022 allowing high volume horizontal fracturing operations to occur at a well site. **(Ord. No. 2015-07-57)**

Home Occupation: Any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Code.

Horizontal High Volume Hydraulic Fracturing Operations means all stages of a stimulation treatment of a horizontal well by the pressurized application of more than **eighty thousand (80,000) gallons** per stage or more than **three hundred thousand (300,000) gallons** total of hydraulic fracturing fluid and proppant to initiate or propagate fractures in a geologic formation to enhance extraction or production of oil or gas. **(Ord. No. 2015-07-57)**

Immobilize: As applied to a manufactured home, "immobilize" means to remove the wheels, tongue and hitch and/or to place on a permanent foundation.

Intensify: To increase the level or degree of.

Intersection: The point at which **two (2)** or more public rights-of-way (generally streets) meet.

Junk: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Junk Yard: Any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials, and equipment; but not including establishments where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase, or storage of used cars in operable condition, or storage of materials incidental to manufacturing operations.

Landscape Waste Compost Facility: An entire landscape waste composting operation, with the exception of a garden compost operation. **(Ord. No. 2013-07-20; 07-16-13)**

Licensee: Licensee means a person in whose name a license to operate an adult oriented business has been issued, as well as the individual listed as an applicant on the application or a

license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult oriented business. **(Ord. No. 05-04-02)**

Livestock Management Facilities Act: This Act **(510 ILCS 77/1 et seq.)** as adopted and amended from time to time by the State of Illinois will be used to regulate certain developments in the agricultural areas of Clinton County. **(Ord. No. 02-07-02)**

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A "lot" may or may not coincide with a "lot of record". "Lot" is synonymous with "tract", "plot", and "site".

Lot of Record: An area of land designated as a lot on a plat of subdivision or described by metes and bounds in a deed, and recorded with the Clinton County Recorder of Deeds.

Lot, Corner: A lot having at least **two (2)** adjacent lot lines that abut for their full length upon streets. Both such lot lines shall be deemed front lot lines.

Lot, Through: A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

Lot Coverage: The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Front: Any lot boundary abutting a street or road.

Lot Line, Rear: An interior lot line which is most distant from and most nearly parallel to the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot Width: The mean horizontal width of a lot measured at right angles to the side lot lines.

Manufactured Home I – Single-Wide means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term shall include manufactured homes constructed after **June 30, 1976**, in accordance with the Federal "**National Manufactured Housing Construction and Safety Standards Act of 1974**". Compliance with this standard is indicated by a **two-inch by four-inch (2" x 4")** metal plate attached to the exterior tail light end of the manufactured home. The average width and/or length of the living area (excluding garages, carport, porches, or attachments) of a manufactured home shall be in excess of a ratio of 3 to 1 and shall have minimum living area of not less than **nine hundred eighty (980) square feet**. The installation of these homes must comply with the Manufactured Home Quality

Assurance Act and the Manufactured Home Installation Code (77 Ill. Adm. Code 870). The installation of these homes must comply with the Manufactured Home Installation Code and Home Quality Assurance Act. **(Ord. No. 2015-07-57)**

Manufactured Home II – Double Wide means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term shall only include manufactured homes constructed after **June 30, 1976** that are double-wide units, in accordance with the Federal **“National Manufactured Housing Construction and Safety Standards Act of 1974”**. Compliance with this standard is indicated by a **two-inch by four-inch (2” x 4”)** metal plate attached to the exterior tail light end of the home. The average width and/or length of the living area (excluding garages, carport, porches, or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. As with all residences, a manufactured home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and have a minimum living area of not less than **twelve hundred (1,200) square feet**. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a “manufactured home”, but shall be an “immobilized manufactured home”. A manufactured home shall not be confused with a “camping trailer” or “recreational vehicle”. **(Ord. No. 2015-07-57)**

Manufactured Home Park: A tract of land of not less than **two (2) acres** or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **two (2)** or more independent manufactured homes for permanent habitation either free of charge or revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of the land from common licensure as a manufactured home park if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being a part of a manufactured home park. **(210 ILCS 115/2.5) (Ord. No. 2015-07-57)**

Manufactured Home Stand: The part of a manufactured home space beneath the manufactured home that includes the concrete slab on which the home is placed and to which it is anchored. **(Ord. No. 2015-07-57)**

Manufactured Residence: A manufactured residence is a factory fabricated single family home built in one or more sections. The average width and/or length of the living area (excluding garages, carports, porches or attachments) of a manufactured residence shall not exceed a ratio of 3 to 1. All wheels and touring devices must be removed. A manufactured residence must have a minimum of 3/12 pitch roof, **six (6) inch** minimum eave overhand, and must have a living area of not less than **nine hundred (900) square feet**. Manufactured residences must meet all adopted federal and/or local building codes. **(Ord. No. 2015-03)**

Mini/Self Storage Warehouse: A facility used only for the storing of household and personal property (no commercial storage) with no commercial transactions permitted other than the rental of the storage units. **(Ord. No. 07-04-01)**

Mobile Home means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term **"mobile home"** shall only include homes constructed prior to **June 30, 1976**, not in accordance with the Federal **"National Manufactured Housing Construction and Safety Standards Act of 1974"**. (See applicable zone district.) (Ord. No. 2015-07-57)

Modular Home: A modular home is a factory-fabricated single-family home built in **one (1)** or more sections. The average width and/or length of the living area (excluding garages, carports, porches or attachments) of a modular home shall not exceed a ratio of 3 to 1. All wheels and towing devices shall be removed. As with all residences, a modular home shall have a minimum 4/12 pitch with residential style siding and roofing, **six (6) inch** minimum eave overhang, shall have a minimum living area of not less than **nine hundred eighty (980) square feet**. Modular homes shall have a yellow seal in the shape of the State of Illinois on the electrical panel box of the home or on the inside of the kitchen sink cabinet. Local officials may require additional items other than the minimum state requirements such as the National Manufactured Home Construction and Safety (HUD Code) or the International Building Code (I.B.C.) Installation per manufacturer's instructions. (Ord. No. 2015-07-57)

Nonconforming: As applied to a lot, structure, or use, "nonconforming" means: (1) lawfully existing on the effective date of this Code or pertinent amendment thereto, but (2) not in compliance with the applicable provisions set forth herein.

Nude Model Studio: Nude model studio means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Illinois or college, community college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college or university supported entirely or partly by taxation, or in a structure:

- (A) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- (B) where in order to participate in a class; a student must enroll at least **three (3) days** in advance of the class; and
- (C) where no more than **one (1)** nude or semi-nude model is on the premises at any one time. (Ord. No. 05-04-02)

Nudity, State of Nudity: Nudity, state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque coverage of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. (Ord. No. 05-04-02)

Nuisance: Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Nursery – Retail: The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities. **(Ord. No. 07-04-01)**

Nursery School: An establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary school age.

Office: Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

Overlay District: A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling special developmental problems.

Parking Area/Lot, Off-Street: Land that is improved in accordance with this Code and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking lot", depending on the circumstances of its use, may be either a principal use or an accessory use.

Parking Space, Off-Street: An area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of **one (1)** passenger motor vehicle.

Permanent Foundation: A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, poured wall or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation. In addition, piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the structure, provided the support beams are affixed to the permanent perimeter foundation. **(Ord. No. 2015-07-57)**

Permitted Use: Any use which is or may be lawfully established in a particular district(s).

Person: Person means an individual, proprietorship, partnership, limited liability company, corporation, association, or other legal entity. **(Ord. No. 05-04-02)**

Premises: A lot and all the structures and uses thereon.

Principal Building/Structure/Use: The main structure erected on or the main use occupying a lot as distinguished from an accessory (subordinate) structure or use.

Property Line: See "Lot Line".

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after partial or total destruction.

Recreational Vehicle: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicle more specifically includes:

(A) **Camping Trailer:** A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

(B) **Fifth Wheel Trailer:** A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, that is of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed **four hundred (400) square feet** in the set-up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

(C) **Motor Home:** A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van is an integral part of the completed vehicle.

(D) **Park Trailer:** A recreational vehicle that meets the following criteria:
 (1) built on a single chassis mounted on wheels;
 (2) having a gross trailer area not exceeding **four hundred (400) square feet** in the set-up mode; and
 (3) certified by the manufacturer as complying with ANSI A119.5, Standard for Park Trailers.

(E) **Travel Trailer:** A vehicular unit, mounted on wheels, that is designed to provide temporary living quarters for recreational, camping, or travel use, that is of such size or weight as not to require special highway movement permit(s) when towed by a motorized vehicle and that has a gross trailer area of not less than **three hundred twenty (320) square feet**.

(F) **Truck Camper:** A portable unit constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck. **(Ord. No. 05-04-02)**

Relocate: To move to another portion of a lot or to a different lot.

Repair: To restore to sound condition, but not to reconstruct.

Residence. As defined by this Code, a residence is a site-constructed single family home. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a residence shall not exceed a ratio of 3 to 1. All residences must be placed on a full perimeter permanent foundation extending below the frost depth and must be permanently attached to that foundation. A residence must have a minimum 3/12 pitch roof, **six (6) inch** minimum eave overhang, and must have a minimum living area of not less than **nine hundred (900) square feet**. Residences must meet all adopted federal and/or local building codes. **(Ord. No. 05-04-02)**

Restaurant: "Restaurant" means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant. **(Ord. No. 2015-04)**

Restrictive: Tending to keep within prescribed limits.

Retail: Refers to the sale of goods and services directly to the consumer rather than to another business.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to a unit of government for streets, alleys, or other public purposes.

Road Use and Maintenance Agreement: A written agreement between a private company and a local government (county, municipal, township) used to address traffic and road impact concerns. The primary intent of a road use maintenance agreement is to provide the signing parties with an efficient method by which haulers compensate the local government for the additional road maintenance and loss of structure's life resulting from their concentrated haul. Road maintenance agreements are to cover only the incremental cost that occurs above regular maintenance costs due to the increased pressures of heavy or frequent hauls. **(Ord. No. 2015-07-57)**

Sanitary Landfill: A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency. At a "sanitary landfill" the refuse is periodically covered with topsoil.

Seasonal Dwelling: A structure used on a part-time basis for recreational purposes—not a primary residence (i.e., weekend cabins).

Semi-Nude, Semi-Nude Condition: Semi-nude, semi-nude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest points or the showing of the male or female buttocks. The definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or part. **(Ord. No. 05-04-02)**

Service Use/Establishment: Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

Setback Line: See "Building Line".

Sexual Encounter Center: Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of payment or consideration:

(A) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(B) activities between male and female persons and/or persons of the same sex when **one (1)** or more of the persons is in a state of nudity or semi-nude. **(Ord. No. 05-04-02)**

Small Rural Business: A commercial enterprise conducted in a rural area within the Agricultural District that is small in scale, subordinate at all times to established agricultural and/or residential uses, and is owned and operated by a land owner that also resides on the premises where the business is conducted. A Small Rural Business would typically (shall):

(A) employ **three (3)** or fewer persons (other than members of the immediate family residing on the premises);

- (B) be conducted from an accessory building;
- (C) provide a service to the area or an attraction for tourists and travelers; and,
- (D) supplement the County tax base.

When a Small Rural Business grows to become the dominant use on a zoning lot and is no longer subordinate to established residential and/or agricultural uses, the owner/operator shall take action to either re-zone the site to an appropriate zoning classification or re-locate the business to an area that is properly zoned for the use conducted.

(Ord. No. 1-19-10)

Special Use: A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

Special Use Permit: A permit issued in accordance with the provisions of this Code to regulate development of a special use.

Specified Anatomical Areas: Specified anatomical areas means:

- (A) The human male genitals in a discernibly turgid state, even if completely and opaquely covered, or
- (B) less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola. **(Ord. No. 05-04-02)**

Specified Sexual Activities: Specified sexual activities means any of the following:

- (A) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- (C) Excretory functions as part of or in connection with any of the activities set forth in (A) through (B) above. **(Ord. No. 05-04-02)**

Stop Order: A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Code.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

Street, Private: Any street providing access to abutting property that is not maintained by and dedicated to the County or other unit of government.

Structure: Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

Structure, Temporary: Any structure that is not attached to a permanent foundation.

Substantial Enlargement: Substantial enlargement of an adult oriented business means the increase in floor areas occupied by the business by more than **twenty-five percent (25%)**, as the floor areas exist on the date this Article takes effect. **(Ord. No. 05-04-02)**

Tavern: "Tavern" means any premises wherein alcoholic beverages are sold at retail for consumption on the premises as the principal use, and receives no more than **ten percent (10%)** of its gross revenue from the sale of sandwiches, snacks and other food products consumed on the premises. "Tavern" includes, but is not limited to, bars, nightclubs, cocktail lounges, and cabarets. "Tavern" does not include "restaurants", where the principal business is serving food and "adult entertainment facilities". **(Ord. No. 2015-04)**

Topography: The relief features or surface configuration of an area.

Traffic Management Plan: A written plan required by Public Act 098-0022 to be submitted to the Illinois Department of Natural Resources that identifies the anticipated roads, street, and highways that will be used for access to and egress from the well site. The traffic management plan will include a point of contact to discuss issues related to traffic management. Within **fifteen (15) calendar days** after submitting the permit application to the Department, the applicant must provide a copy of the SB1715 Enrolled LRB098 08145 MGM 38238 b Public Act 098-0022 traffic management plan to the county or counties in which the well site is located, and within **five (5) calendar days** of its receipt, the Department shall provide a copy of the traffic management plan to the Office of the State Fire Marshal. **(Ord. No. 2015-07-57)**

Transfer or Ownership or Control: Transfer of ownership or control of an adult oriented business means and includes any of the following:

- (A) the sale, lease, or sublease of the business;
- (B) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (C) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control. **(Ord. No. 05-04-02)**

Travel Trailer: A mobile structure designed for temporary occupancy.

Travel Trailer Park: A lot developed with facilities for accommodating temporarily occupied travel trailers.

Use: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

Variance: A relaxation of the strict application of the lot size, setbacks, or other requirements applicable to a particular lot, structure, or use.

Well means any drill hole required under the Illinois Oil and Gas Act. **(Ord. No. 2015-07-57)**

Well Site means surface areas, including the well, occupied by all equipment or facilities for or incidental to high volume horizontal hydraulic fracturing operations, drilling, production, or plugging a well. **(Ord. No. 2015-07-57)**

Well Completion Report refers to the report required to be filed by a permittee under Public Act 098-0022 that the "Permittee shall notify the Department by phone, electronic communication, or letter, at least **forty-eight (48) hours** prior to the commencement of high volume horizontal hydraulic fracturing operations". (**Ord. No. 2015-07-57**)

Well Plugging Report: High volume horizontal hydraulic fracturing operation completion report as required by Public Act 098-0022. Within **sixty (60) calendar days** after the conclusion of high volume horizontal hydraulic fracturing operations, the operator shall file a high volume horizontal hydraulic fracturing operations completion report with the Department. The permittee shall perform and complete plugging of the well and restoration of the well site in accordance with the Illinois and Gas Act and any and all rules adopted thereunder. (**Ord. No. 2015-07-57**)

Wholesale: Refers to the sale of goods or services by one business to another business.

Yard: Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal building.

Yard, Front: A yard which is bounded by the side lot lines, front lot lines and the building line.

Yard, Rear: A yard which is bounded by side lot lines, and the rear yard line.

Yard, Side: A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

Yard Line: A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

Zoning Map: The map and any amendments thereto designating zoning districts, and incorporated into this Code by reference.

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ARTICLE III - GENERAL REGULATIONS

40-3-1 ESTABLISHMENT OF DISTRICTS. In order to implement the regulatory scheme of this Code so to achieve the objectives stated in **Section 40-1-1**, all the territory of Clinton County other than territory within the corporate limits of municipalities which have adopted local zoning codes is hereby divided into the following zoning districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>	<u>MINIMUM AREA*</u>
Agricultural	A	40 acres
Agricultural – Residential	A-R	10 acres
Rural Single Family Residential	R-1	10 acres
Community Residential	R-2	10 acres
Residential	R-3	10 acres
Commercial	C	2 acres
Industrial	I	10 acres
Flood Plain Overlay	O-FP	None

* The “minimum area” requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the areas of numerous noncontiguous parcels, when aggregated, happens to equal or exceed the minimum area indicated above.

40-3-2 ZONING MAP AND DISTRICT BOUNDARIES. The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the County. The official zoning map, including all notations and other information thereon, is hereby made a part of this Code by reference. The official zoning map shall be kept on file in the Administrator’s office.

40-3-3 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION. In determining with precision what territory is actually included within any zoning district, the Administrator shall apply the following rules:

(A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

- | | |
|--|-------------------------------------|
| (1) Center line of any street,
alley or highway | Such centerline. |
| (2) Lot line | Such lot line. |
| (3) Railroad tracks | Right-of-way line of
such tracks |
| (4) Stream | Center of such stream |
| (5) Section, fractional or survey lines | Such lines |

(B) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts. **(See 3-2.1)**

40-3-4 GENERAL PROHIBITION. Hereafter, it shall be unlawful to:
(A) erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;
(B) create any lot; or
(C) use, occupy, or develop any lot or part thereof
except in conformity with the provisions of this Code.
(Ord. No. 2015-03)

40-3-5 UNLISTED USES PROHIBITED. Any use not specifically listed as permitted or allowed by special use permit within a particular zoning district shall be deemed prohibited in that district until the County Board rezones the property in question or otherwise amends this Code in accordance with **Section 40-9-30** et seq.

40-3-6 MEETING MINIMUM REQUIREMENTS. Except as specifically provided otherwise elsewhere in this Code, every lot must meet the minimum area, minimum dimensions, and minimum setback requirements of the district in which it is located independently; that is, without counting any portion of an abutting lot. **Exhibit "B"** is applicable to this Section and is found at the conclusion of this Chapter.

40-3-7 ACCESS REQUIRED. No building shall be erected on any lot unless such lot abuts or has permanent easement of access to a public road or a private road that conforms to the standards set forth in the Subdivision Code.

40-3-8 FRONT SETBACKS - CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirement of the district in which it is located on every side that abuts a street or road.

40-3-9 INTRUSIONS INTO YARDS. To the extent indicated, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<u>FEATURES</u>	<u>MAXIMUM INTRUSIONS</u>
(A) Cornices, chimneys, planters or similar architectural features	Four (4) feet. Two (2) feet.
(B) Fire escapes	Four (4) feet.
(C) Patios	No limit.

- | | | |
|-----|--|----------------|
| (D) | Porches, if enclosed and at ground level | Six (6) feet. |
| (E) | Balconies | Four (4) feet. |
| (F) | Canopies, roof overhangs | Four (4) feet. |

40-3-10 EXCEPTIONS TO HEIGHT LIMITS.

(A) **Necessary appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the County.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty (30) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2)** and **ten (10) feet** above the level of the adjacent street. **(See Figure 1)**

(C) **Airport Hazard Areas.** Notwithstanding any other provision of this Code, all structures erected within any airport hazard area, as defined by State law, shall conform to the location, height, and identification requirements imposed by the Illinois Department of Aeronautics pursuant to "An Act relating to Airport Zoning" **(See 620 ILCS Sec. 25/1 – 25/37)** and "An Act in relation to Zoning to Eliminate Airport Hazards" **(See 620 ILCS Sec. 30/1 – 30/12).**

(D) **Radio and Communications Towers.** Radio and other communications towers shall be permitted to exceed the maximum height limits of the District in which they are in. **(Ord. No. 5-97-9)**

40-3-11 SEWERS, SEPTIC TANKS. In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the Clinton County Health regulations in **Section 18-1-1 et seq.** of the County Code. **(Ord. No. 2015-03)**

40-3-12 ONE DWELLING PER LOT. Except as specifically provided otherwise herein (the important exceptions being multiple-family complexes, manufactured home parks, and residences in agricultural districts occupied by persons engaged in agricultural activities), only **one (1)** dwelling may be situated on any lot or lot of record. Thus, for example, it shall generally be unlawful to place a manufactured home on any lot on which there is an existing dwelling.

40-3-13 ACCESSORY USES. Any accessory use **(See Section 40-2-2, "Selected Definitions")** shall be deemed permitted in a particular zoning district if such accessory use is:

- (A) Accessory to a principal structure or use that is allowed in that zoning district as of right (permitted) or by virtue of the fact that a special use permit has been granted.
- (B) In compliance with the restriction set forth in **Section 40-3-14.**
- (C) Constructed after or at the same time as the principal structure (exception – agriculture).
- (D) In residential zoning districts (R1-R2-R3) accessory structures shall be subordinate in area, extent, or purpose to the principal building or use.

(E) Incidental to the principal use established on the same lot, and shall serve no other principal use or purpose.

(F) Determined to contribute to the comfort, convenience, or necessity of users of the principal use. **(Ord. No. 05-04-02)**

40-3-14 **ACCESSORY USE RESTRICTIONS.**

(A) **Height.** No accessory use shall be higher than

- (1) **seventeen (17) feet** to the peak of any structure in any Residential District;
- (2) **thirty-five (35) feet** to the peak of any structure in the "AR" or "C" Districts; or
- (3) There shall be no height limits on any accessory structures in the "A" or "I" Districts.

(B) **Setbacks.**

- (1) In the Commercial or Industrial District, no accessory use shall encroach into any part of any yard (front, side, or rear) that is required by the minimum setback regulations of the particular district.
- (2) In any Residential District, accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided such accessory uses are not closer than **seven (7) feet** to any side or rear lot line.
- (3) In any Agricultural and "A-R" District, accessory uses are prohibited in any front yard and the setback shall be the same as for principal structures.
- (4) On any lot with an area (which is **one (1) acre** or less) and existed prior to **January, 1991**, accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided such accessory uses are not closer than **seven (7) feet** to any side or rear lot line.

(C) **Use As Dwelling.**

- (1) Use of any accessory structure as a dwelling is strictly prohibited in every zoning district.
- (2) The use of an accessory structure for a home occupation is prohibited.

(Ord. No. 05-04-02)

40-3-15 **AGRICULTURAL EXEMPTION.** The provisions of this Code shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes (as defined herein), or with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or to be used for agricultural purposes upon such land; except that said structures are required to meet building setback requirements applicable in the district in which the structure is to be built, and except that the initial certificate of zoning compliance (**See Section 40-8-2 of the Zoning Code**), shall be required of all structures in agricultural districts. No fee shall be charged to the applicant for an

initial certificate of zoning compliance in an agricultural district. Should said land or structure cease to be used solely for agricultural purposes then, and only then, shall the other provisions of this Code apply. **(Ord. No. 11-94-3) (225 ILCS 5/5-12001)**

40-3-16 ENDANGERED SPECIES.

(A) **Applicability.** Pursuant to the "Endangered Species Protection Act", the applicant shall initiate a consultation process with, and pay all applicable fees to, the Illinois Department of Natural Resources for:

- (1) Any requests for zoning amendment for land currently zoned as agricultural or other "open space" designation to one that would allow development; and
- (2) Any requests for approval of a Planned Development, special use permit and preliminary and final subdivision plans.

(B) **Exemptions.** The following are exempt from the Endangered Species Consultation Process:

- (1) Any requested amendments for land currently zoned, developed and used in its entirety for residential, commercial or industrial purposes; and
- (2) The issuance of zoning permits and other non-discretionary decisions by administrative officials.

(Ord. No. 2015-03)

ARTICLE IV - REGULATIONS FOR SPECIFIC DISTRICTS

DIVISION I – AGRICULTURAL

40-4-1 "A" AGRICULTURAL DISTRICT. The carrying out of agricultural activities has long been, and continues to be, an important part of the way-of-life for Clinton County residents, and such activities provide a large portion of the income derived by the County's population. Thus, to promote and protect this mainstay of the local economy, it has been established as official policy that the County should protect, preserve, and encourage the pursuit of agriculture by its residents. The creation of the "A" Agricultural District is an integral part of that policy. The "A" District encompasses sparsely developed areas which, because of the fertility of the soil, topography, the availability of water, and other factors, including the suitability of the land for the raising of animals, have high agricultural productivity. The regulations for this district are intended to preserve such agricultural land by severely restricting the encroachment of non-agricultural uses and structures. The owners and renters of property, whether farm or non-farm, in this district should realize that they will likely encounter the smells, sights, and sounds attendant to agricultural operations. This Zoning Code encourages the conduct of lawful activity including the conduct of agriculture operations consistent with the principles established by this Zoning Code and other applicable ordinances of the County of Clinton and the laws of the State of Illinois.

40-4-2 PERMITTED USES. Provided all pertinent requirements of this Code are met the following uses are permitted in the "**A**" District:

Agriculture, including all of the uses and structures commonly included in the definition of agriculture set forth in **Section 40-2-2.**

Animal hospitals and veterinarian offices, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such uses.

Carnivals and picnics sponsored by a government entity or a civic organization, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such operations, and that such carnivals and picnics do not last more than **seven (7) days.**

Cemeteries.

Churches and other places of formal worship.

Commercial grain elevators and storage facilities.

Farm dwellings existing before the effective date of this Code may be sold as non-farm dwellings, provided at least **one (1) acre** is deeded with the dwelling, and provided further that, notwithstanding any contrary provision of this Code, the property owner may demolish the farm dwelling and replace it with a new non-farm dwelling. This must comply with the Illinois Plat Act and the Clinton County Subdivision Code.

Government uses of the County or Road District.

Home occupations in accordance with **Section 40-5-2.**

Kennels.

Manufactured Homes as defined by this Code.

Manufactured homes located in existing manufactured home parks licensed by the State of Illinois prior to **January, 1991**, the date of the adoption of the Clinton County Zoning Code and currently in compliance with that license may be manufactured prior to **June 15, 1976**, provided that all applicable requirements of this Code are met; the manufactured home has been

constructed to the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured homes and shall have the proper seal to denote compliance or alternatively verification by an electrician licensed by the State of Illinois. **(See Section 40-5-5)**

Manufactured Residence as defined by this Code that has not been titled.

Modular homes.

Non-commercial recreational uses.

Oil wells and drilling operations except by Horizontal High Volume Hydraulic Fracturing.

Parks.

Railroad tracks and accessory equipment, but not including classification yards, terminal facilities, or maintenance facilities.

Rental of farm dwellings by the owner of the farm upon which they are located to persons not engaged in farming, provided that no lot separate from the farm is created, that the buildings are rented as single-family dwellings, and that the buildings existed before the effective date of this Code.

Residence.

Telecommunication Towers pursuant to **55 ILCS 5/5-12001.1**.

Accessory uses in accordance with **Section 40-3-13**.

(Ord. No. 2022-10-66; 10-17-22)

40-4-3 SPECIAL USES. The following uses shall be permitted in the **"A" District** only upon the issuance of a special use permit in accordance with the provisions of **Section 40-9-16**.

Agricultural product processing plants.

Airports.

Bed and breakfast.

Campgrounds.

Clubhouses – Provided they are located on a minimum **one (1) acre** of leased land or on a pre-existing parcel of land. A sewage permit must be obtained from Clinton County Health Department prior to a Certificate of Zoning Compliance being issued. If located in a floodplain, all permits must be obtained from appropriate agencies. The structures first floor must be elevated **one (1) foot** above the BFE & certified by a licensed professional engineer or surveyor.

Commercial carnivals, circuses, and similar temporary, transient amusement activities not sponsored by a government entity or civic organization.

Commercial recreational uses, including fee fishing lakes.

Detached Single-Family Dwellings – single-family dwellings shall be permitted on an agricultural lot ("A" Districts) of record provided the occupants of said detached single-family dwelling are directly related by birth, marriage or adoption to the owners of the lot of record and at least one of the occupants must be one of the following: son, daughter, mother, or father of one of the owners of the lot of record. A minimum of **three (3) acres** shall be deeded with the dwelling. This must comply with the Clinton County Subdivision Code and the Illinois Plat Act. All Detached Single-Family Dwellings must also be subject to the following requirements:

(1) The parent parcel does not have any outstanding zoning ordinance violations;

(2) The Detached Single-Family Dwelling parcel to be split from the parent parcel has or will have frontage on a public road or provides proof of access to a public road through a private drive or easement.

(3) The Detached Single-Family Dwelling split complies with all applicable building setbacks and health department regulations;

(4) After the Detached Single-Family Dwelling split, the parent parcel will comply with all applicable lot size, setback and lot overage requirements or remains as compliant as before the split; and

(5) A parent parcel or a Detached Single-Family Dwelling parcel shall be split no more than once per each qualifying person consisting of the father, mother, son, or daughter of the owner(s) of said parcel.

Government uses of a municipality or Sanitary District.

Hydraulic Fracturing – Oil and gas drilling operations by the Illinois Department of Natural Resources under Public Act 098-0022 and complies with all of state and federal regulations.

Special use permits issued for this purpose are subject to site-specific conditions of the Clinton County Zoning Board of Appeals that shall include, but are not limited to:

(A) Agreement is reached on local road access.
(B) Completion of a Road Use Maintenance Agreement.
(C) Submittal to the County copies of well completion reports submitted to the Illinois Department of Natural Resources.

(D) Submittal to the County copies of all notices of well plugging submitted to the Illinois Department of Natural Resources.

(E) The Special Use Permit shall terminate when the High Volume Horizontal Hydraulic fracturing activity is terminated.

Landscape Waste Compost Facilities.

Manufactured Homes I, Single-wide – temporary use only for handicapped or disabled family member. (Prior approval from Clinton County Health Department required regarding sewage system).

Recreational Vehicle.

Rented or leased seasonal dwellings.

Restaurants.

Schools.

Small rural business.

Solar Farm Energy Systems.

Stockyards.

Surface or subsurface mining.

Taverns.

Underground and surface mining, loading, and hauling of coal or other minerals, provided that the provisions of **Section 40-5-8** and **40-5-9** are met.

Utility substations, including electrical substations, gas regulation stations, (radio and other communication towers), and similar facilities. **(Subject to Section 40-5-12 limitations.)**

(Ord. No. 2022-10-66; 10-17-22)

40-4-4 LIVESTOCK MANAGEMENT FACILITIES ACT. The definitions and regulations set forth in this Act (**510 ILCS 77/1 et seq.**) as adopted and amended from time to time are hereby adopted as the official set of standards to be used in reviewing related developments in the "A" Agricultural District of this Code. **(Ord. No. 02-20-07; 2007)**

40-4-5 - 40-4-10 RESERVED.

40-4-11 "A-R" AGRICULTURAL/RESIDENTIAL DISTRICT. As stated in **Section 40-4-1**, the preservation of agricultural land has been established as County policy. However, it is recognized that some present and future County residents may desire to reside in a low-density rural setting. Thus, the "A-R" Agricultural/Residential District has been created to accommodate this desire. The "A-R" District encompasses various hilly/wooded areas scattered throughout the County's rural environs. The topography, soils, heavy tree cover, and other characteristics of these areas – and the consequent difficulty of extending public utilities and services to them – impose significant constraints on both large-scale farming and intensive urban development. However, land in this district is well-suited for low-density residential urban

development. Thus, the district regulations are designed to encourage construction of single-family homes on **three (3) acre** or larger tracts of land and to discourage development of incompatible uses. **(Ord. No. 02-20-07; 2007)**

40-4-12 PERMITTED USES. Provided all pertinent requirements of this Code are met, the following uses are permitted in the **"A-R" District**:

Detached single-family dwellings.

Home occupations in accordance with **Section 40-5-2**.

Horses, provided that **one (1) acre** of pasture is provided for each animal over **one (1) year** of age. All persons maintaining equines shall meet all the applicable requirements of the Clinton County Health Department.

Non-commercial recreational uses.

Parks.

Accessory uses in accordance with **Section 40-3-13**.

(Ord. No. 02-20-07; 2007)

40-4-13 SPECIAL USES IN "A-R" DISTRICT. The following uses shall be permitted in the **"A-R" District** only upon the issuance of a special use permit in accordance with the provisions of **Section 40-9-16, et seq.**

Governmental uses.

40-4-14 - 40-4-20 RESERVED.

DIVISION II – RESIDENTIAL

40-4-21 RESIDENTIAL. The "R-1" district will limit development to within the designated growth areas as identified on the Clinton County Land Use Plan (Official Map) **one-quarter (1/4) mile** surrounding communities.

This district shall be located no more than **one-quarter (1/4) mile** from an incorporated municipality measured from the nearest lot line, or connection for an operating sanitation district that will provide sanitary sewer hookups upon the creation or expansion of the district. **(Ord. No. 2007-006; 12-17-07)**

40-4-22 PERMITTED USES. Provided all pertinent requirements of this Code are met the following uses are permitted in the **"R-1" District**:

Agriculture as defined in **Section 40-2-2**, excluding the raising of dairy livestock, cattle, horses, goats, swine, poultry and/or animal husbandry. **(Ord. No. 2015-07-57)**

Cemeteries.

Churches and other places of formal worship.

Detached single-family dwellings.

Government uses of the County or Road District.

Home occupations in accordance with **Section 40-5-2**.

Institutional uses such as convents, retreat houses, etc.

Manufactured Residence as defined by this Code that has not been titled. **(Ord. No. 2015-07-57)**

Non-commercial recreational uses.

Parks.

Railroad tracks and accessory equipment, but not including classification yards, terminal facilities, or maintenance facilities.

Residence. **(Ord. No. 05-04-02)**

Schools.

Accessory uses in accordance with **Sections 40-3-13** and **40-3-14**.
(Ord. No. 11-94-5)

40-4-23 **SPECIAL USES.** The following uses shall be permitted in the "**R-1**" District only upon the issuance of a special use permit in accordance with the provisions of **Section 40-9-16 et seq.**

Commercial recreational uses, including fee fishing lakes.

Government uses of a municipality.

Manufactured home parks in compliance with **Section 40-5-6**.

Restaurant. **(Ord. No. 2015-04)**

Tavern. **(Ord. No. 2015-04)**

Travel trailer parks in conformity with State requirements.

Utility substations, including electrical substations, gas regulation stations, and similar facilities.

(Ord. No. 05-04-02)

40-4-24 - 40-4-30 **RESERVED.**

40-4-31 **"R-2" COMMUNITY RESIDENTIAL DISTRICT.** The "R-2" Community Residential District encompasses land within or near municipalities or other built-up areas that are best suited for the development of various housing types and compatible uses. The regulations for this district are intended to stabilize and preserve sound existing neighborhoods developed at varying densities, and to promote construction of new single-family houses, duplexes, and multiple-family dwellings.

40-4-32 **PERMITTED USES.** Provided all pertinent requirements of this Code are met the following uses are permitted in the "**R-2**" District:

Agriculture as defined in **Section 40-2-2**, excluding the raising of dairy livestock, cattle, horses, goats, swine, poultry and/or animal husbandry. **(Ord. No. 2015-07-57)**

Boarding houses.

Churches and other places of formal worship.

Clinics, medical/dental.

Clubs or lodges, but not those whose have as their chief activity a service customarily carried on as a business.

Detached single-family dwellings.

Government uses of the County, Road District, or Municipality.

Group Care Facility. **(Ord. No. 2013-11-26)**

Home occupations in accordance with **Section 40-5-2.**

Manufactured Residence as defined by this Code that has not been titled. **(Ord. No. 2015-07-57)**

Parks, playgrounds.

Residence.

Schools.

Accessory uses in accordance with **Sections 40-3-13** and **40-3-14.**

(Ord. No. 2013-11-26; 11-18-13)

40-4-33 SPECIAL USES.

Duplexes. **(Ord. No. 04-03-05; 04-17-03)**

Hospitals and nursing homes.

Manufactured home parks in conformity with **Section 40-5- 6.**

Multiple-family dwellings.

Railroad tracks and accessory equipment, but not classification yards, terminal facilities, or maintenance facilities.

Restaurants. **(Ord. No. 2015-04)**

Taverns. **(Ord. No. 2015-04)**

Utility substations, including electrical substations, gas regulation stations, and similar facilities.

(Ord. No. 05-04-02)

40-4-34 - 40-4-40 RESERVED.

40-4-41 "R-3" RESIDENTIAL DISTRICT. The "R-3" Residential District encompasses existing developed areas within the County that have a majority of manufactured homes installed in them. **(Ord. No. 5-97-12)**

40-4-42 PERMITTED USES. Provided all pertinent requirements of this Code are met, the following uses shall be permitted in the "**R-3**" District:

Accessory uses in accordance with **Section 40-3-13.**

Agriculture as defined in **Section 40-2-2**, excluding the raising of dairy livestock, cattle, horses, goats, swine, poultry and/or animal husbandry. **(Ord. No. 2015-07-57)**

Boarding houses.

Churches and other formal places of worship.

Clinics, medical/dental.

Clubs or lodges, but not those which have as their chief activity a service customarily carried on as a business.

Detached single-family dwellings.

Government uses of the County, Road District, or Municipality.

Home occupations in accordance with **Section 40-5-2**.

Manufactured Residences as defined by this Code that has not been titled. **(Ord. No. 2015-07-57)**

Mobile homes.

Parks, playgrounds.

Residence.

Schools.

(Ord. No. 05-04-02)

40-4-43 SPECIAL USES.

All special uses permitted in the "R-2" District. **(Note: Mobile (Manufactured) Homes in the "R-3" District are a permitted use.)**

Duplexes.

Manufactured home parks in conformity with **Section 40-5-6**.

Multiple-family dwellings.

Railroad tracks and accessory equipment, but not classification yards, terminal facilities, or maintenance facilities.

Utility substations, including electrical substations, gas regulation stations, and similar facilities.

(Ord. No. 05-04-02)

40-4-44 RESERVED.

DIVISION III – COMMERCIAL DISTRICTS

40-4-45 "C" COMMERCIAL DISTRICT. The "C" Commercial District encompasses those areas—primarily within unzoned municipalities or on the outskirts of municipalities—where a wide variety of goods and services is available to the general public at retail or wholesale.

40-4-46 WHEN SCREENING IS REQUIRED. Screening approved by the Administrator—which may include a wall, solid fence, or closely planted shrubbery at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property—shall be installed along the side and rear lot lines of any lot that abuts any Residential District.

40-4-47 PERMITTED USES. Provided all pertinent requirements of this Code are met **(See especially Section 40-4-81)**, the following uses are permitted in the "C" District:

Agriculture as defined in **Section 40-2-2**, excluding the raising of dairy livestock, poultry and/or animal husbandry. **(Ord. No. 02-07-02; 2007)**

Churches and other places of formal worship.
Commercial establishments.
Convenience stores.
Day care centers.
Government uses of the County, Road District or Municipality.
Offices.
Service uses/establishments.
Utility substations, including electrical substations, gas regulation stations, radio and other communication towers, and similar facilities. **(Subject to Section 40-5-12 limitations.) (Ord. No. 5-97-9)**
Accessory uses in accordance with **Sections 40-3-13 and 40-3-14.**

40-4-48 SPECIAL USES.

Bulk storage – flammable materials, sale/distribution.
Mini/self storage warehouses.
Nurseries – retail (including landscaping operations).
Solar Farm Energy Systems. **(Ord. No. 2018-33; 08-20-18)**
(Ord. No. 07-04-01; 07-29-04)

40-4-49 - 40-4-60 RESERVED.

DIVISION IV - INDUSTRIAL DISTRICT

40-4-61 "I" INDUSTRIAL DISTRICT. The "I" Industrial District encompasses areas where manufacturing and processing plants, research facilities, warehouses, and similar uses may locate without detriment to the remainder of the County. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

40-4-62 USE RESTRICTIONS.

(A) **No Nuisances.** No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission, offensive glare, and noxious odors.

(B) **Buffer Strips.** Wherever any industrial use located in this district abuts any Residential District or the Commercial District, a **ten (10) foot** wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least **four (4) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when full grown.

40-4-63 PERMITTED USES. Provided all pertinent requirements of this Code are met **(See especially Section 40-4-62 above)**, the following uses are permitted in the **"I" District:**

Agriculture as defined in **Section 40-2-2**, excluding the raising of dairy livestock, poultry and/or animal husbandry. **(Ord. No. 02-07-02; 2007)**

Assembly, manufacturing or processing of any commodity from raw or semi-finished materials.

Bulk storage – flammable materials, sale/distribution. **(Ord. No. 07-04-01; 07-29-04)**

Commercial and service uses, wholesale.

Government uses.

Nurseries (including landscaping operations. **(Ord. No. 07-04-01; 07-29-04)**

Research and development facilities.

Utility substations, including electrical substations, gas regulation stations, radio and other communication towers, and similar facilities. **(Subject to Section 40-5-12 limitations) (Ord. No. 5-97-9)**

Warehouses and storage yards.

Accessory uses in accordance with **Sections 40-3-13 and 40-3-14.**

40-4-64 SPECIAL USES.

Adult use entertainment establishments. **(See Chapter 7 and 27 of the County Code.)**

Adult uses. **(Ord. No. 05-04-02)**

Billboards. **(Ord. No. 05-04-02)**

Junk yards, but only in accordance with **Section 40-5-4.**

Oil wells and drilling operations.

Sanitary landfills.

Solar Farm Energy Systems. **(Ord. No. 2018-33; 08-20-18)**

Surface mining, loading and hauling of coal, sand, gravel, topsoil, or other aggregate or minerals, provided that the provisions of **Section 40-5-8** are met.

Underground mining, loading, and hauling of coal or other minerals, provided that the provisions of **Section 40-5-9** are met.

40-4-65 - 40-4-80 RESERVED.

DIVISION V – OVERLAY DISTRICTS

40-4-81 “O-FP” FLOOD PLAIN OVERLAY DISTRICT. The “O-FP” Flood Plain Overlay District delineates areas of the County that, in the absence of flood protection measures, are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the tax base, and the need for extraordinary relief measures. The purpose of this district is to alert the property owners and residents to the potential flood hazards associated with the land included in this district. Owners of property located in this district are encouraged to limit development of this land to (1) uses which inherently have low flood damage potential and (2) to other uses allowed in the primary districts (those districts overlain by the “O-FP” District), provided adequate protective measures have been taken.

It is a requirement of the Clinton County Flood Plain Code **(See Chapter 14)** which covers the flood plain management of Clinton County. Landowners in the flood plain districts shall have a permit for such things as filling, dredging, grading, paving, bank stabilization, building, etc. **(Ord. No. 4-91-4)**

ARTICLE V - SUPPLEMENTARY REGULATIONS

40-5-1 **APPLICABILITY OF ARTICLE.** This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures, and uses. These regulations apply in every zoning district where the specific structure or use is permitted; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

40-5-2 **HOME OCCUPATIONS.** A “home occupation” means any business, profession, or occupation conducted for gain or support entirely within any dwelling or on any residential premises. No home occupation shall be established or conducted except in conformity with the following regulations:

(A) **Unrelated Employees.** A home occupation shall employ not more than **one (1)** individual who is unrelated to the family residing on the premises.

(B) **Floor Space.** In Residential Districts, the total area used for a home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling, or **three hundred (300) square feet**, whichever is less.

(C) **Dwelling Alterations.** A dwelling shall not be altered to accommodate a home occupation in such a way as to materially change the residential character of the building.

(D) **Outdoor Storage.** Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited in Residential Districts.

(E) **Nuisances.** A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical interference noticeable at or beyond the lot lines.

(F) **Parking.** Every home occupation shall provide **two (2)** off-street parking spaces in addition to the usual requirements for the dwelling (**See Section 40-6-7**). Said parking spaces shall be located on the same lot as the dwelling.

(G) **Sign.** A home occupation may display only one identification/advertising sign. The area of said sign shall not exceed **six (6) square feet** and shall be fixed to the dwelling and shall be attached to the dwelling.

40-5-3 **HOSPITALS, NURSING HOMES.**

(A) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **five (5) acres**.

(B) The lot on which any nursing home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **two (2) acres**.

(C) The principal building of any hospital, sanitarium, or nursing home shall be located at least **twenty-five (25) feet** from all lot lines.

40-5-4 **JUNK YARDS.**

(A) No part of any junk yard (**See definition in Section 40-2-2**) shall be located closer than **five hundred (500) feet** to the boundary of any Residential District.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least **ten (10) feet** high and of sufficient density to block the view from adjacent property.

40-5-5 MANUFACTURED HOMES ON INDIVIDUAL LOTS IN PERMITTED AREAS. No person shall place any manufactured home on an individual lot (as opposed to a manufactured home park) except in conformity with the following regulations:

(A) **Same Lot Size/Setbacks.** No manufactured home shall be placed on any individual lot unless the district’s minimum lot size and setback requirements are strictly observed.

(B) **One (1) Per Lot.** Not more than **one (1)** manufactured home shall be placed on any individual lot.

(C) **Skirting.** Each manufactured home shall be skirted with fire-resistant material to enhance the appearance and to prevent rodent harborage. The skirting shall be equipped with an inspection door at least **twenty-four (24) inches** wide to allow access to the underside of the home.

(D) **Temporary Hardship.** Manufactured home must be removed from property no later than **ninety (90) days** after death of occupant or resident who no longer occupies manufactured home.

(Ord. No. 2015-03)

40-5-6 MANUFACTURED HOME PARKS. After the effective date of this Code, no manufactured home park shall be established except in conformity with the requirements of the subsections below:

(A) **Compliance With Illinois Law.** Every manufactured home park shall, at a minimum, conform to the requirements of:

(1) **State Requirements Adopted by Reference.** The **Illinois Mobile Home Park Act** and the **Mobile Home Tie-Down Act (77 Ill. Adm. Code 870)** of the **Illinois Compiled Statutes, Chapter 210, Section 115/1 et seq., as passed, approved and amended by Illinois General Assembly** are hereby adopted by the County. The applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the corporate limits of the County. **(Ord. No. 2015-07-57)**

(2) **Manufactured Housing Act Adopted.** The **Illinois Manufactured Housing and Mobile Home Act, as passed and approved by the General Assembly** is hereby adopted by the County, the applicable provisions as they pertain to manufactured home and immobilized manufactured homes shall be controlling within the County. **(430 ILCS 115/1 et seq.) (Ord. No. 2015-07-57)**

(3) **Illinois Department of Public Health Adopted and Regulations.** The **Manufactured Home Community Code** as approved by the **Illinois Department of Public Health (1998)** is hereby adopted by the County. The applicable provisions as they

pertain to the Manufactured Home community shall be controlling within the corporate limits. **(Ord. No. 2015-07-57)**

- (4) **National Safety Standards.** No manufactured home or immobilized manufactured home shall be located in the County unless the unit has the **National Manufactured Housing Construction and Safety Standards** metal seal affixed thereto. **(Ord. No. 2015-07-57)**

(B) **Minimum Lot Area, Setbacks, Etc.**

- (1) **Minimum Lot Area.** No manufactured home park shall be located on a tract less than **two (2) acres** in area.
- (2) **Minimum Dimensions.** No manufactured home park shall be developed on a minimum site that is less than **two hundred fifty (250) feet** in both width and depth.
- (3) **Minimum Setbacks.** No part of a manufactured or other structure in any manufactured home park shall be situated closer than **twenty-five (25) feet** to any lot line of the park.
- (4) **Maximum Height.** No structure in any manufactured home park shall be more than **thirty-five (35) feet** in height.
- (5) No manufactured home can be moved into the manufactured home park unless it was manufactured after **June 15, 1976** and has been constructed to the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured homes and shall have the proper seal to denote compliance. **(Ord. No. 11-94-7)**

(C) **Minimum Lot Size and Setback Requirements.** Individual manufactured home spaces shall be considered as lots and shall meet the following requirements:

- (1) Minimum Lot Size 5,000 square feet
- (2) Minimum Lot Depth 100 feet
- (3) Minimum Lot Width 50 feet
- (4) Minimum Setback Requirements
 - (a) From front lot line 20 feet
 - (b) From rear lot line 10 feet
 - (c) From side lot line 5 feet on one side, 20 feet on the other side
- (5) Minimum distance to building on an adjacent lot 20 feet

(D) **Manufactured Home Space Improvements.** Each manufactured home space shall be improved in accordance with the following requirements:

- (1) **Manufactured Home Stand.** Each space shall have a stand to provide adequate support for the placement and tie-down of the manufactured home. The stand shall extend the length of the supports of the manufactured home, and shall consist of either **six (6) inch** thick reinforced concrete runners or a **four (4) inch** thick reinforced concrete slab.
- (2) **Anchors.** No manufactured home in a manufactured home park shall be immobilized, but anchors capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds** shall be installed at the corners of each stand or as otherwise necessary for protection against high winds. Every manufactured home shall be securely tied down to such anchors.

- (3) **Off-Street Parking.** Each manufactured home space shall have **two (2)** off-street parking spaces.
- (4) **Skirting.** Each manufactured home shall be skirted with fire-resistant material to enhance the appearance of the park and to prevent rodent harborage. The skirting shall be equipped with an inspection door at least **twenty-four (24) inches** wide to allow access to the underside of the home.
- (5) **Tie-Down Requirements.** Every manufactured home shall meet all Illinois Department of Public Health tie-down requirements.

(E) **Street and Utilities.** All streets and utilities (water, sewers, electricity, etc.) in any manufactured home park shall conform to the requirements of the Clinton County Subdivision Code. All streets within a manufactured home park shall be under private ownership and maintenance.

40-5-7 SANITARY LANDFILLS. Any person who intends to establish or conduct a sanitary landfill within Clinton County shall obtain a permit from the Illinois Environmental Protection Agency indicating that the sanitary landfill fully complies with the Sanitary Landfill Code of Clinton County "Solid Waste Rules and Regulations" or other regulations promulgated by the IEPA pursuant to the authority granted by State law. **(See Chapter 32)**

40-5-8 SURFACE MINING.

(A) **Permit Required.** It shall be unlawful for any operator to engage in surface mining in Clinton County until a permit has been properly obtained from the Illinois Department of Mines and Minerals and has posted a performance bond in accordance with the provisions of applicable State Statutes and State regulations.

It shall be the policy of the County to take any lawful measure to prevent the issuance of a permit for any proposed surface mining operation involving:

- (1) agricultural land; or
- (2) land located within **one thousand (1,000) feet** of any significant existing development, especially residential development.

(B) **Reclamation Plans.** As set forth in State law, whenever any land in the County is proposed to be surface-mined, the prospective mine operator shall file a reclamation plan for public inspection at the County Courthouse not less than **sixty (60) days** prior to any action on said plan by the Department of Mines and Minerals. Within **forty-five (45) days** of receiving said plan, the County Board may:

- (1) request that a public hearing be conducted in the County by the Department of Mines and Minerals; and
- (2) proposes the uses for which surface-mined land is to be reclaimed.

40-5-9 UNDERGROUND MINING – SPECIFIC REQUIREMENTS.

(A) It shall be unlawful for any operator to engage in underground mining in Clinton County until a permit has been properly obtained from the Illinois Department of Mines and Minerals.

(B) The following requirements must be met as a condition for obtaining a **special use permit** for underground mining activities:

- (1) no open pit or shaft shall be less than **five hundred (500) feet** from an existing residence or Residential District established by this Code; and
- (2) all buildings or structure for screening, crushing, washing, mixing, or storage shall be located not less than **one thousand (1,000) feet** from an existing residence or any Residential District established by this Code.

40-5-10 GARAGES, REPAIR. In repair garages, all repair work, servicing, storage of parts and equipment and the dismantling of vehicles shall be done completely within an enclosed building, or shall be enclosed by a solid fence at least **eight (8) feet** in height. **(Ord. No. 05-04-02)**

40-5-11 BILLBOARDS. A billboard is any single or double-faced street graphic that is permanently fixed or placed on particular premises and that is used for the display of messages or advertising not associated with the establishment located on said premises. A billboard typically has provision for changing the message/advertising thereon.

Billboards are strictly prohibited everywhere in Clinton County except by Special Use Permit in the zoned Industrial Districts. No billboard erected shall:

- (A) Be stacked on top of another billboard;
- (B) Be located closer than **one hundred (100) feet** to any public right-of-way;
- (C) Be located closer than **one thousand (1,000) feet** to any other billboard on the same side of the roadway;
- (D) Extend more than **twenty (20) feet** above the ground or pavement; or
- (E) Exceed **one hundred fifty (150) square feet** in area or **fifteen (15) feet** in any direction.
- (F) Derelict signs must be removed.

(Ord. No. 05-04-02)

40-5-12 CLUBHOUSES.

- (A) Legal description for area of leased site required.
- (B) Copy of Lease Agreement required prior to hearing.
- (C) A clubhouse waste water system must be approved by the Clinton County Health Department.
- (D) If located in a floodplain, structure must be elevated at least **one (1) foot** above the Base Flood Elevation.

(Ord. No. 05-04-02)

40-5-13 RECREATIONAL VEHICLES. Recreational vehicles, as defined herein, shall not be occupied for dwelling purposes except in lawfully established commercial campgrounds. The temporary use of a recreational vehicle for dwelling purposes may be permitted when an application for a permit has been approved by the Clinton County Board of Appeals and signed by the Zoning Administrator and the following conditions must be considered.

- (A) Must be zoned Agricultural.

(B) **Construction.** When the applicant desires to build a dwelling and said dwelling will not be occupied within a **twelve (12) month** period.

(C) **Recreation.** When the applicant desires to use a recreational vehicle on private property strictly for recreational purposes and not for a permanent habitation, and the location of the recreational vehicle does not hinder the use, degrade or affect the value and appearance of adjoining properties, and adequate water supply and sewage disposal facilities are provided and approval from the Clinton County Health Department, said use of a recreational vehicle may be permitted.

(D) All recreational vehicles must:

- (1) Be licensed and titled as an RV or park model.
- (2) Have inflated wheels and be self-propelled or towable by light truck.
- (3) Have no attached deck, porch, shed.

(E) In addition to the above, the following provisions apply to recreational vehicles in the floodplain.

- (1) Not be used as a permanent dwelling.
- (2) Be less than **four hundred (400) square feet.**
- (3) Have quick disconnect propane tank.
- (4) Have elevated, quick disconnect sewer service.
- (5) Have elevated electrical service and air conditioning unit.

(Ord. No. 05-04-02)

40-5-14

ADULT ORIENTED USE.

(A)

Application.

- (1) If a person who wishes to operate an adult oriented business is an individual, that person must sign the application for a special use permit. If a person who wished to operate an adult oriented business is other than an individual, each individual who has a **ten percent (10%)** or greater ownership interest in the business must sign the application for a special use permit. **A Notary shall be required.**
- (2) If the applicant is:
 - (a) an individual, the individual shall state his/her legal name and any aliases on the application.
 - (b) a partnership, the partnership shall state his complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any.
 - (c) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors, and stockholders and the name of registered corporate agents and the address of the registered corporate agent and the address of the registered office for service of process.
- (3) If the applicant intends to operate the adult oriented business under a name other than that of the applicant, he/she must state:
 - (a) the adult oriented business fictitious name and

- (b) submit the registered documents under applicable state law to operate under a fictitious name.
- (4) The location of the proposed adult oriented business, including a legal description of the property, street address, and telephone numbers, if any.
- (5) The applicants' mailing address.
- (6) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business, prepared by the business, prepared by a professional architect or professional engineer. The sketch must be signed, sealed and certified. The sketch or diagram must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus **six (6) inches**.
- (7) A plat prepared within **thirty (30) days** prior to the application by a registered land surveyor and/or professional engineer depicting the property lines and distances of structures containing any existing adult oriented businesses within **three thousand (3,000) feet** of the proposed adult oriented business location, the property lines and location of any church, religious institution, or building uses primarily for religious worship and related religious activities, educational institution, child/adult day care, nursery schools, nursing homes, cemeteries, residential district, designated Clinton County landmarks, parks/recreational area which has been designated for activities including, but not limited to park, playground, nature trails, swimming pool, reservoir, athletic field, basketball, tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land, an entertainment business which is oriented primarily towards children or family entertainment within **three thousand (3,000) feet** of the proposed adult oriented business location. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted. **(Ord. No. 2015-07-57)**
- (8) No person shall cause or permit the operation of any proposed or existing adult entertainment within the following minimum distances from the existing specified uses:
 - (a) Another adult entertainment establishment - **three thousand (3,000) feet**.
 - (b) Church, religious institution, or building used primarily for religious worship and related religious or residence activities - **three thousand (3,000) feet**.
 - (c) Educational institution - **three thousand (3,000) feet**.
 - (d) Child/adult day care, nursery school, cemetery - **three thousand (3,000) feet**.
 - (e) Nursing homes – **three thousand (3,000) feet**.
 - (f) Cemeteries - **three thousand (3,000) feet**.
 - (g) Residence, residential district, or public housing - **three thousand (3,000) feet**.
 - (h) Designated Clinton County landmarks - **three thousand (3,000) feet**.

- (i) Forest preserve, park or recreational area which has been designated for activities including, but not limited to park, playground, nature trails, swimming pool, reservoir, athletic field, basketball, tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land - **three thousand (3,000) feet.**
- (j) An entertainment business which is oriented primarily towards children or family entertainment - **three thousand (3,000) feet. (55 ILCS 5/5-1097.5)**

(Ord. No. 2015-07-15)

(B) **Method of Measurement.** A site plan shall be submitted by the applicant in order that the granting authority may determine that the above standards have been met. The site plan shall be prepared and certified by a licensed land surveyor or professional engineer. The site plan shall also show the distances between the proposed adult use and any residential zoning district, lot, or other protected uses. The distances specified shall be measured by a straight line with regard to intervening structures or objects, from the nearest point on the property line of the lot on which the adult use is located to the nearest point on any property line or lot which is a protected use and another adult use is located.

(C) **Limitation Exception for Subsequent Protected Uses and Residential Property.** An adult entertainment establishment lawfully operating under this Article and under the Clinton County Adult Entertainment Establishment Code shall not be deemed to be in violation of the location restrictions set forth in this Section solely because a Protected Use subsequently locates within the minimum required distance of the Adult Entertainment or when any other lot or tract with the required minimum distance of the Adult Entertainment Establishment subsequently become Residential Property. This paragraph shall not apply to an Adult Entertainment Establishment at a time when an application for Adult Entertainment License under the Adult Entertainment Establishment Code for that establishment is submitted after the license has previously expired, has been revoked or is at that time under suspension.

(D) No person shall be permitted to operate any proposed or existing adult entertainment establishment without first receiving the necessary license from the Clinton County Clerk's Office.

(See Section 40-5-16) (Ord. No. 05-04-02)

40-5-15 PLANT NURSERIES AND GREENHOUSES. In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

(A) No fertilizer, compost, manure or other odor or dust producing substance shall be stored within **fifty (50) feet** of any property line.

(B) Greenhouse heating plants shall be in an enclosed building and shall not be less than **fifty (50) feet** from any property line.

(C) Along any side or rear lot line, there shall be provided and maintained a planting or other appropriate screen of such size and density as to provide visual screening from adjacent residential properties.

(Ord. No. 07-04-01; 07-29-04)

40-5-16 BULK STORAGE (FLAMMABLE) FACILITIES.

(A) The storage, use or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases, shall be permitted in accordance with regulations of the State Fire Marshal and Illinois Environmental Protection Agency.

(B) All combustible material shall be stored in such a way as to include, where necessary, access drives to permit free access of fire fighting equipment.

(Ord. No. 07-04-01; 07-29-04)

40-5-17 FLAG LOT; MINIMUM LOT AREA.

(A) The minimum required lot area for a flag lot shall be calculated exclusive of the land contained in the flagstaff portion of the lot.

(B) A single flag lot shall include a strip of land (flagstaff) which shall be a minimum of **twenty-five (25) feet** in width.

(C) Each flag lot shall access and adjoin a street. In addition to the minimum **twenty-five (25) foot** width of the flagstaff, the road authority may also require extra width of the flagstaff so that a proper entrance can be constructed.

(D) The owner must contact the proper road authority for an entrance from a public road. The said road authority may restrict the location of the entrance due to such features as the proximity to other entrances, bridges, railroads or other physical conditions where an entrance might create an unsafe condition.

(E) Two lots may be served by adjacent flagstaffs, with each flagstaff a minimum **twenty-five (25) feet** in width, with a shared driveway providing access to lots. In order to minimize the number of new driveways along streets, any access to **two (2)** flag lots with adjacent flagstaffs shall require a shared driveway.

(Ord. No. 2015-03)

40-5-18 BED AND BREAKFAST ESTABLISHMENT.

(A) Shall be subject to **50 ILCS 820** and any amendments thereto.

(B) **One (1)** yard sign no larger than **ten (10) square feet** may be located in the front yard. The sign shall not be located in the right of way of any road district.

(C) **Parking. One (1) space** per guest room in addition to the **two (2) spaces** for the residence. Spaces shall be located to the side and rear of the structure. Each space shall be at least **ten (10) feet** wide and **twenty (20) feet** long.

40-5-19 SMALL AREA BUSINESS. The operating restrictions applicable to small rural business are as follows:

(A) **Hours.** No business shall be conducted between the hours of **6:00 P.M.** and **7:00 A.M.**

(B) No outside storage of materials, refuse or any related product to the business.

(C) Parking shall apply to Zoning Code **Article VI.**

(D) Entrances for small rural businesses along county highways shall either meet the requirements of **Article VI** of **Chapter 33, Non-Commercial Entrances** or **Commercial Entrances.**

40-5-20 **CAMPGROUNDS.** In any district where campgrounds are permitted, the establishment and operation of such uses shall be subject to the following requirements, conditions and restrictions:

(A) Must comply with the Illinois Campground Licensing and Recreational Area Act (**210 ILCS 95/1 et seq.**) and any Amendments thereto. Copies of all licenses shall be provided to the Zoning Office.

(B) **Minimum Area.** Minimum area for a campground shall be **ten (10) acres.**

(C) Each campsite will be identified with a number or letter.

(D) **Minimum campsite size: Forty (40) feet** wide by **one hundred (100) feet** long.

(E) No LP tanks larger than **thirty (30) pounds** are permitted.

(F) Park Models are prohibited.

(G) Each recreational vehicle space shall be separated by at least **ten (10) feet** from the nearest adjacent recreational vehicle space.

(H) The campground must be compliant with the Clinton County Floodplain Code.

(I) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures when a flood warning is issued.

(J) Water and sewerage systems shall require approval by the applicable agency.

(K) **Campsite sales are prohibited.** Individual campsites within a campground shall not be sold or transferred.

(L) Every campsite shall be provided with **two (2)** off-street parking areas (minimum).

(M) The applicant shall submit a site plan of the recreational park not less than **one (1) inch** equals **fifty (50) feet** which shows:

(1) Location of existing and proposed sewage systems.

(2) Location of individual recreational vehicle sites and utility hookups, such as water, electric and sewage.

(3) Location of park facilities (office, pool background, etc.)

(4) Traffic pattern, including ingress/egress locations

The developer shall be held to the final form of the site plan as approved.

(N) No additions such as decks, open or enclosed porches, cabanas, roofs, carports, garages, sheds (portable or permanent), shall be located on campsites that lie within the floodplain or flowage easement. Customary travel trailer accessories as provided by the manufacturer shall be permitted.

(Ord. No. 2014-07-22)

40-5-21 **CHURCHES AND HOUSES OF FORMAL WORSHIP.** The following restrictions shall apply to churches no matter if they are permitted uses or special uses:

(A) **Lot Size.** The minimum size of the lot or tract shall not be less than **two (2) acres** and have a minimum frontage on a public street and at the building line of **one hundred fifty (150) feet.**

(B) **Commercial and Residential Uses.** No part of a church or building for religious worship or accessory building shall be used for commercial or residential purposes, except that **one (1)** parsonage may be permitted on the same lot or tract provided the

parsonage is located no more than **seventy-five (75) feet** from the principal building for religious worship.

(C) **Property Lines.** Each principal building shall be located at least **twenty-five (25) feet** from all property lines, and shall meet all other applicable requirements of the Zoning Code.

(D) **Accessory Buildings.** Accessory building shall meet all applicable requirement of the Zone District.

(E) **Accessory Uses.** Permitted accessory uses and functions shall be directly related to and an integral part of the customary religious worship activities except as otherwise provided by applicable provision. **(805 ILCS 110/0.01 et seq.) (Ord. No. 2015-07-57)**

40-5-22 STORAGE CONTAINERS. It shall be unlawful to locate in this County Accessory use known as a storage container consisting of either a railroad or train car, a truck body or shell or a truck trailer, licensed or unlicensed, on any residential lot in the County, unless the lot is in a zoned commercial or industrial district. All containers shall be closed and be secured when not in use. They shall meet all setback prescribed for accessory uses and location on a permanent foundation. The Zoning Administrator may submit all applications for a "storage unit" to the Zoning Board of Appeals if he/she feels that the unit is not consistent with this Section. **(See Section 40-3-14 for height limitations.) (Ord. No. 2015-07-57)**

40-5-23 SOLAR ENERGY SYSTEMS.

(A) **Definitions.**

Ground Mount: A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

Net Metering: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

Personal Solar Energy System (PSES): Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site. Included within this definition of Personal Solar Energy System are any things defined or described in **35 ILCS 200/10-5(d)**, as same may be amended from time to time, which statute is incorporated herein by reference as though fully set forth herein. **(Ord. No. 2018-36; 12-17-18)**

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 (SES): All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

Solar Farm Energy System (SFES): A utility scale facility that converts sunlight into electricity for the primary purpose of selling wholesale or retail generated electricity for on-site and off-site use. A solar farm is the principal land use for the parcel on which it is located. Included within this definition of a Solar Farm Energy System are any things defined or described in **35 ILCS 200/10-720** as a "Commercial Solar Energy System", as same may be amended from time to time, which statute is incorporated herein by reference as though fully set forth herein. **(Ord. No. 2018-36; 12-17-18)**

(B) **Building Permit Requirements and Fees.** Solar Energy Systems (SES) will be required to have a Clinton County Building Permit. Solar Energy Systems constructed before a Building Permit has been issued will be charged double the permit fee. A written plan and a plat/drawing for the proposed Solar Energy System shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property, with all property lines and setbacks indicated.

Fees for processing the applications for building permits shall be submitted to and collected by the Clinton County Zoning Department as follows:

0-10 kilowatts (kW AC)	\$100.00
11-50 kilowatts (kW AC)	\$250.00
51-100 kilowatts (kW AC)	\$500.00
101-500 kilowatts (kW AC)	\$1,000.00
501-1,000 kilowatts (kW AC)	\$2,500.00
1,001-2,000 kilowatts (kW AC)	\$5,000.00
Over 2,000 kilowatts (kW AC)	\$100.00 for each additional 0-100 kilowatts

The above fees do not include inspection fees, which must be paid for by the applicant. The inspector must be approved by Clinton County.

(C) **Personal Solar Energy System (PSES).** Personal Solar Energy Systems (PSES) shall be considered an accessory use to a principal structure or a granted special use in any zoning district. The PSES shall provide electricity for on-site use that shall be used solely to reduce on-site consumption of utility power, but energy output may be delivered to a power grid to offset the cost of energy on-site. Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent. Solar energy collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than **thirty percent (30%)**. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties. SES must be in compliance with all local, state, or federal laws and is subject to the following requirements:

- (1) **Height Restrictions.** Ground or pole mounted solar energy systems when oriented at maximum tilt shall not exceed **ten (10) feet** and the size shall not occupy more than **two thousand five hundred (2,500) square feet** of ground in any zoning districts.
- (2) **Setback Requirements.**
 - (a) Ground mounted solar energy systems, when oriented at any and all positions, shall meet the accessory structure requirements for the zoning district in which the unit is located.
 - (b) Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at maximum design tilt.
 - (c) No solar energy system shall be allowed to be placed in the front yard of any residential property.
 - (d) For solar units located within **five hundred (500) feet** of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on

Federal Obligated Airports, or most recent version adopted by the FAA.

- (e) Electric solar energy system components must have an Underwriters Laboratory (UL) Listing or approved equivalent. Solar energy collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than **thirty percent (30%)** and shall be placed such that concentrated sunlight or glare shall not be directed onto aircraft or nearby properties or streets.
- (f) PSES may require screening from public view (including adjacent properties and public right of ways) by fencing, walls, plantings, or other architectural feature, or any combination thereof, provided however, that the screening not be required to be so dense or tall, or so located as to render the equipment essentially non-functional.

(3) **Application.** Prior to construction of the Personal Solar Energy System, a Zoning Certificate of Compliance must be obtained from the Clinton County Zoning Department. All information required by the Zoning Administrator and the following must be submitted to obtain a Zoning Certificate of Compliance:

- (a) Name, address, phone number of the applicant and property owner.
- (b) Site Plan showing property lines, all structures, setback lines, septic fields and field tile locations if applicable.
- (c) Location of all solar panels and associated equipment.
- (d) Location of the electrical disconnect for the PSES.
- (e) Evidence the local electric utility has been informed of the applicant's intent to install a PSES.
- (f) Evidence the site plan has been submitted to the local fire protection district or department.

(D) **Solar Farm Energy Systems (SFES).** Solar Farm Energy Systems (SFES) is a facility on a parcel of **five (5)** or more acres for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity. All Solar Farm Energy Systems (SFES) will require a Special Use Permit, which may be applied for in Agricultural, Commercial or Industrial Districts.

(1) **Setback and Height Restrictions.**

- (a) No aspect shall exceed **eighteen (18) feet** in height, as measured from grade at the base of the structure to its highest point.
- (b) All solar panels in a Solar Farm Energy System (SFES) shall be kept at least **one thousand (1,000) feet** from a residence that is not part of the specific solar energy system permit/plan.
- (c) All aspects and components shall be set back no less than **one hundred (100) feet** from any lot line, **two hundred (200) feet** from County roads, **two hundred (200) feet** from Township roads and **two hundred (200) feet** from Interstate and State Route easements or right-of-way.

(Ord. No. 2022-9-65; 09-19-22)

- (2) **Fencing and Weed/Grass Control.**
- (a) The perimeter shall be secured by security fencing of at least **six (6) feet** in height. The fence shall be maintained by the applicant. The fence shall contain an appropriate warning signage containing "High Voltage", the facilities 911 address and a 24-hour emergency contact number. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. The name and phone numbers of the electric utility provider and site operator shall be posted as well as the facility address.
 - (b) The applicant shall submit and adhere to an acceptable weed/grass control plan for property inside and outside the fenced area.
- (3) **Safety/Fire Protection.**
- (a) The applicant, owner or operator shall submit to the local fire protection district a copy of the site plan.
 - (b) A means of access for emergency services shall be provided and maintained.
 - (c) The facility shall provide approval for access points from the road authority having jurisdiction.
 - (d) All other applicable fire, life safety and/or emergency response laws and regulations apply.
 - (e) All wiring between solar panels and the solar farm facility substation shall be underground unless approved by Clinton County.
 - (f) Names and phone numbers of the site operator and electric utility provider must be provided to the Zoning Department, Sheriff's Department and Fire Department. Any changes of contact shall be reported immediately.
 - (g) Power and communication lines running between banks of solar panels and to electric substations or interconnections with building shall be buried underground unless water courses or other elements of natural landscape interfere.
 - (h) If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
 - (i) Noise levels measured at property line shall not exceed **fifty (50) decibels** when located adjacent to an existing residence or residential district.
 - (j) The SFES shall be designed and located to prevent glare toward any structure on nearby properties and roadways, including, but not limited to, highways and streets.
 - (k) SFES shall conform to all applicable industry standards, including those from the UL and Federal Aviation Administration (FAA) and, when applicable, all SFES shall conform to any applicable Air Installation Compatible Use Zone (AICUZ) study, and the requirements of any overlay district, including but not limited to the Airport Overlay (AO)

District. All applicable county, state, and national construction and electric codes shall be followed.

- (l) Any other requirements or conditions as determined necessary by the Clinton County Zoning Board of Appeals.
- (4) **Outdoor Storage.** Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed.
- (5) **Utility Notification.** A copy of the power purchase agreement and/or interconnection agreement must be submitted to the Zoning Department before obtaining a building permit.
- (6) **Visual Screening.** Visual screening must be maintained and the owner must remove and replace dead or diseased screening on an annual basis. **(Ord. No. 2018-36; 12-17-18)**
- (7) **Soil and Ground Cover.** Top soils shall not be removed from the site during development unless the removal is expressly approved as part of the special use permit. **(Ord. No. 2018-36; 12-17-18)**
- (8) **Application.** SFES shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the County Code or any special conditions required by the Zoning Board of Appeals or Clinton County Board:
 - (a) A written summary of the project including a general description of the project, including its approximate generating capacity.
 - (b) The names, addresses and phone numbers of the owner and operator.
 - (c) Site Plan with existing conditions showing the following:
 - (i) Existing property lines and property lines extending **one hundred (100) feet** from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
 - (ii) Existing public and private roads, showing widths of roads and any associated easements.
 - (iii) Location and size of any wells and septic field.
 - (iv) Existing buildings with their uses identified.
 - (v) If there is floodplain on the property, elevations may be required.
 - (vi) Location of any field tiles.
 - (d) Site Plan of proposed conditions:
 - (i) Location and spacing of solar panels.
 - (ii) Setback lines.
 - (iii) Location of access roads and access points.
 - (iv) Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
 - (v) Description of method connecting the array to a building or substation.
 - (vi) All SFES structures including, but not limited to, fencing, gates, substation, interconnect substation

that is to be the connection point for the solar farm, and location and voltage of any overhead transmission lines.

- (vii) An executed agreement between the owner/operator and all road district authorities affected by the solar farm.
- (viii) Examples of facility signage.
- (ix) A plan for ongoing maintenance of the SFES.
- (x) A decommissioning plan with a description of the plan to remove the SFES equipment and restore the land to its previous use upon the end of the project's life or cessation of operations. Provisions for the removal of structures, debris, and associated equipment on the surface to a level of not less than **five (5) feet** below the surface, and the sequence and timing in which the removal is expected to occur.

(9) **Zoning Certificate of Compliance.** Prior to construction, a Zoning Certificate (building permit) must be obtained from the Clinton County Zoning Department. The applicant shall submit an updated and finalized site plan with all items previously required in the application for a special use and any modifications required by the Zoning Board of Appeals, Clinton County Board and Zoning Administrator. Additional items to be included are:

- (a) The owner or operator of the SFES shall enter into an Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture prior to commencement of construction. A copy of the agreement must be submitted to the Zoning Department.
- (b) The owner or operator shall initiate a consultation process, and pay all applicable fees to, the Illinois Department of Natural Resources. A copy of the consultation determination (EcoCAT) must be submitted to the Zoning Department.
- (c) A copy of the lease agreement, interconnection agreement and power purchase agreement.
- (d) All required studies, reports, certifications, insurance policies, declaration pages, approvals, and other documentation demonstrating compliance with the provisions of this Section.
- (e) Applicant shall submit to the Clinton County Zoning Department an estimate of decommissioning costs certified by an independent professional engineer (not the applicant, owner, nor any employee, agent, or affiliate of the same). Clinton County may, at the applicant's expense, hire its own qualified engineer to verify the accuracy of the estimate of decommissioning costs.
- (f) A performance bond equal or greater than the estimated amount of the decommissioning costs.

- (g) The owner or operator shall cooperate with the local fire department or district to develop an emergency response plan and shall cooperate with all local fire and rescue authorities to provide specialized training, if necessary (at the owner or operator's expense) to personnel who are to respond to emergencies on the site. The site and emergency plan shall be submitted to the local fire department or district whose jurisdiction is included in whole or in part within the SFES project area.
 - (h) A storm water or groundwater management plan demonstrating best management practices, with erosion and sediment control provisions.
 - (i) The owner or operator shall comply with the obligations set forth in **35 ILCS 200/10-740**, as same may be amended from time to time, which statute is incorporated herein by reference as though fully set forth herein, and shall include with said application hereunder a copy of all surveys and other documents and things required thereunder. **(Ord. No. 2018-36; 12-17-18)**
- (10) **Indemnification and Liability.**
- (a) The applicant, owner and/or operator of the solar farm energy system project shall defend, indemnify, and hold harmless the County of Clinton and its officials (elected and appointed), employees, departments, agents, and attorneys from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the SFES project.
 - (b) The applicant, owner, and/or operator of the solar farm energy system project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least **Two Million Dollars (\$2,000,000.00)** per occurrence and **Four Million Dollars (\$4,000,000.00)** in the aggregate. Evidence of liability coverage must be reported to the Clinton County Zoning Department on an annual basis, and any loss coverage must be reported within **three (3) working days** of loss. Failure to maintain coverage shall be considered a cessation of operations pursuant to section below.
- (11) **Decommissioning Plan.**
- (a) The owner or operator of the SES shall completely decommission within **twelve (12) months** for any reason stated in this Section or if any of the following conditions ("decommissioning triggers") exist:

- (i) The SES ceases to generate electricity for a continuous period of **twelve (12) consecutive months**;
 - (ii) The land lease ends, expires or is terminated;
 - (iii) The SES is damaged and will not be repaired or replaced.
- (b) The Clinton County Zoning Administrator shall notify the applicant, owner, or operator to remove the system. This period may be extended by the Zoning Board of Appeals if the owner or operator provides evidence within **forty-five (45) days** that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and has not been abandoned. Decommissioning shall include:
- (i) The removal of all equipment, cables, sires, conduits, structures, fencing, and foundations to a depth of at least **forty-eight (48) inches** below grade. All solid wastes and hazardous materials related to the construction, operation and maintenance of the SES shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
 - (ii) The removal of all graveled areas and access roads unless the owner of the leased real estate requests in writing that they are to remain in place.
 - (iii) Restoration of the land to a condition reasonably similar to its condition prior to the solar garden or solar farm development, including replacement of top soil removed or eroded.
 - (iv) Re-vegetation of any cleared and/or disturbed areas with warm season grasses and forbs that are native to the region, unless requested in writing by the owner of the real estate to no re-vegetate due to plans for agricultural planting.
- (c) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction by natural or man-made causes, the owner and/or operator shall obtain and deliver to the County of Clinton ("County") a performance bond or similar financial assurance, for removal of all components. ("Decommissioning Security"). Any such bond must be issued for a term of at least **five (5) years** and must not be cancelable during that term. The plan shall state that in form and substance, reasonably satisfactory to the County securing the owner and/or operator obligation, Clinton County shall have access to the project and to the funds to affect or complete decommissioning if the applicant, owner,

or operator fails to complete removal and decommissioning of the SFES strictly according to the terms of the decommissioning plan within **forty-five (45) days** of notice from the Clinton County Zoning Administrator or by such additional time granted by the Clinton County Zoning Administrator.

- (i) The Decommissioning Security shall be equal to **one hundred ten percent (110%)** of the estimated cost of decommissioning. The Decommissioning Security shall survive the bankruptcy or dissolution of the owner and/or operator or other termination of the owner and/or operator of the SFES existence or its legal obligations. Once it is in place, the owner and/or operator shall maintain the Decommissioning Security, and cause the Decommissioning Security to be valid and enforceable until the secured decommissioning obligations are satisfied.
- (ii) The applicant shall provide the Clinton County Zoning Administrator with a new estimate of the cost of decommissioning the SFES every **five (5) years**, due on the anniversary of the Special Use being granted. Failure to provide a new estimate and/or acceptable financial plan estimate shall be considered a cessation of operations.
- (iii) When any of the identified decommissioning triggers exist, if the owner and/or operator has not complied with its decommissioning and related obligations, the County shall be entitled to make a claim against the Decommissioning Security for its costs to decommission, net of any salvage value the County actually realizes.
- (iv) Applicants and/or owners of SFES shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the Zoning Administrator and/or Clinton County Board. SFES shall conform to all applicable industry standards, including those from the UL and Federal Aviation Administration (FAA) and, when applicable, all SFES shall conform to any applicable Air Installation Compatible Use Zone (AICUZ) study, and the requirements of any overlay district, including but not limited to the Airport Overlay (AO) District.
- (v) Nothing herein shall prevent Clinton County from seeking such other legal or equitable remedies available to prevent or remedy any violations of this Section.

(Ord. No. 2018-33; 08-20-18)

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ARTICLE VI - OFF-STREET PARKING

40-6-1 **APPLICABILITY OF ARTICLE.** Off-street parking shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

40-6-2 **EXISTING OFF-STREET PARKING.**

(A) Existing off-street parking located on the same lot as the use served shall not be reduced—or if already less than, shall not be further reduced--below the requirements and standards for similar new structures or uses.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, off-street parking equivalent to any maintained at the time of such damage or destruction shall be restored, but additional off-street parking need not be provided.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional off-street parking commensurate with such increases in use-intensity shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, off-street parking shall be provided as required herein for such new use.

40-6-3 **PARKING LOT DESIGN STANDARDS.**

All off-street parking lots shall conform to the standards indicated in the subsections which follow:

(A) **Spaces.** Each required off-street parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.

(B) **Interior Aisles.** Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designed for **sixty (60) degree** parking shall be at least **eighteen (18) feet** wide.

(C) **Access Ways.**

(1) Parking lots shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.

(2) No access way to any parking area shall be located within **thirty (30) feet** of any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent traffic hazards.

(3) Parking area access ways and public streets shall be aligned to form--as closely as feasible--right angles.

(4) The access way to every parking lot located in the Commercial or Industrial District shall be at least **twenty-four (24) feet** wide unless **two (2)** one-way drives, each **twelve (12) feet** wide, are provided.

(D) **Surfacing.** Parking lots shall be graded and improved with crushed rock at least **four (4) inches** thick, treated with a dust palliative approved by the Administrator.

40-6-4 **LOCATION OF OFF-STREET PARKING.** All off-street parking shall be located in conformity with the following requirements:

(A) **For Dwellings.** Parking spaces accessory to dwellings shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved to allow another vehicle to enter/exit the parking area.

(B) **For Commercial/Industrial Uses.**

(1) Every off-street parking space accessory to any commercial or industrial use shall be located within **five hundred (500) feet** of the use served; provided, that no portion of any parking lot for non-residential uses shall extend into any Residential District or into the Agricultural District except by written permission of the Administrator.

(2) In the Commercial or Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements (if any) for each use, and only if all other pertinent regulations are observed.

40-6-5 **COMPUTATION OF REQUIRED PARKING SPACES.** In computing the number of parking spaces required by this Code, the Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. **"Employee parking" means one (1) parking space shall be required per one and one-half (1.5) employees"**, unless otherwise stated.

(B) In computing parking space requirements on the basis of building floor area, the **gross** floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed **one (1)** parking space.

(D) If computation of the number of parking spaces required by this Code results in a fractional space, any fraction of **one-half (.5)** or more shall be counted as **one (1) space.**

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking spaces shall be counted as part of the off-street parking spaces required for another structure or use.

40-6-6 **DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES.** If provided, all off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size Of Space.** Every required off-street loading space shall be at least **twelve (12) feet** wide and sufficiently long to accommodate the type of vehicle expected to use the space. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) **Access Way.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet** wide.

(C) **Surfacing.** Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick.

40-6-7 NUMBER OF PARKING SPACES REQUIRED. Off-street parking spaces shall be provided as indicated in the table below. For any use that is not listed in the table, the same number of parking spaces shall be provided as is required for the most similar listed use. The Administrator shall make the determination of similarity.

<u>Use</u>	<u>Parking Spaces Required</u>
(A) <u>Dwellings, Lodgings:</u>	
Hotels, motels, boarding houses, lodges	1 space per lodging unit, plus employee parking
Manufactured homes (including those in manufactured home parks)	2 spaces per manufactured home
Multi-family dwellings	
1 bedroom or less	2 spaces per dwelling unit
2 or more bedrooms	3 spaces per dwelling unit
Single-family & two-family dwellings	2 spaces per dwelling unit (Ord. No. 2015-03)
(B) <u>Educational, Institutional, Recreational:</u>	
Churches	1 space per 4 seats in the largest seating area
Hospitals	1 space per 2 beds, plus employee parking
Libraries, museums	1 space per 500 sq. ft. of floor area
Nursing homes	1 space per 5 beds
Schools	
Elementary and junior high	1 space for every 20 students that the building is designed to accommodate, plus employee parking.
Senior High	1 space for every 4 students over 16 years old that the building is designed to accommodate, plus employee parking.

<u>Use</u>	<u>Parking Spaces Required</u>
(C) <u>Commercial, Office, Service:</u>	
Note: All commercial, service or office uses, unless specifically indicated otherwise below:	1 space per 300 sq. ft. of floor area
Banks, savings and loans	
Walk-in	1 space per 300 sq. ft. of floor area, plus employee parking
Drive-in	5 spaces per teller window
Beauty and barber shops	2 spaces per chair, plus employee parking
Furniture and appliance stores	1 space per 600 sq. ft. of floor area
Home occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room
Restaurants, refreshment stands	
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater
Drive-in	1 space per 25 sq. ft. of building floor area
Service stations	2 spaces per service stall, plus employee parking
Taverns	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater
Theaters	
Indoor	1 space per 4 seats in the largest seating area
Drive-in	On Review by the Administrator
Vehicle sales (autos, boats, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area, plus 1 space per 2,500 sq. ft. of open lot area

ARTICLE VII - NONCONFORMITIES

40-7-1 **PURPOSE OF ARTICLE.** The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, nonconformities are frequently responsible for truck traffic on residential streets, the overtaking of parking facilities, the creation of nuisances, and/or the lowering of property values. **The regulations of this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.**

40-7-2 **NONCONFORMING LOTS.** Any vacant lot that does not conform to **one (1)** or more of the lot size (area, dimensions) requirements of the district in which it is located may, nonetheless, be developed for any use permitted in that district if such vacant lot was recorded in the County Recorder of Deeds Office prior to the enactment of this Code and is at least **fifty (50) feet** wide and meets all setbacks and yard requirements of the zoning district in which it is located. No such lot may be developed unless it meets the minimum requirements established by the County and the Illinois Environmental Protection Agency for the provision of water and sewer service. **(Ord. No. 2015-03)**

40-7-3 **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an individual parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

40-7-4 **NONCONFORMING STRUCTURES.** Any otherwise lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code because of requirements/restrictions on lot size, height, setbacks, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions. **(Ord. No. 05-04-02)**

(A) **Enlargement, Alterations.** No such structure shall be enlarged or altered in any way which increases its nonconformity.

(B) **Relocation.** No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.

(C) **Reconstruction.** No such structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of

loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

40-7-5 NONCONFORMING USES. Any otherwise lawful use existing on the effective date of this Code which would not be allowed under the terms of this Code may lawfully continue, subject to the following provisions. **(Ord. No. 05-04-02)**

(A) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B) **Expansion of Use.** No nonconforming use shall be expanded so as to occupy a larger portion of the structure or lot than was occupied on the effective date of this Code.

(C) **Change of Use.** A nonconforming use shall not be changed except to a use permitted under the applicable district regulations.

(D) **Relocation.** No nonconforming use shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.

(E) **Discontinuance of Use.** When a nonconforming use is discontinued or vacant for **twelve (12)** consecutive months or for **thirty (30) months** during any **three (3) year** period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

40-7-6 NONCONFORMITIES UNDER PERMIT AUTHORITY. The regulations of this Article shall not affect the terms of any permit issued prior to the effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT

40-8-1 ZONING ADMINISTRATOR. The office of Zoning Administrator of Clinton County is hereby established. The Administrator shall be appointed by the County Board Chairman with the advice and consent of the County Board, and shall continue to hold office at the pleasure of the County Board. The Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (A) To review and pass upon applications for initial and final certificates of zoning compliance;
- (B) To inspect land, structures, and uses to determine compliance with this Code, and where there are violations, to initiate appropriate corrective action;
- (C) To review and forward to the Zoning Board of Appeals all applications for special use permits, variances, appeals, and amendments;
- (D) To maintain up-to-date records of this Code including, but not limited to, the district map, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Board of Appeals, amendments, and all applications related to any of these matters;
- (E) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Board of Appeals at least once each year;
- (F) To provide information to the general public on matters related to this Code; and
- (G) To perform such other duties as the County Board may from time to time prescribe.

40-8-2 INITIAL CERTIFICATES OF ZONING COMPLIANCE. Upon the effective date of this Code, no land shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been issued. **(See Section 40-3-15, Agricultural Exemption)** The Administrator shall not issue an initial certificate of zoning compliance unless, following consultation with technically qualified persons as necessary, he determines that the proposed work conforms to the applicable provisions of this Code. **[NOTE: This Code was effective December, 1990]**

40-8-3 APPLICATION. Every applicant for an **Initial Certificate of Zoning Compliance** shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. **(NOTE: Filing fee generally required.)**

ITEMS OF INFORMATION:

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed lot, structure, or use, if different from (A);
- (C) Brief, general description/explanation of the proposal;

- (D) Location of the proposed lot, use, or structure, and its relationship to adjacent lots, uses, or structures;
- (E) Area and dimensions of the site for the proposed finished grade;
- (F) Height and setbacks of the proposed structure;
- (G) Number and size of proposed dwelling units, if any;
- (H) Location and number of proposed parking/loading spaces and access ways;
- (I) Identification and location of all existing and proposed utilities, whether public or private; and/or
- (J) Any other pertinent information that the Administrator may require.

40-8-4 DURATION OF CERTIFICATE. Initial Certificates of Zoning Compliance shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew **Initial Certificates of Zoning Compliance** for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

40-8-5 FINAL CERTIFICATES OF ZONING COMPLIANCE. No lot or part thereof recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied or put into operation until a final certificate of zoning compliance has been issued. **(See Section 40-3-15, Agricultural Exemption)** The Administrator shall not issue a final certificate of zoning compliance until he has determined, **by inspection**, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plan. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code.

40-8-6 CORRECTIVE ACTION ORDERS. Whenever the Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Code, he shall so notify the responsible party, and shall order appropriate corrective action.

(A) **Contents of Order.** The order to take corrective action shall be in writing and shall include:

- (1) A description of the premises sufficient for identification;
- (2) A statement indicating the nature of the violation;
- (3) A statement of the remedial action necessary to effect compliance;
- (4) The date by which the violation must be corrected;
- (5) A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (6) The date by which an appeal of the correction order must be filed, and a statement of the procedure for so filing; and
- (7) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

(B) **Service of Order.** A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (1) Served upon him personally;
- (2) Sent by registered mail to his last known address; or

(3) Posted in a conspicuous place on or about the affected premises.

(C) **Stop Order.** Whenever any work being done in violation of an **Initial Certificate of Zoning Compliance**, the Administrator's corrective action order may state that the violation must cease immediately. **(See Section 40-8-6(A)(4).)** In such case, the corrective action order is equivalent to a stop order.

40-8-7 EMERGENCY MEASURES. Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

40-8-8 COMPLAINTS. Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

40-8-9 FILING FEES. By resolution, the County Board shall establish (and may amend from time to time) a schedule of filing fees for the various permits and procedures listed in this Code. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the County Treasurer's office. A schedule of filing fees is included in Attachment A. All fees are non-refundable. No permit fees shall be charged to school districts or other units of local government. Hearing fees shall be assessed to all units of local government. **(Ord. No. 2015-05)**

40-8-10 PENALTIES.

(A) Any person who is convicted of a violation of this Code shall be guilty of a Class B misdemeanor and shall be fined not less than **Seventy-Five Dollars (\$75.00)**, nor more than **One Thousand Dollars (\$1,000.00)**, plus costs. Each day on which a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the County from taking any other lawful action that may be necessary to secure compliance with this Code.
(Ord. No. 2015-05)

ARTICLE IX - BOARD OF APPEALS AND SPECIAL PROCEDURES**DIVISION I - BOARD OF APPEALS**

40-9-1 **BOARD OF APPEALS ESTABLISHED.** The Zoning Board of Appeals of Clinton County is hereby established in accordance with Illinois law. **(55 ILCS 5/5-12010)**

40-9-2 **MEMBERSHIP CHAIRMAN, RESIDENCY.** The Board of Appeals shall consist of **five (5) members** appointed by the County Board Chairman with the advice and consent of the County Board. At the time of his appointment, **one (1)** Board of Appeals member shall be named as Chairman by the County Board Chairman; if the Chairman's office becomes vacant, the County Board Chairman shall designate a new Chairman. The County Board Chairman may also appoint **two (2) alternate members** with the advice and consent of the County Board. The **two (2)** alternate members shall serve as members of the Board of Appeals only in the absence of regular members. All members and alternate members of the Board of Appeals shall be residents of Clinton County, and each member and alternate member shall reside in a different township at the time of his appointment and the majority of the members and alternate members shall be residents of unincorporated areas. Failure to maintain residency in Clinton County shall be cause for removal from the Board. **(55 ILCS 5/5-12010) (Ord. No. 2012-4-09; 04-16-12)**

40-9-3 **TERM OF OFFICE, VACANCIES.** Each member of the Board of Appeals shall hold office for **five (5) years** from the date of his appointment, and until his successor has been selected and qualified; provided, however, that the initial appointees to the Board of Appeals shall serve respectively for the following terms; **one (1)** for **one (1) year**, **one (1)** for **two (2) years**, **one (1)** for **three (3) years**, **one (1)** for **four (4) years**, and **one (1)** for **five (5) years**. Each alternate member shall serve respectively for the following terms: **one (1)** for **four (4) years** and **one (1)** for **five (5) years**. The alternate member who has the greatest amount of time remaining in his term shall have priority over the other alternate member in determining which alternate member will serve in the absence of a regular member. The County Board may remove any member or alternate member of the Board of Appeals for cause, after a public hearing. Vacancies on the Board of Appeals shall be filled for the unexpired term of the member or alternate member whose place has become vacant in the same manner as provided for the appointment of new member. **(55 ILCS 5/5-12010) (Ord. No. 2012-4-09; 04-16-12)**

40-9-4 **COMPENSATION.** Each member of the Board of Appeals shall be compensated for his services on a per diem basis with a mileage allowance for travel. The amount of said compensation shall be determined by the County Board, and shall be paid out of the County Treasury. **(55 ILCS 5/5-12013)**

40-9-5 **MEETINGS, QUORUM.** All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times and places within the County as the Board of Appeals may determine. The Chairman, Zoning Administrator or the State's Attorney may administer oaths and compel the attendance of witnesses. **Three (3) members** of a **five (5)**

member Board of Appeals shall constitute a quorum; and the affirmative vote of at least **three (3)** of the **five (5) members**, shall be necessary to authorize any action of the Board of Appeals. **(55 ILCS 5/5-12011)**

40-9-6 **RECORDS.** The Board of Appeals shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the Board of Appeals shall be filed in the Zoning Administrator's office, and shall be a public record. **(55 ILCS 5/5-12010)**

40-9-7 - 40-9-9 **RESERVED.**

DIVISION II - APPEALS

40-9-10 **PURPOSE OF APPEAL.** Any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Division. **(See 55 ILCS Sec. 5/5-12001)**

40-9-11 **FILING, RECORD TRANSMITTAL.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall be filed with the **Soil and Water Conservation District** as per State law **(See 70 ILCS Sec. 405/22.02A)** and, if the land in question is within **one and one-half (1 ½) miles** of a municipality, with the Clerk of that municipality. Not more than **five (5)** working days after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. **(Note: Filing fee required.)**

40-9-12 **STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board of Appeals, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such cases, further action shall not be stayed unless the Board of Appeals or the Circuit Court grants a restraining order for due cause, and so notifies the Administrator.

40-9-13 **PUBLIC HEARING, NOTICE.** The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice indicating the time, date, and place of the hearing

and briefly describing the issue to be decided shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) By first-class mail to the petitioner and to all parties whose property is adjacent to the premises to which the appeal pertains;
- (B) By publication in a newspaper of general circulation within the County.

40-9-14 **DECISION BY BOARD OF APPEALS.** The Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the powers of the Administrator. **(55 ILCS 5/5-12011)**

40-9-15 **RESERVED.**

DIVISION III - SPECIAL USE PERMITS

40-9-16 **NATURE OF SPECIAL-USES.** This Code divides the County into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only by the Clinton County Zoning Board of Appeals, except as provided in **40-9-20(B)** or **(C)**, where it is subject to final approval by the Clinton County Board. **(Ord. No. 2022-10-66; 10-17-22)**

40-9-17 **APPLICATION.** Every applicant for a special-use permit shall submit to the Administrator, in narrative and/or graphics form, the items enumerated below. If the land in question is within **one and one-half (1 ½) miles** of a municipality, the Administrator shall send copy of the application to the Clerk of that municipality. The Administrator shall promptly transmit the completed application, and any comments or recommendation he might wish to make, to the Zoning Board of Appeals. **(NOTE: Filing fee required.)**

ITEMS OF INFORMATION:

- (A) Name and address of applicant;
- (B) Name and address of owner or operator of proposed structure or use, if different from (A);
- (C) Nature of proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (E) Area and dimensions of the site for the proposed structure or uses;
- (F) Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height and setbacks of proposed structure;
- (I) Number and size of the proposed dwelling units, if any;
- (J) Number and location of proposed parking/loading spaces and access ways;

- (K) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) Any other pertinent information that the Administrator may require.

40-9-18 PUBLIC HEARING, NOTICE. The Zoning Board of Appeals shall hold a public hearing on every special-use permit application within a reasonable time after said application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special-use shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) By first-class mail to the applicant and to all parties whose property is adjacent to the property for which the special use permit is sought; and
- (B) By publication in a newspaper of general circulation within the County.

40-9-19 FACTORS CONSIDERED. The Zoning Board of Appeals shall consider the following factors in making their decision on whether to grant a Special Use Permit:

- (A) whether the proposed design, location, development and operation of the proposed Special Use will adequately protect the public health, safety and welfare and the physical environment;
- (B) whether the proposed Special Use is consistent with the County's comprehensive plan;
- (C) the effect the proposed Special Use may have on the value of the neighboring property and on the County's overall tax base;
- (D) the availability and the effect of the proposed Special Use would have on public utilities and on traffic circulation on nearby streets;
- (E) whether there are any facilities near the proposed Special Use (such as schools or hospitals) that require special consideration;
- (F) whether the proposed Special Use is compatible to adjacent uses and uses in the general vicinity; and
- (G) the time period for which the Special Use Permit should be granted or any special requirements for certification of continued compliance with the terms of approval.

40-9-20 FINDINGS OF FACT, TERMS OF RELIEF, REPORT OF RECORD.

(A) Except as provided in subsections (B) and (C) below, the Zoning Board of Appeals shall render a decision on every Special Use Permit within a reasonable time after the public hearing on the application and a Report of Record shall be made and retained on file by the Zoning Administrator. A copy of the Report of Record shall be provided to the owner/applicant and copies transmitted to the County officials or other as required.

(B) **Detached Single-Family Dwellings – "A" Districts; Advisory Report.** Within a reasonable time after the public hearing regarding a special use permit for a Detached Single-Family Dwelling, the Zoning Board of Appeals shall submit an advisory report to the County Board. Said advisory report shall include a recommendation regarding approval or denial of the requested Detached Single-Family Dwelling Special Use Permit, and the reasons therefor, including the factors listed in **Section 40-9-19** of this Code.

(C) **Action by County Board.** The County Board shall act on every proposed Detached Single-Family Dwelling Special Use Permit request at their next regularly scheduled meeting following the submission of the aforementioned advisory reports from the Zoning Board of Appeals. Without further hearing, the County Board may grant or deny, or refer back to the Zoning Board of Appeals for further consideration ,any Detached Single-Family Dwelling Special Use Permit by simple majority vote.

(Ord. No. 2022-10-66; 10-17-22)

40-9-21 REVOCATION. The Zoning Board of Appeals may revoke a Special Use Permit issued under this Article if the proposal for which a permit has been issued is not carried out pursuant to the conditions and requirements of approval. **(55 ILCS 5/5-12009.5)**

DIVISION IV - VARIANCES

40-9-22 VARIANCES. A variance is a relaxation of the requirements of this Code that are applicable to a particular lot, structure, or use. The Zoning Board of Appeals may grant a variance if it is determined that there are practical difficulties or particular hardships in the way of carrying out the strict letter of any such regulations relating to the use, construction or alteration of buildings or structures or the use of land.

40-9-23 APPLICATION. Every application for a variance shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said application to the Board of Appeals together with any recommendation or comments he may wish to make. The application shall contain sufficient information to allow the Board of Appeals to make an information decision, and shall include, at a minimum, the following: **(NOTE: Filing fee required.)**

- (A) Name and address of the applicant;
- (B) Location of the lot, structure, or use for which the variance is sought;
- (C) Relationship of said lot, structure, or use to adjacent lots, structures, or uses;
- (D) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (E) Any other pertinent information that the Administrator may require.

40-9-24 PUBLIC HEARING, NOTICE. The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice of the hearing shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) By first-class mail to the applicant and to all parties whose property is adjacent to the property for which the variance is sought; and
- (B) By publication in a newspaper of general circulation within the County.

40-9-25 CONTENTS OF NOTICE. The notice of a public hearing on a variance request shall include the following information:

- (A) date, time, and place of said hearing;
- (B) name and address of the applicant;
- (C) the particular location of the real estate for which the variation is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, road or intersection;
- (D) whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal, and stating the name and address of the true principal;
- (E) whether the applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of **twenty percent (20%)** of all outstanding stock of such corporation;

(F) whether the applicant, or his principal if other than the applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true owners of such business or entity;

(G) whether the applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint ventures, syndicate members or members of the unincorporated voluntary association; and

(H) a brief statement describing the proposed variance.

40-9-26 STANDARDS FOR VARIANCES. The Board of Appeals shall not grant any variance unless, based upon the evidence presented to them, they determine that:

(A) The proposed variance is consistent with the general purpose of this Code **(See Section 40-1-1)**; and

(B) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property; and

(C) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and

(D) The plight of the applicant is due to circumstances not of his own making; and

(E) The circumstances engendering the variance request are peculiar and not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and

(F) The variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of the County Comprehensive Plan.

40-9-27 TERMS OF RELIEF, FINDINGS OF FACT. The Board of Appeals shall render a decision on every variance request within a reasonable time after the public hearing. They shall specify the terms of relief granted (if any) in one statement and **their findings of fact** in another statement. The findings of fact shall clearly indicate the Board of Appeals' reasons for granting or denying any requested variance. A copy of the findings of fact shall be made and retained on file by the Administrator.

40-9-28 MINOR VARIANCE/ZONING ADMINISTRATOR. If the variance sought is a variation of **ten percent (10%)** or less of the established regulation as identified in this Code (location of structures or bulk requirements), then the Zoning Administrator may grant a variation with no public hearing required; provided:

(A) A notice of intent to grant such variation shall be sent by certified mail to all adjoining landowners, and

(B) If any adjoining landowner files a written objection with the administrative officials within **fifteen (15) days** of receipt of such notice, the variation shall only be considered by the Zoning Board of Appeals as provided for other variations. **(Ord. No. 02-07-02)**

(55 ILCS 5/5-12009)

40-9-29 RESERVED.

DIVISION V - AMENDMENTS

40-9-30 **AMENDMENTS.** The County Board may amend this Code in accordance with State law (**55 ILCS 5/5-12001**) and the provisions of this Code. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments.

Initiation of Amendments:

(A) Text amendments may be proposed by the Zoning Committee of the Clinton County Board, the Zoning Board of Appeals, or the Zoning Administrator.

(B) Map amendments may be proposed by the Zoning Committee of the Clinton County Board, the Zoning Board of Appeals, Zoning Administrator or any other person or persons with ownership in property subject of proposed amendment.

(Ord. No. 2015-05)

40-9-31 **FILING.** Every proposal to amend this Code shall be filed with the Administrator on a prescribed form, and shall include such information as the Administrator considers necessary to allow the County Board to make an informed decision. The person proposing an amendment shall also file a copy of his proposal with the **Soil and Water Conservation District (See 70 ILCS Sec. 405/22.02a)** and, if the land in question is located within **one and one-half (1 ½) miles** of a municipality, with the Clerk of that municipality. The Administrator shall promptly transmit copies of the proposal, together with any comments or recommendations he may wish to make, to the Board of Appeals. **(NOTE: Filing fee required.)**

40-9-32 **PUBLIC HEARING, LOCATION.** The Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath.

40-9-33 **NOTICE OF PUBLIC HEARING.** Notice indicating the time, date, and place of the public hearing, and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

(A) By first class mail to the applicant and to all parties whose property is adjacent to the property that would be rezoned (in the case of rezoning); and

(B) By publication in a newspaper of general circulation within the County.

(C) The applicant shall bear the expense of mailing the indicated notice to all adjacent property owners by return receipt mail and submitting a proof of service back to the Administrator listing all parties to whom the notice was sent and attaching the return receipt signed by someone at the addressee's address.

(Ord. No. 11-94-7)

40-9-34 **ADVISORY REPORT.** Within a reasonable time after the public hearing, the Board of Appeals shall submit an advisory report to the County Board. Said advisory report shall include a recommendation regarding adoption or rejection of the proposed amendment, and

the reasons therefor. If the proposed amendment involves a rezoning, the advisory report shall include findings of fact concerning each of the following matters:

- (A) Existing use(s) and zoning of the property in question;
- (B) Existing use(s) and zoning of other lots in the vicinity of the property in question;
- (C) Suitability of the property in question for uses already permitted under existing regulations;
- (D) Suitability of the property in question for the proposed use;
- (E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned;
- (F) The effect the proposed rezoning would have on implementation of the County Comprehensive Plan.

40-9-35 **ACTION BY COUNTY BOARD.** The County Board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the aforementioned advisory reports. Without further public hearing, the County Board may pass any proposed amendment by simple majority vote except as indicated below.

40-9-36 **EXCEPTIONS.** The favorable vote of at least **three-fourths (3/4)** of all the members of the County Board is required to pass an amendment to this Code in the following instances:

(A) In the case of a written protest against a proposed amendment, filed with the County Clerk, and signed or acknowledged by the owners of **twenty percent (20%)** of the land rezoned, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered; or

(B) In the case of a written protest against a proposed amendment that affects land located within **one and one-half (1 1/2) miles** of the limits of a zoned municipality, provided that said written protest is:

- (1) submitted by the particular zoned municipality with limits nearest adjacent to the affected property; and
- (2) signed and acknowledged by the City Council or by the President and Board of Trustees of said municipality; and
- (3) filed with the County Clerk.

(C) In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

40-9-37 **NOTICE TO APPLICANT OF WRITTEN PROTEST.** In cases of written opposition to an amendment of this Code as prescribed in **Section 40-10-35**, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(See 55 ILCS 5/5-12014)