

***CHRISTIAN
COUNTY,
ILLINOIS***

Zoning Code

**Amended and Revised
January 21, 2020**

02008 ZN 005

CHRISTIAN COUNTY, ILLINOIS

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	TITLE AND PURPOSE	
	Section 1-1-1 - Title	1
	Section 1-1-2 - Purpose	1
	Section 1-1-3 - Jurisdiction	1
	Section 1-1-4 - Interpretation	2
	Section 1-1-5 - Disclaimer of Liability	2
	Section 1-1-6 - Separability	2
II	DEFINITIONS	
	Section 1-2-1 - Construction of Terms	3
	Section 1-2-2 - Selected Definitions	3
III	GENERAL PROVISIONS	
	Section 1-3-1 - Establishment of Districts	25
	Section 1-3-2 - Boundaries of Districts	25
	Section 1-3-3 - Zoning Permits Required	26
	Section 1-3-4 - Accessory Uses	27
	Section 1-3-5 - Previous Uses and Exceptions	27
	Section 1-3-6 - Intersection; Obstruction to Vision	28
	Section 1-3-7 - Height and Area; Exceptions and Variations	28
	Section 1-3-8 - Unlisted Uses Prohibited	29
	Section 1-3-9 - Meeting Minimum Requirements	29
	Section 1-3-10 - Access Required	29
	Section 1-3-11 - Front Setbacks – Corner/Through Lots	29
	Section 1-3-12 - Sanitary and Private Sewers	29
	Section 1-3-13 - One Dwelling Per Lot	30
	Section 1-3-14 - Accessory Uses	30
	Section 1-3-15 - Accessory Use Restrictions	30
	Section 1-3-16 - Agricultural Exemption	31
IV	PLANNED DEVELOPMENTS	
	Section 1-4-1 - Planned Development Defined	32
	Section 1-4-2 - Objectives	32
	Section 1-4-3 - Compliance with Regulations Generally Required	32
	Section 1-4-4 - Districts Where Allowed	32
	Section 1-4-5 - Permissible Deviation From Code Requirements	33
	Section 1-4-6 - Procedures for Planned Developments	33
	Section 1-4-7 - Application; Information Required	34
	Section 1-4-8 - Criteria Considered	35

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
IV	PLANNED DEVELOPMENTS (CONTINUED)	
	Section 1-4-9 - Recommendation by Board of Appeals	35
	Section 1-4-10 - Changes in Approved Plans	36
	Section 1-4-11 - Failure to Begin Development	36
	Section 1-4-12 - County Exemption	36
V	ZONE DISTRICTS	
	Division I – Agricultural AG-1 District	
	Section 1-5-1 - Description of District	37
	Section 1-5-2 - Bona Fide Agricultural Use	37
	Section 1-5-3 - Permitted Uses	37
	Section 1-5-4 - Special Uses	38
	Section 1-5-5 - Required Lot Area	40
	Section 1-5-6 - Height Regulations	40
	Section 1-5-7 - Yards Required	40
	Section 1-5-8 - Ground Floor Area Required	41
	Section 1-5-9 - Reserved	41
	Division II – Residence (R-1 and R-2) Zone Districts	
	Section 1-5-10 - Preamble	42
	Section 1-5-11 - Permitted Uses in the R-1 Zone District	42
	Section 1-5-12 - Permitted Uses in the R-2 Zone District	42
	Section 1-5-13 - Special Uses	42
	Section 1-5-14 - Required Lot Area and Lot Width	43
	Section 1-5-15 - Required Lot Area and Lot Width in the R-2 District	44
	Section 1-5-16 - Building Height Regulation in Residence Districts	44
	Section 1-5-17 - Yards Required in Residence Districts	44
	Section 1-5-18 - 1-5-24 Reserved	45
	Division III – County Home (R-3) District	
	Section 1-5-25 - Preamble	46
	Section 1-5-26 - Rule of Law	46
	Section 1-5-27 - Permitted Uses	46
	Section 1-5-28 - Special Uses	46
	Section 1-5-29 - Required Lot Area and Lot Widths	46
	Section 1-5-30 - Building Height Regulations	47
	Section 1-5-31 - Yards Required	47
	Section 1-5-32 - Ground Floor Area Required	47
	Section 1-5-33 - 1-5-35 Reserved	47

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
V	ZONE DISTRICTS (CONTINUED)	
	Division IV – General Retail (C-1) District	
	Section 1-5-36 - Preamble	48
	Section 1-5-37 - Permitted Uses	48
	Section 1-5-38 - Special Uses	49
	Section 1-5-39 - 1-5-40 Reserved	49
	Division V – Commercial Service Retail (C-2) District	
	Section 1-5-41 - Preamble	50
	Section 1-5-42 - Permitted Uses	50
	Section 1-5-43 - Special Uses	51
	Section 1-5-44 - 1-5-45 Reserved	51
	Division VI – Commercial District Regulations Generally	
	Section 1-5-46 - Preamble	52
	Section 1-5-47 - Reserved	52
	Division VII - Industrial District	
	Section 1-5-48 - Light Industrial; Preamble	53
	Section 1-5-49 - Heavy Industrial District – I-2; Preamble	54
VI	SUPPLEMENTARY REGULATIONS	
	Section 1-6-1 - Applicability of Article	56
	Section 1-6-2 - Hospitals, Nursing Homes	56
	Section 1-6-3 - Junk Yards	56
	Section 1-6-4 - Mobile Homes on Individual Lots in Permitted Areas	56
	Section 1-6-5 - Manufactured Home Parks	56
	Section 1-6-6 - Sanitary Landfills	57
	Section 1-6-7 - Surface Mining	57
	Section 1-6-8 - Underground Mining – Specific Requirements	58
	Section 1-6-9 - Oil or Gas Drilling, Injection Wells or Conversion Wells	59
	Section 1-6-10 - Oil or Gas Storage Tank Sites	61
	Section 1-6-11 - Oil or Gas Drilling and Tank Sites in Flood Plain	63
	Section 1-6-12 - Screening	64
	Section 1-6-13 - Towers	64
	Section 1-6-14 - Subdivision Siting Criteria in Regard to Setbacks For Livestock Management or Livestock Waste Handling Facilities	65
	Section 1-6-15 - Location of Adult Oriented Business and Signage	66
	Section 1-6-16 - Adult Entertainment Facility's	67
	Section 1-6-17 - County Ordinances	67

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
VI	SUPPLEMENTARY REGULATIONS (CONTINUED)	
	Section 1-6-18 - Recreational Vehicles	68
	Section 1-6-19 - Plant Nurseries and Greenhouses	68
	Section 1-6-20 - Bulk Storage (Flammable) Facilities	69
	Section 1-6-21 - Buffer Strips, Fences, Walls and Hedges	69
	Section 1-6-22 - Service Stations	70
	Section 1-6-23 - Home Occupations	70
	Section 1-6-24 - Schools	72
	Section 1-6-25 - Swimming Pools	72
	Section 1-6-26 - Utility Substations	72
	Section 1-6-27 - Kennels	73
	Section 1-6-28 - Agricultural Activities	73
	Section 1-6-29 - Lighting Controls	73
	Section 1-6-30 - Public Buildings	73
	Section 1-6-31 - Wind Generation Turbines Individual	74
	Section 1-6-32 - Noxious Weeds	74
VII	SIGN REGULATIONS	
	Section 1-7-1 - General Prohibition	75
	Section 1-7-2 - Computation of Sign Area Allowance	75
	Section 1-7-3 - Definition of Sign Area	75
	Section 1-7-4 - Special Situations	75
	Section 1-7-5 - Signs to be Non-Hazardous, Well-Maintained	75
	Section 1-7-6 - Illumination	76
	Section 1-7-7 - Nonconforming Signs	76
	Section 1-7-8 - Restrictions	76
	Section 1-7-9 - Strictly Prohibited Signs	77
	Section 1-7-10 - Signs Permitted in any District	77
	Section 1-7-11 - Agricultural; Residential Districts	78
	Section 1-7-12 - Business; Industrial Districts	78
	Section 1-7-13 - Temporary Signs	79
VIII	PARKING AND LOADING REGULATIONS	
	Section 1-8-1 - Applicability of Article	80
	Section 1-8-2 - Existing Parking/Loading Facilities	80
	Section 1-8-3 - Parking Design and Maintenance Standards	80
	Section 1-8-4 - Landscaping	81
	Section 1-8-5 - Location of Parking	82
	Section 1-8-6 - Design and Location of Off-Street Loading Facilities	83
	Section 1-8-7 - Computation of Required Parking/Loading Spaces	83
	Section 1-8-8 - Number of Parking and Loading Spaces Required	84

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
IX	NONCONFORMITIES	
	Section 1-9-1 - Purpose of Article	88
	Section 1-9-2 - Nonconforming Lots; Vacant	88
	Section 1-9-3 - Two or More Lots in Common Ownership	88
	Section 1-9-4 - Nonconforming Structures	88
	Section 1-9-5 - Nonconforming Uses	89
	Section 1-9-6 - Nonconformities Under Permit Authority	89
X	ADMINISTRATION	
	Section 1-10-1 - Zoning Administrator	90
	Section 1-10-2 - Corrective Action Orders	90
	Section 1-10-3 - Contents of Corrective Order	90
	Section 1-10-4 - Service of Corrective Action Order	91
	Section 1-10-5 - Emergency Measures	91
	Section 1-10-6 - Complaints	91
	Section 1-10-7 - Filing Fees	91
	Section 1-10-8 - Penalties	92
	Section 1-10-9 - 1-10-10 Reserved	92
XI	SPECIAL PROCEDURES AND PERMITS	
	Division I - Board of Appeals	
	Section 1-11-1 - Board Established	93
	Section 1-11-2 - Membership Chairman, Residence	93
	Section 1-11-3 - Term of Office, Vacancies	93
	Section 1-11-4 - Compensation	93
	Section 1-11-5 - Meetings, Quorum	93
	Section 1-11-6 - Records	94
	Section 1-11-7 - 1-11-11 Reserved	94
	Division II - Appeals	
	Section 1-11-12 - Nature of an Appeal	95
	Section 1-11-13 - Filing, Record Transmittal	95
	Section 1-11-14 - Stay of Further Proceedings	95
	Section 1-11-15 - Public Hearing, Notice	95
	Section 1-11-16 - Decision by Board of Appeals	96
	Section 1-11-17 - 1-11-19 Reserved	96

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
XI	SPECIAL PROCEDURES AND PERMITS (CONTINUED)	
	Division III - Special Use Permits	
	Section 1-11-20 - Special Uses by Permit	97
	Section 1-11-21 - Application	97
	Section 1-11-22 - Public Hearing Notice: Special-Use	98
	Section 1-11-23 - Advisory Report, Factors Considered	98
	Section 1-11-24 - Action by County Board	98
	Section 1-11-25 - 1-11-27 Reserved	98
	Division IV - Variances	
	Section 1-11-28 - Variances	99
	Section 1-11-29 - Application for Variances	99
	Section 1-11-30 - Public Hearing, Notice	99
	Section 1-11-31 - Contents of Notice	100
	Section 1-11-32 - Standards for Variances	100
	Section 1-11-33 - Terms of Relief, Findings of Fact	101
	Section 1-11-34 - 1-11-35 Reserved	101
	Division V – Amendments; Rezoning and Text	
	Section 1-11-36 - Amendments	102
	Section 1-11-37 - Filing for Amendments	102
	Section 1-11-38 - Public Hearing, Location	102
	Section 1-11-39 - Notice of Public Hearing	102
	Section 1-11-40 - Advisory Report from Zoning Board	103
	Section 1-11-41 - Action by County Board	103
	Section 1-11-42 - Exceptions; Unanimous Vote Required	103

MANUFACTURED HOUSING CODE

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I		
	Section 2-1-1 - Definitions	105
	Section 2-1-2 - State Requirements Adopted By Reference	107
	Section 2-1-3 - Manufactured Housing Act Adopted	107
	Section 2-1-4 - Illinois Department of Public Health Adopted and Regulations.	107
	Section 2-1-5 - National Safety Standards	107
	Section 2-1-6 - Fire Extinguishers	107
	Section 2-1-7 - Inspection	107
	Section 2-1-8 - Off-Street Parking	108

MANUFACTURED HOUSING CODE (CONTINUED)

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I		
	Section 2-1-9 - Prohibited Residential Uses	108
	Section 2-1-10 - Owner Occupied	108

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
II	IMMOBILIZED MANUFACTURED HOMES	
	Section 2-2-1 - Immobilized Manufactured Homes	109
	Section 2-2-2 - Permit Fee	109
	Section 2-2-3 - Lot Size	109
	Section 2-2-4 - Limits of Units	109

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
III	MANUFACTURED HOME PARKS	

DIVISION I - ADMINISTRATION REQUIREMENTS

Section 2-3-1	- Compliance with Statutes, Applicability of Article	110
Section 2-3-2	- Permitting and Planning a Park	110
Section 2-3-3	- Local Government Requirements	110
Section 2-3-4	- Permits	110
Section 2-3-5	- Inspection of Manufactured Home Park	111
Section 2-3-6	- Violation Proceedings	111
Section 2-3-7	- Initial Permit Required	111
Section 2-3-8	Section 2-3-9 Reserved	111

DIVISION II - DESIGN AND CONSTRUCTION REQUIREMENTS

Section 2-3-10	- Plan Document	112
Section 2-3-11	- Application	112
Section 2-3-12	- Location	113
Section 2-3-13	- Roadways And Parking	113
Section 2-3-14	- Section 2-3-15 & 2-3-16 Reserved	113

DIVISION III - GENERALLY

Section 2-3-17	- Lot Size	114
Section 2-3-18	- Miscellaneous Restrictions	114
Section 2-3-19	- Skirting	114

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
-----------------------	---------------------	--------------------

III

MANUFACTURED HOME PARKS (CONTINUED)

Section 2-3-20	- Reserved	114
----------------	------------	-----

DIVISION IV – FEES

Section 2-3-21	- License Fee	114
----------------	---------------	-----

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
-----------------------	---------------------	--------------------

FEE SCHEDULE

Schedule of Filing Fees		115
-------------------------	--	-----

Permit Fee Schedule		115
---------------------	--	-----

**CHRISTIAN COUNTY ORDINANCE REGULATING
THE SITING OF WIND ENERGY CONVERSION SYSTEMS,
ORDINANCE NO. O2008 ZN 004**

ARTICLE	TITLE	PAGE
I.	INTRODUCTION	117
	A. TITLE	117
	B. PURPOSE	117
II.	DEFINITIONS	117
III.	APPLICABILITY	118
IV.	PROHIBITION	118
V.	SITING APPROVAL APPLICATION	118
VI.	DESIGN AND INSTALLATION	119
	A. DESIGN SAFETY CERTIFICATION	119
	B. CONTROLS AND BRAKES	120
	C. ELECTRICAL COMPONENTS	120
	D. COLOR	120
	E. COMPLIANCE WITH THE FEDERAL AVIATION ADMINISTRATION	120
	F. WARNINGS	120
	G. CLIMB PREVENTION	120
	H. SETBACKS	121
	I. COMPLIANCE WITH ADDITIONAL REGULATIONS	121
	J. USE OF PUBLIC ROADS	121
VII.	OPERATION	122
	A. MAINTENANCE	122
	B. INTERFERENCE	123
	C. COORDINATION WITH FIRE DEPARTMENT	123
	D. MATERIALS HANDLING, STORAGE AND DISPOSAL	123
VIII.	NOISE LEVELS	124
IX.	BIRDS	124
X.	PUBLIC PARTICIPATION	124
XI.	LIABILITY INSURANCE	124
XII.	DECOMMISSION PLAN	124
XIII.	REMEDIES	125
XIV.	FEE SCHEDULE	125
	A. SITING FEE	125
	B. BUILDING PERMIT FEE	126

**CHRISTIAN COUNTY ORDINANCE FOR SOLAR ENERGY FACILITIES,
ORDINANCE NO. O2017 ZN 012**

ARTICLE	TITLE	PAGE
	<u>TITLE</u>	127
	<u>AUTHORITY</u>	127
	<u>PURPOSE</u>	127
	<u>APPLICABILITY</u>	127
	<u>DEFINITIONS</u>	127
	<u>STANDARDS</u>	128
	Location	128
	Set Backs	128
	Security	128
	Equipment	129
	<u>PERMIT REQUIREMENTS</u>	129
	Special Use Permit	129
	Building Permit	129
	Expiration	129
	Fees	129
	Financial Assurance	129
	<u>RESTORATION REQUIREMENT</u>	130
	Abandonment	130
	Termination	130
	Physical Removal	130
	Failure to Comply	130
	Appeals	130
	<u>SPECIAL USE PERMITS PROCEDURE</u>	130
	Application	131
	Hearing	131
	Special Use Permits	131
	Variances	132
	Final Determination	132
	Appeals	132
	<u>BUILDING PERMIT PROCEDURE</u>	132
	Application	132
	Time Frame	132
	Meets Requirements	132
	Copies	133
	Rejection	133
	Posting	133
	Appeals	133

<u>SIGNAL INTERFERENCE</u>	133
<u>VIOLATIONS</u>	133
<u>ADMINISTRATION AND ENFORCEMENT</u>	133
Administration	133
Entering property	133
<u>PENALTIES</u>	134
Zoning petty offense	134
Enforcement	134
<u>COUNTY HIGHWAY AND TOWNSHIP ROAD AGREEMENTS</u>	134
<u>RELATED RULES AND REGULATIONS</u>	134
<u>SEVERABILITY</u>	134
<u>DECOMMISSIONING PLAN</u>	134
Elements	134
Review	135
Remedies	135

CHAPTER 1

ZONING CODE

ARTICLE I

TITLE AND PURPOSE

1-1-1 **TITLE.** These regulations shall be known as and may be referred to as the Zoning Code.

1-1-2 **PURPOSE.** In accordance with State Law (**Ill. Comp. Stats., Ch. 55, Sec. 5/5-12001**), this Code regulates lots, structures, uses, and similar matters in order to preserve, protect, and promote the public health, safety, and general welfare. More specifically, this Code is intended to assist in achieving the following objectives:

(A) to encourage the development of buildings and uses on appropriate sites in order to maximize Countywide social and economic benefits while accommodating the particular needs of all residents, rural and urban;

(B) to discourage development on inappropriate sites especially on prime agricultural land and near livestock operations;

(C) to ensure the current Christian County Land Evaluation and Site Assessment (LESA) system will be a factor in each rezoning decision;

(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.

1-1-3 **JURISDICTION.** This Code shall be applicable throughout Christian County, except within the corporate limits of municipalities which have adopted local zoning codes.

1-1-4 **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of the County, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

1-1-5 **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 him- or herself 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 or her duties under this Code. **(See “Local Governmental and Governmental Employees Tort Immunity Act,” III. Comp. Stats., Ch. 745, Secs. 10/1-101.)**

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

1-1-6 **SEPARABILITY.** If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

ARTICLE II

DEFINITIONS

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

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 1-2-2** unless the context clearly indicates otherwise; terms not defined in **Section 1-2-2** 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.

1-2-2 **SELECTED DEFINITIONS.**

"Abandoned Vehicle": Means all motor vehicles or other vehicles in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for **seven (7) consecutive days** or more and is apparently deserted.

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

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

"Accessory Structure/Use": Any structure or use which:

- (A) is subordinate to and serves a principal structure or use;
- (B) is subordinate in area, extent or purpose to the principal structure or use;
- (C) contributes to the comfort, convenience or necessity of occupants of the principal structure or use served;
- (D) is located on the same zoning lot as the principal structure or use served; and
- (E) does not change the basic character of the premises as determined by its principal structure or use.

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

"Adult Entertainment Facility": Definition per State Statute 55 ILCS 5/5 1097.5

"Adult Uses": Definition per State Statute 55 ILCS 5/5 1097.5

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

"Airport": Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities of rights-of-way, together with all airport buildings and facilities located thereon.

"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.

"Alterations": As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or by change in use from that of one district classification to another.

"Alterations. Structural": Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial change in the roof or exterior walls.

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

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

"Animal Hospital": Any building or portions thereof, designated or used for the care, observation or treatment of domestic animals.

"Antique Vehicle": Means any motor vehicle or other vehicle **twenty-five (25) years** of age or older.

"Apartment": A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit, and which contains complete kitchen, bath and toilet facilities, permanently installed.

"Apartment House": A building arranged, intended, or designed to be occupied by **three (3)** or more families living independently of each other.

"Area. Building": The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

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

"Auction House": An area or building where the business selling property to the highest bidder is conducted.

"Automobile Repair (Public Garage)": Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.

"Automobile Service Station": A building, or portion thereof or premises used for dispensing, or offering for sale at retail, gasoline when stored only underground in tanks, kerosene, lubricating oil or grease, for operation of automobiles, and where tires, batteries, and similar automobile accessories may be offered for sale on the premises at retail, including minor services and installations customarily incidental thereto; and facilities, other than an automobile laundry, for washing cars, only if enclosed in a building. Automobile service stations do not include open sales lots or a public garage as defined herein.

"Automobile Wrecking Yard": Any area of land where **two (2)** or more motor vehicles, not in running condition, or parts thereof, are stored in the open and not being restored to operation, or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.

"Basement": A story partly underground but having at least **one-half (1/2)** of its height above the average level of the adjoining ground. A basement should be counted as a story for the purposes of height measurement, if the vertical distance below the ceiling and the average level of the adjoining ground is more than **five (5) feet** or if used for business or dwelling purposes.

"Billboard or Signboard": Any structure, or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is, or intended to be, displayed for advertising purposes, other than the name and occupation of the user of, or the nature of, the business conducted of such premises, or the products primarily sold or manufactured thereon. This definition should not be held to include a real estate sign advertising for sale or rent the property upon which it stands.

"Block": A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines.

"Board of Appeals": The Zoning Board of Appeals of Christian 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 and/or meals are provided by prearrangement and for definite periods, but not on an overnight or per-meal basis, to the transient public.

"Borrow Pit": A place of premises where soil, peat, sand, gravel, or other material is removed by excavation or otherwise, for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

"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.

"Buildable Area": The space remaining on a lot after the minimum setback and other requirements of the Code are complied with.

"Building": Any covered structure which is permanently affixed to land and designed or used to shelter persons or chattels. The term includes a mobile home (but excludes any single-wide mobile home) or prefabricated building which shall be permanently affixed to a permanent foundation and connected to the required utilities. The term does not include travel trailers or recreational vehicles. All buildings require the issuance of a building permit prior to the commencement of activity to locate upon a site.

"Building, Accessory": A subordinate building or a portion of a principal building, the use of which is incidental and customary to that of the principal building. Where an accessory building is attached to and made a part of the principal building, such accessory building shall comply in all respects with the requirements of this Code applicable to the principal building. A mobile home should not be considered permissible as an accessory building.

"Building, Front Line Of": The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

"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. Necessary appurtenances listed in **Section 1-3-9** shall be excluded in building height calculations.

"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 front lot line.

"Building, Principal": A non-accessory building in which the principal use of the lot on which it is located is conducted.

"Building, Setback Line": A line parallel to the street line at a distance regulated by a front yard requirement as herein established.

"Business": Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupied time, attention, labor and materials or where services are offered for compensation.

"Camp, Institutional": A camp operated by a service club or an educational or religious organization.

"Camp, Recreational": A tract of land, the principal use of which is to provide outdoor recreational camping facilities for **three (3)** or more tents and/or recreational vehicles for persons having another bona fide permanent place of abode. Such camp may include accessory outdoor recreational facilities of a non-spectator nature for use only by persons camping on the premises. Accessory buildings or structures shall be under the same ownership as the camp and shall not be leased to individuals or groups of individuals. Such camp shall not be designed or located so as to furnish lodging for persons utilizing recreational facilities on adjacent or nearby land. Incidental storage of such recreational vehicles shall be permitted provided such vehicles are not placed on permanent foundations or supports.

"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.

"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; but, not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

"Commercial Day Care Centers": A commercial day care center means any child care facility receiving more than **eight (8) children** for daytime care during all or part of the day. The term —commercial day care center|| includes but not limited to, facilities commonly called child care centers, day nurseries, nursery schools and kindergartens.

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

"Composting": The biological treatment process by which micro-organisms decompose the organic fraction of waste, producing compost.

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

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

"Convenience Store": Any small retail commercial or service establishment offering food/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 Code.

"County": The County of Christian, State of Illinois.

"County Board": The duly elected governing board of the County.

"Day Care Center": (See "Nursery School")

"Derelict Vehicle": Means any inoperable, unregistered, discharged motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in **Section 1-3-14** of this Code.

"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 (e.g. grading) in preparation therefor.

"Dimensions": Refers to both the lot depth and lot width.

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

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

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

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

"Dwelling. One-Family": A detached building designed for or occupied exclusively by one family.

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

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

"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 buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

"Enlarge": To increase the size of any existing use or structure (i.e., principal or accessory). Synonym for "extend" and "expand".

"Erect": To build, construct.

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

"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.

"Family Care Facility": A facility providing shelter, counseling, other rehabilitative services in a family-like environment to **six (6)** or fewer residents, who by reasons of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems require a minimal level of supervision, but do not require medical or nursing care or general supervision, and with not more than **two (2)** staff or supervisory personnel, not legally related to the facility operators or supervisors, and which is licensed and/or approved by the State of Illinois, or by a state agency. A Family Care Facility may include uses such as foster homes, halfway houses, Community Residential Alternative facilities, or home Individual Programs.

"Family Day Care Home": A family day care home means family homes which receive not more than **eight (8) children** for care during the day, which meet state approval.

"Farm Dwelling": Residence occupied by farm owners, operators, tenants, or seasonal or year-round hired farm workers and/or their immediate family. A mobile home is a permissible farm dwelling.

"Fertilizer Distribution Plant": Premises or buildings where agricultural fertilizer products are stored, mixed or blended and sold at retail, but not including the manufacture of such products.

"Flood Plain": Lands which are low-lying, difficult to drain, subject to flood, or are natural drainage ways.

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

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

"Garage, Private": An accessory building or an accessory portion of the principal building which is intended for and used to store the private motor vehicles of the family or families residing upon the premises, and in which no business, service, or industry connected directly or indirectly with automotive vehicles is carried on. A private garage shall include carports.

"Garage, Public": Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

"Golf Course": A public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least **sixty (60) acres** of land for each standard nine-hole course; and at least **twenty-five (25) acres** of land for each nine-hole -par 3|| course.

"Group Care Facility": A facility providing shelter, counseling, and other rehabilitative services in a family-like environment to more than **six (6)** but less than **sixteen (16) residents**, who by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems require a minimum level of supervision, but do not require medical or nursing care or general supervision, and with not more than **three (3)** staff or supervisory personnel not legally related to the facility operators or supervisors, and which is licensed and/or approved by the State of Illinois or by a State agency.

"Guest House": A detached accessory building located on the same lot as the principal building and containing living quarters for temporary non-paying guests.

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

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

"Home Occupation": Any business, profession or occupation conducted for gain entirely on a residential premises in conformity with the provisions in section 1-6- 23 of this Code.

"Hospital": Unless otherwise specified, the term —hospital|| should be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home or any other place for the diagnosis, treatment or other care of ailments, and should be deemed to be limited to places for the diagnosis, treatment of other care of human ailments.

"Hotel": An establishment containing lodging rooms for occupancy by transient guests but not including a boarding or rooming house. Such an establishment provides customary hotel services such as maid and bellboy services, furnishing and laundry of linens used in the lodging rooms and central desk with telephone and secretarial services.

"Immobilize": As applied to a mobile home, "immobilize" means to remove the wheels, tongue and hitch and to affix to a permanent foundation. The term implies that, once affixed to a permanent foundation, the destruction of said foundation would be necessary in order to move the dwelling to another location. In accordance with the Christian County Installation of Manufactured Homes and Mobile Homes Ordinance.

" Individual Wind Generation Turbines" (See Section 1-6-31)

"Industrial Park": A unified development designed to accommodate a community of compatible and non-nuisance types of industry. Industrial parks may be promoted or sponsored by private developers, community organizations or government organizations.

"Inoperable Motor Vehicle": Means any motor vehicle from which, for a period of at least **seven (7) days**, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power.

"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 nonferrous material.

"Junk Yard": An open area or fenced enclosure where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper rags, rubber tires and bottles. A junk yard includes an automobile wrecking yard, but does not include uses established entirely within enclosed buildings.

"Kennel: Private/Breeding": A building where a person operates an establishment where dogs or cats are sold, offered for sale, exchanged or offered for adoption with or without charge for the dogs or cats he has produced or raised. This definition is not applicable to establishments where **five (5)** or fewer breeding females are maintained.

"Kennel: Public/Boarding": A building where a person operates an establishment, other than a pound or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation.

"Land Evaluation and Site Assessment (LESA)": A system of land evaluation used to rate farmland for its agricultural productivity based upon soils information. LESA was adopted by Resolution of the Christian County Board in 1986.

"Land Use Plan": The comprehensive long-range plan for the desirable use of land as officially adopted and as amended from time to time by the governing body; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing county needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as roads, parks, schools and other public buildings or public uses.

"Landscape Waste": All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other material accumulated as the result of the care of lawns, shrubbery, vines and trees.

"Landscape Waste Composting Facility": An establishment for the composting of waste materials accumulated as the result of the care of lawns, shrubbery, vines and trees and not accessory to the pursuit of agriculture.

"Loading Space": A space within the main building or on the same lot there with providing for the standing, loading, or unloading of trucks.

"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 Christian 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 structures, including accessory 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.

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

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

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

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

"Manufactured Home": A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term shall only include manufactured homes constructed after **June 30, 1976**, in accordance with the Federal **"National Manufactured Housing Construction and Safety Standards Act of 1974"**. Compliance with this standard is indicated by a 2-inch by 4-inch metal plate attached to the exterior tail light end of the manufactured home. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. As with all residences, a manufactured home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a **"manufactured home"**, but shall be an **-immobilized manufactured home"**. A manufactured home should not be confused with a **-camping trailer"** or **"recreational vehicle"**. (See 210 ILCS Sec. 115/2.10)

"Manufactured Home, Dependent" means a manufactured home which does not have a toilet and bath or shower facilities. (See 210 ILCS Sec. 115/2.3)

"Manufactured Home, Double-Wide" consists of **two (2) mobile units** joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

"Manufactured Home, Independent" means a manufactured home which has self-contained toilet and bath or shower facilities. (See 210 ILCS Sec. 115/2.4)

“Manufactured Home Lot” means a parcel of land for the placement of a manufactured home and the exclusive use of its occupants.

“Manufactured Home Pad” means that part of an individual manufactured home space or lot beneath the manufactured home, including the concrete portion of the pad.

“Manufactured Home Park” means a tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **two (2)** or more independent manufactured homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a manufactured home park if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being a part of a manufactured home park. **(See 210 ILCS Sec. 115/2.5)**

“Manufactured Home Park License”: A permit issued by the Administrator authorizing the operation of a manufactured home park in accordance with all applicable regulations.

“Manufactured Home Sales Area” means a parcel of land used for the display, sale, and repair of new or used manufactured homes.

“Manufactured Home Space” means a portion of a manufactured home park designed for the use or occupancy of **one (1) manufactured home**.

“Manufactured Housing Unit” includes all forms of housing units listed in this Section and as regulated in this Code.

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

“Mine”: A pit or excavation in the earth, **five (5) feet** or more in depth, from which mineral substances are taken.

“Mobile Home” means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term **“mobile home”** shall only include homes constructed prior to **June 30, 1976**, not in accordance with the Federal **“National Manufactured Housing Construction and Safety Standards Act of 1974”**.

“Modular Home”: A modular home is a factory-fabricated single-family home built in **one (1)** or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes shall be placed in a full perimeter foundation, extending below the frost depth. All wheels and towing devices shall be removed. As with all residences, a modular home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Modular homes shall have a yellow seal in the shape of the State of Illinois on the electrical panel box of the home or on the inside of the kitchen sink cabinet. Local officials may require additional items other than the minimum state requirements such as the National Manufactured Home Construction and Safety Standards (HUD Code) or the International Building Code (ICC). All structures shall be placed on a permanent foundation in order that they may be assessed as real estate or real property.

“Motel”: An establishment consisting of a group of lodging rooms each with individual bathrooms, and designed for use by transient guests. A motel furnishes customary hotel services such as maid service and laundering of linen used in the lodging rooms, telephone and secretarial or desk service and the use and upkeep of furniture. In a motel **fifty percent (50%)** or more of the lodging rooms are occupied or intended for occupancy by transient automobile tourists.

“Nameplate”: A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

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

“Noxious Weeds”: The Zoning Administrator or any other person so designated by the County Board Chairman may issue a written notice for removal of noxious weeds. Per the Illinois Department of Agricultural Standards. **(See Section 1-6-32)**

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

"Nursing Home": An establishment for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home does not contain facilities, other than for normal care and medical treatment of disease or injury, obstetrics, nor does it include care of mentally ill or alcoholic patients.

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

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

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

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

"Permanent Foundation": A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, poured wall or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation. In addition, piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the structure, provided the support beams are affixed to the permanent perimeter foundation.

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

"Person": Any individual, firm, association, organization or corporate body.

"Planned Development": A parcel or tract of land, initially under single ownership or control, which contains **two (2)** or more principal buildings and **one (1)** or more principal uses, planned and constructed as a unified development, and where certain regulations of this Code for the district where it is located are modified. A planned development requires a special use permit issued in accordance with procedures set forth in this Code.

"Planning Commission": The Christian County Regional Planning Commission.

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

"Principal 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".

"Railroad Right-of-Way": A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

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

"Refuse": All waste products resulting from human habitation, except sewage.

"Regional Pollution Control Facility": Any waste storage site, sanitary landfill, waste disposal site, waste transfer station or waste incinerator that accepts waste from or that serves an area that exceeds or extends over the boundaries of any local general purpose unit of government. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under —An Act to create sanitary districts and to remove obstructions in the Des Plaines and Illinois rivers,|| approved May 29, 1989, as now or hereafter amended. The following are not regional pollution control facilities: (1) sites or facilities located within the boundary of a local general purpose unit of government and intended to serve only that entity; (2) waste storage sites regulated under 40 CFR, Part 761.42; or (3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site of facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person.

"Rehabilitation Center": A public or privately operated facility for the refuge or rehabilitation of persons suffering from emotional, drug, alcohol, and/or other family problems.

"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/subdivider has dedicated to a unit of government for streets, alleys, or other public purposes.

"Rooming House (Tourist Home)": A building, or portion thereof, containing lodging rooms which accommodate **three (3)** or more persons who are not members of the keeper's family and where lodging rooms, or meals, or both, are provided for compensation.

"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 (IEPA). 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 (e.g. weekend cabin).

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

"Self-Service Storage Facility (Mini-Warehouse)": A facility designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property. It shall not be permissible to use such facilities for the storage of hazardous materials.

"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".

"Shooting Range, Public, Semi-Public or Private": A premise used for target shooting with rifles, muskets, or pistols; or for skeet and/or trap shooting. Such shooting range may include, as an accessory use, a clubhouse, maintenance building, facilities for serving food and refreshments and the sale of shooting supplies for use on the range. A shooting range does not include a premise used for such purposes by the individual owner of the property and members of his household.

"Special Flood Hazard Area (SFHA)": Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The SFHAs of the County's unincorporated areas are generally identified as such on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated April 7, 1978, which map is hereby adopted by reference.

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

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

"Stable, Private": A building or structure which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling, but in no event for hire.

"Stable, Public": A building where horses are kept for enumeration, hire or sale.

"Stand, Roadside": A structure for the display and sale of only farm products which are produced on the premises in a Agricultural-1 District.

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

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

"Structural Alterations": Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

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

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

"Substantial Improvement": Any repair, reconstruction, or improvement of a building, the cost of which equals or exceeds **fifty percent (50%)** of the market value of the building, either before the improvement or repair is started, or if the building has been damaged, and is being restored, before the damage occurred. The term does not, however, include either: any project for improvement of a building to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a building or site documented as deserving preservation by the Illinois Department of Conservation or listed on the National Register of Historic Places.

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

"Tourist Home": A building which contains a single dwelling unit and in which meals or lodging or both are provided or offered to transient guests for compensation. Does not include a hotel, apartment hotel, or motel.

"Trailer": A trailer is a vehicle or portable structure built on a chassis, designed as a temporary dwelling for travel, recreational or vacation use. A trailer may or may not contain complete sanitary facilities.

"Trailer Camp": A trailer camp is an area occupied by or designed to accommodate more than **one (1) trailer**.

"Travel Trailer": A mobile structure designed for temporary occupancy.

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

"Truck Farm": A structure or location for the display and sale of only farm products which are produced on the premises.

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

"Use, Accessory": A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.

"Use, Permitted": A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards, if any, of such districts.

"Use, Principal": The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

"Use, Special": A use, either public or private which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts.

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

"Waste": Any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Clean Water Act or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations there under or any law or rule or regulations adopted by the State of Illinois pursuant thereto.

"Weeds": As defined in this Code shall include but not be limited to all noxious weeds as defined by the Illinois Department of Agricultural.

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

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

"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, rear 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 Board of Appeals": The Christian County Zoning Board of Appeals.

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

ARTICLE III

GENERAL PROVISIONS

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

<u>Name of District</u>	<u>Designation</u>	<u>Minimum Area of District</u>
Agricultural	AG-1	2 acres
One and Two-Family Residential	R-1	1 acres
Multiple Family Residential	R-2	1 acres
Country Homes	R-3	2 acres
General Retail	C-1	1 acres
Service Retail	C-2	1 acres
Light Industrial	I-1	1 acres
Heavy Industrial	I-2	1 acres
Flood Plain Overlay	O-FP	None

[NOTE: Currently the Villages of Harvel, Owaneco, Morrisonville and Jeiseyville are zoned by the County.]

1-3-2 **BOUNDARIES OF DISTRICTS.**

(A) The boundaries of the districts are hereby established as shown upon the Zoning Maps of Christian County, and the Villages of Harvel, Owaneco, Morrisonville and Jeiseyville, Illinois, which maps are hereby made a part of this Code. The Zoning Maps, all notations, references and other matters shown thereon shall be as much a part of this Code as if they were fully described herein.

- (1) The Zoning Maps shall be on file and available for public reference in the office of the Zoning Administrator, complete with amendments which are adopted as provided here.
- (2) Any land the classification of which is not shown thereon, and land hereafter disconnected from a city, village, or incorporated town shall be classified as the AG-1 Agricultural District until otherwise classified by amendment within **ninety (90) days** of such disconnection and after public hearings before the Board of Appeals.

(B) No building shall be erected or altered, nor shall any building or premises be used for any purpose other than a use permitted in the district in which such building or premises is located.

(C) No lot which is now or may hereafter be built upon as herein required may be so reduced in area that the yards and open spaces will be smaller than prescribed by the ordinance, and no yard, court or open space provided about any building for the purpose of complying with the provisions thereof shall again be used as a yard, court, or other open space for any other building.

(D) If uncertainty arises with respect to the boundaries of the various Districts as shown on the Zoning Maps, the Zoning Administrator shall determine the boundaries in accordance with the following rules:

- (1) District boundaries unless otherwise indicated are the centerline of streets, highways, alleys, railroads, or easement; or the boundary lines of sections, quarter sections, or even division thereof; tracts or lots, or such lines extended.
- (2) In the event a district boundary line divides a lot, tract, or parcel, placing such lot, tract or parcel in more than one district, the whole lot, tract or parcel shall be classified and zoned for use according to the most intensive use applicable to any portion thereof.

1-3-3 ZONING PERMITS REQUIRED. Except as provided by this Code and except after obtaining a zoning permit from the Zoning Administrator, it shall be unlawful within the County and the County's zoned municipalities to:

(A) establish any use of a building, structure or land, either by itself or in addition to another use.

(B) expand, change or re-establish any nonconforming use.

(C) erect a new building or structure or part thereof.

(D) rebuild, structurally alter, add to, or relocate any building or structure or part thereof.

(E) reduce the open space or plot area required for a building or structure, or to include any part of such open space or plot area as that required for any adjoining building or structure.

(F) Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Code, and provided that construction is begun within **six (6) months** of the effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under the use for which originally designated – subject thereafter, if applicable, to the provisions herein for Nonconforming Buildings, Structures and Uses.

[Any permits issued by the County have expired.]

1-34 **ACCESSORY USES.** Accessory buildings, structures, and uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, except the Zoning Administrator may issue a temporary zoning permit for the residential use by one family of any accessory building during the period of time greater than the date of first occupancy of the principal building or eighteen (18) months after issuance of permit, whichever is the earlier date. One building may be established on a lot prior to the establishment of the principal use provided that such building is used only for the storage of machinery and equipment necessary to maintain such otherwise vacant lot and provided that such building be no larger than necessary for storing such machinery and equipment.

1-35 **PREVIOUS USES AND EXCEPTIONS.** The provisions of this Code shall not be exercised so as to:

(A) Deprive the owner of any existing property of its use or maintenance for the purpose to which it is lawfully devoted at the time of enactment of this Code or subsequent amendments thereto. **(Grandfathered)**

(B) Impose regulations or require payments for permits with respect to land used or to be used for agricultural purposes or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings used or to be used for such agricultural purposes upon such land except that such building for agricultural purposes may be required to conform to building or setback line.

(C) Excluding poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, temporary batch plants for use during construction only, solar and wind energy systems, air and noise pollution monitoring stations, and electric power, gas, water and sewer lines, provided that the installation shall conform when applicable with Federal Communications Commission and Federal Aviation Agency rules and regulations, and other authorities having jurisdiction.

These provisions shall be applicable in all districts, and special reference in the various articles of this Code to these particular requirements is not required.

1-36 **INTERSECTION; OBSTRUCTION TO VISION.** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty-five (35) 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. This Section shall not apply to the C-1 General Retail District.

1-3-7 **HEIGHT AND AREA: EXCEPTIONS AND VARIATIONS.** The

district regulations hereinafter set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Code:

(A) Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not to exceed **sixty (60) feet**, and churches and temples may be erected to a height not exceeding **seventy-five (75) feet**, if the building is set back from each yard line at least **one (1) foot** for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

(B) For the purpose of the yard regulations, a two-family, a group house, or a multiple dwelling shall be considered as one building occupying one lot.

(C) The owner of a lot of record at the time of adoption of this Code which lot is nonconforming under the width, length or area requirements of this Code shall be granted a permit for the purpose of erecting or altering a building on such lot of record provided the setback requirements of the district are complied with, and in such case the owner shall be required to include any additional adjacent property owned by him in such application.

(D) The height limitations of this Code shall not apply to power plants, silos, cooling towers, church spires, belfries, cupolas, elevator bulkheads, and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyors, flag poles, radio towers, masts, aerials, and necessary mechanical appurtenances.

(E) **Exception to Yard Requirements.**

(1) **Allowable Projections of Residential Structures Into Yards.** Architectural features of residential buildings such as window sills, cornices, roof overhangs may project into the required yard provided such projection is not more than **four (4) feet** and does not reach closer than **four (4) feet** to any lot line.

(2) **Allowable Projections of Business Structures Over Sidewalks.** Signs, awnings, canopies, marquees, are permitted to overhang the sidewalk in the C-1 General Retail District only, providing that overhanging signs are a minimum of **eight (8) feet** above the sidewalk to any point and that all other structures are a minimum of **six (6) feet eight (8) inches** above the sidewalk at any point.

- (3) **Allowable Projections of Accessory Building Into Rear Yard.** One-story accessory buildings may project into only rear yards abutting on an alley providing such projection extends not closer than **five (5) feet** to the rear lot line.

1-3-8 **UNLISTED USES PROHIBITED.** Any use not specifically listed as permitted or allowed by special use permit within a particular zoning district shall be deemed prohibited in that district until the County Board rezones the property in question or otherwise amends this Code in accordance with **Section 1-9-30** et seq.

1-3-9 **MEETING MINIMUM REQUIREMENTS.** Except as specifically provided otherwise:

(A) only **one (1)** principal building or structure shall be permitted on any residential lot; and

(B) no portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yard requirements for any other lot, structure or use.

1-3-10 **ACCESS REQUIRED.** No structure shall be erected on any lot unless such lot abuts or has permanent easement of access to a public road or a private road that conforms to the standards set forth in the Subdivision Code.

1-3-11 **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.

1-3-12 **SANITARY AND PRIVATE SEWERS.** 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 sewerage 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, (**225 ILCS 225/1 - 225/23**), as amended from time to time; and
- (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; and
- (3) Pertinent, current regulations issued by the **Illinois Environmental Protection Agency**; and
- (4) Applicable County or local codes and ordinances, particularly the **County Subdivision Code**.

1-3-13 **ONE DWELLING PER LOT.** Except as specifically provided otherwise herein (the important exceptions being multiple-family complexes, manufactured home parks, and residences in agricultural districts occupied by persons engaged in agricultural activities), only **one (1)** dwelling may be situated on any lot or lot of record. Thus, for example, it shall generally be unlawful to place a mobile home on any lot on which there is an existing dwelling.

1-3-14 **ACCESSORY USES.** Any accessory use (see **Sec. 1-2-2, "Selected Definitions"**) shall be deemed permitted in a particular zoning district if such accessory use is:

- (A) Accessory to a principal structure or use that is allowed in that zoning district as of right (permitted) or by virtue of the fact that a special use permit has been granted.
- (B) In compliance with the restriction set forth in **Section 1-3-16**.
- (C) Constructed after or at the same time as the principal structure (exception – agricultural districts).
- (D) In residential zoning districts (R1-R2-R3) accessory structures shall be subordinate in area, extent, or purpose to the principal building or use.
- (E) Incidental to the principal use established on the same lot, and shall serve no other principal use or purpose.
- (F) Determined to contribute to the comfort, convenience, or necessity of users of the principal use.

1-3-15 **ACCESSORY USE RESTRICTIONS.**

- (A) **Height.** No accessory use shall be higher than:
 - (1) **thirty-five (35) feet** to the peak of any structure in the -Residential District|| or -C|| Districts; or
 - (2) There shall be no height limits on any accessory structures in the -AG-1|| or -I|| Districts.
- (B) **Setbacks.**
 - (1) In the Commercial or Industrial District, no accessory use shall encroach into any part of any yard (front, side, or rear) that is required by the minimum setback regulations of the particular district.

- (2) In any Residential District, accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided such accessory uses are not closer than **seven (7) feet on one side, five (5) feet on the other side and Twenty (20) feet from rear lot line except where it abuts and alley five (5) feet is allowed.**
- (3) In any Agricultural and —AG-1|| District, accessory uses are prohibited in any front yard and the setback shall be the same as for principal structures.
- (4) On any lot with an area which is **one (1) acre** or less and existed prior to **January, 1964**, (Christian County Zoning Ordinance) accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided the setback shall be the same as for principal structures of that district.

(C) **Use as Dwelling.**

- (1) The use of an accessory structure for a home occupation is prohibited.

1-3-16 **AGRICULTURAL EXEMPTION.** The provisions of this Code shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes (as defined herein), or with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or to be used for agricultural purposes upon such land; except that said structures are required to meet building setback requirements applicable in the district in which the structure is to be built. No fee shall be charged to the applicant for a building permit for agricultural purposes in agricultural district. Should said land or structure cease to be used solely for agricultural purposes then, and only then, shall the other provisions of this Code apply.

ARTICLE IV

PLANNED DEVELOPMENTS

1-4-1 **PLANNED DEVELOPMENT DEFINED.** As used in this Article, the term —planned development|| or —PD|| means a development wherein, in accordance with an approved development plan:

- (A) common open space is reserved;
- (B) various housing types and other structures and uses may be mixed and/or
- (C) overall average density does not exceed the usual zoning district limit.

1-4-2 **OBJECTIVES.** This Article authorizes development of Planned Developments and establishes procedures in order to achieve the objectives enumerated in **Section 1-1-2** and the following objectives:

- (A) to provide a regulatory mechanism whereby the County can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the issuance of the necessary zoning and subdivision permits;
- (B) to permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;
- (C) to preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development;
- (D) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
- (E) to ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein;
- (F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

1-4-3 **COMPLIANCE WITH REGULATIONS GENERALLY REQUIRED.** Except as specifically provided otherwise in this Code, planned developments—including all structures and uses therein—shall, at a minimum, be built in conformity with all applicable codes and ordinances, including the Zoning Code and the Subdivision Code.

1-4-4 **DISTRICTS WHERE ALLOWED.** Planned Developments may be built in any Zoning District, but only upon the issuance of a special-use permit by the County Board after a hearing before the Board of Appeals. **(See Section 1-10-22)**

1-4-5 **PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS.**

The Planned Development concept is intended to afford both the developer and the County considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Article, Planned Developments may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(A) **Mixed Uses.** Planned Developments may include all types of residential structures and any other uses approved by the Board of Appeals, provided that in approving such mixed uses, the Board of Appeals may attach any conditions necessary to protect the public welfare.

(B) **Lot and Structure Requirements.** In Planned Developments, the Board of Appeals may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PD are appropriately interrelated and property abutting the PD is adequately protected from any potential adverse impacts of the development. -Lot and structure requirements|| means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

(C) **Accessory Uses.** In PDs the Board of Appeals may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.

(D) **Location of Parking/Loading Spaces.** By permission of the Board of Appeals, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per **Article VII** of this Code.

1-4-6 **PROCEDURES FOR PLANNED DEVELOPMENTS.** Every

applicant for Planned Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

- (A) Filing development plan with the Zoning Administrator;
- (B) Review of plans by Plan Commission, if any;
- (C) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
- (D) Recommendation by Plan Commission; if any;
- (E) Public hearing by the Board of Appeals as per the requirements of **Article X**;
- (F) Recommendation of the Board of Appeals regarding approval/rejection of the development plan;
- (G) Recording of development plan with the County Recorder of Deeds;
- (H) Approval of County Board.

1-4-7 **APPLICATION; INFORMATION REQUIRED.** Every applicant for approval of a development plan shall submit to the Zoning Administrator, in narrative and/or graphic form, the items of information listed below:

(A) Written Documents.

- (1) Legal description of the total site proposed for development;
- (2) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
- (3) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- (4) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;
- (5) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.
- (6) Data indicating:
 - (a) total number and type of proposed dwelling units;
 - (b) gross and net acreage of parcel;
 - (c) acreage of gross and usable open space; and
 - (d) area of any commercial uses.

(B) Graphic Materials.

- (1) Existing site conditions, including contours at **ten (10) foot** intervals and locations of watercourses, flood plains, unique natural features, and wooded areas;
- (2) Proposed lot lines and plot designs;
- (3) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
- (4) Location and size in acres or square feet or all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
- (5) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);
- (6) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;

- (7) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas and telephone lines;
- (8) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
- (9) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;
- (10) Any additional information required by the County to evaluate the character and impact of the proposed PD.
- (11) Appropriate seals of the licensed surveyor, engineer or architect.

1-4-8 **CRITERIA CONSIDERED.** The Board of Appeals shall compile a written report which either accepts or rejects the Development Plan. In making their recommendation, the Board of Appeals shall consider the following criteria:

(A) The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;

(B) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any, of said deviations.

(C) Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;

(D) The compatibility of the proposed PD with adjacent properties and surrounding area; and

(E) Any other reasonable criteria that the Board of Appeals may devise.

1-4-9 **RECOMMENDATION BY BOARD OF APPEALS.** The Board of Appeals shall not recommend any PD unless:

(A) The developer has posted a performance bond or deposited funds in escrow in the amount the County Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and

(B) The State's Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and

(C) The proposed PD, as evidenced by the Development Plan, complies with all applicable codes, regulations and ordinances. (Deviations to the extent permitted under **Section 1-4-5** shall not be deemed as non complying.)

1-4-10 **CHANGES IN APPROVED PLANS.** No changes shall be made to any approved PD Development Plan, except as follows:

(A) **Minor** changes, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(B) All other changes shall require a public hearing before the Board of Appeals.

(C) No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the Development Plan.

1-4-11 **FAILURE TO BEGIN DEVELOPMENT.** If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in his discretion and for good cause, the Zoning Administrator may extend for a reasonable time the period for the beginning of construction. If a final Development Plan lapses as per this Section, the following shall be applicable:

(A) The special-use permit shall be automatically revoked; and

(B) any zoning permits shall automatically become null and void; and

(C) all regulations applicable before the PD was approved shall automatically be in full effect.

1-4-12 **COUNTY EXEMPTION.** In conjunction with any existing or proposed development, the County shall be exempt from all of the provisions of this Section.

ARTICLE V

ZONE DISTRICTS

DIVISION I - AGRICULTURAL AG-1 DISTRICT

¹⁵¹ **DESCRIPTION OF DISTRICT.** The -AG-1|| Agriculture District consists of areas where the soil, water, vegetal, topographical, and other conditions are best adopted to the pursuit of agriculture. The district is designed to prevent the intrusion of non-agricultural land use which would hinder agricultural pursuits by removing prime farmland from production, causing congestion of public roads and creating conflicts between agricultural and non-agricultural uses. It is the intent of this Code to allow maximum freedom of operation of agricultural uses and to preserve conditions suitable for agricultural pursuits.

¹⁵² **BONA FIDE AGRICULTURAL USE.** The use of land for growing, harvesting, or storing of crops, including legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, rabbit, swine, beef cattle, pony and horse production, fur growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry products for market; farm buildings for office space to support the farm operation, farm dwellings occupied by farm workers, operators, tenants or seasonal or year-round hired farm workers.

¹⁵³ **PERMITTED USES.** The following permitted uses in the AG-1 Agricultural District other than bona fide agricultural uses within any AG-1 Agricultural District, no building or premises shall be used or arranged or designed to be used except for one or more of the following uses which shall be subject to all regulations and requirements for permit of this Code, shall be:

- Accessory uses in accordance with **Sections 1-3-4** and **1-3-5**.
- Agriculture.
- Churches and religious institutions.
- Cellular Tower.
- Dwellings, single family or two-family.
- Feed sales.
- Field tile (installation and facilities).
- Forest preserves.
- Greenhouses, nurseries (wholesale and retail).

Hospitals and institutions of an educational, charitable, or philanthropic nature, provided that such buildings shall not be located upon sites containing an area of less than **five (5) acres**, may not occupy over **thirty percent (30%)** of the total area of the lot, that the building shall be set back from all yard lines a distance of not less than **two (2) feet** for each foot of building height.

Hunting and fishing.

Lakes (artificial), **three (3) acres** or less.

Manufactured homes. **(See Article VI)**

Oil wells for any exploratory drilling operation or actual production wells for gas and oil or other natural resources.

Picnic grounds, provided that the minimum area of such tract shall be **ten thousand (10,000) square feet**, and that one sign with an area of not more than **twenty (20) square feet** may be displayed thereon, that a gravel, crushed stone, or other improved access road shall be provided.

Police and fire stations.

Private swimming pools appurtenant to a one-family dwelling on the same lot when the swimming pool or the property on which it is located is adequately fenced with gate and lock to prevent access of small children and meets all applicable health and sanitary requirements and state law.

Public parks.

Truck gardening and farming.

Public utility substations, booster stations, radio and television relay towers, repeater stations, etc., but not including power generation or gas manufacturing plants.

Radio and television stations.

Schools, educational, elementary, secondary, public and private.

Town halls, township offices and buildings, public meeting halls.

Wind Generation Turbines -Individual|| **(See Section 1-6-31)**

¹⁵⁴ **SPECIAL USES.** The following uses may be permitted in the AG-1 District only upon the issuance of a special use permit in accordance with the provisions of **Section 1-10-20** to provide for the location of special classes of uses which are deemed desirable for the public welfare within this district, but which are potentially incompatible with uses herein permitted in it, a classification of -special uses|| is hereby established.

Airports, public and private, subject to the requirements of the Illinois Aeronautical Department, federal and state law.

Boarding schools, prison, boot camps.

Circuses, provided that they shall not operate more than **fifteen (15) consecutive days**, and that they shall be located not closer than **one thousand (1,000) feet** to any dwelling except that of the owner or lessor of the site.

Cemeteries, mausoleums, crematories, or columbarium's.

Children's fairgrounds, including pony riding and miniature railroads.

Commercial resorts.

Community buildings (grange halls, etc.)
Dog kennels which means at least **eight (8) dogs** (public or private).
Day care (senior or child) which means the number of children or adults allowed by State of Illinois (also nursery schools), which are licensed by the State of Illinois and the Department of Children and Family Services.
Extraction of clay, coal, dirt, gravel, peat, sand, stone, topsoil, and other natural resources.
Fairgrounds, race tracks, and county farms.
Fishing, commercial, in artificial or existing lakes or ponds, including sale of food and fishing fees, soft drinks, non-illuminated for night use.
Game and hunting preserves (public or private).
Golf courses and golf driving ranges.
Grain storage, commercial if not closer than **three hundred (300) feet** to a residence other than that of the owner or lessor of the sites.
Home occupations, provided that not more than **one (1) sign** with a maximum of **ten (10) square feet** may be displayed setting forth such occupation and that a gravel, crushed rock, or other improved access road shall be provided off the public right-of-way.
Institutions for the care of the aged, disabled children (including nursing homes).
Junk yards or auto wrecking yards.
Kennels
Lakes (artificial) over **three (3) acres**.
Libraries and museums.
Livestock auction barns and yards with restaurant facilities.
Livestock buying stations.
Machinery auction sales.
Motels and tourist courts, provided that gravel or other improved surface access roads shall be constructed to parking areas and that parking areas off the public right-of-way shall be furnished at the rate of **one (1) parking place** for each dwelling unit.
Open air illumination for outdoor games such as baseball, football, or other uses where glare and noise might unreasonably affect surrounding property or highway traffic.
Private clubs and lodges.
Pistol, archery, shotgun or rifle ranges.
Removal of ledge rock with required approval for blasting, quarrying, and crushing of stone (includes quarries).
Railroad trackage, stations, loading and unloading facilities (replacement excluded).
Regional pollution control facilities (includes transfer stations). (See separate Code)
Repair or service operated solely by the owner or occupant of the dwelling.
Rooming and boarding or tourist houses providing lodging and/or meals for more than **six (6) persons**.
Sanitariums.
Sawmills.

Seed processing plants.
 Sewage treatment plants.
 Skeet or trap shooting if not closer than **one thousand three hundred twenty (1,320) feet** to any residence or farm group.
 Stables (riding and boarding) (public) (**three (3)** or more horses).
 Storage areas or yards for anhydrous ammonia and other fertilizers, except pre-bagged fertilizers, provided these areas are at least **one-quarter (1/4) mile** from a structure containing humans, except structures belonging to the lessor or owner of the fertilizer plant or area.
 Temporary asphalt plants, and crushed rock storage.
 Underground Mining **See Section 1-6-8**
 Wind Energy Conversion System (per the Christian County Wind Energy Conversion System Ordinance)

¹⁵⁵ **REQUIRED LOT AREA.** Each dwelling structure shall be located on a lot or tract in such manner as to comply with the yard regulations of this district, and such lot or tract shall have a minimum area of **two (2) acres** and a minimum width at the setback or front yard line whichever is applicable, of **one hundred fifty (150) feet** with the following exceptions which shall be deemed to conform with the regulations of this district:

- (A) Any dwelling existing at the time of passage of this Code.
- (B) Lots or tracts of record at the time of passage of this Code, which are less than **one (1) acre** in area or less than **one hundred fifty (150) feet** in width, may be used for the erection of a single-family dwelling or two-family dwelling, provided that **two (2)** or more contiguous lots in common ownership of record at the time of passage of this Code shall be combined in **one (1) parcel** to approach the required area insofar as possible, that the intent of the yard regulations of this District be reasonably observed, and that the area or parcel so obtained is not reduced in transfer.
- (C) This does not relieve any person from the duty to comply with the Illinois Plat Act or the Subdivision Code.

¹⁵⁶ **HEIGHT REGULATIONS.** No dwelling shall exceed **thirty (30) feet** in height unless each side yard is increased over the required minimum by **five (5) feet** for every **five (5) feet** or fraction thereof of additional height over **thirty (30) feet**. In no case shall the building height exceed **fifty (50) feet**. Dwellings shall not have a height of less than **eight (8) feet** over a majority of the area of the ground floor.

¹⁵⁷ **YARDS REQUIRED.** Except as required in the Setback Regulations, no building shall be erected within **fifty (50) feet** of the right-of-way line of any public road or highway, nor within **fifteen (15) feet**, or **one (1) foot** for each foot of building height, whichever is the greater, of any lot line.

158

GROUND FLOOR AREA REQUIRED. One-story dwellings shall have a total ground floor area of not less than **nine hundred eighty (980) square feet** measured from the exterior faces of exterior walls, including utility rooms, but excluding open porches, garages, and terraces. Dwellings having more than one story shall have not less than **eight hundred twenty-five (825) square feet** of ground floor area measured as prescribed for one-story dwellings.

159

RESERVED.

DIVISION II – RESIDENCE (R-1 AND R-2) ZONE DISTRICTS

¹⁵⁰ **PREAMBLE.** The purpose of the Residence Districts is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.

¹⁵¹ **PERMITTED USES IN THE R-1 ZONE DISTRICT.** The following uses are permitted in the R-1 District.

Single-family and two-family residence dwellings, leasing of rooms to not more than **two (2) families.**

Manufactured homes.

Home agricultural uses including nurseries and raising of farm products (not to include livestock or sale of products on premises).

Private swimming pools appurtenant to a one-family dwelling on the same lot when the swimming pool or the property on which it is located is adequately fenced with gate and lock to prevent access of small children and meets all applicable health and sanitary requirements and state law.

Accessory buildings and uses.

Unlighted real estate signs, nonconforming business use signs, and public building or church sign or bulletin boards pertaining to the property on which they are placed and not having over **twelve (12) square feet** of sign area.

¹⁵² **PERMITTED USES IN THE R-2 ZONE DISTRICT.** The following uses are permitted in the R-2 District.

Any use permitted in the R-1 District.

Multiple-family dwelling, tourist homes and lodging uses with accommodations for not more than **fifteen (15) persons.**

¹⁵³ **SPECIAL USES.** The following uses may be permitted in the R-1 and R-2 District only upon the issuance of a special use permit in accordance with the provisions of **Section 1-11-20** to provide for the location of special classes of uses which are deemed desirable for the public welfare within this district, but which are potentially incompatible with uses herein permitted in it, a classification of -special uses|| is hereby established.

Churches, schools, libraries, museums, art galleries, parks, playgrounds, community centers, cemeteries, public services, utility buildings,

Clubs, lodges, hospitals, sanitariums, medical and dental clinics, rest homes, and nursing homes.

Day care centers, nursery schools or pre-school centers which are licensed by the State of Illinois, Department of Children and Family Services.

Family care centers.

Family day care centers.
 Golf courses, driving ranges.

Home occupations, provided that not more than **one (1) sign** with a maximum of **ten (10) square feet** may be displayed setting forth such occupation and that a gravel, crushed rock, or other improved access road shall be provided off the public right-of-way.

Hospitals, medical clinics, associated building and blood donation centers (blood banks).

Planned residential development under single ownership providing such development is of **fifteen (15) acres** or more. Such planned developments may vary the specific dwelling type requirements; yard, height or area per dwelling requirements; providing, however, that the total number of dwelling units to be accommodated is not greater than would be otherwise allowed under normal development.

Police and fire stations.

Single unit homes of less than **nine hundred eighty (980) square feet**.

¹⁵⁴ **REQUIRED LOT AREA AND LOT WIDTH.** The following lot areas and lot widths shall be required in the R-1 Residential District:

	Min Lot Area per family (square feet)	Min Lot Width per structure (feet)
Single-family dwelling with public Water or public sewer	10,000	75
Single-family dwellings with neither Public water supply nor sewer	20,000	100
Two-family dwelling with both Public water and public sewer	7,500	100
Two-family dwelling with neither Public water nor sewer	15,000	150

Anything contained herein notwithstanding, a lot or parcel classified as NONCONFORMING because of deficiencies in either area, width, depth, or any combination thereof, shall not be eligible for use unless the sewage disposal system is, or is to be, operated and maintained under permit of the Christian County Health Department of the Illinois Environmental Protection Agency as provided by the Illinois Private Disposal Licensing Act then in effect. **(See Section 1-3-12)**

156

REQUIRED LOT AREA AND LOT WIDTH IN THE R-2

DISTRICT. All dwellings in this district shall be served with both public water and public sewer.

	Min Lot Area per family or rental unit (square feet)	Min Lot Width per structure at front building line (feet)
Single-family dwelling	7,500	75
Two-family dwellings	4,500	75
Multiple-family dwelling	2,500	100
Rooming or lodging house	1,500	50

156

BUILDING HEIGHT REGULATION IN RESIDENCE DISTRICTS.

No building shall exceed **two (2) stories** or **thirty (30) feet** in height, unless each side yard is increased over the required minimum by **five (5) feet** for every **five (5) feet**, or fraction thereof, of additional height over **thirty (30) feet**. In no case shall the building height exceed **fifty (50) feet**.

157

YARDS REQUIRED IN RESIDENCE DISTRICTS.

Except as required in the Setback Regulations, all structures to be constructed, altered, or moved in the R-1 and R-2 Districts shall provide yards of the following minimum depths.

(A) **Front Yard.** **Twenty-five (25) feet.**

(B) **Side Yard.** **Five (5) feet** minimum, one side yard; **Twelve (12)** minimum, sum of **two (2)** side yards.

(C) **Rear Yard.** **Twenty (20) feet** or **twenty percent (20%)** of the lot depth whichever is greater. Except for a accessory building abutting a alley can be **five (5) feet** off rear property line.

(D) **Yards of Corner Lots.** Corner lots shall provide a front yard on each street side, not, however, to reduce the buildable width of the lot below **thirty-two (32) feet**.

(E) **Front Yards** shall be not less than **twenty-five (25) feet** unless **forty percent (40%)** or more of the frontage is improved with buildings that have observed a greater or lesser depth of front yard, in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the front property line of the residence upon either side of the proposed structure, or if there be residences upon only one side then beyond the straight line projected from the front of the two nearest residences, but this regulation shall not be interpreted to require a front yard of more than **fifty (50) feet**, nor to permit a front yard of lesser depth than that of the nearest building. Where the street is curved, the line shall follow the curve of the street rather than to be a straight line.

(F) **Off-Street Parking.** There shall be provided in the R-1 and R-2 Districts adequate off-street parking in accordance with the schedule in **Article VIII**.

158 - 1-5-24 RESERVED.

DIVISION III – COUNTRY HOME (R-3) DISTRICT

1-5-25 **PREAMBLE.** The purpose of the Country Home District is to provide areas for acreage lots for rural or estate type living.

1-5-26 **RULE OF LAW.** Any construction, land split or other development in an R-3 District shall comply with all the provisions of the Plat Act (**765 ILCS 205/0.01 et seq.**).

1-5-27 **PERMITTED USES.** The following uses shall be permitted in the R-3 Country Home District.

Any use permitted in the R-1 and R-2 Districts.

Churches.

Dwellings,

Golf courses.

Lakes (artificial).

Radio and television relay stations, booster stations, repeater stations, and public utility substations, etc., but not including power generation or gas manufacturing plants.

Schools, except business or commercial schools.

Signs, one per tract, but not more than **twenty (20) square feet** in area, pertaining only to the lease or sale of a building or premises.

Horses (not to exceed **five (5)** total, no commercial stables).

1-5-28 **SPECIAL USES.** The following uses may be permitted in the -R-3|| District only upon the issuance of a special use permit in accordance with the provisions of **Section 1-11-20** to provide for the location of special classes of uses which are deemed desirable for the public welfare within this district, but which are potentially incompatible with uses herein permitted in it, a classification of -special uses|| is hereby established.

All special uses listed in **Section 1-5-13.**

Greenhouses.

Guest houses.

Hobby or play structures.

Servant quarters.

1-5-29 **REQUIRED LOT AREA AND LOT WIDTHS.** Every tract of land or lot upon which a single family dwelling is to be constructed shall have an area of not less than **two (2) acres** and a width at the setback or front yard line of not less than **one hundred fifty (150) feet**, except that a smaller lot officially of record at the time of passage of this Code may be occupied by a single-family dwelling, provided

that **two (2)** or more contiguous lots in common ownership of record at the time of passage of this Code shall be combined in one parcel to obtain the required area, that the intent of the yard regulations of this district be reasonable observed, and that the area of parcel so obtained is not reduced in transfer.

1-5-30 **BUILDING HEIGHT REGULATIONS.** Dwellings, guest houses, or servant quarters and greenhouses, shall not exceed **thirty-five (35) feet** in height.

1-5-31 **YARDS REQUIRED.** Except as required in the Setback Regulations, no building shall be constructed within **fifty (50) feet** of a street, road or highway right-of-way line or within **fifteen (15) feet** or **one (1) foot** for each foot of building height, whichever is the greater, of any lot line.

1-5-32 **GROUND FLOOR AREA REQUIRED.** Ground floor area per dwelling as required in AG-1 Agricultural District.

1-5-33 - 1-5-35 **RESERVED.**

DIVISION IV – GENERAL RETAIL (C-1) DISTRICT

1-5-36 **PREAMBLE.** The purpose of the C-1 General Retail District is to provide for a wide range of retail facilities and services of such a nature as to be fully compatible in the proximity they must enjoy in the central business district of a city, village or unincorporated village.

1-5-37 **PERMITTED USES.** The following uses shall be permitted in the C- 1 General Retail District.

Any use permitted in the R-1 and R-2 Districts.

Major retail outlets including but not limited to:

Appliances	Hardware
Carpets and rugs	Paint
Clothing	Shoe
Department	Wallpaper
Furniture	Variety

Food, drug and beverage including but not limited to:

Bakery in conjunction with retail sales	Restaurants
Candy and ice cream shops	Supermarkets
Drug	Taverns
Frozen food lockers	Tea rooms
Grocery	Tobacco shops
Meat markets	

Specialty shops including but not limited to:

Art supply	Leather goods
Book	Magazines and newsstands
Camera and photography	Musical instruments – sales and repair
China and glassware	Optical – sales and repair
Coin and stamp	Picture framing
Craft and hobby	School supply
Florists	Sewing machines – sales and service
Furriers	Sporting goods
Gift shops	Stationery outlets
Interior decorating	Toy shops
Jewelry	

Service and recreation including but not limited to:

- Barber and beauty shops
- Catering establishments
- Dry cleaners and laundry pickup stations
- Laundromats
- Locksmiths

Mortuaries
Places for family amusement and assembly
Printing shop with not more than 10 employees
Shoe repair
Tailors

Business and professional offices including but not limited to:

Banks, credit unions	Law offices
Chiropractic offices and clinics	Medical offices and clinics
Dental offices and clinics	Real estate
Finance and investment	Travel, transportation and ticket offices
Insurance	Utility companies

Automotive and related uses:

Bicycle shops	Car sales – new and used
Boats – sales and service	Gasoline filling stations
Bus stands and depots	Motorcycle shops
Cab stands	Repair and service motor vehicles

Civic and religious:

Art galleries	Museums
Business schools	Parks
Cemeteries	Playgrounds
Churches	Public services
Community centers	Schools
Libraries	Utility buildings

Child care – licensed by State of Illinois:

Day care centers	Pre-school centers
Nursery schools	

Miscellaneous activities:

Ambulance service	Parking lots and storage garages
Antiques	Post offices
Clubs or lodges (private)	Storage facilities for individual use
Garden supply and seed stores	
Lodging houses (not more than 5 rooms)	

Business and advertising signs as permitted in **Article VII**.

Accessory uses or buildings customarily incidental to the uses described above as provided in **Sections 1-3-14 and 1-3-15**.

1-5-38 **SPECIAL USES.** The following uses may be permitted in the -C-1|| District only upon the issuance of a special use permit in accordance with the provisions of **Section 1-11-20** to provide for the location of special classes of uses which are deemed desirable for the public welfare within this district, but which are potentially incompatible with uses herein permitted in it, a classification of -special uses|| is hereby established.

Any permitted use in the C-2 Service Retail District.

Liquor stores.

1-5-39 - **1-5-40** **RESERVED.**

DIVISION V – COMMERCIAL SERVICE RETAIL (C-2) DISTRICT

1-5-41 **PREAMBLE.** The purpose of the C-2 Service Retail District is to provide for those retail businesses and services which require a location other than in the central business district being either highway oriented, requiring larger tracts of land not normally available in the central business district, or to provide local neighborhood retail shopping facilities to that residential area immediately adjacent.

1-5-42 **PERMITTED USES.** The following uses shall be permitted in the C- 2 Service Retail District.

Any use permitted in the C-1 General Retail District.

The following uses:

- Animal pounds
- Auction rooms and houses
- Bowling alleys
- Building materials
- Bulk sales
- Car washes
- Commercial bakers (not more than 50% of floor space devoted to processing)
- Concrete sales
- Dance halls (not including adult entertainment facilities)
- Diaper supply services
- Dairies
- Dry cleaning plants
- Drive-in restaurants and refreshment stands
- Drive-in theaters
- Electrical appliance and fixtures – sales, service and repair
- Electrical sales and supply
- Express cartage and trucking facilities
- Extermination shops
- Farm implement sales
- Feed stores
- Greenhouses – wholesale and retail
- Heating sales and supply
- Heliport
- Hotels and motels
- Individual Wind Generation Turbines (**See Section 1-6-31**)
- Kennels
- Large item machinery sales (storage cannot be outdoors unfenced)
- Laundry plants
- Light food processing

- Linen and towel supply services
- Masonry sales and supply
- Meat markets including the sale of meats and meat products to restaurants, clubs and other establishments
- Medical or dental laboratories
- Mobile and model home displays, also garage displays
- Monument sales
- Parcel delivery stations
- Pawn shops
- Pet shops
- Plumbing sales and supply
- Pool halls
- Radio and television sales and repair shops
- Rehabilitation centers
- Second hand storage and rummage shops
- Sheet metal sales and supply
- Skating rinks (indoors)
- Stadiums, auditoriums or arenas (open or enclosed)
- Swimming pools (indoors)
- Taxidermist
- Theaters
- Trailer sales or retail for use with private passenger motor vehicles
- Vending machines, ice and milk sales
- Veterinary establishments

1-5-43 **SPECIAL USES.** The following uses may be permitted in the -C-2|| District only upon the issuance of a special use permit in accordance with the provisions of **Section 1-11-20** to provide for the location of special classes of uses which are deemed desirable for the public welfare within this district, but which are potentially incompatible with uses herein permitted in it, a classification of -special uses|| is hereby established.

- Adult uses subject to the definitions and other limitations within this Code.
- Automobile towing service with temporary storage.
- Crematories.
- Establishments engaged in adult uses subject to other limitations within this Code.
- Research and testing laboratories.
- Shooting ranges – archery, pistol, rifle, shotgun (must be in a completely enclosed building and comply with all state regulations).
- Waste transfer stations.

1-5-44 - **1-5-45** **RESERVED.**

DIVISION VI - COMMERCIAL DISTRICT REGULATIONS GENERALLY

1-5-46 **PREAMBLE.** To insure the proper operation with the least disruption of commercial districts by operations therein, the regulations and requirements within this Section must be strictly complied with.

(A) **Required Lot Area and Lot Width.** Each commercial use to be accommodated in the C-1 and C-2 Commercial Districts shall meet the minimum lot area and minimum lot width requirements of the R-2 Residence District.

(B) **Building Height.**

(1) In the C-1 General Retail District no building shall exceed **three (3) stories** or **forty-five (45) feet**.

(2) In the C-2 Service Retail District no building shall exceed **two (2) stories** or **thirty (30) feet**.

(C) **Yards Required.** Except as required in the Setback Regulations, all buildings to be constructed, altered or moved in the Commercial Districts shall meet the following minimum requirements.

(1) **Yards Required in the C-1 General Retail District.**

(a) **Front Yard.** No minimum yard required.

(b) **Side Yard.** **Ten (10) feet.**

(c) **Rear Yard.** **Twenty (20) feet.** Where a rear lot line abuts an alley, one-half of the width of such alley may be considered toward meeting the rear yard requirement.

(2) **Yards Required in the C-2 Service Retail District.**

(a) **Front Yard.** **Twenty-five (25) feet.**

(b) **Side Yard.** **Ten (10) feet.**

(c) **Rear Yard.** **Twenty (20) feet.** Where a rear lot line abuts an alley, one-half of the width of such alley may be considered toward meeting the rear yard requirement.

(D) **Off-Street Parking and Loading.** See **Article VIII**.

(E) **Off-Street Loading.** Every building or structure used for other than residential uses, and constructed after the adoption of this Code shall provide space on the property to be used exclusively for loading and unloading of vehicles. Such space shall be in accordance with **Article VIII**.

1-5-47 **RESERVED.**

DIVISION VII – INDUSTRIAL DISTRICT

1-5-48 **LIGHT INDUSTRIAL; I-1 PREAMBLE.** The purpose of the I-1 Light Industrial District is to provide for commercial uses, storage and any manufacturing use not normally creating a nuisance discernible beyond its property.

(A) **Permitted Uses.** The following uses shall be permitted in the I-1 Light Industrial District.

Any use permitted in the C-1 and C-2 Commercial Districts except residential uses.
The following uses:

Agriculture

Building material

Bus stations, terminals and garages

Cartage and express facilities and terminals

Construction supply facilities and services

Contractor's offices, shops and yards

Fertilizer sales and services

Fuel and ice sales – bulk

Mail order houses

Manufacturing: Manufacture of processing of small items including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, appliances, and other electronic devices; furniture manufacture; canning, freezing, storage and bottling.

Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. Such uses shall not be established without an application for a permit which shall be accompanied by a certification by a registered engineer or architect indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise. In the event of the denial of such permit, an applicant shall have a right of appeal to the Zoning Board of Appeals, in accordance with the -Board of Appeals|| Article.

Printing and publishing establishments

Railroads and passenger stations and freight yards

Research laboratories

Towing service with temporary storage

Training centers

Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing, pole yards, building material storage, trucking storage

Wind Generation Turbines ||Individual|| **(See Section 1-6-31)**

1-5-49 HEAVY INDUSTRIAL DISTRICT – I-2; PREAMBLE. The purpose of the I-2 Heavy Industrial District is to provide for industrial uses not allowed in any other district providing that, within this district, uses of a hazardous nature or those producing extensive smoke or odor shall not be located so that the general hazard or nuisance affects a large segment of the community.

(A) **Permitted Uses.** The following uses shall be permitted in the I-2 Heavy Industrial District.

All uses permitted in the I-1 District.

(B) **Special Uses.** The following uses may be permitted in the I-2 District only upon the issuance of a special use permit in accordance with the provisions of **Section 1-11-20** to provide for the location of special classes of uses which are deemed desirable for the public welfare within this district, but which are potentially incompatible with uses herein permitted in it, a classification of -special uses|| is hereby established.

Airports and facilities – public and private.

Anhydrous ammonia – storage and manufacture.

Bag cleaning.

Battery processing.

Boiler and tanks works.

Cement works – manufacture and mixing.

Cement and stone products manufacture.

Coke oven.

Curing, tanning or storage of hides or skins.

Central mixing plant for cement.

Distillation of bones, coal, wood or tar.

Electric generating stations.

Fat rendering.

Fertilizer storage or manufacture.

Food manufacture and processing.

Forge plant.

Foundry.

Gasoline or oil storage in excess of **five hundred (500) gallons** above ground.

Generator manufacture.

Grain elevators.

Hatcheries.

Manufacture of the following:

Acetylene

Acid

Alcohol or alcoholic beverages

Ammonia

Bleaching powder

Chemicals

Brick

Pottery

Terra-cotta, tile, linoleum, etc.

Disinfectants

Dyestuffs

Fertilizers

Linseed oil

Paint

Oil

Turpentine

Varnish

Soap

Candles
 Any products which use hazardous materials
 Metal fabrication plant
 Manufacture of mortar, plastic and paving materials
 Motor manufacture
 Paving materials – storage or manufacture
 Pollution control facilities – landfills transfer stations
 Salvage and wrecking operations (must be enclosed with solid **eight (8) foot** fence and not closer than **one thousand (1,000) feet** to any R district)
 Sewage treatment plants
 Slaughter house and stock yards
 Smelting plants
 Textile products manufacture
 Underground Mining **See Section 1-6-8**

Any use which would emit detrimental or intolerable noise, vibrations, smoke, odors, dust or other unacceptable conditions beyond the confines of its property so as to effect other nearby propertyowners.

(C) **Required Lot Area and Lot Width in Industrial District.** Each use to be established in the I-1 or the I-2 Districts shall provide a minimum lot area of **twenty thousand (20,000) square feet** and a minimum lot width of **one hundred (100) feet**.

(D) **Building Height Regulation in Industrial Districts.** No building in the I-1 or I-2 District shall exceed **fifty (50) feet** in height.

(E) **Yards Required in Industrial Districts.** Except as required in the Setback Regulations, all structures to be constructed, altered, or moved, in the I-1 and I-2 Districts shall provide yards of the following minimum depths.

(1) **Front Yard.** **Fifty (50) feet.**

(2) **Side Yard.** Unless otherwise stated - **ten (10) feet** except where a side yard abuts a residential district in which case a side yard of **twenty-five (25) feet** shall be provided.

(3) **Rear Yard.** **Twenty-five (25) feet.**

(F) **Off-Street Parking and Loading.** There shall be provided in the I-1 and I-2 Districts adequate off-street parking and off-street loading in accordance with the off-street parking and loading requirements of **Article VIII**.

ARTICLE VI

SUPPLEMENTARY REGULATIONS

1-6-1 **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.

1-6-2 **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.

1-6-3 **JUNK YARDS.**

(A) No part of any junk yard (see definition in **Section 1-2-2**) shall be located closer than **five hundred (500) feet** to the boundary of any Residential District.

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

1-6-4 **MOBILE HOMES ON INDIVIDUAL LOTS IN PERMITTED AREAS.** No person shall place any manufactured home on an individual lot (as opposed to a manufactured home park) except in conformity with the Manufactured Housing Code.

1-6-5 **MANUFACTURED HOME PARKS.** After the effective date of this Code, no manufactured home park shall be established except in conformity with the Manufactured Home Code.

1-6-6 **SANITARY LANDFILLS.** Any person who intends to establish or conduct a sanitary landfill within Christian County shall secure a special use permit from the County and shall obtain a permit from the Illinois Environmental Protection Agency indicating that the sanitary landfill fully complies with the Sanitary Landfill Code of Christian County or other regulations promulgated by the Illinois Environmental Protection Agency pursuant to the authority granted by State law. **(See Sanitary Landfill Code of Christian County)**

1-6-7 **SURFACE MINING.**

(A) **Permit Required.** It shall be unlawful for any operator to engage in surface mining in Christian 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 (225ILCS 725/26) and State regulations.

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

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

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

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

1-6-8 UNDERGROUND MINING – SPECIFIC REQUIREMENTS.

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

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

- (1) no open pit or shaft shall be less than **five hundred (500) feet** from an existing residence or Residential District established by this Code; and
- (2) all buildings or 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 Code.

(C) **Long Wall Coal Mining.** Shall not be allowed anywhere in Christian County

**1-6-9
WELLS.**

OIL OR GAS DRILLING, INJECTION WELLS OR CONVERSION

**(A)
Certificates.**

Oil or Gas Drilling and Injection Wells or Conversion

No oil or gas well drilling or injection wells in connection therewith; are permitted within the County in an A-1 or I-1 District unless granted under a Special Use Permit. Production well means a well drilled for the production of oil or gas, or well drilled for a water supply for use in connection with an enhanced oil or gas recovery project.

(B) **Certificates.** Certificates shall be issued by Special Use. An application for Special Use Exception along with a filing fee must be submitted to the Zoning Administrator. The application must include a copy of the drilling permit previously obtained from the State of Illinois, Department of Mines and Minerals, or other agency of the State of Illinois empowered to issue the required permits, copy of lease, copy of deed, and **three (3) photos** of site. Also **two (2) copies** of a survey map (aerial photo and topographic to include a distance of **one thousand (1,000) feet** radius from the well head) showing the following information with a scale of no smaller than **one (1) inch** to equal **four hundred (400) feet**:

- (1) Location of proposed production well, to include name of well, and any other production wells. General location of pipelines, public roads in surrounding areas as they relate to the production well. Furthermore, showing the location of any storage tanks, utilities, power lines both above and below ground level, and buildings located upon the real estate including residences, outbuildings, or other structures. The surrounding area relates to immediate **one thousand (1,000) foot** radius and neighboring property owners within **two thousand (2,000) foot** radius;
- (2) The location of any natural water sources including lakes, wetlands, ponds, creeks, rivers, and/or any other natural openings in the ground such as a natural geological phenomenon known as -sink holes|| or karst areas;
- (3) The location of all man-made water sources such as wells or cisterns, and any water conduit devices, such as public water supply mains;
- (4) As accorded within Illinois State Statutes and the Illinois Revenue Code, all oil or gas well purchasers and investors who produced oil in Christian County will send to the Christian County Tax Assessor's office a listing of those producers within Christian County's jurisdiction. Failure to file or satisfy a tax lien on the oil or gas production will result in well certificate forfeiture. Any new owners, operators, or permittee will be informed by the applicant on the State Permit of this requirement and must contact the Assessor's Office and Zoning Office at the time of the sale.

- (5) The Property Owner and Illinois State Permittee will both be required to sign for the Special Use Permit. However, the signature by owner does not constitute responsibility or the approval of the state permittee. If the owner or permittee is an individual, the application shall be signed by the individual. If the owner or permittee is a partnership, the application shall be signed by a general partner. If the owner or permittee is a corporation, the application shall be signed by an officer of the corporation.
- (6) The state permittee of the oil or gas well site will be required to obey all local health, safety, aesthetic, and environmental regulations. All cleanup will be performed by the state permittee or forfeiture of state bond will result to enhance cleanup effort. Any additional cost to the County due to permittee's negligence shall be paid by said permittee. If any activities conducted by the state permittee result in violation of any state or county ordinances or regulations, subsequent prosecution will be conducted by the Christian County State's Attorney.
- (7) Well Certificate fee refer to fee schedule.
- (8) The operator will present the Zoning Office a photo copy of any State security deposit or bond and an annual report of the monies paid to the Illinois Plugging and Restoration Fund. Any new owner/operator will be informed of this requirement, and must contact Zoning Office at the time of sale.

(C) **Extreme in Topography.** The application shall furthermore include an explanation of any extremes in topography such as location of bluffs, sinkholes, ravines, or other extreme topographical variances within the real estate.

(D) **Minimum Distance Requirement.** The drilling of an oil well shall not occur within **three hundred thirty (330) feet** from the nearest external boundary lines of the drilling unit, within **one hundred five (105) feet** of a public road right-of-way, within **two hundred (200) feet** of any residence located on the property, within **one hundred (100) feet** of any other building located on the specified site or property. Provided, however, that the owner of the real estate can ask for a variance to waive the minimum distance requirement for residences or other buildings set forth under this paragraph by notifying the Zoning Administrator.

(E) **Discontinuance.** If a well or tank site is not used for more than **two (2) years**, it will be considered abandoned and if in violation of Mines and Minerals regulations (Ill. Oil & Gas Act Sec. 240.1130) or County regulations, it shall be plugged and/or cleaned up. If failure to follow any of the regulations, penalties would apply and the tank permit and/or well certificate will be revoked.

(F) **Danger to Public Health and Welfare or Property Damage.**

Upon the inspection of the oil or gas wells and/or oil or gas storage site referred to herein in an A-1 or I-1 zoned district of Christian County if the Zoning Administrator or other officer designated by the County Board shall, after inspection of the site, determine that there is an imminent threat to public health and welfare or that there is imminent threat of property damage due to the topographical condition, then the regulatory penalties as dictated by the State's Attorney would apply with possible revoking of the permit and/or well certificate.

(G) **Flood Plain Regulations.** If oil or gas site is located in a flood plain, refer to **Section 1-6-11.**

1-6-10 OIL OR GAS STORAGE TANK SITES.

(A) **Oil or Gas Storage Site Permits.** Oil or Gas Storage Tank Site Permits in the County of Christian will only be issued through a Special Use Permit. There shall be submitted with all applications for a building permit for purposes of erecting oil or gas storage tanks and accompanying apparatus, **three (3) photos** of site, list of landowners and landowners' addresses, copy of deed or lease of property, and **two (2) copies** of a layout or site plan, with a scale of **one (1) inch** to equal **four hundred (400) feet**, showing the following:

- (1) General location of the oil or gas tanks, pipelines, and public roads in the surrounding areas as they relate to the oil well which was drilled pursuant to the permit set forth in **Section 1-6-9**. In addition the site plan shall show the location of any storage tanks, power lines and buildings located upon the real estate which is set forth in the well certificate including the residence, outbuildings or other buildings upon the property, if any. Surrounding area related to immediate **one thousand (1,000) foot** radius, and neighboring property owners within **two thousand (2,000) foot** radius with a scale of **one (1) inch** to equal **four hundred (400) feet**.
- (2) The location of any natural water sources on the real estate set forth in the Well Certificate, including lakes, wetlands, ponds, creeks, rivers, and/or any other natural openings in the ground such as a natural geological phenomenon known as -sinkholes||, or karst areas;
- (3) The location of all man-made water sources such as wells or cisterns, and any water conduit devices, such as public water supply mains;
- (4) The location of any power lines or other utility lines within the site or within **one hundred (100) feet** from the site;
- (5) **Three (3) photos** of the location of the proposed site from **three (3)** different angles;

- (6) Size/Volume of storage tanks to be erected; oil spill confinement area (SF); and height of earthen dike/berm. (This plan will represent a relationship of the three variable Vol/Area/Height required to meet size requirements of **Section 1-55-11(C).**)

(B) **Extreme in Topography.** The application shall furthermore include an explanation of any extremes in topography such as location of bluffs, ravines, sinkholes, or other extreme topographical variances within the real estate which is set forth in the well certificate.

(C) **Distance and Size Requirements.**

- (1) The application shall provide that a properly constructed earthen dike around the oil tank storage site shall be sufficient to retain the maximum amount of oil, water or other liquid equal to **one and one-half (1 ½) times** the storage capacity of the largest tank it contains, and be bermed at least **eighteen (18) inches** above the ground surface. The dike shall be continually maintained and reservoir within shall be kept free from vegetation, water, or oil. (Refer to specifications of Illinois Oil & Gas Act for minimum requirements.)
- (2) The oil or gas tank storage site shall be a minimum of **sixty (60) feet** from any power line or power source located upon the premises or adjacent to the site which is not used as an on site power source.
- (3) All water lines and oil lines or other transmission lines listed upon or used on the site shall be buried at a distance of at least **thirty-six (36) inches** below the surface of the ground.
- (4) The oil or gas tank storage site shall be a minimum of **five hundred (500) feet** from any residence, church, school, or other regular gathering place, and a minimum of **two hundred (200) feet** from any other building, excluding a tank storage shed, and a minimum of **two hundred (200) feet** from any County, State or Federal maintained road, and a minimum of **three hundred (300) feet** from surrounding property owners boundary lines. The owner of the real estate can ask for a variance to waive the minimum distance requirements for residences or other buildings set forth under this paragraph by notifying the Zoning Administrator.
- (5) A fence or wall will be constructed **six (6) feet** in height and placed around the storage site with a posted sign. (DANGER), (KEEP OUT), (NO TRESPASSING). A sign will be posted to

show current name of lessee and owner/or operator and section, township and range of storage site. All fenced areas will be locked.

- (6) The site shall be maintained, area mowed, clean of debris, unused equipment, and all abandoned and unused tanks will be removed and properly disposed of.
- (7) Tanks must be free from rust and painted a solid color with exterior paint.
- (8) Any abandoned equipment or abandoned vehicles used in the drilling or production process must be removed or stored in an appropriate outbuilding.
- (9) All well and tank locations shall be kept free of dead grass, brush, weeds, and other flammable material, and so maintained at all times.

(D) **Cost.** The operator shall pay a fee for the building permit under this Section see (fee schedule) per tank.

(E) **Danger to Public Health and Welfare or Property Damage.**
Same as Section 1-6-9(F).

(F) **Discontinuance.** Same as Section 1-6-9(E).

(G) **Flood Plain.** If site is located in a flood plain, applicant must also follow Section 1-6-11.

(H) **Definitions.**

- (1) **FPE.** Flood Plain Elevation.
- (2) **Permittee.** Means the person or entity holding the Illinois State permit and listed on the Illinois State bond as principal.
- (3) **Property Owner.** Those responsible holders of Real Estate within Christian County.
- (4) **Tank.** A tank or other receptacle into which oil or gas and water is gathered, produced or stored.
- (5) **Tank Storage Site.** An area comprising a tank or tanks; a berm or dike; storage facilities related to oil or gas production or exploration; and related fencing when required.

1-6-11 OIL OR GAS DRILLING AND TANK SITES IN FLOOD PLAIN.

Oil or Gas drilling, injection wells or conversion wells and tank site facilities in a flood plain area must comply with Sections 1-6-9 and 1-6-10 and regulations listed below:

- (A) Require a Flood proof Certificate
- (B) The well head can stay at grade level provided that it is flood proof and pump-jack should be placed on a **fifteen (15) foot** platform or **one (1) foot** above FPE.
- (C) Any additional cost to the County due to the applicant or permittee cleanup that exceeds Illinois State deposit shall be paid by said permittee. This shall include oil or gas requirements stated in Sections 1-6-9 and 1-6-10.

(D) Oil or gas storage tank sites shall include said earthen dike, but constructed to withstand a typical wet floodplain environment or flood.

(E) Oil or gas storage tanks must be elevated no less than **fifteen (15) feet** from grade or **one (1) foot** above the FPE by non-erodible methods to include a rock base berm or tanks need to be anchored to withstand any flood waters.

(F) Oil or gas well caps and mechanisms must be stored and secured on site for emergency use in times of flooding. Christian County reserves the option to conduct unscheduled inspections by Zoning Administrator. Any site found in violation may be fined not less than **Two Hundred Dollars (\$200.00)** or no more than **Five Hundred Dollars (\$500.00)** per week.

(G) Oil or gas storage facilities should have a prepared oil evacuation plan in the event of possible evacuation by flood waters. A site ponding gauge should be installed on site and be visible from boundary fence. When ponding gauge shows **six (6) inches** from base, the oil or gas evacuation plan should be implemented.

(H) All regulations under the model ordinance for the State of Illinois and Christian County regulating development in Special Flood Hazard Areas will also apply.

1-6-12 **SCREENING.** Any screening (**See definition in Section 1-2-2**), 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.

1-6-13 **TOWERS.** Any radio or other communication towers shall be permitted as set forth elsewhere in this Code only if the tower is set forth from any existing residence or residential lot at least **fifty (50) feet** more than what the height of the tower will be.

All radio, communication or cellular towers shall have a red light during the night, not strobe lights.

Any radio or other communication towers or collocations to towers shall not be permitted unless the proposed owner submits a plan to the Zoning Administrator. **See Permit Fee Schedule for cost.**

Tower are not allowed in any Residential Districts

Setback Requirements

Property line setback shall be from all property lines the same as the height of the tower plus **(50)** fifty feet.

1-6-14 SUBDIVISION SITING CRITERIA IN REGARD TO SETBACKS FOR LIVESTOCK MANAGEMENT OR LIVESTOCK WASTE HANDLING FACILITIES.

Any new subdivision shall comply with the following setbacks:

(A) For purposes of determining setback distances, minimum distances shall be measured from the nearest corner of the subdivision or place of common assembly to the nearest corner of the earthen waste lagoon or livestock management facility, whichever is closer.

(B) A subdivision or place of common assembly shall be exempt from setback distances when the livestock management facility or livestock waste handling facility serves less than **fifty (50)** animal units.

(C) For a subdivision with less than **ten (10)** residential lot(s), the minimum setback distance shall be **one-fourth (¼) mile** from the nearest livestock management facility or livestock handling facility serving **fifty (50)** or greater but less than **one thousand (1000)** animal units, and **one-half (½) mile** from a subdivision with greater than **ten (10)** residential lots or a subdivision where at least **fifty (50) persons** frequent a common place of assembly or a non-farm business at least once a week.

(D) For a subdivision with over **ten (10)** residential lots or where at least **fifty (50) persons** frequent a common place of assembly or a non-farm business at least once a week, the setback is as follows:

(1) For a livestock management or livestock waste handling facility serving **one thousand (1000)** or greater animal units but less than **seven thousand (7000)** animal units, the minimum setback shall be increased **four hundred forty (440) feet** over the minimum setback of **one-half (½) mile** for each additional **one thousand (1000)** animal units over **one thousand (1000)** animal units.

(2) For any subdivision, the minimum setback shall be increased **two hundred twenty (220) feet** over the minimum setback of **one-fourth (¼) mile** for each additional **one thousand (1000)** animal units over **one thousand (1000)** animal units.

(E) For a subdivision with over **ten (10)** residential lots or where at least **fifty (50) persons** frequent a common place of assembly or a non-farm business at least once a week, the setback is as follows:

(1) For a livestock management or livestock waste handling facility serving **seven thousand (7000)** or greater animal units, the minimum setback shall be **one (1) mile**.

(2) For any subdivision, the minimum setback shall be **one-half (½) mile**.

(F) Setback category shall be determined by the design capacity in animal units of the livestock management facility per state statutes.

1-6-15

LOCATION OF ADULT ORIENTED BUSINESS AND SIGNAGE.

(A) Adult oriented business are prohibited from operating, location, or otherwise conducting business in any zoning district other than the Industrial District, as defined and described in the County Zoning Code, as amended from time to time.

(B) Adult oriented businesses are prohibited from operating, locating, or otherwise conducting business within **three thousand (3000) feet** of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- (2) A public or private school or educational facility, including but not limited to child day care facilities, nursery school, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, continuation schools, special education schools, community colleges, and universities; school includes the school grounds;
- (3) The boundary of any residential district as defined in the Zoning Code, as amended from time to time;
- (4) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the County which is under the control, operation, or management of the County or park district;
- (5) The property line of a lot devoted to a residential use as defined in the Zoning Code, as amended from time to time;
- (6) Any premises licensed pursuant to the alcoholic liquor control regulations of the State of Illinois and the County of Christian, as amended from time to time;
- (7) Place of public accommodation or restaurant.

(C) Adult oriented businesses are prohibited from operating, locating, or otherwise conducting business within **one thousand (1,000) feet** of another adult oriented business.

(D) Adult oriented businesses are prohibited from operating, establishing, locating, or maintaining more than **one (1)** adult oriented business in the same building, structure, or portion thereof.

(E) For the purpose of subsection (B) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where an adult oriented business is conducted, to the nearest property line of the premises of the use listed above. Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

(F) For the purposes of subsection (C) of this Section, the distance between any **two (2)** adult oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(G) **Amortization.** Any adult oriented business lawfully operating on **January 1, 2001** that is in violation of paragraph (A) through (F) of this Section shall be deemed a nonconforming use. Upon service of notice of nonconformance by the County upon the owner of the adult oriented business, the nonconforming use will be permitted to continue for a period not to exceed **one (1) year**, unless sooner terminated for any reason or voluntarily discontinued for a period of **thirty (30) days** or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that any use may be changed to a conforming use. Upon the written request of the owner of the nonconforming adult oriented business use, the said **one (1) year** period shall be extended by the County for an additional period of **six (6) months**.

(H) An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult oriented business license, of a use listed in subsection (B) of this Section within **one thousand (1,000) feet** of the adult oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

(I) **Sign Requirements.** All adult oriented businesses shall comply with the following sign requirements:

- (1) All signs shall be permanent, flat wall signs attached to the exterior walls of the premises only.
- (2) The amount of allowable sign area shall be **one (1) square foot** of sign per foot of lot frontage on the street fronting the premises.
- (3) No sign shall be equipped with lighting mechanisms capable of flashing.
- (4) No merchandise or pictures of the products or entertainment on the premises shall be displayed on any sign, or in any window areas or any area where they can be viewed from the sidewalk in front of the building. A **one (1) square foot** sign may be placed on the entrance to the premises stating the hours of operation of the adult oriented business and admittance to adults only.

1-6-16 **Adult Entertainment Facility's.** Are as defined in State Statute 55ILCS 5/5-1097.7

1-6-17 **County Ordinances may prohibit sale of obscene material, etc..** Also County would have injunctive power to close or prevent a facility in violation of Statute. A fine of \$1000.00 per day, with each day being a separate offense.

1-6-18 **RECREATIONAL VEHICLES.** Recreational vehicles, as defined herein, shall not be occupied for dwelling purposes except in lawfully established commercial campgrounds. The temporary use of a recreational vehicle for dwelling purposes may be permitted when an application for a permit has been recommended by the Board of Appeals and approved by the County Board and the following conditions must be considered.

(A) Must be zoned Agricultural.

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

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

(D) All recreational vehicles must:

(1) Be licensed and titled as an RV or park model.

(2) Have inflated wheels and be self-propelled or towable by light truck.

(3) Have no attached deck, porch, shed.

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

(1) Not be used as a permanent dwelling.

(2) Be less than **four hundred (400) square feet.**

(3) Have quick disconnect propane tank.

(4) Have elevated, quick disconnect sewer service.

(5) Have elevated electrical service and air conditioning unit.

1-6-19 **PLANT NURSERIES AND GREENHOUSES.** In any district where a commercial tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

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

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

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

1-6-20 BULK STORAGE (FLAMMABLE) FACILITIES.

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

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

1-6-21 BUFFER STRIPS, FENCES, WALLS AND HEDGES. Buffer strips, fences, walls or hedges used for any purpose shall, in all districts, conform to the following:

⌚ Whenever a commercial, multi-family or industrial district abuts a residential district or is across a street, alley or similar obstacle from a residential district, a buffer strip of landscaping and/or other treatment shall be required. If a buffer strip is live landscaping, a temporary artificial screening shall be provided until such time as landscape screening reaches maturity. Width shall be **twenty (20) feet**, except that between areas zoned -I|| and the designated zones, the width shall be **thirty (30) feet**.

Where an existing -R-1|| abuts a district requiring a buffer, the minimum setback from the buffer in that district requiring a buffer shall be **ten (10) feet** providing that a street does not come between the districts.

⌚ No fence, wall or other obstruction shall be erected in violation of the **Illinois Drainage Code. (See 70 ILCS Sec. 2-1 through 2-13)**

⌚ No fence, wall or other obstruction shall exceed **eight (8) feet** in height in any district except the Industrial District (I) where the maximum height shall not exceed **ten (10) feet**; exemption, planting screen, in addition, in areas near street intersections, special height restrictions shall be applicable to fences, walls, or other obstructions.

⌚ No fence, wall or other obstruction shall be erected in any front yard setback area, with the exception of landscape fences specifically approved by the Zoning Administrator.

⌚ No fence, wall or other obstruction which completely encloses a lot shall be erected without the provision of a gate or similar type of moveable barrier for accessibility.

1-6-22 **SERVICE STATIONS.**

- (A) All gasoline pumps and other service facilities shall be located at least **twenty-five (25) feet** from any street right-of-way line, side lot line, or rear lot line.
- (B) Every access way shall be located at least **two hundred (200) feet** from the principal building of any fire station, school, public library, church, park, or playground, and at least **thirty (30) feet** from any intersection of public streets.
- (C) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.
- (D) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.
- (E) Whenever the use of a service station has been discontinued for **twelve (12) consecutive months** or for **eighteen (18) months** during any **three (3) year** period, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire Chief.
- (F) A permanent curb of at least **four (4) inches** in height shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length of the pump island.

1-6-23 **HOME OCCUPATIONS.**

- (A) **Limitations on Use.** A home occupation shall be considered a special-use in any residence district, provided the home occupation is subject to the following limitations.
- (1) **Employees.** The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there.
 - (2) **Dwelling Alterations.** In any residential district, a principal residential building shall not be altered—to accommodate a home occupation—in such a way as to materially change the residential character of the building.
 - (3) **Floor Space.** The total area used for the 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.
 - (4) **Sign Restrictions.** There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed **three (3) square feet** in area and shall not be illuminated.
 - (5) **Exterior Storage.** There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
 - (6) **Nuisances.** There shall be no offensive noise nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. All nuisances are prohibited.

- (7) **Unlawful Storage.** There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.
- (8) **Parking Requirements.** A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation as prescribed in **Section 1-8-8.**
- (9) **Covenants.** The use must be in conformance with all valid covenants and agreements recorded with the County Recorder of Deeds, covering the land underlying the dwelling.
- (10) A home occupation permit may be issued for any use allowed by the Zoning Code, providing all other criteria for issuance of a home occupation permit are met. No home occupation permit shall be issued for any other use.

(B) **Permit Required.** A home occupation shall not be permitted without a special-use permit being recommended by the Board of Appeals and approved by the County Board, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

(C) **Activities Not Covered.** A home occupation permit shall not be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this Section, -telecommuting|| means working in the home by using a computer terminal connected to a central office or central computer.

1-6-24 **SCHOOLS.**

(A) The lot on which any school is situated shall have the minimum area indicated below:

<u>Type of School</u>	<u>Minimum Lot Area</u>
Nursery, Day Care Center	One hundred (100) square feet of fenced outdoor play area per child.
Other (elementary, junior high, senior high)	As required by State law (III. Comp. Stat., Chap. 105, Sec. 5/35-8) --normally four (4) acres , plus one (1) additional acre for every one hundred fifty (150) students in excess of two hundred (200) .

(B) The principal building of any school shall be located at least **twenty-five (25) feet** from all lot lines.

1-6-25 **SWIMMING POOLS.**

(A) Every in-ground swimming pool, whether public or private, shall be enclosed by a wall or fence at least **four (4) feet** in height and shall have a gate that shall be locked when the pool is not in use. An above-the-ground pool, **four (4) feet** or higher, need not have a fence with a gate, so long as the ladder is removed when not in use.

(B) No private swimming pool shall be located in any front yard or closer than **ten (10) feet** to any side or rear lot line.

(C) All lights used to illuminate any swimming pool shall be arranged or shielded so as to confine direct light rays within the lot lines to the greatest extent possible.

1-6-26 **UTILITY SUBSTATIONS.** Every electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

(A) Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least **twenty-five (25) feet** from all lot lines, or shall meet the district setback requirements, whichever is greater.

(B) In any residential district, the structure housing any such facility shall be designed and constructed to be compatible with the residential character of the area.

(C) Every such facility shall be screened by close-planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least **eight (8) feet** in height be installed behind the planting screen.

1-6-27 **KENNELS.**

(A) Kennels shall be permitted only in the AG-1 District or C-2 District with a special use hearing .

(B) Every kennel shall be located at least **two hundred (200) feet** from the nearest dwelling, and at least **one hundred (100) feet** from any lot line.

(C) The lot on which any kennel is situated shall have a minimum area of **two (2) acres**.

1-6-28 **AGRICULTURAL ACTIVITIES.**

(A) **Farm Animals.** No barn, stable, shed, or other structure intended to shelter farm animals shall be erected closer than **one hundred fifty (150) feet** to any existing dwelling, or closer than **one hundred (100) feet** to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than **one hundred fifty (150) feet** to any existing dwelling or closer than **one hundred (100) feet** to any lot line or residential property, whichever distance is greater.

(B) **Farm Equipment/Commodities.** No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than **one hundred fifty (150) feet** to any existing dwelling or closer than **one hundred (100) feet** to any lot line of residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least **fifty (50) feet** from any lot line of residential property.

(C) **Barbed Wire/Electrical Fences.**

1-6-29 **LIGHTING CONTROLS.** Any light used for the illumination of signs, swimming pools, or for any other purpose shall be arranged so as to confine the direct light rays away from neighboring residential properties and away from the vision of passing motorist.

1-6-30 **PUBLIC BUILDINGS.** In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

(A) In any residential or conservation district, all municipal or other publicly-owned buildings shall be located at least **twenty-five (25) feet** from all property lines.

(B) In any residential, conservation or business district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least **six (6) feet** in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least **twenty-five (25) feet** from any front or side property line.

1-6-31 "WIND GENERATION TURBINES- INDIVIDUAL"

- (A) Wind Generation Individual Turbines are allowed in Ag-1 District , Commercial-2 District and Industrial Districts.
- (B) A minimum lot size of 1 acre.
- (C) A maximum height of 120 feet.
- (D) A Setback of 50 feet plus the height of the Unit to the blade tips.
- (E) A maximum generation of 3MW or less.
- (F) Tower and blade color shall be painted white or gray or another non-reflective, unobtrusive color.
- (G) No more than two Individual Wind Generation Turbines on a single parcel or tract of property will be allowed.
- (H) A building permit is required. See fee schedule for cost.

1-6-32 NOXIOUS WEEDS

- (A) Shall be defined per the Illinois Department of Agricultural hand out entitled -Illinois Noxious Weeds||.

ARTICLE VII

SIGN REGULATIONS

1-7-1 **GENERAL PROHIBITION.** Any sign not expressly permitted in this Article shall be deemed prohibited.

1-7-2 **COMPUTATION OF SIGN AREA ALLOWANCE.** Within the limitations and restrictions as further provided in this Article, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

One (1) square foot of sign area per one (1) foot of street frontage or two (2) square feet of sign for each lineal foot of the front width of the business.

provided, however, that no establishment in any district shall display more than **three hundred (300) square feet** of sign on any street front.

1-7-3 **DEFINITION OF SIGN AREA.** As used in this Article, the term -sign area|| means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign.

1-7-4 **SPECIAL SITUATIONS.**

(A) Except as specifically provided otherwise in this Article, if an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Article. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any **one (1) frontage** a greater area of signs than would be permitted by application of the formula set forth above.

(B) The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

1-7-5 **SIGNS TO BE NON-HAZARDOUS, WELL-MAINTAINED.**

(A) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control device.

(C) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted Building Code, if any.

(D) Every sign and appurtenance shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.

1-7-6 ILLUMINATION. Illumination of signs is permitted, subject to the following requirements:

(A) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.

(B) No sign other than those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color; provided, however, that this provision shall not apply to any message on any electronically-operated, changeable sign.

(C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

1-7-7 NONCONFORMING SIGNS. A nonconforming sign means any lawfully erected sign or billboard that does not conform to one or more provisions of this Article or any amendment thereto.

1-7-8 RESTRICTIONS. Any nonconforming sign as defined in **Section 1-7-7** that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in **Article IX** of this Code; provided as follows:

(A) Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration;

(B) Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in the Agricultural District or in any residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in any Business District or in the Industrial District.

1-7-9 STRICTLY PROHIBITED SIGNS. Except as specifically noted otherwise, henceforth, the following signs and street graphics are strictly prohibited throughout the County:

(A) Mobile/Portable Marquees; except that they may be permitted as a temporary sign.

(B) Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities.

(C) Defunct Signs, including the posts or other supports therefor that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.

(D) Roof-mounted signs, that project or protrude above the highest point of the roof. (See Sec. 1-7-12)

1-7-10 SIGNS PERMITTED IN ANY DISTRICT. Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the County. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance. (See Sec. 1-7-2)

(A) **Construction Signs** identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product: Such signs shall not exceed **twenty-four (24) square feet** in area, shall be confined to the site of the construction, and shall be removed within **fourteen (14) days** after the intended use of the project has begun.

(B) **Real Estate Signs**, indicating the sale, rental, or lease of the premises on which they are located: Such signs on residential property shall not exceed **six (6) square feet**; on other property, such signs shall not exceed **sixteen (16) square feet**. Not more than **one (1)** real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7) days** of the sale, rental or lease.

(C) **Political Signs**, announcing candidates seeking public/political office and/or political issues and other pertinent information: In any Agricultural or Residential District, political signs shall not exceed **eight (8) square feet**; in other districts, such signs shall not exceed **thirty-two (32) square feet**. Political signs shall be removed within **seven (7) days** after the election to which they pertain, by the party responsible for their erection.

(D) **Garage Sale Signs**, advertising a garage or yard sale to be held on private residential property: Such signs shall not exceed **four (4) square feet**, and shall not be posted for longer than **five (5) days**.

(E) **Public Interest Signs and Street Banners**, publicizing a charitable or non-profit event of general public interest: In the Agricultural District, and in any Residential District, public interest signs shall not exceed **thirty-two (32) square feet**. Public interest signs and street banners shall be permitted only for **sixty (60) days** before and **seven (7) days** after the event.

(F) **Governmental, Public, and Directional Signs:** Such as traffic control signs; railroad crossing signs; legal notices; signs indicating the location of underground cables; no trespassing signs; no parking signs; signs indicating the entrances and exits of parking lots; signs indicating the location of public telephones; restrooms, and so forth.

(G) **Institutional Signs** identifying a public, charitable, or religious institution: Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed **twenty-four (24) square feet**.

(H) **Integral Signs** carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(I) **Home Occupation Signs**, identifying only the name and occupation of the residents: Home occupation signs shall not be illuminated, and shall not exceed **four (4) square feet**.

(J) **Subdivision Entrance Signs**, identifying a residential subdivision or apartment complex: Such signs shall contain no commercial advertising, and shall not exceed **twenty (20) square feet**.

(K) **Permanent House Numbers and/or Permanent Name of Occupant Signs** located on the lot to which the sign applies: such signs shall not exceed **two (2) square feet** for single-family dwelling, nor **six (6) square feet** for multiple-family dwellings.

(L) **Signs Located in the Interior of Any Building** or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

1-7-11 AGRICULTURAL; RESIDENTIAL DISTRICTS. No sign other than those listed in **Section 1-7-10** shall be erected in the Agricultural District or in any Residential District.

1-7-12 BUSINESS; INDUSTRIAL DISTRICTS. No establishment located in any Business District or in the Industrial District shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in **Section 1-7-2** and **1-7-10**.

Additionally, signs in any Business District or in the Industrial District shall conform to the requirements indicated in the subsections below:

(A) **Flush-Mounted Signs.** No flush-mounted (wall) sign shall:

- (1) Project more than **eighteen (18) inches** from the wall or surface to which it is attached; or
- (2) Extend above the roof line of the building to which it is attached.

(B) **Window Signs.** Signs permanently mounted in display windows shall not be debited against the sign area allowance of the particular establishment.

(C) **Projecting Signs.** No establishment shall display more than **one (1)** projecting sign on any street front. No projecting sign shall:

- (1) Project above the roof line of the building to which it is attached; or
- (2) Extend below a point **eight (8) feet** above the ground or pavement; or
- (3) Project over a driveway or beyond the curb line of any public street; or
- (4) Project more than **four (4) feet** from the building to which it is attached; or
- (5) Extend to a point above **twelve (12) feet**.

(D) **Canopy or Marquee Signs.** Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs, and shall meet the requirements of **Section 1-7-12(A)**. Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of **Section 1-7-12(C)**.

(E) **Freestanding Signs.** No establishment shall display more than **one (1)** freestanding sign on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:

- (1) No part of any freestanding sign shall intrude into any public right-of-way. No part of any freestanding sign that extends below a point **ten (10) feet** above the ground or pavement shall be located closer than **ten (10) feet** from the public right-of-way line.
- (2) The area of any freestanding sign, calculated in accordance with **Section 1-7-3** shall not exceed **one hundred (100) square feet**.
- (3) When attached to its structural supports, no part of any freestanding sign shall extend more than **twenty (20) feet** above the ground or pavement.
- (4) The length or width of any freestanding sign shall not exceed **twelve (12) feet**.

(F) **Billboards.** Billboards and other off-premises advertising signs are strictly prohibited in every district except the Industrial or Commercial Districts. No billboard shall:

- (1) Be stacked on top of another billboard; or
- (2) Be located closer than **twenty-five (25) feet** to any lot line or any public right-of-way; or
- (3) Be located closer than **five hundred (500) feet** from any other billboard on the same side of the roadway; or
- (4) Extend more than **twenty (20) feet** above the ground or pavement;
- (5) Exceed **three hundred (300) square feet** in area.

1-7-13 TEMPORARY SIGNS. Temporary signs shall not remain in place for a period of more than **thirty (30) days** except when the Zoning Administrator extends the time period for an additional **thirty (30) days**. Any further time extension shall thereafter be applied for through Board of Appeals and the Board may grant such time extension as seems reasonable and necessary in compliance with this Article. A permit is required for all temporary signs. (**See Sections 1-3-3 and 1-11-20**)

ARTICLE VIII

PARKING AND LOADING REGULATIONS

1-8-1 **APPLICABILITY OF ARTICLE.** Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

1-8-2 **EXISTING PARKING/LOADING FACILITIES.**

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

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

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, gross floor area, seating capacity, etc., additional parking and loading facilities commensurate with such increase in use-intensity shall be provided.

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

1-8-3 **PARKING DESIGN AND MAINTENANCE STANDARDS.**

(A) **Spaces.**

(1) Each required parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long, and shall have at least **seven (7) feet** of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.

(2) For multi-family, business and industrial uses, markings shall be laid and restored as often as necessary to clearly delineate each parking space.

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

(C)

Access Way.

- (1) Parking areas in the Business and Industrial Districts shall be designed so that ingress to and egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.
- (2) No access way to any parking area shall be located within **thirty (30) feet** of any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent traffic hazards.
- (3) Parking lot access ways (as well as residential driveways) and public streets shall be aligned to form, as closely as feasible, right angles.
- (4) The access way to every parking lot located in any business and industrial zoning district shall be at least **twenty-four (24) feet** wide unless two one-way drives, each **twelve (12) feet** wide, are provided.
- (5) The access way to every parking area located in any residential zoning district shall be at least **ten (10) feet** wide; but if the parking area contains more than **eight (8) parking spaces** or if the access way is longer than **one hundred (100) feet**, access shall be provided either by one 2-way drive at least **twenty (20) feet** wide or by two 1-way drives, each at least **ten (10) feet** wide.

(D) **Surfacing.** Parking lots shall be graded and improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface. These requirements shall not apply to single-family residential. **(Note: "Oil and chip" is not comparable material.)**

(E) **Lighting.** Any light(s) used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking lot to the greatest extent possible and in no case, shall the light(s) shine on or into nearby residences.

1-8-4 LANDSCAPING. In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains **twenty (20)** or more parking spaces. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface.

(A) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for a Certificate of Zoning Compliance to develop any parking lot that will contain **twenty (20)** or more parking spaces.

(B) The landscaping plan shall include the following information:

- (1) Proposed type, amount, size and spacing of plantings, including trees, shrubbery and ground cover;
- (2) Proposed size, construction materials, and drainage of landscaped islands; and
- (3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

1-8-5 **LOCATION OF PARKING.** All off-street parking shall be located in conformity with the following requirements:

(A) **For Dwellings.**

- (1) Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.
- (2) All parking spaces accessory to permitted non-dwelling uses located in the residential zoning district generally shall be located on the same lot as the use served. However, by special use permit, such parking facilities may be located on another parcel within **two hundred (200) feet** of the use served. No commercial vehicle exceeding one ton cargo capacity shall be parked anywhere in a residential district (except for normal loading, unloading, and service call), unless a special use permit has been obtained. No vehicle repair work shall be permitted on any parking lot located in any residential district.

(B) **Business And Industrial Districts.**

- (1) Parking spaces accessory to any dwelling located in any business district shall be located within **two hundred (200) feet** of the dwelling. Parking spaces accessory to any other conforming use located in any business or industrial district shall be located within **five hundred (500) feet** of the use served.

- (2) No parking space accessory to any use located in business or industrial district shall be located in any residential district except by special use permit; and in no case shall any such parking areas extend more than **five hundred (500) feet** into a residential district.
- (3) In any business or industrial district, off-street parking facilities for different buildings or uses may be provided collectively if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the use served are observed.

1-8-6 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES. All off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size Of Space.** Every required off-street loading space shall be at least **twelve (12) feet** wide and **forty-five (45) feet** long exclusive of aisle and maneuver space, and shall have vertical clearance of at least **fourteen (14) feet**. 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, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. **(No "oil and chip")**

(D) **Buffer Strips.** No loading space or area for vehicles over **two (2) ton** cargo capacity shall be developed closer than **fifty (50) feet** to the lot line of any lot located in any residential district or in the Agricultural District unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from residential property.

(E) **Location.** Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than **fifty (50) feet** to the intersection of the rights-of-way of **two (2)** or more streets, and not on any required front yard.

1-8-7 COMPUTATION OF REQUIRED PARKING/LOADING SPACES.
In computing the number of parking spaces required by this Code, the Zoning Administrator shall apply the following rules:

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

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

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

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

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

1-8-8 NUMBER OF PARKING AND LOADING SPACES REQUIRED.

Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity:

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
(A) <u>Dwellings, Lodgings:</u>		
Motels, Boarding Houses	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Mobile homes & Immobilized homes	2 spaces per unit	Not Applicable
Multi-family dwellings	2 spaces per dwelling unit	Not Applicable
Single-family & two-family dwellings	2 spaces per dwelling unit	Not Applicable
Manufactured Home	2 spaces per dwelling unit	Not Applicable
(B) <u>Educational, Institutional, Recreational:</u>		
Churches, assembly halls	1 space per 4 seats in the largest seating area	Not Applicable

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Libraries, museums	1 space per 500 sq. ft. of floor area	On review by the Administrator
Nursing Homes	1 space per 5 beds plus 1.5 spaces per employee on the major shift	To 50,000 sq. ft. of floor area..1 space; 50,001 – 100,000 sq. ft...2 spaces
Schools		
Elementary and Junior High	1 space for every 20 students that the building is designed to accommodate, plus employee parking.	On review by the Administrator
Senior High	a space for every 4 students that the building is designed to accommodate, plus employee parking.	On review by the Administrator

(C) Commercial, Office, Service:

Note: All commercial and service uses, unless specifically indicated otherwise below.	1 space per 300 sq. ft. of floor area	To 10,000 sq. ft. of floor area...1 space; more than 10,000 sq. ft...1 space plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.
Financial Institutions		
Walk-in	1 space per 300 sq. ft. of floor area, plus employee parking	(Both walk-in and drive-in): To 30,000 sq. ft. of floor area...none required; 30,001 to 100,000 sq. ft...1 space
Drive-in	5 spaces per teller window	
Beauty and Barber shops	2 spaces per chair, plus employee parking	Not Applicable
Bowling Alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not Applicable, except as required for affiliated uses

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Car Wash	3 spaces per wash lane	Not Applicable
Furniture and appliance stores	1 space per 600 sq. ft. of floor area	To 25,000 sq. ft. of floor area...2 spaces; more than 25,000 sq. ft. of floor area... 2 spaces, plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Home occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling	Not Applicable
Offices generally, but not medical/dental offices	1 space per 300 sq. ft. of floor area	To 30,000 sq. ft. of floor area...none required. 30,001-100,000 sq. ft...1 space
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater.	Not Applicable
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 sq. ft. or more of floor area
Restaurants; refreshment stands		(Both sit-down and drive-in):
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more floor area
Drive-in	1 space per 25 sq. ft. of floor area	

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Service stations	2 spaces per service stall, plus employee parking	Not Applicable
Taverns	1 space per 2 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more of floor area
Theaters		Not Applicable
Indoor	1 space per 4 seats	
Drive-In	On review by the Administrator	
Vehicle sales (autos, boats, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles...1 space 2,5000 sq. ft. of open lot area. Above 10,000 sq. ft...4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of floor area and open lot area...2 More than 25,000 sq. ft. of floor area and open lot area...2 spaces, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.

(D) Industrial:

Any manufacturing, warehousing, or other industrial use	Employee parking of 1 space per 1.5 employee; plus 1 space per company vehicle, plus 1 visitor space per employees on the major shift	To 20,000 sq. ft. of floor area...1 space; 20,001-50,000 sq. ft...2 spaces; 50,001-90,000 sq. ft...3 spaces; above 90,000 sq. ft...3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.
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ARTICLE IX

NONCONFORMITIES

1-9-1 **PURPOSE OF ARTICLE.** The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, nonconformities are frequently responsible for truck traffic on residential streets, the overtaking of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

1-9-2 **NONCONFORMING LOTS: VACANT.** Any vacant lot that does not conform to one or more of the lot size (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 County Recorder of Deeds office prior to the effective date of this Code (or any pertinent amendment thereto); and
- (B) Is at least **thirty (30) feet** wide; and
- (C) That no health hazards will be created by such use.

1-9-3 **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum lot width, depth and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

1-9-4 **NONCONFORMING STRUCTURES.** Any otherwise lawful structure which exists on the effective date of this Code but which could not be erected under the terms of this Code because of requirements/restrictions on lot size, height, setbacks or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions. Nonconforming dwelling units are not subject to these provisions, and may lawfully remain.

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

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

(C) **Reconstruction.** No such structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently pursued to completion.

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

1-9-5 NONCONFORMING USES. Any otherwise lawful use existing on the effective date of this Code which would not be allowed under the terms of this Code may lawfully continue, subject to the following provisions. Dwelling units are not subject to these provisions, and may lawfully remain.

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

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

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

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

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

1-9-6 NONCONFORMITIES UNDER PERMIT AUTHORITY. The regulations of this Article shall not affect the terms of any permit issued prior to the effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE X

ADMINISTRATION

1-10-1 **ZONING ADMINISTRATOR.** The office of Zoning Administrator of Christian 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 for a **two (2) year** term. The Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) to review and pass upon applications for initial and final certificates of zoning compliance;

(B) to inspect land, structures and uses to determine compliance with this Code, and, where there are violations, to initiate appropriate corrective action;

(C) to review and forward to the Zoning Board of Appeals all applications for special use permits, variances, appeals and amendments;

(D) to maintain up-to-date records of this Code including, but not limited to, the district map, special use permits, variances, interpretative decisions of the Board of Appeals, amendments and all applications related to these matters;

(E) to periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Zoning Board of Appeals at least once each year;

(F) to provide information to the general public on matters related to this Code; and

(G) to perform such other duties as the County Board may from time to time prescribe;

(H) to notify the Christian County -911|| Emergency Office of all new construction; and

(I) to notify the Christian County Supervisor of Assessments of all new construction.

1-10-2 **CORRECTIVE ACTION ORDERS.** Whenever the Administrator finds, by inspection or otherwise, that any lot, structure or use, or work thereon, is in violation of this Code, the Administrator shall so notify the responsible party and shall order appropriate corrective action.

1-10-3 **CONTENTS OF CORRECTIVE 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.

1-10-4 **SERVICE OF CORRECTIVE ACTION 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) sent by registered mail to his last known address; or

(C) posted in a conspicuous place on or about the affected premises.

1-10-5 **EMERGENCY MEASURES.** Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

1-10-6 **COMPLAINTS.** Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

1-10-7 **FILING FEES.** By resolution, the County Board shall establish (and may periodically amend) a schedule of filing fees for the various permits and procedures listed in this Code. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the County Treasurer's office. A schedule of filing fees is included in **Appendix "A"**. All fees are non-refundable.

1-10-8 PENALTIES.

(A) Any person who is convicted of a violation of this Code shall be guilty of a petty offence punishable by a fine not to exceed Five **Hundred Fifty Dollars (\$500.00)**, plus costs. Each week that the violation continues shall be considered a separate offense. **Per state statute 55 ILCS 5/5-12017**

(B) In addition to the penalty imposed by paragraph (A) above, in case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building structure or land is used in violation of this Code, the County of Christian, by and through the Office of the Zoning Administrator and the Christian County State's Attorney, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceeds in the Circuit Court of Christian County to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation to prevent the occupancy of said building, structure or land to prevent any illegal act, conduct, business, or use in or about said premises.

(C) Nothing contained in this Section shall prevent the County from taking any other lawful action that may be necessary to secure compliance with this Code.

1-10-9-Reserved

1-10-10-Reserved

ARTICLE XI

SPECIAL PROCEDURES AND PERMITS

DIVISION I - BOARD OF APPEALS

1-11-1 **BOARD ESTABLISHED.** The Zoning Board of Appeals is hereby established in accordance with Illinois law. **(See 55 ILCS 5/5-12001)**

1-11-2 **MEMBERSHIP CHAIRMAN, RESIDENCE.** The Board of Appeals shall consist of **seven (7) members** appointed by the County Board Chairman with the advice and consent of the County Board. At the time of these appointments, 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 Christian County, and each member shall reside in a different congressional township at the time of his appointment. Failure to maintain residency in Christian County shall be cause for removal from the Board.

1-11-3 **TERM OF OFFICE, VACANCIES.** Every 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. 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.

1-11-4 **COMPENSATION.** Each member of the Board of Appeals shall be compensated for his services on a per diem basis with a mileage allowance for travel. The amount of the compensation shall be determined by the County Board and shall be paid out of the County Treasury.

1-11-5 **MEETINGS, QUORUM.** All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times and places within the County as the Board of Appeals may determine. The Chairman or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. **Four (4) members** of a **seven (7) member** Board of Appeals shall constitute a quorum; and the affirmative vote of **four (4) members** shall be necessary to recommend any variation or modification to the County Board.

1-11-6 **RECORDS.** The Board of Appeals shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order or decision of the Board of Appeals shall be filed in the Christian County Zoning Office and shall be a public record.

1-11-7 - 1-11-11 RESERVED.

DIVISION II - APPEALS

1-11-12 **NATURE OF AN APPEAL.** Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law (**See 55 ILCS 5/5-12001**) and the provisions of this Division.

1-11-13 **FILING, RECORD TRANSMITTAL.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Board of Appeals a written notice specifying the grounds for appeal. [Every appeal shall be filed with the **Christian County Soil and Water Conservation District** as per State law (**See 70 ILCS 405/22.02a**) and, if the land in question is within **one and one-half (1 ½) miles** of a municipality, with the Clerk of that municipality.] Not more than **five (5) working days** after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. [**Note: Filing fee required.**]

1-11-14 **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 Circuit Court grants a restraining order for due cause and so notifies the Administrator.

1-11-15 **PUBLIC HEARING, NOTICE.** The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party (including any school or other taxing district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice indicating the time, date and place of the hearing and briefly describing the issue to be decided shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

(A) by first-class mail to the petitioner and to all parties whose properties are adjacent to the premises by certified mail with return receipt request to which the appeal pertains;

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

1-11-16 **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, in whole or in part, or may modify or amend the decision or order appealed from the extent and in the manner that it deems appropriate. In so doing, the Board of Appeals has all the power of the Administrator.

1-11-17 - 1-11-19 **RESERVED.**

DIVISION III - SPECIAL USE PERMITS

1-11-20 **SPECIAL USES BY PERMIT.** This Code divides the County into various districts and permits in each district, as a matter of right, only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only by permission of the County Board. **State Statue 55 ILCS 5/5-12009.5**

1-11-21 **APPLICATION.** Every applicant for special use permit shall submit to the Administrator, in narrative and graphics form on forms provided by the County, the items of information listed below. [Every special use permit application shall also be filed with the Christian County Soil and Water Conservation District as per State law, (**See 70 ILCS Sec. 405/22.02a**) and, if the land in question is within **one and one-half (1 ½) miles** of a municipality, with the Clerk of that municipality.] The Administrator shall promptly transmit the completed application, and any comments or recommendation he/she 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 use;
- (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 the proposed dwelling units, if any;
- (J) documentation of age and pictures to show proof of condition of proposed mobile home;
- (K) number and location of proposed parking/loading spaces and access ways;
- (L) identification and location of all existing or proposed utilities, whether public or private; and/or
- (M) any other pertinent information that the Administrator may require.

1-11-22 **PUBLIC HEARING NOTICE: SPECIAL-USE.** 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 than **fifteen (15) days** before the hearing:

(A) by first class mail to the applicant and by certified mail to all parties whose properties are 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.

1-11-23 **ADVISORY REPORT, FACTORS CONSIDERED.** Within a reasonable time after the public hearing, the Board of Appeals shall submit its advisory report to the County Board. In deciding what its 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 properties and on the County's overall tax base;

(C) whether there are any facilities near the proposed special use (e.g. schools, hospitals, etc.) that require special protection or consideration.

(D) The recommendation to the full County Board by the Board of Appeals can be : to Deny, Grant or Grant subject to conditions.

(E) **Four (4) members** of a **seven (7) member** Board of Appeals shall constitute a quorum; and the affirmative vote of **four (4) members** shall be necessary to recommend any variation or modification to the County Board per **State Statute 55ILCS 5/5-12009.5**.

1-11-24 **ACTION BY COUNTY BOARD.** The County Board shall act on every request for special use permit at its next regularly scheduled meeting following submission of the Board of Appeals' advisory report. The County Board may grant a special use permit by an ordinance passed by a simple majority vote of all members then holding office.

1-11-25 - 1-11-27 **RESERVED.**

DIVISION IV - VARIANCES

1-11-28 VARIANCES.

(A) A variance is a relaxation of the requirements of this Code that are applicable to a particular lot or structure.

(B) A so-called -use variance (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and should be granted only as provided for in **Section 1-11-36**.

1-11-29 APPLICATION FOR VARIANCES. Every application for a variance shall submit to the Administrator, in narrative and graphics form on forms provided by the County, the items of information listed below. (Every variance application shall also be filed with the County Soil and Water Conservation District as per State Law (**See 70 ILCS 405/22.02a**) and, if the land in question is located within **one and one-half (1 ½) miles** of a municipality, with the Clerk of that municipality.) The Administrator shall promptly transmit said application to the Board of Appeals together with any recommendation or comments he/she 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 Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (E) any other pertinent information that the Administrator may require.

1-11-30 PUBLIC HEARING NOTICE. The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party including any school or other taxing district in which the property in question is located may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice of the hearing shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

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

1-11-31 **CONTENTS OF NOTICE.** The notice of a public hearing on a variance request shall include the following information:

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

1-11-32 **STANDARDS FOR VARIANCES.** **The Board of Appeals shall not grant any variance unless, based upon the evidence presented to them, they determine that:**

- (A) the proposed variance is consistent with the general purpose of this Code (See **Section 1-1-2**); and
- (B) strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property; and
- (C) the proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and
- (D) the plight of the applicant is due to circumstances not of his own making; and
- (E) the circumstances engendering the variance request are peculiar and not applicable to other property within the district and, therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (F) the variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of the County's Comprehensive Plan.

1-11-33 **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. The Board shall specify the terms of relief granted (if any) in one statement and its findings of fact in another statement. The findings of fact shall clearly indicate the Board of Appeal's reasons for granting or denying any requested variance.

1-11-34 - 1-11-35 **RESERVED.**

DIVISION V – AMENDMENTS; REZONINGS AND TEXT

1-11-36 **AMENDMENTS.** The County Board shall amend this Code in accordance with State law (**See 55 ILCS 5/5-12014**) and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, or prohibited) shall be deemed proposed amendments. Amendments may be proposed by the County Board, the Administrator, the Board of Appeals, County Planning Commission, or any party in interest.

1-11-37 **FILING FOR AMENDMENTS.** Every proposal to amend this Code shall be submitted to Administrator in narrative and graphics form on forms provided by the County and shall include 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 this proposal with the Christian County Soil and Water Conservation District (**See 70 ILCS 405/22.02a**) and, if the land in question is located within **one and one-half (1 ½) miles** of a municipality, with the Clerk of that municipality. The Administrator shall promptly transmit copies of the proposal, together with any comments or recommendation he/she may wish to make, to the Board of Appeals. (**NOTE: Filing fee required.**)

1-11-38 **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 Christian County Courthouse. At the hearing any interested party (including any school or other taxing 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.

1-11-39 **NOTICE OF PUBLIC HEARING.** Notice indicating the time, date and place of the public hearing, and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

(A) by first class mail to the applicant and to all parties by certified mail with return receipt to whose properties are adjacent to the property that would be rezoned (in the case of rezoning); and

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

1-11-40 ADVISORY REPORT FROM ZONING BOARD. 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 rezoning, the advisory report shall include findings of fact concerning each of the following matters:

- (A) existing use(s) and zoning of the property in question;
- (B) existing use(s) and zoning of other lots in the vicinity of the property in question;
- (C) suitability of the property in question for uses already permitted under existing regulations;
- (D) suitability of the property in question for the proposed use and based upon the current Christian County Land Evaluation and Site Assessment (LESA) system;
- (E) suitability of the property in question for the proposed use noting the proximity of livestock operations;
- (F) the trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned;
- (G) the effect the proposed rezoning would have on implementation of the County Comprehensive Plan.

1-11-41 ACTION BY COUNTY BOARD. The County Board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the aforementioned advisory reports. The County Board may pass any proposed amendment by simple majority vote except as indicated below.

1-11-42 EXCEPTIONS; UNANIMOUS VOTE REQUIRED. The favorable vote of at least **three-fourths (3/4)** of all the members of the County Board is required to pass an amendment to this Code in the following instances:

- (A) in the case of a written protest against a proposed amendment, filed with the County Clerk, and signed or acknowledged by the owners of **twenty percent (20%)** of the 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, when the proposed amendment is of an initiated parcel number change of an original parcel number, filed with the County Clerk, and signed by the owners of **twenty percent (20%)** of the frontage of the original parcel proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley there from the original parcel number, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage of the original parcel number proposed to be altered;

(C) in the case of a written protest against a proposed amendment that affects land location 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 Mayor and Board of Trustees of said municipality; and
- (3) filed with the County Clerk.

CHAPTER 2

MANUFACTURED HOUSING CODE

ARTICLE I - GENERAL PROVISIONS

2-1-1 **DEFINITIONS.** The terms used in this Code shall have the following meanings:

"AFFIDAVIT" means an oath in writing, sworn before and attested by an individual who has authority to administer an oath.

"APPLICANT" means any person making application for a license or permit.

"IMMOBILIZED MANUFACTURED HOME": As applied to a manufactured home, —immobilize|| means to remove the wheels, tongue and hitch and to affix to a permanent foundation. The term implies that, once affixed to a permanent foundation, the destruction of said foundation would be necessary in order to move the dwelling to another location. In Accordance with the Christian County Installation of Manufactured Homes and Mobile Homes Ordinance.

"LICENSE" means a license certificate issued by the County allowing a person to operate and maintain a manufactured home park under the provisions of this Code and the rules and regulations issued hereunder.

"LICENSEE" means any person having a license or permit under this Chapter.

"MANUFACTURED HOME": (See Zoning Code – Section 1-2-2)

"MANUFACTURED HOME, DEPENDENT": (See Zoning Code – Section 1-2-2)

"MANUFACTURED HOME, DOUBLE-WIDE": (See Zoning Code – Section 1-2-2)

"MANUFACTURED HOME, INDEPENDENT": (See Zoning Code – Section 1-2-2)

"MANUFACTURED HOME LOT": (See Zoning Code – Section 1-2-2)

"MANUFACTURED HOME PAD": (See Zoning Code – Section 1-2-2)

"MANUFACTURED HOME PARK": (See Zoning Code – Section 1-2-2)

“MANUFACTURED HOME PARK LICENSE”: (See Zoning Code – Section 1-2-2)

“MANUFACTURED HOME SALES AREA”: (See Zoning Code – Section 1-2-2)

“MANUFACTURED HOME SPACE”: (See Zoning Code – Section 1-2-2)

“MANUFACTURED HOUSING UNIT”: (See Zoning Code – Section 1-2-2)

“MOBILE HOME”: (See Zoning Code – Section 1-2-2)

“MODULAR HOME”: (See Zoning Code – Section 1-2-2)

“OWNER” or “OPERATOR” means the licensee.

“PERMANENT FOUNDATION”, for a manufactured home, means a continuous perimeter foundation of material such as mortared concrete block, mortared brick, or concrete that extends into the ground below the established frost depth and to which the home is secured with foundation bolts at least **one-half (1/2) inch** in diameter, spaced at intervals of no more than **six (6) feet** and within **one (1) foot** of the corners, and embedded at least **seven (7) inches** into concrete foundations or **fifteen (15) inches** into block foundations. **In Accordance with the Christian County Installation of Manufactured Homes and Mobile Homes Ordinance.**

“PERMIT” means a certificate issued by the Building or Zoning Inspector, permitting the construction, alteration, or reduction in number of spaces of a manufactured home park under the provisions in this Code.

“PERSON” means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof or any other entity.

“REVOCATION” means to declare invalid a permit or license issued to the applicant or licensee by the County for an indefinite period of time.

“SITE” means the lot on which the manufactured home is located for permanent habitation. **(See 210 ILCS Sec. 115/2.7)**

“SPACE” shall be synonymous with **“Manufactured Home Space”**.

“SUSPENSION” means to declare invalid a permit or license issued to the applicant or licensee by the County for a temporary period of time with an expectation of resumption.

2-1-2 STATE REQUIREMENTS ADOPTED BY REFERENCE. The Illinois **Mobile Home Park Act** and the **Mobile Home Tie down Act (77 Ill. Adm. Code 870)** of the **Illinois Compiled Statutes, Chapter 210, Section 115/1 et seq., as passed, approved and amended by the Illinois General Assembly** are hereby adopted by the County. The applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the limits of the County.

2-1-3 MANUFACTURED HOUSING ACT ADOPTED. The **Illinois Manufactured Housing and Mobile Home Act**, as passed and approved by the **Illinois General Assembly** is hereby adopted by the County, the applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the County. **(See 430 ILCS Sec. 115/1 et seq.)**

2-1-4 ILLINOIS DEPARTMENT OF PUBLIC HEALTH ADOPTED AND REGULATIONS. The **Manufactured Home Community Code** as approved by the **Illinois Department of Public Health (1998)** is hereby adopted by the County. The applicable provisions as they pertain to the Manufactured Home community shall be controlling within the County.

2-1-5 NATIONAL SAFETY STANDARDS. No manufactured home or immobilized manufactured home shall be located in the County unless the unit has the **National Manufactured Housing Construction and Safety Standards** metal seal affixed thereto.

2-1-6 FIRE EXTINGUISHERS. All manufactured housing units located in the County shall be equipped with a fire extinguishing apparatus capable of extinguishing all types of fires. Such extinguishers shall be of sufficient size so that they will reasonably protect the manufactured housing units. All fire extinguishers shall be approved by the respective Fire Chief or his designated representative prior to installation. **(See 425 ILCS Secs. 60/1-60/4)**

2-1-7 INSPECTION. All manufactured housing units located in the zoned area of the County shall be subject to reasonable inspection by an official or officials designated by the Zoning Administrator or the Health Department.

2-1-8 **OFF-STREET PARKING.** Every owner of a manufactured housing unit shall provide for a dustless, off-street parking area of **four hundred (400) square feet.**

2-1-9 **PROHIBITED RESIDENTIAL USES.**

(A) **Dependent Mobile Home.** It shall be unlawful to locate a dependent mobile home in the County unless placed in a state-licensed travel trailer park.

(B) **Independent Travel Trailer.** It shall be unlawful to reside in an independent travel trailer in the County unless it is located in a state-licensed travel trailer park.

(C) **Manufactured Home.** It shall be unlawful to locate a manufactured home or a mobile home in a state-licensed travel trailer park without written permission of the Zoning Administrator.

2-1-10 **OWNER OCCUPIED.** All manufactured home units located outside of a manufactured home park shall be the owner of the land and the manufactured home.

ARTICLE II - IMMOBILIZED MANUFACTURED HOMES

2-2-1 **IMMOBILIZED MANUFACTURED HOMES.** All immobilized manufactured homes located in the County shall be classified as real estate or real property; therefore, it is mandatory for all persons owning, operating, renting, or leasing an existing manufactured home outside a manufactured home park to remove or cause to have removed the wheels or any other transportation device from the manufactured home. The owner or lessor shall permanently fix it to the ground in a manner that conforms to the definition of **permanent foundation** in **Section 2-1-1**. All existing manufactured homes, when replaced, shall comply with the immobilization provisions of this Code.

2-2-2 **PERMIT - FEE.** All persons seeking to locate or replace a manufactured home or an immobilized manufactured home outside a manufactured home park shall obtain a **Building Permit** from the Zoning Administrator and a zoning permit. No utility services shall be connected to the unit until the County has issued the appropriate permits. A special use permit may be required from the County. **(See Zoning Code for districts permitting these uses.)**

2-2-3 **LOT SIZE.** The minimum lot size for the location of an immobilized manufactured home unit shall be **eight thousand (8,000) square feet**. All units shall be located in the County according to the requirements and restrictions of this Code. They shall not exceed **forty percent (40%) coverage** of the lot or the requirements of the Zoning Code.

2-2-4 **LIMIT OF UNITS.** There shall be **only one (1)** immobilized manufactured home per lot in the County pursuant to the Zoning Code.

ARTICLE III - MANUFACTURED HOME PARKS

DIVISION I - ADMINISTRATION REQUIREMENTS

2-3-1 COMPLIANCE WITH STATUTES, APPLICABILITY OF ARTICLE. Every manufactured home park hereafter established in the County shall, at a minimum, conform to the requirements of:

(A) The Illinois **Mobile Home Park Act** and the **Mobile Home Tiedown Act (77 Ill. Adm. Code 870)** of the **Illinois Compiled Statutes, Chapter 210, Section 115/1 et seq., as passed, approved and amended by the Illinois General Assembly** are hereby adopted by the County. The applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the corporate limits of the County.

(B) The **Manufactured Home Community Code** as approved by the **Illinois Department of Public Health (1998)** is hereby adopted by the County. The applicable provisions as they pertain to Manufactured Home community shall be controlling within the corporate limits.

(C) **This Code.**

(D) Zoning Code, if any.

In case of conflict between any provisions of the above, the more stringent requirement shall prevail.

2-3-2 PERMITTING AND PLANNING A PARK. Any person seeking to establish, operate, alter, or expand a manufactured home park shall obtain a permit to construct or a license to operate a manufactured home park.

“Construct or operate a manufactured home park”, as used in this Code shall include, but not necessarily be limited to supplying or maintaining common water, sewer, or other utility supplies or services, or the collection of rents directly or indirectly from **two (2)** or more independent manufactured homes. **(All plans shall be submitted to the Zoning Board for a hearing for a special use permit. The provisions of the Zoning Code governing hearings shall apply.)**

2-3-3 LOCAL GOVERNMENT REQUIREMENTS. A permit does not relieve the applicant from complying with this Code or other ordinances applicable thereto. **(See Zoning Code.)**

2-3-4 PERMITS. The Zoning Board shall review each application and plan documents submitted. When the application and plan documents are found to be in compliance with the **“Manufactured Home Community Code”**, as approved by

the **Illinois Department of Public Health**, the Zoning Board may recommend the special use permit to construct or alter a manufactured home park to the applicant. Special use permits shall be valid for **one (1) year from date of issue.**

2-3-5 INSPECTION OF MANUFACTURED HOME PARK. Upon completion of the proposed construction of a manufactured home park or the proposed alteration of a manufactured home park, the applicant shall notify the County Zoning Administrator in order that an inspection of the complete facilities can be made.

2-3-6 VIOLATION PROCEEDINGS. Any license granted hereunder shall be subject to revocation or suspension by the County Chairman. However, the Zoning Administrator or his representative shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with the statutes, or any rules or regulations promulgated by the County pertaining thereto. The notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice within **five (5) days** or within a longer period of time as may be allowed by the County Board. If the licensee fails to comply with the terms and conditions of the notice within the time specified or such extended period of time, the County Chairman or his representative may revoke or suspend such license.

2-3-7 INITIAL PERMIT REQUIRED. Each manufactured home that locates on a lot in a manufactured home park shall secure an initial Building Permit from the County and a Zoning Permit from the County. All future locations on the same lot shall be exempt from the fee. **(See Zoning Code)**

2-3-8 - 2-3-9 RESERVED.

DIVISION II - DESIGN AND CONSTRUCTION REQUIREMENTS

2-3-10 **PLAN DOCUMENT.** In order to obtain a permit to construct or an original license to operate a manufactured home park, the applicant shall file with the County a written application and plan documents and such plan documents shall be prepared by a registered engineer or architect licensed to practice in the State of Illinois, with registration seal affixed. **Two (2) copies** of the plan document shall accompany the application filed with the Zoning Administrator to obtain a permit to construct or alter a manufactured home park or an original license to operate a manufactured home park, not previously licensed by the Department. These plans shall include, but not be limited to the design and construction criteria set forth herein.

2-3-11 **APPLICATION.**

(A) Every applicant shall file with the Zoning Administrator a written application and plan documents for the proposed construction or alteration of a manufactured home park.

(B) The application shall be completed by the applicant and the engineer or architect and shall include:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application.

(2) The proposed method of lighting the structures and land upon which the manufactured home park is to be located.

(3) The plot plans of the manufactured home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities.

(4) An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.

(5) Each application shall be accompanied by an application fee **(See Fee Schedule).**

2-3-12 LOCATION.

(A) Sites selected for manufactured home development shall be well-drained and free from topographical or geological hindrances and from other conditions unfavorable to a proper residential environment. The manufactured home development shall not be located near swamps, wetlands, marshes, or other breeding places of insects, rats, mice or other rodents. When a good, natural drainage is not available, storm water drainage shall be provided and such drainage shall not endanger any water supply or surface watercourse.

(B) The Zoning Administrator may authorize a site survey to ascertain that the proposed location complies with the above requirements. **(See Flood Plain and Zoning Codes.)**

2-3-13 ROADWAYS AND PARKING.

(A) All streets and driveways in every park shall be constructed in compliance with the County's Subdivision Code.

(B) All streets in parks constructed shall have a minimum right-of-way of **fifty (50) feet** and a minimum road width of **thirty-two (32) feet** for the purpose of this Code, and shall be considered private streets to be maintained by the park owner or operator.

 If a manufactured home park has more than **fifty (50) units**, a wider street may be required by the County Engineer.

(C) Sidewalks and walkways shall be constructed abutting a street in a manufactured home park and shall be a minimum of **four (4) feet** in width; provided, however, there shall be no minimum width requirement for sidewalks for each individual lot. No portion of a manufactured home shall block, in any way, the pedestrian traffic on the walkways.

2-3-14 - 2-3-16 RESERVED.

DIVISION III - GENERALLY

2-3-17 **LOT SIZE.** The minimum lot size for a manufactured home pad shall be **eight thousand (8,000) square feet**, with a minimum frontage of **sixty (60) feet**.

2-3-18 **MISCELLANEOUS RESTRICTIONS.**

(A) No manufactured home unit parked in a manufactured home park shall be immobilized.

(B) Not more than **one (1) manufactured home unit** shall be parked in **one (1)** space.

(C) No travel-trailer shall be permitted in any manufactured home park, unless a special area has been approved for that purpose by the Zoning Board.

2-3-19 **SKIRTING.** Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be installed on all manufactured housing units within **sixty (60) days** of the placement of the unit.

2-3-20 - **2-3-20 RESERVED.**

DIVISION IV - FEES

2-3-21 **LICENSE FEE.** (See Fee Schedule).

FEE SCHEDULES

SCHEDULE OF FILING FEES

	<u>Filing Fee</u>	<u>Publication Cost</u>
Appeals	\$350.00	Per Cost
Special Uses	\$350.00	Per Cost
Variances	\$350.00	Per Cost
Amendments	\$350.00	Per Cost

MOBILE HOME PARK FEES

APPLICATION FEE

Application Fee of **Three Hundred Dollars (\$300.00)** for a permit to construct, or an application fee of **One Hundred Fifty Dollars (\$150.00)** for a permit to alter to increase the size of the park.

LICENSE FEE

The annual license fee per manufactured home park shall be **One Hundred Dollars (\$100.00)**, and shall be due and payable **on or before May 1st of each year**. The County Clerk shall notify the owner or operator of the annual fee at least **thirty (30) days** prior to **May 1st**.

PERMIT FEE SCHEDULE

<u>Building Type</u>	<u>Filing Fee</u>
Buildings or structures to be used for agricultural purposes as defined by the Zoning Code	No Fee

To partially defray expenses of administering the ordinance, a fee will be charged for each permit and collected by the county, the permit fees will be as follows:

<u>Fee Schedule</u>	
1. Home construction on a basement:	\$0.40/sq. ft.
2. Home construction on a crawl space:	\$0.30/sq. ft.
3. Attached porches and garages (a non-living area):	\$0.20/sq. ft.
4. Out buildings detached from the home over 10 x 12 (garages, pole barns):	\$0.20/sq. ft.
4b. Any structure 10' x 12' and under (barns, portable sheds) - flat fee:	\$20.00
5. Additions to a house:	\$0.30/sq. ft.
6. Commercial buildings and additions:	\$0.25/sq. ft.
7. Single wide mobile home - flat fee:	\$125.00
8. Double wide mobile home - flat fee:	\$225.00
9. Home moved to a new location - flat fee:	\$225.00
10. Oil or Gas Drilling and Injection Wells or Conversion Certificates - flat fee:	\$40.00
11. Cellular tower - flat fee:	\$3,000.00
12. Collocation on tower - per Antenna fee:	\$1,000.00
13. Individual Wind Generation Turbine - flat fee:	\$200.00

Permits with respect to erection, maintenance, repair, alteration, remodeling or extension of buildings and structures used or to be used for agricultural purposes shall be issued free of any charge and further provided that nothing herein contained shall exempt residential structures on farms from paying, and further provided that permits for repair or replacement of buildings and structures damaged or destroyed by fire, windstorm, riots or Act of God, shall be issued free of charge.

**CHRISTIAN COUNTY ORDINANCE
REGULATING THE SITING OF WIND ENERGY
CONVERSION SYSTEMS
ORDINANCE NO. 02008 ZN 004**

I. INTRODUCTION

A. Title

This Ordinance shall be known, cited and referred to as the Christian County Wind Energy Siting Ordinance.

B. Purpose

This Ordinance is adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in Christian County is safe and effective;
2. To facilitate economic opportunities for local residents;
3. To promote the supply of wind energy in support of Illinois' statutory goal of increasing energy production from renewable energy sources.

II. DEFINITIONS

- A. "Applicant" means the entity or persons who submits to the County pursuant to Section V of this Ordinance, an application for the siting of any WECS or Substation.
- B. "Financial Assurance" means reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.
- C. "Operator" means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors,
- D. "Owner" means the entity or entities with an equity interest in the WECS(s), including the respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.

- E. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in the State of Illinois.
- F. "Primary Structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial building, hospitals, and day care facilities, Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.
- G. "Substation" means that apparatus that connects the electrical collection system of the WECS (s) and increases the voltage for connection with the utility's transmission lines.
- H. "Wind Energy Conversion System" ("WECS") means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).
- I. "WECS Project" means the collection of WECS(s) and Substations as specified in the siting approval application pursuant to Section V of this Ordinance.
- J. "WECS Tower" means the support structure to which the nacelle and rotor are attached.
- K. "WECS Tower Height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

III. APPLICABILITY

This Ordinance governs the siting of WECS(s) and Substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECS(s) with an aggregate generating capacity of 3MW or less who locate the WECS(s) on their own property are not subject to this Ordinance.

IV. PROHIBITION

No WECS or Substation governed by Section III of this Ordinance shall be constructed, erected, installed or located within Christian County unless prior siting approval has been obtained for each individual WECS and Substation pursuant to this Ordinance.

V. SITING APPROVAL APPLICATION

- A. To obtain siting approval, the Applicant must first submit a siting approval application to the County.

- B. The siting approval application shall contain or be accompanied by the following information:
1. A WECS Project summary, including, to the extent available:
(1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECS(s), and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;
 2. The name(s), address(es), and phone numbers(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known;
 3. A site plan for the installation of WECS(s) showing the planned location of each WECS Tower, guy lines and anchor bases (if any). Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;
 4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance; and
 5. Any other information normally required by the County as part of its Zoning Ordinance.
- C. The Applicant shall immediately notify Christian County of any changes to the information provided in Section V.B. above that occur while the siting approval application is pending.

VI. DESIGN AND INSTALLATION

A. Design Safety Certification

1. WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters

Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.

2. Following the granting of siting approval under this Ordinance, a Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions,

B. Controls and Brakes

1. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

C. Electrical Components

All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).

D. Color

Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.

E. Compliance with the Federal Aviation Administration

The Applicant for the WECS shall comply with all applicable FAA requirements and shall provide documentation of compliance to the Christian County Zoning Administrator.

F. Warnings

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations,

Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.

G. Climb Prevention

1. All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:
 - a. Fences with locking portals at least six feet high; or
 - b. Anti-climbing devices 12 feet vertically from the base of the WECS Tower.

H. Setbacks

1. All WECS Towers shall be set back at least 1000 feet from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the Primary Structure may waive this setback requirement; but in no case shall a WECS Tower be located closer to a Primary Structure than 1.10 times the WECS Tower Height. All WECS Towers shall have a setback of 2000 feet from all residential districts.
2. All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height from public roads, third party transmission lines, and communication towers. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property. The County Board may waive this setback requirement.
3. All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height from adjacent property lines. The affected adjacent property owner may waive this setback requirement.

I. Compliance with Additional Regulations

Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.

J. Use of Public Roads

1. An Applicant, Owner, or Operation proposing to use county or township road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s) shall;
 - a. Identify all such public roads; and

- b. Obtain applicable weight and size permits and easements for placement of cables on or under rights of way from relevant government agencies prior to construction.
- 2. To the extent an Applicant, Owner, or Operator must obtain a weight or size permit from the county and township, the Applicant, Owner or Operator shall:
 - a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage, and the need for pre-construction modifications and improvements on existing roadways; and
 - b. Secure Financial Assurance, in a reasonable amount agreed to by the relevant parties, which shall be contained in a road use agreement which the parties must enter into before construction begins for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS.

K.

- 1. All WECS facilities will have a maximum height not to exceed 450 feet.

VII. OPERATION

A. *Maintenance*

- 1. The Owner or Operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition to the above annual summary, the Owner or Operator must furnish such operation and maintenance reports as the County reasonable requests.
- 2. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Section VI(A)(1) of this Ordinance. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third-party certifying entity identified in Section VI(A)(1) of this Ordinance to determine whether the physical modification requires re-certification.

B. *Interference*

1. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan, as set forth in Section V.8,1, and V.B.3. of this Ordinance. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall take reasonable steps to respond to the complaint.
2. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take reasonable steps to respond to the complaint.

C. *Coordination with Local Fire Department*

1. The Applicant, Owner or Operator shall submit to the local fire department a copy of the site plan.
2. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

D. *Materials Handling, Storage and Disposal*

1. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
2. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

VIII. NOISE LEVELS

Noise levels from each WECS or WECS Project shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements.

IX. BIRDS

A qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the siting approval application process, to determine if the installation of WECS(s) will have a substantial adverse impact on birds.

X. PUBLIC PARTICIPATION

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation.

XI. LIABILITY INSURANCE

The Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate.

XII. DECOMMISSIONING PLAN

Prior to receiving siting approval under this Ordinance, the County and the Applicant, Owner, and/or Operator must formulate a Decommissioning Plan to ensure that the WECS Project is properly decommissioned. The Decommissioning Plan shall include:

- A. Provisions describing the triggering events for decommissioning the WECS Project;
- B. Provisions for the removal of structures, debris and cabling, including those below the soil surface;
- C. Provisions for the restoration of the soil and vegetation;
- D. An estimate of the decommissioning costs certified by a Professional Engineer;
- E. Financial Assurance, secured by the Owner or Operator, for the purpose of adequately performing decommissioning, in an amount equal to the

Professional Engineer's certified estimate of the decommissioning costs;

- F. Identification of and procedures for County access to Financial Assurances;
- G. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs; and
- H. A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.

XIII. REMEDIES

- A. The Applicant's Owner's or Operator's failure to materially comply with any of the above provisions shall constitute a default under the Ordinance.
- B. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- C. If the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provisions addressing the resolution of such default(s) shall govern. All issues regarding the siting of wind energy conversion systems is governed by this ordinance and no other county ordinance applies.

XIV. FEE SCHEDULE

- A. Upon submittal of the application for a wind energy conversion system special use, shall submit a certified check to Christian County in the amount of \$50,000. This amount shall be placed in a guaranteed money market account that will be used to cover the County's cost incurred during the special use application review process and public hearing(s). Should the actual costs to the County exceed \$50,000, the applicant shall be responsible for those costs and shall remit additional funds within 15 days of the notice from the County. An amount remaining in the account after the County renders its decision and all bills and invoices have been paid, shall be refunded to the applicant. The County requests that the applicant shall file ten copies of the WECS special use application upon submittal of the WECS special use application fee.

- B. The building permit fee for each new "Wind Energy Conversion System (WECS) Tower", including the infrastructure that the tower supports shall be \$5000. Fee for any major improvements to an existing WECS Tower, including the infrastructure for the tower support shall be \$2500.

BE IT FINALLY ORDAINED, that the Board reserves the express right to change, modify or terminate these regulations and procedures at any time, in whole or in part, for any reason, with or without prior notice upon its own unilateral act.

APPROVED AND ADOPTED by the County Board of Christian County, Illinois, this 20th day of May, 2008.

**Christian County Zoning
Ordinance # 02017ZN012**

**THE COUNTY BOARD OF CHRISTIAN COUNTY, ILLINOIS
AN ORDINANCE FOR SOLAR ENERGY FACILITIES**

TITLE.

This ordinance shall be known as the Solar Energy Ordinance.

AUTHORITY.

This ordinance is adopted pursuant to authority granted by ILCS Chapter 55 Counties Division 5-12 Zoning and Section 5/51063 Building Construction, Alteration, Maintenance.

PURPOSE.

The purpose of this ordinance is to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a solar energy facility and to allow for the orderly development of land, protect property values and esthetic conditions within the county. This ordinance does not repeal, abrogate, annul, impair, or interfere with any existing ordinance.

APPLICABILITY.

This ordinance applies to all unincorporated lands within the boundaries of Christian County.

DEFINITIONS.

In this ordinance:

- (1) "Abandonment" means to give up, discontinue, and withdraw from. Any solar energy facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned.
- (2) "Board" means the Zoning Board of Appeals.
- (3) "Building" means any structure having a roof supported by columns or walls, and designated or intended for the shelter, solar panel, support, enclosure or protection of persons, animals or chattels.
- (4) "Code Administrator" means the Zoning Officer/Building Administrator
- (5) "Committee" means the Christian County Zoning Committee.
- (6) "County Board" means Christian County Board,
- (7) "County Engineer" means Christian County Engineer,

- (8) "Decommissioning plan" means a document that details the planned shut down or removal of a solar energy facility from operation or usage.
- (9) "Department" means the Zoning/Building Department.
- (10) "Fence" means a continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength.
- (11) "Gate" means a door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.
- (12) "Improved Area" means the area containing solar panels, electrical inverters, storage buildings and access roads.
"Public Road" means any road or highway which is now or hereafter designated and maintained by the Illinois Department of Transportation, Christian County, or any Township or Municipality in Christian County,
- (13) "Residence" means a building used as a dwelling for one or more families or persons.
- (14) "Residential Area" means any area within one quarter 1/4th mile of a solar energy facility having twenty-five or more dwellings.
- (15) "Solar Energy Facility" means an energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall only include those facilities that sell electricity to be used off site. Also with a lot size no smaller than 5 Acres.

STANDARDS.

Location

A solar energy facility may only be located in areas that are zoned AG-1 Agriculture or 1-2 Industrial with special use and building permits.

Set Backs.

- (a) Setbacks will be in accordance with Section of the zoning ordinance.
- (b) Improved areas shall be at least 100 feet from any residence or church, measured from the principle building in a non-residential area. Improved areas shall be 50 feet from a residence or church, measured from the property line in a residential area.

Security

- (a) Solar energy facilities shall be fenced completely as defined above. The perimeter fence shall be designed to restrict unauthorized access,
- (b) An information, sign shall be posted and maintained at the entrance(s) which lists the

name and phone number of the operator,

Equipment

- (a) On site power lines between solar panels and inverters shall be placed underground.
- (b) The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
- (c) If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
- (d) The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.

PERMIT REQUIREMENTS

Special Use Permit.

A Special use permit approved by the County Board is required for each solar energy facility. See Christian County Zoning Ordinance for Information on Special Use Hearings.

Building Permit.

A building permit is required for the installation of each solar energy facility. The building permit fee will be \$10,000.00 for first 2 Mega Watts and \$1,000.00 per Mega Watt after first 2 Mega Watts.

Expiration.

A Special Use permit issued pursuant to this ordinance expires if:

- (a) The solar energy facility is not installed and functioning within 2 years from the date the permit is issued; or
- (b) The solar energy facility is out of service or otherwise unused for a continuous 12-month period. Board may grant extensions to the 2 year deadlines based on hardship conditions.

Fees.

- (a) The application for a Special Use permit must be accompanied by the fee required for each solar energy facility.
- (b) The application for a building permit must be accompanied by the fee required for each solar energy facility.
- (c) Fee amount for Hearing on Siting of a Solar Farm \$1000.00

Financial Assurance.

- (a) Reasonable evidence of financial ability to construct the solar energy facility as determined by the County Board is a condition precedent to the issuance of any special use or building permit under this ordinance,
- (b) Christian County shall require a performance bond or surety bond financial assurance to Christian County for each solar energy facility that guarantees the performance of the restoration requirement set forth.

RESTORATION REQUIREMENT.

Abandonment.

A solar energy facility that is out of service for a continuous 12-month period will be deemed to have been abandoned or if property owner does not receive payments after this period of time, The Code Administrator may issue a Notice of Abandonment to the owner of a solar energy facility that is deemed to have been abandoned. The Code Administrator WILL withdraw the Notice of Abandonment if the Board approves an extension based on hardship conditions.

Termination.

The owner of a solar energy facility shall provide the Code Administrator with a Written Notice of Termination of Operations if the operation of a solar energy facility is terminated,

Physical Removal.

Within 12 months of receipt of Notice of Abandonment or within 12 months of providing Notice of Termination of Operations, the owner of a solar energy facility must:

- (a) Remove all solar panels, above ground improvements, and outdoor storage;
- (b) Remove all foundations, pads, and underground electrical wires to a depth of 4 feet below the surface of the ground; and
- (c) Remove all hazardous material from the property and dispose of the hazardous material in accordance with federal and state law.

Failure to Comply.

Failure to comply with any of the conditions or restrictions imposed on a Special Use permit shall be deemed a violation of the Zoning Ordinance.

Appeals.

All Code Administrator determinations may be appealed to the Board.

SPECIAL USE PERMITS PROCEDURE.

Application

Special Use permit applications shall be submitted to the Code Administrator. The application must be on a form approved by the Code Administrator and must be accompanied by 25 copies of a scaled drawing, other descriptive information sufficient to enable the Committee and Board to determine whether the requirements of this ordinance will be satisfied, and such other information as may be specified on the application form. The Code Administrator will review the application materials for completeness and may request that the applicant provide additional information. When the Code Administrator determines that the application is complete, the Code Administrator will forward it to the Committee and Board. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided.

Hearing

The Committee and Board will conduct a hearing on the application within 60 days after application submittal and minimum 15-day public notice. The public meeting and hearing both Committee and Board will submit recommendations and finding of facts to the County Board,

Special Use Permits

The County Board may grant a special use permit if it determines that the requirements of this ordinance are met and that granting the permit will not unreasonably interfere with the orderly land use and development plans of the county. Both the Board and County Board may include conditions in the permit as provided if those conditions preserve or protect the public health, safety and property values. Both the Board and County Board may consider the following factors when setting conditions:

- (c) Proposed ingress and egress.
- (d) Proximity to transmission lines to link the system to the electric power grid,
- (e) Number of solar panels and their location.
- (f) Nature of land use on adjacent and nearby properties.
- (g) Location of other energy systems in the surrounding area.
- (h) Surrounding topography.
- (i) Proximity to residential structures, residential zoning districts, or areas identified for future residential use.
- (j) Design characteristics that may reduce or eliminate visual obtrusiveness.
- (k) Possible adverse effects on animals and wildlife,
- (l) Possible adverse effects of stray voltage, interference with broadcast signals, and noise.
- (m) Impact on the orderly development, property values, and esthetic conditions within the county.
- (n) Map of surface drainage patterns.
- (o) Drainage tile map.

- (p) All State Drainage Laws must be followed.
 - (q) Any other factors relevant to proposed system.
- (1) Recommendations of any aggrieved parties that may be affected by the solar energy facility.
 - (2) Also if any damage done to any existing field tile with installation of panels or fencing it would be repaired immediately,
 - (3) That there would be a weed control plan for inside and outside of the fenced in property.

Variances

The Board may consider variances to one or more of the factors, See Christian County Zoning Ordinance "Variances".

Final Determination

The Committee and Board recommendations, finding of facts and any conditions will be recorded in the minutes and forwarded to the County Board for final determination.

Appeals

The County Board's decision to approve or reject the special use permit application may be appealed According to the Christian County Zoning Ordinance.

BUILDING PERMIT PROCEDURE

Application

Building permit applications shall be submitted to the Code Administrator, The Application must be on a form approved by the Code Administrator and must be accompanied by two copies of a drawing that shows the proposed location and distance of the solar energy facility with reference to the property lines of the parcel on which it is located; any residence, business, or public building on an adjacent parcel; the right-of-way of any public road that is within 500 feet; and such other information as may be specified on the application form. Construction plans prepared and sealed by a structural engineer licensed to practice in Illinois, will be required for each solar energy facility. Special inspections by approved inspection agencies will be required

Time Frame

The Code Administrator should issue a permit or deny the application within one month of the date on which the application is received,

Meets Requirements

The Code Administrator will issue a building permit for a solar energy facility if the application materials show that the proposed location meets the requirements of this

ordinance, building code and the special use permit issued by the County Board.

Copies

If the application is approved, the Code Administrator will return one copy of the drawing with the building permit and retain the other copy with the application.

Rejection

If the application is rejected, the Code Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected,

Posting

The building permit must be conspicuously posted on the premises so as to be visible to the public at all times until construction or installation of the solar facility is complete.

Appeals

All Code Administrator determinations may be appealed to the Board.

SIGNAL INTERFERENCE.

The owner of a solar energy facility must take such reasonable steps as are necessary to prevent, eliminate, or mitigate any interference with cellular, radio or television signals caused by the solar energy facility.

VIOLATIONS.

It is unlawful for any person to construct, install, maintain, modify, or operate a solar energy system that is not in compliance with this ordinance or with any condition contained in a special use or building permit issued pursuant to this ordinance. See applicable Zoning Ordinance, and ILCS sections.

ADMINISTRATION AND ENFORCEMENT.

Administration

This ordinance shall be administered by the Code Administrator.

Entering property

The Code Administrator may enter any property for which a special use or building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute,

ordinance and code.

PENALTIES.

Zoning petty offense.

Maximum \$500 fine with each week violation continues uncorrected constituting a separate offense. Building - petty offense. Maximum \$500 fine with each week violation continues uncorrected constituting a separate offense.

Enforcement

Nothing in this section shall be construed to prevent the county from using any other lawful means to enforce this ordinance.

COUNTY HIGHWAY AND TOWNSHIP ROAD AGREEMENTS.

Each solar energy facility shall have a written agreement with County Engineer and respective Township Highway Commissioner(s) regarding use of county/township road, bridges and right-of-way. Performance/surety bonds or other financial assurance documents may be required to guarantee the performance of the road agreements before a building permit can be issued.

RELATED RULES AND REGULATIONS.

Each solar energy system shall comply with all applicable local, state and federal requirements.

SEVERABILITY.

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

DECOMMISSIONING PLAN

Elements

A. A decommission plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months, the operating company and or the land owner have 12 months to complete the decommission plan or the county can grant an extension if needed or the county will take necessary decommission steps. The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Decommissioning security

financing shall be required by the county in order to assure the proper decommissioning of the site and in no instance shall the financial security be less than \$1,000.00 per acre. This security financing shall be in the form of a bond, The decommissioning plan and financial security must be presented to and accepted by the Christian County Board prior to the issuance of a building permit for the facility.

An update to this decommissioning plan should be submitted to the county every three years. In addition any decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) shall be submitted with the application.

The county reserves the right to require additional information or components to the plan as the county deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.

Review

The County Board shall approve the Plan after review that the decommission plan meets industry standards once as part of the application process.

Remedies

If the owner-or-operator fails at any point to comply with the approved plan, the County has the following remedies:

A. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute grounds for a revocation of the construction permit or default under this Ordinance. Approval of the special use for a solar energy facility shall be deemed conclusive evidence that the Applicant, Owner, or Operator has complied with the above provisions with respect to application for and approval of such special use or.

B. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s) or,

C. If after the 60 (sixty) day period: (i) the Applicant, Owner, or Operator has not cured the alleged default, or (ii) the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing Christian County Solar Energy Facilities Ordinance provisions in addressing the resolution of such default(s) shall govern.