

BOND COUNTY, ILLINOIS

ZONING

ORDINANCE

Prepared by the
BOND COUNTY ZONING COMMISSION
with technical assistance from
Southwestern Illinois Planning Commission

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ORDINANCE NO. 08-20-91-1

BOND COUNTY ZONING ORDINANCE

BE IT ORDAINED by the Bond County Board of Bond County, Illinois, as follows:

ARTICLE 1

GENERAL PROVISIONS

SECTION 1-1 PURPOSE

In accordance with State Law (Il. Rev. Stats, Chap. 34, Div. 5-12), this ordinance regulates lots, structures, uses and similar matters in order to preserve, protect and to promote the public health, safety and general welfare through implementation of the County's comprehensive plan. More specifically, this ordinance 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 in residential, commercial and industrial areas, and to gradually eliminate non-conforming 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 for 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.

SECTION 1-2 JURISDICTION

This ordinance shall be applicable throughout Bond County, except within the corporate limits of municipalities which have adopted local zoning ordinances.

SECTION 1-3 INTERPRETATION

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

SECTION 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 ordinance.

(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 ordinance, shall be defended by the State’s Attorney until the final determination of the legal proceedings.

SECTION 1-5 SEPARABILITY

If any provision of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this ordinance

SECTION 1-6 WHEN EFFECTIVE

This ordinance shall take effect after its final passage, approval and publication as provided by law, on the effective date set forth below.

MOTION BY BOB BOWEN, SECONDED BY JOE HEILIG TO APPROVE THE ZONING ORDINANCE, TO TAKE EFFECT DECEMBER 1, 1991.

ROLL CALL VOTE: 4 AYES 1 NAY (BILL MANNING) MOTION CARRIED.

ATTESTED: /s/ Eldon O. Roe
Bond County Clerk

Signed /s/ Frank H. Thompson
Chairman, Bond County Board

The text amendments correcting typographical errors and establishing rules, regulations, and procedures governing Solar Energy Systems as referenced in Article 5, shall be effective immediately upon passage of said amendments by the Bond County Board.

ARTICLE 2
DEFINITIONS
SECTION 2-1 CONSTRUCTION OF TERMS

In construing the intended meaning of terminology used in this ordinance, the following rules shall be observed:

(a) Words and phrases shall have the meanings respectively ascribed to them in Section 2-2 unless the context clearly indicates otherwise; terms not defined in Section 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 enumeration of specific terms shall not be limited to the enumerated class unless expressly limited.

SECTION 2-2 SELECTED DEFINITIONS

ABUTTING: Having a common lot line, corner 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;
- (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.

ADMINISTRATOR: The official appointed by the County Board of Bond County to administer this ordinance, or his representative. (Synonymous with “Zoning Administrator”)

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 and includes accessory uses and structures customarily incidental to agricultural activities. Buildings occupied as residences 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 ordinance.

AGRICULTURAL LAND: Land suited for producing food, feed, forage, fiber and oilseed crops. It has the soil quality, growing season, and moisture supply need to produce sustained 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 ordinance (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 mobile home firmly attached to the stand on which it is placed.

ATTACHED: As applied to building, “attached” means having a common wall and/or common roof.

BOARD OF APPEALS: The Zoning Board of Appeals of Bond 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 lot from the deleterious effects of the use on an adjacent lot.

BUILDING: Any covered structure permanently affixed to land and designed or used 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 or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs. Chimneys, towers, cooling towers, and similar projections shall not be included in calculating building height.

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 Right-of-way of the existing street or road.

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 permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this ordinance and may, therefore, proceed.

CERTIFICATE OF ZONING COMPLIANCE, FINAL: A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this ordinance and may, therefore, be occupied or used.

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

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).

COMMUNITY RESIDENCE: A group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified or accredited by appropriate local, state or national bodies. Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease.

COMMUNITY RESIDENCE-LARGE: A community residence serving nine (9) to fifteen (15) persons with handicaps.

COMMUNITY RESIDENCE-SMALL: A community residence serving eight (8) or fewer persons with handicaps in a family-like atmosphere.

COMPREHENSIVE PLAN: The plan or any portion thereof adopted by the County Board to guide and coordinate the physical and economic development of Bond 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 ordinance.

CONVENIENCE STORE: Any small retail commercial or service establishment offering foods/services primarily to the residents of a particular multiple-family complex, mobile 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 ordinance.

COUNTY: Bond 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 ordinance.

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 or more families, but not including hotels, motels or other accommodations for the transient public.

DWELLING, MULTI-FAMILY: A building or portion thereof containing two (2) or more dwelling units.

DWELLING, SINGLE-FAMILY: A dwelling on a permanent foundation containing one (1) dwelling unit and intended for the occupancy of one family.

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.

ENCLOSED: As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other building 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.

EXISTING: Actually, constructed or in operation on the effective date of this ordinance.

FAMILY: One person, or two 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 on 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.

HEREAFTER: Any time after the effective date of this ordinance.

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 ordinance.

IMMOBILIZE: As applied to a mobile 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 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 non-ferrous material.

JUNK, RECYCLING AND/OR SALVAGE 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.

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 Bond 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: The 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 from the side lot lines.

MAINTENANCE: The routine upkeep of a structure, premises, or equipment, including the replacement or repair of structural components to the extent necessary to keep said structure in sound condition.

MATERIALLY: As applied to the impact of one thing on another, “materially” means significantly or substantially.

MOBILE/MANUFACTURED HOME: A manufactured structure designed to permit its transport on wheels, attached to its own chassis, containing complete kitchen and sanitary facilities, and used as a dwelling by one family. All mobile/manufactured homes located in Bond County after the adoption of this ordinance shall be constructed to the U.S. Department of Housing and Urban Development (HUD) requirements for mobile homes and shall have the proper seal to denote compliance.

MOBILE HOME PARK: A parcel not less than two (2) acres in area in single ownership/control, developed with facilities for accommodating occupied mobile homes.

MOBILE HOME STAND: The part of a mobile home space beneath the mobile home that includes the concrete slab, piers or runners on which the home is placed and to which is anchored. Such formation must utilize, at a minimum, 16” wide runners or 24” diameter piers extending into the ground 30”.

MODULAR HOME: A building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation or assembly and installation on the building site with a permanent foundation.

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

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 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.

PARKING AREA/LOT, OFF-STREET: Land that is improved in accordance with this ordinance 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 passenger motor vehicle.

PERMANENT FOUNDATION: A closed perimeter formation consisting of materials such as concrete, mortared concrete block or mortared brick extending into the ground 30” which shall include, but not necessarily be limited to cellars, basements or crawl spaces utilizing, at a minimum, 16” wide runners or 24” diameter piers extending into the ground 30” below finished grade. Perimeter formation must be completely enclosed.

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

PERSON: An individual, firm, association, organization or corporate body.

PERSONAL SOLAR ENERGY SYSTEMS (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. PSES shall be considered an accessory use to a principal structure or a granted special use in any zoning district.

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.

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

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

RESTRICTIVE: Tending to keep within prescribed limits.

RETAIL: Refers to the sale of goods or services directly to the consumer rather than to another business.

RIGHT-OF-WAY, PUBLIC: A strip of land which the owner/sub divider has dedicated to a unit of government for streets, alleys or other public purposes.

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).

SCREENING: Trees, shrubs, walls, solid fences, etc., used as a means of visual and noise control.

SERVICE USE/ESTABLISHMENT: Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

SETBACK: The horizontal distance from the lot line in question to the side of the structure facing that lot line or to the edge of the area of operation of the principal use (in case of a use which does not involve a structure).

SETBACK LINE: See “Building Line”.

SMALL RURAL BUSINESS: Business & Small Manufacturing located in A-1 district, not to occupy more than 5 acres.

SOLAR FARM ENERGY SYSTEMS (SFES): A utility scale facility on a parcel of five (5) or more acres that converts sunlight into electricity 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. A solar farm is the principal land use for the parcel on which it is located.

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 ordinance to regulate development of a special use.

STOP ORDER: A type of corrective action order used by the Administrator to halt work in progress that is in violation of this ordinance.

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.

STRINGENT: Binding, exacting.

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 building.

STRUCTURE, TEMPORARY: Any structure that is not attached to a permanent foundation.

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

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 particle lot, structure or use.

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 ordinance 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 ordinance by reference.

**ARTICLE 3
GENERAL SUBSTANTIVE REGULATIONS
SECTION 3-1 ESTABLISHMENT OF DISTRICTS**

In order to implement the regulatory scheme of this ordinance so to achieve the objectives stated in Section 1-1, all the territory of Bond County other than territory within the corporate limits of municipalities which have adopted local zoning ordinances is hereby divided into the following zoning districts:

NAME OF DISTRICT	DESIGNATION	MINIMUM LOT SIZE	MINIMUM AREA * OF DISTRICT
Agricultural	A-1	5 acres	40 acres
Single-Family Residential	R-1	21,780 sq. ft. **	5 acres
Multi-Family Residential	R-2	21,780 sq. ft. **	2 acres
Mobile Home Residential	R-3	10,000 sq. ft. **	2 acres
Residential/Overlay	R-4	See Section 4-5**	2 acres
Office	O-1	10,000 sq. ft.**	2 acres
Commercial, Limited	C-1	10,000 sq. ft.**	2 acres
Commercial	C-2	10,000 sq. ft. **	2 acres
Industrial, Planned	I-1	20,000 sq. ft.**	10 acres
Industrial, Limited	I-2	20,000 sq. ft.**	10 acres
Industrial, General	I-3	20,000 sq. ft.**	10 acres

* 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.

** See Section 4-12.

SECTION 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. This official zoning map, including all notations and other information thereon, is hereby made a part of this ordinance by reference. The official zoning map shall be kept on file in the Administrator’s office.

3-2.1 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. Centerline 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.

SECTION 3-3 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 ordinance.

SECTION 3-4 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 re-zones the property in question or otherwise amends this ordinance in accordance with Section 9-5.

SECTION 3-5 MEETING MINIMUM REQUIREMENTS

Except as specifically provided otherwise elsewhere in this ordinance, 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.

SECTION 3-6 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 Bond County Subdivision Ordinance.

**SECTION 3-7 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.

SECTION 3-8 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:

FEATURES	MAXIMUM INTRUSION
(a) Cornices, chimneys, planters or similar architectural features	Two (2) feet.
(b) Fire escapes	Four (4) feet.
(c) Patios	No limit.
(d) Porches, if unenclosed and at ground level	Six (6) feet.
(e) Balconies	Four (4) feet.
(f) Canopies, roof overhangs	Four (4) feet.

SECTION 3-9 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 as 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.

(c) AIRPORT HAZARD AREAS. Notwithstanding any other provision of this ordinance, 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” (Ill. Rev. Stats., Chap. 15-1/2, Secs. 48.1 - 48.37 and “An Act in relation to Zoning to Eliminate Airport Hazards” (Ill. Rev. Stats., Chap. 15-1/2, Secs. 48.101 - 48.112).

SECTION 3-10 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 following requirements:

(a) Whenever the public sanitary sewer system is reasonably available (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed six hundred (600) feet), all sewage shall be discharged into such system, whether or not a private sewer system is more convenient.

(b) Whenever the public sewer system is not reasonably available, a private sewer system (whether central or individual) shall be installed and used. All private sewer systems shall be designed, constructed, operated and maintained in conformity with the following requirements:

1. Illinois Private Sewage Disposal Licensing Act, Illinois Revised Statutes, Chapter 111-1/2, Section 116.301 through 116.323, as amended from time to time.

2. Illinois Private Sewage Disposal Code No 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time;

3. Pertinent current regulations issued by the Illinois Environmental Protection Agency; and

4. Applicable County or local codes and ordinances, particularly the Bond County Subdivision Ordinance.

The Administrator shall not issue any initial certificates of zoning compliance unless, following consultation with technically qualified persons as necessary, he is satisfied that these requirements will be met.

SECTION 3-11 ONE DWELLING PER LOT

Except as specifically provided otherwise herein, only one dwelling may be situated on any lot or lot of record. Thus, for example, it shall generally be unlawful to place a mobile home on any lot on which there is an existing dwelling.

SECTION 3-12 ACCESSORY USES

Any accessory use (see Sec. 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 uses) or by virtue of the fact that a special use permit has been granted; and
- (b) in compliance with the restrictions set forth in Subsection 3-12.1.

3-12.1 ACCESSORY USE RESTRICTIONS:

- (a) **HEIGHT.** No accessory use shall be higher than:

1. Fifteen (15) feet in any Residential District; or
2. Twenty-five (25) feet in any other zoning district except the Agricultural District where, due to the special needs of farmers, there shall be no height limit on accessory structures.

- (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 10% of the lot width to any side or rear lot line.

(c) **USE AS DWELLING.** Use of any accessory structure as a dwelling is strictly prohibited in every zoning district.

SECTION 3-13 AGRICULTURAL EXEMPTION

The provisions of this ordinance shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes (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. Should said land or structure cease to be used solely for agricultural purposes then, and only then, shall the other provisions of this ordinance apply (Ill. Rev. Stats., Chap. 34, Div. 5-12).

ARTICLE 4
REGULATIONS FOR SPECIFIC DISTRICTS
SECTION 4-1 "A-1" AGRICULTURAL DISTRICT

The carrying out of agricultural activities has long been, and continues to be, an important part of the way of life for Bond 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-1" Agricultural District is an integral part of that policy. The "A-1" 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.

4-1.1 PERMITTED USES:

Provided all pertinent requirements of this ordinance are met, the following uses are permitted in the "A-1" District:

Agriculture, including all of the uses and structures included in the definition of agriculture set forth in Section 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.

Churches and other places of formal worship

Cemeteries

Commercial grain elevators and storage facilities

Detached single-family dwellings

Government uses of the County or Road District.

Farm dwellings existing before the effective date of this ordinance may be sold as non-farm dwellings, provided at least two (2) acres are deeded with the dwelling, and provided further that, notwithstanding any contrary provision of this ordinance, the property owner may demolish the farm dwelling and replace it with a new non-farm dwelling

Home occupations in accordance with Section 5-2

Kennels

Non-Commercial recreational uses

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 on 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 ordinance.

Solar Farm Energy Systems

Accessory uses in accordance with Section 3-12

4-1.2 SPECIAL USES

The following uses shall be permitted in the "A-1" District only upon the issuance of a special use permit in accordance with the provisions of Section 9-2:

Rental of agricultural buildings not used for agricultural purposes

Agricultural product processing plants

Airports

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 on an agricultural lot of record shall be permitted on a separate lot of at least one (1) acre in size provided the occupants of said single-family dwelling are directly related by birth, marriage or adoption to the owner(s) of the lot of record. Such "Special Uses" shall be renewed every five (5) years. If the occupants fail to meet birth, marriage or adoption requirements, the dwelling unit must be removed from the property."

Government uses of a municipality

Mobile homes and manufactured homes

Oil wells and drilling operations

Rented or leased seasonal dwellings

SMALL RURAL BUSINESS surrounded by A-1 district for small business & small manufacturing where “home occupations” would not be applicable and to prevent spot zoning. The “Special Use” will be non-assignable and shall terminate when property ceases to be used for the specified permitted use by permit holder. Nature of business is to be specified by applicant and the zoning board when permit is issued.

Stockyards

Surface or subsurface mining

Temporary non-farm dwellings, including mobile homes, on the same lot as another principal use

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

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

SECTION 4-2 “R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT

The “R-1” Single-Family Residential District encompasses land within or near municipalities or other built-up areas that are 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 dwellings.

4-2.1 PERMITTED USES:

Provided all pertinent requirements of this ordinance are met, the following uses are permitted in the “R-1” District:

Churches and other places of formal worship

Detached single family dwellings

Home occupations in accordance with Section 5-2

Parks, playgrounds

Personal Solar Energy Systems

Schools

Accessory uses in accordance with Section 3-12

4-2.2 SPECIAL USES

Agriculture, including all of the uses and structures included in the definition of agriculture set forth in Section 2-2, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such operations.

Mobile homes and manufactured homes on individual lots, provided all applicable requirements of this ordinance are met

Boarding Houses

Hospitals and nursing homes

Clinics, medical/dental

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

Duplex dwellings

Government uses of the County, Road District or Municipality

Nursery schools

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

Temporary dwellings, including mobile homes, on the same lot as another principal use

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

SECTION 4-3 "R-2" MULTI-FAMILY RESIDENTIAL DISTRICT

The "R-2" Multi-Family Residential District is intended to promote the construction of duplex and multiple family dwellings.

4-3.1 PERMITTED USES:

Duplex

Multiple-family dwelling units

Personal Solar Energy Systems

Any use permitted in the "R-1" District

Community residences

4-3.2 SPECIAL USES:

Any special use permitted in the "R-1" District

Nursery schools

Mobile homes and manufactured homes

SECTION 4-4 "R-3" MOBILE HOME RESIDENTIAL DISTRICT

The "R-3" Mobile Home Residential District is intended to provide areas within the County where mobile homes and other manufactured housing units may be placed either on individual lots or mobile home parks.

4-4.1 PERMITTED USES:

Mobile or manufactured homes (see Section 5-5)

Mobile home parks (see Section 5-6)

Any uses permitted in the "R-1" District.

Section 4-5 "R-4" RESIDENTIAL/OVERLAY DISTRICT

The "R-4" Overlay District shall include and be defined as follows:

(a) Any incorporated municipality within Bond County that has not adopted its own local zoning ordinance and/or;

(b) Any area within 1,320 feet (1/4 mile) of the corporate limits of any incorporated municipality in Bond County.

The "R-4" Overlay District is intended to encourage compatible residential development in and around the existing municipalities. The following requirements must be met within the Overlay District:

1) The minimum lot size shall be 43,560 square feet (1 acre) if neither public water or public sewer service are provided.

2) The minimum lot size shall be 21,780 square feet (½ acre) if public water service is provided.

3) The minimum lot size shall be 10,000 square feet if both public water and public sewer service are provided.

4) Each lot size shall meet the “Lot Size, Setback and Height Restrictions by District” as established on page 4-13.

5) Flood Plain and Wetland areas may not be used to calculate the minimum lot area; and

6) Development is limited to Single Family Residential uses.

4-5.1 PERMITTED USES:

Any use permitted in the “R-1” District.

4-5.2 SPECIAL USES:

Any Special Use as identified in the “R-1” District

Section 4-6 “O-1” Office District

The “O-1” Office District encompasses areas where business, professional, research and other similar office uses may locate. All office uses within this district must be located within a building.

4-6.1 SCREENING REQUIREMENTS

Whenever any “O-1” Office District use abuts any Residential Zoning District the following screening requirements shall apply:

(a) A twenty foot (20') wide view and noise control buffer strip shall be installed.

(b) Such buffer strip shall consist of an earthen berm a minimum of six (6) feet in height and a planted buffer consisting of shrubbery and trees at least four (4) feet high when planted that can be expected to reach a height of at least ten (10) feet when fully grown.

(c) At least fifty (50) percent of the shrubbery and/or trees must be evergreens.

(d) The planting plan must be approved by the Zoning Administrator.

4-6.2 PERMITTED USES:

Insurance, real estate, loan association and other similar business and professional offices

Dental and medical clinics and/or offices

Business offices, such as district offices, sales offices, branch offices

Private or professional schools, except those of an industrial character

Research facilities provided they are located entirely within a building

Personal Solar Energy Systems

Churches and other places of formal worship

Rest Homes/Nursing Homes

4-6.3 SPECIAL USES:

Commercial uses/establishments

Governmental uses

Nursery schools

Accessory uses in accordance with Section 3-12

Section 4-7 "C-1" COMMERCIAL, LIMITED DISTRICT

The "C-1" Commercial District is a more restrictive zoning district than the "C-2" Commercial District. It is intended to serve the immediate area surrounding it and to discourage higher intensity commercial uses.

4-7.1 SCREENING REQUIREMENTS:

Whenever any "C-1" Office District abuts any Residential Zoning District the following screening requirements shall apply:

- (a) A twenty foot (20') wide view and noise control buffer strip shall be installed.
- (b) Such buffer strip shall consist of an earthen berm a minimum of six (6) feet in height and a planted buffer consisting of shrubbery and trees at least four (4) feet high when planted that can be expected to reach a height of at least ten (10) feet when fully grown.
- (c) At least fifty (50) percent of the shrubbery and/or trees must be evergreens.
- (d) The planting plan must be approved by the Zoning Administrator.

4-7.2 PERMITTED USES:

Churches and other places of formal worship

Nursery Schools

Commercial use/establishments

Detached single-family dwelling and duplexes

Governmental uses

Multiple family dwelling uses

Offices

Service uses/establishments

Accessory uses in accordance with Section 3-12

Personal Solar Energy Systems

4-7.3 SPECIAL USES:

Convenience stores/gas stations

Vehicle repairs

Automobile sales

Section 4-8 "C-2" COMMERCIAL DISTRICT

The "C-2" 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.

4-8.1 SCREENING REQUIREMENTS:

Whenever any "C-2" Commercial District abuts any Residential Zoning District the following screening requirements shall apply:

- (a) A twenty foot (20') wide view and noise control buffer strip shall be installed.

(b) Such buffer strip shall consist of an earthen berm a minimum of six (6) feet in height and a planted buffer consisting of shrubbery and trees at least four (4) feet high when planted that can be expected to reach a height of at least ten (10) feet when fully grown.

(c) At least fifty (50) percent of the shrubbery and/or trees must be evergreens.

(d) The planting plan must be approved by the Zoning Administrator.

4-8.2 PERMITTED USES:

Provided all pertinent requirements of this ordinance are met, the following uses are permitted in the "C-2" District:

Churches and other places of formal worship

Convenience stores

Nursery Schools

Commercial uses/establishments

Detached single-family dwellings and duplexes

Government uses of the County, Road District or Municipality

Multiple family dwelling units

Offices

Service uses/establishments

Solar Farm Energy Systems

Utility substations

Accessory uses in accordance with Section 3-12

4-8.3 SPECIAL USES:

Agricultural uses

Personal Solar Energy Systems

Section 4-9 "I-1" PLANNED INDUSTRIAL DISTRICT

The "I-1" Planned Industrial District may be established on a tract of land in single ownership or management control provided that a detailed development plan has been reviewed by the Zoning Board of Appeals and approved by the County Board following the required public hearings.

4-9.1 USE RESTRICTIONS:

The County Board, in reviewing an "I-1" Planned Industrial District, may establish such restrictions, buffer requirements, use limitations, or other standards as it believes necessary to meet the intent of this zoning district.

4-9.2 PERMITTED USES:

Provided all pertinent requirements of this ordinance are met, the following uses are permitted in the "I-1" District:

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

Commercial and service uses, wholesale

Government uses

Personal Solar Energy Systems

Research and development facilities

Solar Farm Energy Systems

Utility Substations

Warehouses and storage yards

Accessory uses in accordance with Section 3-12

4-9.3 SPECIAL USES:

Agricultural uses

Section 4-10 "I-2" LIMITED INDUSTRIAL DISTRICT

The "I-2" Limited Industrial District is established to provide areas within the County where light industry, as defined under the Permitted Uses in this section, may locate without detriment to the remainder of the County.

4-10.1 USE RESTRICTIONS:

(a) All uses, unless provided for by Special Use, must be located within a building and/or structure.

(b) Whenever any industrial use located in this district abuts any Residential Zoning District the following screening requirements shall apply:

1) A twenty foot (20') wide view and noise control buffer strip shall be installed

2) Such buffer strip shall consist of an earthen berm a minimum of six (6) feet in height and a planted buffer consisting of shrubbery and trees at least four (4) feet high when planted that can be expected to reach a height of at least ten (10) feet when fully grown.

3) At least fifty (50) percent of the shrubbery and/or trees must be evergreens.

4) The planting plan must be approved by the Zoning Administrator.

(c) Truck delivery and/or pickup to any industrial use located in this district shall be limited to between the hours of 7:00 AM and 7:00 PM.

4-10.2 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met, the following uses are permitted in the "I-1" District:

Commercial and service uses, wholesale

Government uses

Research and development facilities

Personal Solar Energy Systems

Solar Farm Energy Systems

Utility substations

Warehouses

Accessory uses in accordance with Section 3-12

4-10.3 SPECIAL USES:

Agricultural uses

Exterior storage of material and equipment

Section 4-11 "I-3" GENERAL INDUSTRIAL DISTRICT

The "I-3" 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.

4-11.1 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) Whenever any "I-3" Industrial District abuts any Residential Zoning District the following screening requirements shall apply:

- 1) A twenty foot (20') wide view and noise control buffer strip shall be installed.
- 2) Such buffer strip shall consist of an earthen berm a minimum of six (6) feet in height and a planted buffer consisting of shrubbery and trees at least four (4) feet high when planted that can be expected to reach a height of at least ten (10) feet when fully grown.
- 3) At least fifty (50) percent of the shrubbery and/or trees must be evergreens.
- 4) The planting plan must be approved by the Zoning Administrator.

4-11.2 PERMITTED USES:

Provided all pertinent requirements of this ordinance are met, the following uses are permitted in the "I-1" District:

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

Commercial and service uses, wholesale

Government uses

Personal Solar Energy Systems

Research and development facilities

Solar Farm Energy Systems

Utility substations

Warehouses storage yards

Accessory uses in accordance with Section 3-12

4-11.3 SPECIAL USES:

Agricultural uses

Junk, recycling and/or salvage yards/but only in accordance with Section 5-4

Oil wells and drilling operations

Sanitary landfills

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

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

SECTION 4-12 LOT SIZE SETBACK AND HEIGHT RESTRICTIONS BY DISTRICT

Every lot or the principal structure thereon (as the case may be) shall comply with the minimum lot size, minimum setbacks and maximum height restrictions for the particular district in which said lot/principal structure is located.

RESTRICTIONS	“A-1” DISTRICT	“R-1” DISTRICT	“R-2” DISTRICT	“R-3” DISTRICT		
a) Minimum District Area:	40 acres	5 acres	2 acres	5 acres		
b) Minimum Lot Area:	5 acres	21,780 sq ft* or 18,000 sq ft [Inside Inc.]	21,780 sq ft* 2,500 sq ft per Dwelling unit	10,000 sq ft*	43,560 sq ft	21,780 sq ft
		[Municipalities] whichever is greater				
c) Minimum Lot Width: (at established bldg line)	300 ft	75 ft	75 ft	50 ft	150 ft	125 ft
d) Minimum Lot Depth:	300 ft	100 ft	100 ft	100 ft	150 ft	125 ft
e) Minimum Setbacks:						
1. From front lot line: (measured from the road right-of-way line)	50 ft	25 ft	25 ft	20 ft	50 ft	50 ft
2. From side lot line a) Irregular lots	25 ft	10% lot width Irregular lots*	10% lot width	5 ft	40 ft	25 ft
3. From rear lot line	50 ft	25 ft	25 ft	20 ft	40 ft	40 ft
f) Maximum Structure Height	None	35 ft	35 ft	20 ft	35 ft	35 ft

* Lot width will be determined by a line closest to the side lot line from the structure. The width of the lot will include the structure. 10% of the width of the lot with a minimum set back of no less than 10 feet at that point. All flood easements and other easements will apply.

	“R-4” DISTRICT	“O-1” DISTRICT	“C-1” DISTRICT	“C-2” DISTRICT	“I-1” DISTRICT	“1-2” DISTRICT	“1-3” DISTRICT
a) Minimum District Area:	2 acres	2 acres	2 acres	2 acres	10 acres	10 acres	10 acres
b) Minimum Lot Area:	10,000 sq ft	10,000 sq ft	10,000 sq ft	10,000 sq ft		20,000. sq ft	20,000 sq ft
c) Minimum Lot Width: (at established <input type="checkbox"/>ldg. line)	75 ft	100 ft	100 ft	75 ft		100 ft	100 ft
d) Minimum Lot Depth:	100 ft	100 ft	100 ft	100 ft		100 ft	100 ft
e) Minimum Setbacks:							
1. From front lot line: (measured from the road right-of-way line)	50 ft	40 ft	50 ft	50 ft		50 ft	25 ft
2. From side lot line	10% lot width	20 ft	50 ft	50 ft		50 ft	25 ft
3. From rear lot line	25 ft	25 ft	25 ft	25 ft		50 ft	25 ft
f) Maximum Structure Height	35 ft	35 ft	35 ft	35 ft		35 ft	None

Except that when a private sewerage system decedent on a soil absorption system is to be used, and public water is provided the minimum lot area shall be one-half (½) acre and setback from the property line shall be twenty-five (25) feet. If public water is not provided, the minimum lot area shall be one (1) acre and the setback from the property line shall be forty (40) feet.

ARTICLE 5
SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES
SECTION 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.

SECTION 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 individual who does not reside 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 for equipment or materials used in connection with a home occupation is prohibited in Residential District.
- (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 off-street parking spaces in addition to the usual requirements for the dwelling (see Sec. 6-6). 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.

SECTION 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.

SECTION 5-4 SALVAGE, RECYCLING AND/OR JUNK YARDS

- (a) No part of any junk yard (see definition in Sec. 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 of closely planted shrubbery at least ten (10) feet high and of sufficient density to block the view from adjacent property.

SECTION 5-5 MOBILE HOMES ON INDIVIDUAL LOTS

No person shall place any mobile home on an individual lot (as opposed to in a mobile home park) except in conformity with the following regulations:

- (a) SAME LOT SIZE/SETBACKS. No mobile home shall be placed on any individual lot unless the district's minimum lot size and setback requirements are strictly observed.
- (b) ONE PER LOT. Not more than one (1) mobile home shall be placed on any individual lot.
- (c) FOUNDATION. Every mobile home shall be placed on a permanent foundation as set forth in this ordinance.
- (d) ANCHORS. Anchors capable of withstanding a vertical tension force of four thousand eight hundred (4,800) pounds shall be installed at the corners of every mobile home stand or as otherwise necessary for protection against high winds. Every mobile home shall be securely tied down to such anchors.
- (e) SKIRTING. Every mobile home shall be skirted with fire-resistant material.
- (f) AGE.
 1. No person shall bring into Bond County, for residential purposes, a used mobile home.
 2. No person shall move a used mobile home for residential purposes from one lot within Bond County to a different location within Bond County.
 3. Any used mobile home brought into Bond County or moved to another location within Bond County, after the effective date of this Ordinance, is declared to be a nuisance. Any person who brings into Bond County a used mobile home, or moves a used mobile home from one location to another within Bond County, shall be fined a sum of not less than \$5.00 and not more than \$500.00. Each day a used mobile home is allowed to remain in Bond County, having been brought into the Bond County or moved within Bond County in violation of this Ordinance, shall be a new violation.
 4. For purposes of this Ordinance, a "used mobile home" is one which has previously been used for residential purposes.

- 5. Applicants may apply for a variance to the zoning board of appeals to wave the age requirements of this section.

SECTION 5-6 MOBILE HOME PARKS

After the effective date of this ordinance, no mobile home park shall be established except in conformity with the requirements of the subsections below:

5-6.1 COMPLIANCE WITH ILLINOIS LAW:

- (a) “An Act to provide for, license, and regulate mobile homes and mobile home parks” (Ill. Rev. Stats., Chap. 111-1/2, Secs. 711 et seq.), as amended from time to time; and
- (b) “Rules and Regulations for Mobile Home Parks”, Illinois Department of Public Health, Consumer Protection Division, as amended from time to time.

5-6.2 MINIMUM LOT AREA, SETBACKS, ETC.:

- (a) Minimum Lot Area: No mobile home park shall be located on a tract less than two (2) acres in area.
- (b) Minimum Dimensions: No mobile home park shall be developed on a minimum site that is less than two hundred fifty (250) feet in both width and depth.
- (c) Minimum Setbacks: No part of a mobile home or other structure in any mobile home park shall be situated closer than twenty-five (25) feet to the exterior boundary of the park.
- (d) Maximum Height: No structure in any mobile home park shall be more than thirty-five (35) feet in height.

5-6.3 MINIMUM LOT SIZE AND SETBACK REQUIREMENTS:

Individual mobile home spaces shall be considered as lots and shall meet the following requirements:

- 1. Minimum lot size: Five thousand (5,000) square feet *
- 2. Minimum lot depth: One hundred (100) feet
- 3. Minimum lot width: Fifty (50) feet
- 4. Minimum setback requirements
 - from front lot line: Twenty (20) feet.
 - from rear lot line: Twenty (20) feet
 - from side lot line: Five (5) feet on one side,
Twenty (20) feet on the other side.
- 5. Minimum distance to a building
 - on an adjacent lot: Twenty (20) feet

* See Section 4-7

5-6.4 MOBILE HOME SPACE IMPROVEMENTS:

Each mobile home space shall be improved in accordance with the following requirements:

(a) **MOBILE HOME STAND.** Each space shall have a stand to provide adequate support for the placement and tie down of the mobile home. The stand shall extend the length of the supports of the mobile home, and shall include the concrete slab, piers or runners on which the home is placed and to which is anchored. Such formation must utilize, at a minimum, 16" wide runners or 24" diameter piers extending into the ground 30".

(b) **ANCHORS.** No mobile home in a mobile 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 mobile home shall be securely tied down to such anchors.

(c) **OFF-STREET PARKING.** Each mobile home space shall have a minimum of two off-street parking spaces.

(d) **SKIRTING.** Each mobile 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.

(e) **TIE-DOWN REQUIREMENTS.** Every mobile home shall meet all Illinois Department of Public Health tie-down requirements.

5-6.5 STREETS AND UTILITIES:

All streets within a mobile home park shall be under private ownership and maintenance and shall be a minimum of twenty-four (24) feet wide.

SECTION 5-7 SANITARY LANDFILLS

Any person who intends to establish or conduct a sanitary landfill within Bond County shall obtain a permit from the Illinois Environmental Protection Agency indicating that the sanitary landfill fully complies with the "Solid Waste Rules and Regulations" or other regulations promulgated by the IEPA pursuant to the authority granted by State law.

SECTION 5-8 SURFACE MINING

It shall be unlawful for any operator to engage in surface mining in Bond 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:

Land located within one thousand (1,000) feet of any significant existing development, especially residential development.

5-8.1 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:

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

SECTION 5-9 UNDERGROUND MINING

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

5-9.1 SPECIFIC REQUIREMENTS:

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

- (a) no open pit or shaft shall be less than five hundred (500) feet from an existing residence or Residential District established by this ordinance; and
- (b) all building or structures 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 ordinance.

SECTION 5-10 OIL DRILLING OPERATIONS

It shall be unlawful for any operator to engage in oil drilling operations in Bond County until a permit has been properly obtained from the Illinois Department of Mines and Minerals.

Oil wells and oil storage tanks shall conform to the required setback requirements at the property line, except at intersections, where a thirty (30) foot setback in each direction from the corner is required.

SECTION 5-11 SCREENING

Any screening (see definition in Sec. 2-2) must conform to the front yard (any yard that abuts a street or road) setback requirements of the district in which it is located unless it is of a height and/or type that does not obstruct or physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

SECTION 5-12 SOLAR ENERGY SYSTEMS

5-12.1 SELECTED DEFINITIONS REGARDING SOLAR ENERGY SYSTEMS:

GROUND MOUNT: A solar energy system that is directly installed into or onto 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.

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 SYSTEMS (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.

5-12.2 BUILDING PERMIT AND APPLICATION REQUIRMENTS AND FEES:

Solar Energy Systems (SES) will be required to have a Bond 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 application for building permits shall be submitted to and collected by the Bond County Zoning Dept as follows:

	<u>FEES BELOW</u>
0-10 kW	\$200
11-50 kW	\$375
51-100 kW	\$750
101-500 kW	\$2,000
501kW-1 MW	\$4,000
1 MW-2 MW	\$6,000
over 2 MW	\$6,000 plus \$200 each add'l 100kw or \$2,000 per each additional MW

The above fees do not include inspection fees, which must be paid for by the applicant. In addition to the inspection fees a one-time application fee will be assessed at the time the application is filed. The operator must hire and inspector and the report delivered to the Bond County Zoning Administrator.

5-12.3 PERSONAL SOLAR ENERGY SYSTEMS (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 collector shall be documented by a 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. PSES must comply with all local, state, or federal laws and it subject to the following requirements.

HEIGHT RESTRICTIONS:

Ground or pole mounted solar energy systems when oriented at maximum tilt shall not exceed 18 ft.

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 500 feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- e.) Electric solar energy systems 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. As determined by the Zoning Board or Appeals.

APPLICATION:

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

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

5-12.4 SOLAR FARM ENERGY SYSTEMS (SFES):

SOLAR FARM ENERGY SYSTEMS (SFES): All Solar Farm Energy Systems (SFES) will be a permitted use, which may be applicable in Agricultural, Commercial or Industrial Districts. A solar farm is the principal land use for the parcel on which it is located.

Reference Illinois Public Act (55 ILCS 5/5-12020) for necessary requirements. A public hearing will be required prior to issuance of building permit.

APPLICATION:

SFES shall be required to submit and obtain approval for all required documents pertaining to the application (reference zoning department application check-list) in addition to any requirements specified in the permitted use section of the county code or any special conditions required by the Zoning Board of Appeals or Bond County Board. ZONING CERTIFICATE OF COMPLAINT

Prior to construction, a Zoning Certificate (building permit) must be obtained from the Bond County Zoning Department. The applicant shall submit an update and finalized site plan with all items previously required in the application for a permit and any modifications required by the Zoning Board of Appeals, Bond County Board and Zoning Administrator. Reference Illinois Public Act (55 ILCS 5/5-12020) for necessary requirements.

INDEMNIFICATION AND LIABILITY

The applicant, owner and/or operator of the solar farm energy system project shall defend, indemnify, and hold harmless the County of Bond 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, cost, 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.

(a) 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 Bond County Zoning Department on an annual basis, and any loss coverage must be reported within 3 working days of loss. Failure to maintain coverage shall be considered a cessation of operations pursuant to section labeled in this ordinance, identified as Decommissioning Plan.

DECOMMISSIONING PLAN

Reference Illinois Public Act (55 ILCS 5/5-12020) for necessary requirements.

ARTICLE 6
OFF-STREET PARKING
SECTION 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 ordinance.

6-1.1 EXISTING OFF-STREET PARKING:

(a) Existing off-street parking located on the same lot as the use served shall not be reduced—or is 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.

SECTION 6-2 PARKING LOT DESIGN STANDARDS

All off-street parking lots shall conform to the standards indicated in the subsection which follows:

6-2.1 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.

6-2.2 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.

6-2.3 ACCESS WAYS:

(a) 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.

(b) No access way to any parking area shall be located within thirty (30) feet of any corner formed by the intersection of the right-of-way of two feet of any corner formed by the intersection of the

rights-of-way of two or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent hazards.

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

(d) 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 one-way drives, each twelve (12) feet wide, are provided.

6-2.4 SURFACING:

Parking lots shall be graded and improved with crushed rock at least four (4) inches thick, and shall have a non-dusting surface.

SECTION 6-3 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 multiple-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.

SECTION 6-4 COMPUTATION OF REQUIRED PARKING SPACES

In computing the number of parking spaces required by this ordinance, 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 parking space shall be required per one and on-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 parking space.

(d) If computation of the number of parking spaces required by this ordinance results in a fractional space, any fraction of one-half ($\frac{1}{2}$) or more shall be counted as one space.

(e) No space or portions 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.

SECTION 6-5 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 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.

SECTION 6-6 NUMBER OF PARKING SPACES REQUIRED

Off-street parking 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.

(a) **DWELLINGS, LODGINGS:**

HOTELS, MOTELS, BOARDING HOUSES, LODGES,	1 space per lodging units, plus employee parking
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MOBILE HOMES (In mobile home parks)	A minimum of 2 spaces per mobile home
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MULTI-FAMILY DWELLINGS	
1 bedroom or less	1.5 spaces per dwelling unit
2 or more bedrooms	2 spaces per dwelling unit

SINGLE-FAMILY AND
TWO FAMILY DWELLINGS 2 spaces per dwelling unit

(b) EDUCATIONAL, INSTITUTIONAL, RECREATIONAL:

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 square feet 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

(c) COMMERCIAL, OFFICE, SERVICE:

NOTE: All commercial, service or
 office uses, unless specifically 1 space per 300 square feet of floor area
indicated otherwise below:

BANKS, SAVINGS & LOANS
 WALK-IN 1 space per 300 square feet 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 square feet of floor area

HOME OCCUPATIONS 1 space per 150 square feet of floor area devoted to the
home occupation in addition to the parking requirements of
the dwelling

OFFICES, MEDICAL/DENTAL	1 space per 200 square feet 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, REFRESHMENTS STANDS	
SIT-DOWN	1 space per 4 seats or 1 space per 50 square feet of floor area, whichever is greater
DRIVE-IN	1 space per 25 square feet 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 square feet of floor area, whichever is greater
THEATERS	
INDOOR DRIVE-IN	1 space per 4 seats in the largest seating area On review by the Administrator
VEHICLE SALES (autos, boats, trailers, etc.)	1 space per 600 square feet of enclosed floor area, plus 1 space per 2,500 square feet of open lot area

ARTICLE 7
NON-CONFORMITIES
SECTION 7-1 PURPOSE OF ARTICLE

The requirements imposed by this ordinance 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, non-conformities are frequently responsible for truck traffic on residential streets, the overtaxing 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 non-conformities.

SECTION 7-2 NON-CONFORMING LOTS

Any vacant lot that does not conform to one or more of the lot sizes (area, dimensions) requirements of the district in which it is located may be developed for any use permitted in that district, provided such vacant lot:

- (a) was recorded in the Bond County Recorder of Deeds office prior to the effective date of this ordinance (or any pertinent amendment thereto); and
- (b) is at least thirty (30) feet wide; and
- (c) no health hazards will be created by such use.

7-2.1 TWO OR MORE LOTS IN COMMON OWNERSHIP:

If two 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 ordinance, and if one 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 ordinance, nor shall any such parcel be divided so as to create a lot that does not meet the requirements.

SECTION 7-3 NON-CONFORMING STRUCTURES

Any otherwise lawful structure which exists on the effective date of this ordinance but which could not be erected under the terms of this ordinance 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. Non-conforming dwelling units are subject to the following provisions, and may lawfully remain.

- (a) **ENLARGEMENT, ALTERATIONS.** No such structure shall be enlarged or altered in any way which increases its non-conformity.

(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 allocable 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 of reconstruction shall be permitted, provided such work starts within six (6) months from the date the damage occurred and is diligently pursued to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and 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.

SECTION 7-4 NON-CONFIRMING USES

Any otherwise lawful use existing on the effective date of this ordinance which would not be allowed under the terms of this ordinance may lawfully continue, subject to the following provisions. Dwelling units are not subject to the following provisions, and may lawfully remain.

(a) MAINTENANCE. Any structure housing a non-conforming use may be maintained through ordinary repairs.

(b) EXPANSION OF USE. No non-conforming 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 ordinance.

(c) CHANGE OF USE. A non-conforming use shall not be changed except to a use permitted under the applicable district regulations.

(d) RELOCATION. No non-conforming 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 non-conforming use is discontinued or vacant for twelve (12) consecutive months or for thirty (30) months during any three-year period, the non-conforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the non-conforming user shall not be counted in calculating the length of discontinuance.

SECTION 7-5 NON-CONFORMITIES UNDER PERMIT AUTHORITY

The regulations of this Article shall not affect the terms of any permit issued prior to the effective date of this ordinance or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE 8
ADMINISTRATION AND ENFORCEMENT
SECTION 8-1 ZONING ADMINISTRATOR

The office of Zoning Administrator of Bond 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 ordinance. 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 ordinance, 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 ordinance 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 ordinance 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 ordinance; and
- (g) to perform such other duties as the County Board may from time to time prescribe.

SECTION 8-2 REQUIRED INITIAL CERTIFICATES OF ZONING COMPLIANCE

Upon the effective date of this ordinance, no lot 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 Sec. 3-13, 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 ordinance.

8-2.1 APPLICATION REQUIREMENTS:

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 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 or proposed utilities, whether public or private; and/or
- (j) any other pertinent information that the Administrator may require.

8-2.2 DURATION OF CERTIFICATE:

Initial certificates of zoning compliance shall be valid for one 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-year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

SECTION 8-3 FINAL CERTIFICATES OF ZONING COMPLIANCE

No lot or part thereof recorded or developed after the effective date of this ordinance, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this ordinance shall be used, occupied or put into operation until a final certificate of zoning compliance has been issued. (See Sec. 3-13, 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 ordinance.

SECTION 8-4 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 ordinance, he shall so notify the responsible party, and shall order appropriate corrective action.

8-4.1 CONTENTS OF ORDER:

The order to take corrective action shall be in writing and shall include:

- (a) a description of the premises sufficient for identification;
- (b) a statement indicating the nature of the violation;
- (c) a statement of the remedial action necessary to effect compliance;
- (d) the date by which the violation must be corrected;
- (e) a statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (f) the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
- (g) 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.

8-4.2 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:

- (a) served upon him personally;
- (b) by certified mail with return receipt to his last know address; or
- (c) posted in a conspicuous place on or about the affected premises.

8-4.3 STOP ORDER:

Whenever any work is 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 Subsection. 8-14.1 (d)) In such case, the corrective action order is equivalent to a stop order.

SECTION 8-5 EMERGENCY MEASURES

a) Notwithstanding any other provisions of this ordinance, whenever the Administrator determines that any violation of this ordinance poses and imminent peril to life or property, the Administrator may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

b) Notwithstanding any other provision of this Ordinance, whenever the Zoning Administrator and the Chairman of the Zoning Board of Appeals both determine a true and valid emergency does, in fact, exist, they are hereby empowered as follows:

i.) They may issue an emergency zoning permit without notice of hearing.

ii) Whenever any violation of this ordinance poses an imminent peril to life or property, they may institute without notice or hearing any necessary procedures to alleviate the perilous condition.

All such emergency proceedings shall be brought to the attention of the Zoning Board of Appeals by the Zoning Administrator at the next special or regular meeting of the Zoning Board of Appeals.

SECTION 8-6 COMPLAINTS

Whenever any violation of this ordinance 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.

SECTION 8-7 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 ordinance. 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. All fees are non-refundable.

SECTION 8-8 PENALTIES

(a) Any person who is convicted of a violation of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed Five Hundred Dollars (\$500). with each week the violation remains uncorrected constituting 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 ordinance.

ARTICLE 9
SPECIAL PROCEDURES AND PERMITS
SECTION 9-1 BOARD OF APPEALS ESTABLISHED

The Zoning Board of Appeals of Bond County is hereby established in accordance with Illinois law.

9-1.1 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 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. All members of the Board of Appeals shall be residents of Bond County, and each member shall reside in a different Township at the time of his appointment and the majority of the members shall be residents of unincorporated areas. Failure to maintain residency in Bond County shall be cause for removal from the Board. The County Board may provide for the appointment of an additional two (2) members to the Board and the additional members shall each serve a term of five (5) years. At the end of the term of the two (2) additional members, the County Board may provide for the appointment of successors or may allow the Board of Appeals to revert to a membership of five (5).

9-1.2 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 for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. The County Board may remove any 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 whose place has become vacant in the same manner as provided for the appointment of a new member.

9-1.3 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.

9-1.4 MEETINGS, QUORUM:

All meetings of the Board of Appeals shall be held at the call of the chairperson and such times and places within the County as the board of Appeals may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. Three (3) members of a five (5) member Board of Appeals or five (5) members of a seven (7) member Board of Appeals shall constitute a quorum; and the affirmative vote of at least three (3) of the five (5) members or five (5) of the seven (7) members, whichever the case may be, shall be necessary to authorize any action of the Board of Appeals.

9-1.5 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 Board of Appeals' office, and shall be a public record.

SECTION 9-2 SPECIAL USE PERMITS

This ordinance divides the County into various district, 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 characteristic, 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 permission of the County Board.

9-2.1 APPLICATION

Every applicant for special use permit shall submit to the Administrator, in narrative and/or graphics form, the items enumerated below. (Every special use permit application shall also be filed with the Soil and Water Conservation District as per State law, and, if the land in question is within one and one-half (1 ½) miles of a municipality, with the Clerk of that municipality) The Administrator shall promptly transmit the completed application, and any comment or recommendation he might wish to make, to the Board of Appeals. (NOTE: Filing fee required)

ITEMS OF INFORMATION:

- (a) name and address of the applicant;
- (b) name and address of the owner or operator of the proposed structure or use, if different from (a);
- (c) nature of the 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 the proposed structure;
- (i) number and size of 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.

9-2.2 PUBLIC HEARING NOTICE FOR SPECIAL USE PERMITS:

The 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 the fifteen (15) days before the hearing:

- (a) by certified mail with return receipt 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.

92.3 ADVISORY REPORT, FACTORS CONSIDERED:

Within a reasonable time after the public hearing, the Board of Appeals shall submit their advisory report to the County Board. In deciding what their advice should be, the Board of Appeals shall consider the following factors:

- (a) whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety and welfare, and the physical environment;
- (b) the effect the proposed special use would have on the value of neighboring property and on the County's overall tax base;
- (c) whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

92.4 ACTION BY COUNTY BOARD:

The County Board shall act on every request for a special use permit at their next regularly scheduled meeting following submission of the Board of Appeals' advisory report. Without further public hearing, the County Board may grant a special use permit by an ordinance passed by a simple majority vote of all members then holding office. In a separate statement accompanying any such ordinance, the County Board shall state their finding of fact, and indicate their reasons for approving (with or without conditions) or denying the request for special use permit.

SECTION 9-3 APPEALS

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 ordinance 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 section.

9-3.1 APPEAL FILING PROCEDURE, TRANSMITTAL OF RECORD:

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 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)

9-3.2 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.

9-3.3 PUBLIC HEARING, NOTICE FOR APPEALS:

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 certified mail with return receipt 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.

9-3.4 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 power of the Administrator.

SECTION 9-4 VARIANCES

A variance is a relaxation of the requirements of this ordinance that are applicable to a PARTICULAR lot, structure or use. Every request for a variance shall be treated in accordance with Illinois law and the provisions of this section.

9-4.1 APPLICATION FOR VARIANCE PROCEDURE:

Every application for a variance shall be filed with the Administrator on a prescribed form. (Every variance application shall also be filed with the Soil and Water Conservation District as per State law 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 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 to make an informed 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 ordinance containing the regulations which, if strictly applied, would cause a serious problem; and
- (e) any other pertinent information that the Administrator may require.

9-4.2 PUBLIC HEARING, NOTICE:

The Board of Appeals shall hold a public hearing on each variance requested 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 certified mail with return receipt 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.

9-4.3 CONTENTS OF NOTICE FOR PUBLIC HEARING:

The notice of a public hearing on a variance requested 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.

9-4.4 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 ordinance (see Sec. 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 (re-zoning); 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.

9-4.5 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.

SECTION 9-5 RE-ZONING AND TEXT AMENDMENTS

The County Board may amend this ordinance in accordance with State law and the provisions of this section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the County Board, the Administrator, the Board of Appeals or any party in interest.

9-5.1 FILING:

Every proposal to amend this ordinance 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, 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)

9-5.2 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. Said hearing shall be held in the township or road district affected by the terms of the proposed amendment. However, if the proposed amendment would affect more than one township or road district, or in the case of general (text) amendments to this ordinance, the public hearing may be held in the County Courthouse instead of in the township or road district., 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.

9-5.3 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 certified mail with return receipt to the applicant and to all parties whose property is adjacent to the property that would be re-zoned (in the case of re-zoning); and

(b) by publication in a newspaper of general circulation within the County.

9-5.4 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 of the proposed amendment, and the reasons therefor. If the proposed amendment involves a re-zoning, the advisory report shall include findings of fact concerning each of the following matters:

(a) exiting 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 re-zoned;
- (f) the effect the proposed re-zoning would have on implementation of the County Comprehensive Plan.

9-5.5 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 report. Without further public hearing, the County Board may pass any proposed amendment by simple majority vote except as indicated below:

EXCEPTIONS: The favorable vote of at least three-fourth (3/4) of ALL the members of the County Board is required to pass an amendment to this ordinance 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 frontage proposed to be altered, 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 ½) 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

END