

Title 8
ZONING REGULATIONS

Chapter 1
GENERAL PROVISIONS

ARTICLE A. SCOPE

8-1A-1: TITLE:

This title shall be known and may be cited as the *ZONING ORDINANCE OF JO DAVIESS COUNTY, ILLINOIS*, although it may be referred to hereafter as the "zoning ordinance", or "this title". (Ord. 2009-3, 5-12-2009)

8-1A-2: AUTHORITY:

This zoning ordinance is enacted pursuant to the powers granted and limitations imposed by the constitution and laws of the state of Illinois, including, but not limited to, the statutory authority granted in 55 Illinois Compiled Statutes 5/5-12001 et seq., and all modifications and amendments thereto. (Ord. 2009-3, 5-12-2009)

8-1A-3: REPEAL OF PREVIOUS ORDINANCE:

The zoning ordinance of Jo Daviess County adopted on December 14, 1993, and made effective March 1, 1995, and all amendments thereto are hereby deleted and replaced with the terms of this title effective coincident with the effective date hereof. (Ord. 2009-3, 5-12-2009)

8-1A-4: PURPOSE AND INTENT:

The purposes of this title are promoting the public health, safety, and general welfare, conserving the values of property throughout the county, lessening or avoiding congestion in the public streets and highways, and lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters, and for such other lawful purposes that are in the public interest and to assist in the implementation of the Jo Daviess County comprehensive plan adopted September 14, 1999, and as subsequently amended. (Ord. 2009-3, 5-12-2009)

8-1A-5: APPLICABILITY AND JURISDICTION:

The provisions of this zoning ordinance shall apply to the development of all structures and land within the unincorporated area of Jo Daviess County unless exempted under the terms of this section or by the laws of the United States or the state of Illinois, and shall be in conjunction with the provisions of [title 9](#), "Subdivision Regulations", of this code. Note: Specific exemptions such as the agricultural use exemption or the preemption of land which is the subject of a valid preannexation agreement with a municipality are not specifically listed.

- A. Process: It shall be unlawful to conduct development on any parcel or the construction of any structure on a parcel until: 1) all applicable development review and approval processes have been followed; 2) all applicable approvals have been obtained; and 3) all required permits or authorizations to proceed have been issued.
- B. Regulations: All buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alteration, relocation, or substantial improvement of existing buildings, or structures occurring hereafter shall be subject to all regulations of this title which are applicable to the zoning districts in which such building, structure, use, or land shall be located.
- C. Exemptions: The provisions of this title shall not be exercised so as to impose regulations; eliminate uses, buildings or structures; or require permits with respect to land, to the extent limited to that which the law of the state of Illinois prohibits said regulation by the county. In the event that any structure or land ceases to be used only for an exempt purpose, then such structure or land shall be subject to the provisions of this title. (Ord. 2009-3, 5-12-2009)

8-1A-6: RULES OF CONSTRUCTION:

- A. Meanings And Intent: All provisions, terms, phrases and expressions contained in this zoning ordinance shall be construed according to the stated purpose and intent of the zoning ordinance.
1. Words and terms used in this zoning ordinance shall be given the meanings in [chapter 7](#) of this title. The words and terms, set forth herein under "definitions" wherever they occur in this title, shall be interpreted as herein defined.
 2. Technical and nontechnical words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

3. The words "shall" and "will" are mandatory and not discretionary.
 4. The word "may" is permissive.
 5. The word "lot" shall include the words "piece", "parcel" and "tract"; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
 6. The word "person" means any individual, association, company, corporation, firm, organization, estate, joint venture, and partnership, trustee, singular or plural of any kind or other legal entity capable of holding title to real property.
 7. Words used in the present tense shall include the future.
 8. Words used in the singular number shall include the plural number and the plural the singular.
 9. Any words not defined as follows shall be construed in their generally accepted meanings as defined in the most recent publication of "Merriam Webster's Dictionary".
- B. Distance: All measured differences shall be to the nearest integral foot. If a fraction of a foot is less than six inches (6"), the integral foot next below shall be taken.
- C. Text: In case of any difference of meaning or implication between the text of this and any heading, drawing, table or figure, the text shall control.
- D. Computation Of Time: The time within which an act is to be completed shall be computed by including the first day and excluding the last day. In the computation of time for public hearing notice, the day of the advertisement shall be counted and the day of the hearing shall be excluded.
- E. Delegation Of Authority: Whenever a provision appears requiring the head of a department or another officer or employee of the county to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
- F. Public Officials And Agencies: All public officials, bodies, and agencies to which references are made are those of Jo Daviess County, unless otherwise indicated. (Ord. 2009-3, 5-12-2009)

8-1A-7: COMPLIANCE WITH THE REGULATIONS:

The regulations set by this title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building shall be erected, converted, placed, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for the purpose and in the manner permitted in the district in which the building or land is located.
- B. Land required for setbacks, open spaces, off street parking or loading spaces for any existing building or new building shall be used for only one building.
- C. Every building hereafter erected or structurally altered shall be located on a zoning lot, and in no case shall there be more than one principal building per zoning lot, except in the agricultural district(s) or except as otherwise provided in the ordinance.
- D. The provisions of these regulations shall be considered the minimum requirements for the promotion of the public health, safety, morals, comfort and welfare. Where provisions of this title impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this title shall be controlling, unless the provisions of the statute do not expressly allow greater restrictions or such greater restrictions cannot be reasonably implied from expressed statutory authority, then in that event the statute controls. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this title, the provisions of such statute, other ordinance or regulation shall prevail.
- E. The regulations of this zoning ordinance are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship, provided that when the provisions of this zoning ordinance impose a greater restriction than imposed by such private agreement, the provisions of this zoning ordinance shall control. (Ord. 2009-3, 5-12-2009)

8-1A-8: INTERPRETATION:

In their interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

- A. Where the conditions imposed by any provision of this title, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this title or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern, unless the provisions of the statute do not expressly allow greater restrictions or such greater restrictions cannot be reasonably implied from expressed statutory authority, then in that event the statute controls.

- B. No building, structure, or use which was not lawfully existing at the time of the adoption of this title shall become or be made lawful solely by reason of the adoption of this title; and to the extent that, and in any manner that said unlawful building, structure, or use is in conflict with the requirements of this title, said building, structure, or use remains unlawful hereunder.
- C. Nothing contained in this title shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.
- D. The provisions in this title are additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this title. (Ord. 2009-3, 5-12-2009)

8-1A-9: VALIDITY AND SEVERABILITY CLAUSE:

- A. If any court of competent jurisdiction shall declare any part of this title to be invalid, such ruling shall not affect any other provisions of this title not specifically included in said ruling.
- B. If any court of competent jurisdiction shall declare invalid the application of any provision of this title to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling. (Ord. 2009-3, 5-12-2009)

Chapter 2 ORGANIZATION, ADMINISTRATION AND ENFORCEMENT

ARTICLE A. ORGANIZATION

8-2A-1: ADMINISTRATION:

The administration of this title is hereby vested in the following:

- A. Zoning administrator.
- B. Zoning board of appeals. (Ord. 2009-3, 5-12-2009)

8-2A-2: AUTHORITY OF THE ZONING ADMINISTRATOR:

The zoning administrator is hereby designated pursuant to 55 Illinois Compiled Statutes 5/5-12008, as from time to time amended, to enforce this title, and in furtherance of such authority shall receive and review applications for permits to erect buildings or structures, or to alter or remodel existing buildings or structures, and shall have the power to make orders, requirements, decisions and determinations with respect to the enforcement of the terms of this title and to:

- A. Administer all procedures concerning permits when such permits are required by this title, and in connection therewith shall:
 - 1. Review all applications for construction permits required herein; issue such permits for application conforming with the regulations of this title; and make such periodic inspections during construction as may be necessary to ensure compliance with this title;
 - 2. Upon completion of construction, or upon application for an occupancy permit for a change of use, inspect the premises and issue an occupancy permit if such construction or change of use complies with the regulations of this title;
 - 3. Review applications for temporary occupancy permits and issue such temporary occupancy permits for applications conforming to the regulations of this title;
 - 4. Maintain records of all applications and permits;
- B. Make such investigations, decisions and determinations of requirements, and issue such violation notices and compliance orders as are necessary to enforce this title, and keep records of such notices and orders;
- C. Decide or make recommendations on all other matters under this title upon which the zoning administrator is required to act;
- D. Receive petitions for variations, amendments, and special use permits that are to be referred to the zoning board of appeals or other appropriate reviewing body;
- E. Maintain permanent and current records of this title, including, but not limited to, all maps, amendments, special uses, variations, appeals and applications therefor; and revise the zoning district map to show all amendments thereto;

F. Maintain and provide public information relative to all matters arising out of this title; and

G. Collect fees as authorized by the county board. (Ord. 2009-3, 5-12-2009)

8-2A-3: ZONING BOARD OF APPEALS:

A. Creation: The zoning board of appeals of Jo Daviess County ("zoning board") is hereby created in accordance with Illinois law, including 55 Illinois Compiled Statutes 5/5-12010.

B. Membership And Term Of Office:

1. Appointment Of Zoning Board: The chairperson of the county board, with advice and consent of the county board shall appoint a zoning board of appeals consisting of five (5) members. One of the members so appointed shall be named as chair at the time of his/her appointment, and in case of vacancy the chairperson of the county board shall designate a chairperson.
2. Additional Members: The chairperson of the county board, with the advice and consent of the county board may appoint two (2) additional members to the zoning board.
3. Terms Of Membership On Zoning Board: The zoning board shall consist of five (5) members to serve, respectively, for the following initial terms:
 - a. One member for one year;
 - b. One member for two (2) years;
 - c. One member for three (3) years;
 - d. One member for four (4) years; and
 - e. One member for five (5) years.

Thereafter, each member of the zoning board shall serve for a term of five (5) years. The additional members so appointed shall serve a term of five (5) years. At the end of the term of the two (2) additional members, the county board may provide for the appointment of successors in the same manner or may allow the board of appeals to revert to a membership of five (5).

4. Residency Of Members Of Zoning Board: All members of the zoning board shall be residents of separate townships at the time of their appointment.
5. Alternate Members Of The Zoning Board: The chairperson of the county board may appoint two (2) persons to the zoning board, subject to confirmation by majority vote of the members of the county board, who shall serve as alternates for the other members of the board. Such alternates shall serve respectively, for the following initial terms:
 - a. One alternate for four (4) years;
 - b. One alternate for five (5) years.

Thereafter each alternate member of the zoning board shall serve a term of five (5) years. Alternate members of the zoning board may reside in any township, provided that they do not reside in the same township as any other member at the time of their appointment.

Alternate members, if appointed, shall serve as members of the board only in the absence of regular members, with the alternate member who has the greatest amount of time remaining in his or her term to have priority over the other alternate members in determining which alternate member shall serve in the absence of a regular member.

6. Removal: The county board chairperson shall have the power to remove any member of the zoning board for cause, after a public hearing.
7. Vacancies On Zoning Board: Vacancies shall be filled by the chairperson of the county board for the unexpired term of any member whose place has become vacant.

C. Jurisdiction And Authority: The zoning board is hereby vested with the following jurisdiction and authority:

1. Appeals Of An Administrative Decision Interpreting/Enforcing The Ordinance: Hear and decide appeals from and review any order, requirement, decision or determination made by the zoning administrator.
2. Variation: To hear and decide, after public hearing, variations from strict application of this title, in accordance with Illinois law, including 55 Illinois Compiled Statutes 5/5-12010. On a particular appeal for a variation from strict application of this title, the zoning board shall determine whether the requested variation would be in harmony with the general purpose and intent of the ordinance, and whether there are practical difficulties or particular hardships in the way of carrying out the strict letter of any such regulations relating to the use, construction or alteration of buildings or structures or the use of land.
3. Special Use Permits: To hear applications for special use permits in the manner set forth and under the standards established in [article D of this chapter](#), and, after public hearing, report its finding(s) and make its recommendation(s) to the county board. The county board may accept or reject, in whole or in part, the finding(s) and/or recommendation(s) of the zoning board on such applications for special use permit(s), and may refer any such application back to the zoning board for further hearing(s), finding(s), and/or recommendation(s).
4. Amendments: To hear applications for amendment(s) to this title, in the manner set forth and under the standards established in [article E of this chapter](#), and, after the public hearing, report its finding(s) and make its recommendation(s) to the county board. The county board may accept or reject, in whole or in part, the finding(s) and/or recommendation(s) of the zoning board on such applications for amendment(s), and may refer any such application back to the zoning board for further hearing(s), finding(s), and/or recommendation(s).

D. Meetings And Rules:

1. Time And Place: All meetings of the zoning board shall be held at the call of the chairperson and at such times and places within the county as the zoning board may determine.
2. Open To The Public: All meetings of the zoning board shall be open to the public.
3. Minutes: The zoning board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
4. Public Record: Every rule, regulation, every amendment or repeal thereof, and order, requirement, decision or determination of the zoning board shall immediately be filed in the office of the board and shall be a public record.
5. Oaths; Witnesses: The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses.
6. Notice: Where a public hearing before the zoning board is required by this title, unless otherwise specified to the contrary elsewhere in this title, notice of each hearing shall be published at least fifteen (15) days in advance thereof in a newspaper of general circulation published in the township or road district in which such property is located. If no newspaper is published in such township or road district, then such notice shall be published in a newspaper of general circulation published in the county and having jurisdiction where such property is located.
7. Expenses: In the performance of its duties, the zoning board may incur such expenses as are authorized by the county board.
8. Compensation Of The Zoning Board: The members of the zoning board shall be compensated on a per diem basis with a mileage allowance for travel, the amounts to be determined by the county board.
9. Decisions Of The Zoning Board: The concurring vote of three (3) members of a board consisting of five (5) members, or the concurring vote of four (4) members of a board consisting of seven (7) members is necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or resolution, or to effect any variation in such ordinance or resolution to the county board. (Ord. 2009-3, 5-12-2009)

8-2A-4: ACTIONS SUBJECT TO ADMINISTRATIVE REVIEW:

All final administrative decisions of the zoning board hereunder shall be subject to judicial review pursuant to the provisions of the administrative review law¹ and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in section 3-101 of the code of civil procedure. (Ord. 2009-3, 5-12-2009)

8-2A-5: ACTIONS SUBJECT TO DE NOVO REVIEW:

Any decision by the county board in regard to any petition or application for a special use, variance, rezoning, or other amendment to a zoning ordinance shall be subject to de novo judicial review as a legislative decision, regardless of whether the process in relation thereto is considered administrative for other purposes. (Ord. 2009-3, 5-12-2009)

8-2A-6: TIME FOR SEEKING REVIEW:

Any action seeking the judicial review of such a decision shall be commenced not later than ninety (90) days after the date of the decision². (Ord. 2009-3, 5-12-2009)

8-2A-7: DUE PROCESS REQUIREMENT:

The principles of substantive and procedural due process apply at all stages of the decision making and review of all zoning decisions. (Ord. 2009-3, 5-12-2009)

ARTICLE B. APPEALS FROM DECISIONS OF THE ZONING ADMINISTRATOR

8-2B-1: PERSONS WHO MAY APPEAL:

An appeal may be taken to the zoning board of appeals by any person aggrieved or by an officer, department, board or bureau of Jo Daviess County affected by any order, requirement, decision, or determination of the zoning administrator relative to the interpretation of this title. (Ord. 2009-3, 5-12-2009)

8-2B-2: REQUESTS FOR CONSIDERATION:

Prior to taking of an appeal, the aggrieved person may file, within thirty (30) days of the decision, a request for reconsideration with the office of the zoning administrator. The request for reconsideration shall specify the grounds for the request. Upon receipt of the request for reconsideration, the zoning administrator shall, within thirty (30) days, prepare a written answer to the aggrieved person's request. Such answer shall include findings of fact, conclusions, and a final decision. This document shall be signed by the zoning administrator and thereafter forwarded to the aggrieved person. (Ord. 2009-3, 5-12-2009)

8-2B-3: TIME FOR TAKING APPEALS OF ZONING ADMINISTRATOR'S DECISIONS:

An appeal from a decision of the zoning administrator shall be taken within ninety (90) days of receipt of the final decision of the zoning administrator,

unless, some other time is fixed by the zoning board of appeals pursuant to 55 Illinois Compiled Statutes 5/5-12011. (Ord. 2009-3, 5-12-2009)

8-2B-4: PROCEDURE FOR APPEALS:

A. An appeal stays all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the zoning board, after the notice of appeal has been filed, that by reason of the facts stated in the certificate, a stay would, in the zoning administrator's opinion, cause an eminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the zoning board or by a court on application, on notice to the zoning administrator and on due cause shown.

B. The zoning board shall fix a reasonable time for the hearing of the appeal. (Ord. 2009-3, 5-12-2009)

8-2B-5: DECISION OF APPEALS:

The zoning board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the zoning administrator. (Ord. 2009-3, 5-12-2009)

8-2B-6: FINALITY OF ZONING DECISIONS OF THE ZONING BOARD FOR ADMINISTRATIVE APPEALS:

All final administrative decisions of the zoning board hereunder shall be subject to judicial review pursuant to the provisions of the administrative review law¹ and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in section 3-101 of the code of civil procedure². (Ord. 2009-3, 5-12-2009)

8-2B-7: RECORDS OF APPEALS:

The zoning administrator shall maintain complete records of all actions of the zoning board with respect to appeals, and shall keep the county board informed on the current basis of the disposition of each case. (Ord. 2009-3, 5-12-2009)

8-2B-8: TIME FOR TAKING APPEALS:

Appeals from final zoning decisions of the county board must be filed within ninety (90) days unless a shorter filing period is required by another law. (Ord. 2009-3, 5-12-2009)

ARTICLE C. VARIATIONS

8-2C-1: ADMINISTRATIVE VARIATION AS TO LOCATION OR BULK OF STRUCTURES:

If an application is made for a variation of ten percent (10%) or less of the regulations of this title governing the location of structures or as to the bulk requirements under this title, such variation may be granted by the zoning administrator without a public hearing, provided that, before such variation is granted, a notice of intent to grant such is sent by certified mail to all adjoining landowners, and no adjoining landowner files a written objection with the zoning administrator within fifteen (15) days of receipt of such notice of intent. If within fifteen (15) days after receiving such notice of intent, an adjoining landowner files a written objection to such variation with the zoning administrator, then the requested variation shall be heard and decided, after a public hearing, by the zoning board in accordance with this article. (Ord. 2009-3, 5-12-2009)

8-2C-2: PROCEDURE FOR VARIATIONS:

- A. Process: All variations, except for administrative variations as described herein, shall be made only by ordinance, resolution or otherwise in a specific case and after a public hearing before the zoning board.
1. Applications For Variations: An application for a variation shall be filed with the zoning administrator in such form and accompanied by such information as may be required by the zoning administrator.
 2. Public Hearing: The zoning administrator shall deliver the application to the zoning board who shall hold a public hearing on each application for a variation at such time and place as shall be established by the zoning board.
 3. Standards For Variations: The zoning board of appeals shall make findings of fact based upon the evidence presented to it specifying the reason for making such variation including findings with respect to the following standards:
 - a. The physical surroundings' shape or topographical conditions of the specific property will cause practical difficulties or a particular hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - b. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property within the same zoning classification.
 - c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
 - d. The alleged difficulty or hardship is caused by this title and has not been created by persons presently having an interest in the property.

- e. The granting of the variation will not alter the essential character of the locality, and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire or flooding, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - g. The variation requested is the minimum variation that will make possible the reasonable use of the land or structure.
- B. Notice Published: There shall be at least fifteen (15) days' notice of the date, time, and place of such public hearing published in a newspaper of general circulation published in the township or road district in which the subject property is located. If no newspaper is published in such township or road district, then such notice shall be published in a newspaper of general circulation published in Jo Daviess County having circulation where such property is located. Costs or charges for publication of such notice shall be paid by the petitioner or applicant.
- C. Notice To Contain Certain Information: The notice of public hearing for a variation shall contain:
- 1. 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, highway, road, thoroughfare or intersection;
 - 2. Whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual and true principal;
 - 3. Whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of twenty percent (20%) of all outstanding stock of such corporation;
 - 4. Whether the petitioner or 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 and actual owners of such business or entity;
 - 5. Whether the petitioner for application 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
 - 6. A brief statement of what the proposed variation consists.
- D. Conditions And Restrictions On Neighborhood Property: The zoning board may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set out in this title to reduce or minimize the effect of such variation upon other property in the neighborhood and to better carry out the general intent of this title.
- E. Finality Of Zoning Decisions Of The Zoning Board For Variations: The decision and findings of the zoning board on an application for variation, after a public hearing, shall, except as provided in subsection F of this section, be final.
- F. Objection Of Townships In Certain Cases: If a township located within the county has a plan commission, and the plan commission objects to a zoning variation which affects unincorporated areas of the township, the township board of trustees within fifteen (15) days after the public hearing before the board of appeals on such zoning variation, may submit its written objections to the county board of the county where the unincorporated areas of the township are located. In such case, the county board shall not approve the zoning variation, except by the favorable vote of three-fourths ($\frac{3}{4}$) of all members of the county board. (Ord. 2009-3, 5-12-2009)

8-2C-3: AUTHORIZED VARIATIONS:

- A. Variations from the regulations of this title may be granted only in the following instances, and in no others, except as otherwise provided herein:
- 1. To permit setback or yard less than the setback or yard required by this title;
 - 2. To permit any building or structure to exceed the height limitations imposed by this title;
 - 3. To permit the use of a lot for a use otherwise prohibited solely because of insufficient area of the lot;
 - 4. To permit variations in the required off street parking imposed by this title;
 - 5. To permit variations in the required lighting regulations imposed by this title;
 - 6. To permit variations in the required supplemental regulations as imposed by this title;
 - 7. Exceptionally unique circumstances, as determined by the planning and zoning board upon the recommendation of the zoning administrator, that would involve instances other than or more extreme than allowed above, may be considered as a variation from the regulations of this title. (Ord. 2012-3, 2-14-2012)

ARTICLE D. SPECIAL USES

8-2D-1: DEFINITION:

Special uses may include, but are not limited to, public and quasi-public uses affecting the public interest; uses that have a unique, special, or unusual impact upon the use or enjoyment of neighboring property; and uses that affect planned development. A use may be permitted in one or more zoning districts and may be a special use in one or more other zoning districts. (Ord. 2009-3, 5-12-2009)

8-2D-2: NOTICE:

A special use may be granted only after a public hearing conducted by the board of appeals. There must be at least fifteen (15) days' notice before the hearing. The notice must include the time, place, and date of the hearing and must be published in a newspaper published in the township or road district where the property is located. If there is no newspaper published in the township or road district where the property is located, the notice must be published in a newspaper of general circulation in the county. The petitioner or applicant must pay the cost of the publication of the notice required by this section. The notice must also contain:

- A. The particular location of the property for which the special use is requested by legal description and by street address, or if there is no street address, by locating the property with reference to any well known landmark, highway, road, thoroughfare, or intersection;
- B. Whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal;
- C. Whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of twenty percent (20%) of all of the outstanding stock or shares of the corporation;
- D. Whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity;
- E. Whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association; and
- F. A brief statement of the proposed special use. (Ord. 2009-3, 5-12-2009)

8-2D-3: ADDITIONAL NOTICE:

In addition to any other notice required by this article, the board of appeals must give at least fifteen (15) days' notice before the hearing to:

- A. Any municipality whose boundaries are within one and one-half (1¹/₂) miles of any part of the property proposed as a special use; and
- B. The owner or owners of any land adjacent to or immediately across any street, alley or public right of way from the property proposed as a special use. (Ord. 2009-3, 5-12-2009)

8-2D-4: NECESSITY TO MEET STANDARDS:

A special use may be granted only upon evidence that the special use meets the standards established for that classification in the ordinance. The special use may be subject to conditions reasonably necessary to meet those standards. In addition to any standards or conditions that may be applicable to a specific special use, the following general standards shall apply to all special uses:

- A. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
- B. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair values within the neighborhood.
- C. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- D. Adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.
- E. Adequate measures have been or will be taken to provide ingress and egress designated to minimize traffic congestion in public streets. (Ord. 2009-3, 5-12-2009)

8-2D-5: ADDITIONAL COMPLIANCE:

The special use shall in all other respects conform to the applicable regulations of the district in which it is located. In addition, the special use shall meet any applicable standards set forth in this title which specify additional standards to that specific special use as defined in this title. (Ord. 2009-3, 5-12-2009)

8-2D-6: ACTION BY THE ZONING BOARD OF APPEALS AND COUNTY BOARD:

The board of appeals shall report to the county board a finding of fact and a recommendation as to whether the county board should deny, grant, or grant

subject to conditions the special use. The county board may, by ordinance and without a further public hearing, adopt any proposed special use on receiving the report, deny the request for special use, or it may refer the proposal back to the board of appeals for further consideration. (Ord. 2009-3, 5-12-2009)

8-2D-7: DURATION OF THE SPECIAL USE PERMIT:

No ordinance granting a special use permit shall be valid for a period longer than one year from the date of such ordinance unless the erection of a building or structure is started or the use is commenced within such a period, unless such time period is extended through appeal to and approval by the zoning board of appeals. If no appeal is made, or no extension of time is received or granted, the permit shall immediately terminate upon expiration of the one year period. Upon granting of a special use permit, the county board may stipulate a period longer than one year to commence the authorized use considering the nature of said use. (Ord. 2009-3, 5-12-2009)

ARTICLE E. AMENDMENT OF REGULATIONS AND DISTRICTS

8-2E-1: TYPES OF AMENDMENTS:

For purposes of this article, the term "text amendment" means an amendment to the text of a zoning ordinance, which affects the whole county, and the term "map amendment" means an amendment to the map of a zoning ordinance, which affects an individual parcel or parcels of land. (Ord. 2009-3, 5-12-2009)

8-2E-2: AUTHORITY TO AMEND; WHO MAY FILE:

- A. The regulations imposed and the districts created under the authority of this title may be amended from time to time by ordinance or resolution, after the ordinance or resolution establishing same has gone into effect. Amendments may be proposed by the county board, zoning board, any property owner, or a person or organization with a property interest in the subject property.
- B. An application for an amendment shall be filed with the zoning administrator, who after ascertaining it contains the information required by this title shall forward the application to the zoning board. (Ord. 2009-3, 5-12-2009)

8-2E-3: HEARING REQUIREMENT:

No such amendments shall be made without a hearing before the zoning board. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation published in such county. (Ord. 2009-3, 5-12-2009)

8-2E-4: PLACE OF HEARINGS:

- A. Hearings on text amendments shall be held in the courthouse of the county or other county building with more adequate facilities for such hearings.
- B. Hearings on map amendments shall be held in the township or road district affected by the terms of such proposed amendment or in the courthouse, or other county building with more adequate facilities for such hearings, of the county in which the affected township or road district is located. Provided, that if the owner of any property affected by such proposed map amendment so requests in writing, such hearing shall be held in the township or road district affected by the terms of such proposed amendment. (Ord. 2009-3, 5-12-2009)

8-2E-5: ZONING BOARD PROCEDURES:

The zoning board upon receipt of the application from the zoning administrator shall:

- A. Conduct a hearing as required by this title within a reasonable period of time, and
- B. Consider the following factors:
 1. Existing uses and zoning of nearby property;
 2. Extent to which property values are diminished by particular zoning restrictions;
 3. Extent to which destruction of value of plaintiff's property promotes the health, safety, morals, or general welfare of the public;
 4. Relative gain to public compared to hardship imposed upon individual property owner;
 5. Suitability of subject property for zoned purposes, including, but not limited to, LESA score;
 6. Length of time the property has been vacant as zoned, considered in context of land development in vicinity;
 7. Community need for the proposed use; and
 8. Care with which community has undertaken to plan its land use development.

Although no one factor is determinative as to validity of the appropriateness of an amendment, the primary concern is whether the property in question is proposed to be zoned in conformity with surrounding uses and whether those uses are uniform and established.

C. Make a recommendation to the county board based upon its consideration of the factors listed in this section which may include terms and conditions of approval. (Ord. 2009-3, 5-12-2009)

8-2E-6: COUNTY BOARD VOTING REQUIREMENTS TO AMEND:

A. Text Amendments: Text amendments may be passed at a county board meeting by a simple majority of the elected county board members, except that in the following circumstances, a vote of three-fourths ($\frac{3}{4}$) of all of the members of the county board shall be required:

1. Written protests against the proposed text amendment are signed by five percent (5%) of the landowners of the county;
2. The corporate authorities of the zoned municipality with limits nearest adjacent, file a duly adopted resolution objecting to the amendment with the county. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment; or
3. As to text amendments that affect an unincorporated area of a township located within Jo Daviess County that has a plan commission and the plan commission objects to a text amendment, and the township board of trustees submits its written objections to the county board within thirty (30) days after the hearing before the board of appeals.

B. Map Amendments: Map amendments may be passed at a county board meeting by a simple majority of the elected county board members, except that in the following circumstances, a vote of three-fourths ($\frac{3}{4}$) of all of the members of the county board shall be required:

1. In case of written protest against any proposed map amendment that is either:
 - a. Signed by the owner or owners of at least twenty percent (20%) of the land to be rezoned; or
 - b. Signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right of way from at least twenty percent (20%) of the perimeter of the land to be rezoned; or
 - c. In cases where the land affected lies within one and one-half ($1\frac{1}{2}$) miles of the limits of a zoned municipality, and that municipality has duly adopted a resolution objecting to the amendment and filed the objection with the county clerk.
2. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

C. Votes Required With Township Protests: If a township located within Jo Daviess County has a plan commission, and the plan commission objects to a text amendment or a map amendment affecting an unincorporated area of the township, then the township board of trustees may submit its written objections to the county board within thirty (30) days after the hearing before the board of appeals, in which case the county board may not adopt the text amendment or the map amendment affecting an unincorporated area of the township except by the favorable vote of at least three-fourths ($\frac{3}{4}$) of all the members of the county board.

D. Rezoning Error: Notwithstanding any other provision of this article, if a map amendment is proposed solely to correct an error made by the county as a result of a comprehensive rezoning by the county, the map amendments may be passed at a county board meeting by a simple majority of the elected board. (Ord. 2009-3, 5-12-2009)

ARTICLE F. PERMITS AND FEES

8-2F-1: ZONING CERTIFICATE:

When a building permit is required by any ordinance of this code the zoning administrator, or his/her authorized assistants or deputies, shall examine the application for such permit and/or certificate, and if such application and supporting documents show that the proposed project is in compliance with the regulations of this title, shall issue a zoning certificate indicating the zoning district wherein the property is located. Where the zoning administrator of Jo Daviess County has issued a zoning certificate for a permitted use or special use, such permit shall become null and void unless work thereon is substantially under way within one year of the date of the issuance of such permit, or within the period of time beyond one year granted by the county board. (Ord. 2009-3, 5-12-2009)

8-2F-2: FEES:

Fees for appeals, variations, map amendments, text amendments, concept plans for planned unit developments, planned developments, special use permits and zoning certificate or any type of request shall be as established by resolution of the county board. (Ord. 2009-3, 5-12-2009)

ARTICLE G. VIOLATIONS AND PENALTIES

8-2G-1: VIOLATION AND ENFORCEMENT:

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 title, or other regulation under authority conferred hereby, the proper authorities of the county or of the township in which the building, structure or land is located, 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 proceedings in the circuit court 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 or to prevent any illegal act, conduct, business, or use in or about such premises. (Ord. 2009-3, 5-12-2009)

8-2G-2: PENALTY:

Any person who violates the terms of this title shall be guilty of a petty offense punishable by a fine not to exceed five hundred dollars (\$500.00), with each week the violation remains uncorrected constituting a separate offense. (Ord. 2009-3, 5-12-2009)

Chapter 3 DISTRICT REGULATIONS

8-3-1: PREAMBLE:

The various zoning districts and their boundaries on the zoning district map are related to implementing the preservation and improvement of areas characterized by existing buildings and structures and uses conforming with the district regulations of the district in which they are located, and to the expansion of the various districts in order to ensure managed development, directed to areas best able to support it in order to provide for the public health, safety and general welfare of the citizens of Jo Daviess County, and to ensure that county revenues can be used efficiently. It is essential that areas for the various land use categories be designated in the proper location and proportion to encourage and accommodate careful and planned use of the land to allow for growth and development while preserving natural resources, scenic beauty and the rural character of the county. These regulations are consistent with the Jo Daviess County comprehensive plan adopted September 14, 1999. (Ord. 2009-3, 5-12-2009)

8-3-2: DISTRICTS ESTABLISHED:

In order to accomplish the purposes and intent of this title and the objectives set forth in the preamble of this chapter, the unincorporated portions of Jo Daviess County, Illinois, are hereby organized in the following districts:

AG	Agricultural district
R-1	Single-family residential district
R-2	Two-family residential district
C	Commercial district
M	General manufacturing district
I	Industrial district
PD	Planned development district
RP	Planned residential district
CON	Conservation district

(Ord. 2009-3, 5-12-2009)

8-3-3: ZONING MAPS:

The boundaries of the districts listed above are as shown on the zoning map for Jo Daviess County, Illinois. A copy of this map may be found on file in the office of the zoning administrator of Jo Daviess County. (Ord. 2009-3, 5-12-2009)

8-3-4: BOUNDARIES:

District boundaries shall be either the centerlines of railroads, highways, streets, alleys or easements, and waterways, or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots (or such extended), unless otherwise indicated. (Ord. 2009-3, 5-12-2009)

8-3-5: ZONING OF PUBLIC WAYS, WATERWAYS AND RAILROAD RIGHTS OF WAY:

All streets, alleys, public ways, waterways, and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways, waterways and railroad rights of way. Where the centerline of a street, alley, public way, waterway or railroad right of way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that as the abutting property up to such centerline. (Ord. 2009-3, 5-12-2009)

ARTICLE A. AG AGRICULTURAL DISTRICT

8-3A-1: INTENT:

It is recognized that the public health and welfare of the citizens of Jo Daviess County are greatly dependent upon the sustenance and economic benefits provided by a diverse and viable agricultural industry. Agricultural land is under development pressure from expanding unincorporated areas and rural residential demand. This development pressure takes the form of random development, brings conflicting land uses into juxtaposition, creates high costs for public services, stimulates land speculation and threatens the rural characteristics of the county which are important to not only agriculture but also to the tourism sector of the economy.

The Jo Daviess County comprehensive plan indicates that productive agricultural land constitutes a unique and irreplaceable resource. It is the purpose of the agricultural district to provide a means by which agricultural land may be protected and enhanced as an economic and environmental resource of major importance to the county. Therefore, the agricultural district is intended to accomplish the following objectives:

- A. Preserve agriculturally productive farmland for agriculture, unless there are substantial reasons for not doing so.
- B. Protect agriculturally productive farmland from incompatible nonagricultural uses.
- C. Foster efficient land use patterns which can be effectively served by public services.
- D. Provide suitable locations for nonagricultural residential living that will not conflict with productive agriculture. (Ord. 2009-3, 5-12-2009)

8-3A-2: PERMITTED USES:

- A. Agricultural uses, and the uses set forth in section [8-5A-6](#), "Table", of this title.
- B. Agricultural residences and nonagricultural residences on lots: 1) lawfully recorded prior to March 1, 1995, or 2) lawfully recorded after March 1, 1995; provided:
 - 1. Said residential use conforms with all septic and waste disposal requirements; and
 - 2. Said residence conforms to the setback requirements set forth in section [8-3A-6](#) of this article; and
 - 3. Said residential use was permitted by the provisions of the Jo Daviess County zoning ordinance then in effect as of the date of the recording of said lot.
- C. Existing agricultural and nonagricultural residences on a lot created by the separation of the residence from a larger lot provided all of the following:
 - 1. Existence Date Of Residence: Residence lawfully existed as of March 1, 1995.
 - 2. Minimum Area: The parcel created shall not be less than two (2) acres in size.
 - 3. Minimum Width: A minimum width of one hundred fifty feet (150') shall be maintained at the road right of way.
 - 4. Compliance: All separation under this section shall comply with Illinois law including, but not limited to, the plat act¹.

If for any reason an existing agricultural residence that has been separated from the agricultural lot is removed, damaged, destroyed, etc., it may be remodeled, reconstructed or replaced, so long as a building permit is applied for within twenty four (24) months of the demolition or removal of the structure.
- D. Agricultural residences provided that the minimum zoning lot size shall be at least forty (40) acres.
- E. Nonagricultural residences provided that the minimum zoning lot size shall be at least forty (40) acres, and are subject to section [8-5B-33](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3A-3: SPECIAL USES:

Special uses are allowed upon approval of a special use permit issued in accordance with [chapter 2, article D](#) of this title. For a specific listing of special uses see [chapter 5](#), "Use Table And Regulations", of this title. (Ord. 2009-3, 5-12-2009)

8-3A-4: INTENSITY OF USE REGULATIONS:

Except as modified by the provisions of [chapter 5](#) of this title:

- A. Nonagricultural residences approved as a special use: Two (2) acres minimum lot size.

B. Nonagricultural accessory area (excluding attached garages, barns and livestock shelters constructed prior to the adoption date hereof):

1. On lots less than three (3) acres: Two thousand four hundred (2,400) square feet.
2. On lots three (3) acres or more: Three thousand six hundred (3,600) square feet.

C. All lots, excepting agricultural uses, shall conform to the lot configuration regulations set forth in section [8-5B-48](#) of this title.

D. Minimum lot width: One hundred fifty feet (150') at the road right of way. (Ord. 2009-3, 5-12-2009)

8-3A-5: HEIGHT REGULATIONS:

A. Agricultural structures: No restriction.

B. Nonagricultural residences and structures; maximum structure height: Thirty five feet (35'). (Ord. 2009-3, 5-12-2009)

8-3A-6: SETBACK REQUIREMENTS:

A. Requirements: Except as specifically set forth in subsection C of this section, every structure, principal and accessory, hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

1. Public Streets:

- a. Major highways (federal or state): Seventy five feet (75') from the property line, or one hundred twenty five feet (125') from the centerline of the right of way, whichever is greater.
- b. Primary or secondary thoroughfares (county highways): Sixty feet (60') from the property line, or one hundred ten feet (110') from the centerline of the right of way, whichever is greater.
- c. All other streets: Fifty feet (50') from the property line, or eighty feet (80') from the centerline of the right of way, whichever is greater.

2. Minimum Side Yards: Not less than twenty feet (20') from an interior side lot line.

3. Minimum Rear Yards: Not less than forty feet (40') from a rear lot line.

4. Minimum Width: A minimum width of one hundred fifty feet (150') shall be maintained at the road right of way.

B. Exterior Setback Of Any Nonagricultural Residence From A Livestock Facility: In addition to those regulations set forth in subsection A of this section, the minimum setback from any occupied livestock facility (occupied with livestock at least 6 months out of the last 2 years) shall be as follows. Animal units shall be as set forth in the livestock management act².

1. A minimum of one-fourth ($\frac{1}{4}$) mile from an occupied livestock facility with fifty (50) to one thousand (1,000) animal units.

2. For an occupied livestock facility with one thousand one (1,001) to seven thousand (7,000) animal units, the minimum setback shall be one-half ($\frac{1}{2}$) mile plus four hundred forty feet (440') for each additional one thousand (1,000) animal units in excess of one thousand (1,000).

3. A minimum of one mile from an occupied livestock facility with more than seven thousand (7,000) animal units.

4. The provisions of subsections B1, B2, and B3 of this section shall not apply to the owner/operator of the livestock facility.

C. Setback Exceptions: See section [8-4A-3](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3A-7: CONVERSION OF AGRICULTURAL RESIDENCE TO NONAGRICULTURAL RESIDENCE:

If an agricultural residence has lawfully been established it may subsequently be a permitted use as a nonagricultural residence if the following conditions are met:

A. The zoning lot size and dimensions have not changed since the establishment of the agricultural residential use or a nonagricultural residence would otherwise be permitted under this title; and

B. The necessary permits were previously obtained when the agricultural residence was established or the necessary permits are obtained when the residence is converted to a nonagricultural residence. (Ord. 2009-3, 5-12-2009)

8-3A-8: SIGN REGULATIONS:

See [chapter 4, article C](#) of this title. (Ord. 2009-3, 5-12-2009)

ARTICLE B. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

8-3B-1: INTENT:

The R-1 single-family residential district is intended to provide low density single-family dwelling use and to allow certain public facilities. It is intended that no uses be permitted within the R-1 district that will tend to devalue property for residential purposes or interfere with the health, safety, or general welfare of persons residing in the district. The provisions of the R-1 district are also intended to control density of population and provide adequate open space around buildings and structures in the district to accomplish these purposes. (Ord. 2009-3, 5-12-2009)

8-3B-2: PERMITTED USES:

Generally, single-family dwellings and amenities as listed in [chapter 5](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3B-3: SPECIAL USES:

For a specific listing of special uses, see [chapter 5](#) of this title. Special uses are allowed upon approval of a special use permit issued in accordance with [chapter 2, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3B-4: INTENSITY OF USE REGULATIONS:

Except as modified by the provisions of [chapter 5](#) of this title:

A. Minimum Lot Area:

1. Not less than one acre for each dwelling unit served by individual private sewage disposal system or individual water supply system, subject to approval by the Jo Daviess County health department.
2. Not less than twenty two thousand five hundred (22,500) square feet for each dwelling unit served by a public or community sanitary sewer and water system, subject to approval by the Jo Daviess County health department.

B. Minimum Lot Width At Street Right Of Way: One hundred feet (100').

C. Lot Configuration: All lots shall conform to the square footage/perimeter ratio standards set forth in section [8-5B-48](#) of this title.

D. Maximum Lot Coverage: Twenty percent (20%).

E. Accessory Buildings: Total area of accessory buildings, including attached garages, shall not exceed the following:

1. On lots one acre to one and forty nine hundredths (1.49) acres: One thousand nine hundred fifty (1,950) square feet;
2. On lots one and five-tenths (1.5) acres or more: Two thousand four hundred (2,400) square feet. (Ord. 2009-3, 5-12-2009)

8-3B-5: HEIGHT REGULATIONS:

A. Principal Structure: Not more than thirty five feet (35').

B. Accessory Structure: The sidewall of an accessory structure shall not exceed fourteen feet (14') in height. (Ord. 2009-3, 5-12-2009)

8-3B-6: SETBACK REQUIREMENTS:

A. Requirements: Except as set forth in subsection B of this section, every structure, principal and accessory, hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

1. Public Streets:

- a. Major highways (federal or state): Seventy five feet (75') from the property line, or one hundred twenty five feet (125') from the centerline of the right of way, whichever is greater.
- b. Primary or secondary thoroughfares (county highways): Sixty feet (60') from the property line, or one hundred ten feet (110') from the centerline of the right of way, whichever is greater.
- c. All other streets: Fifty (50) feet from the property line, or eighty feet (80') from the centerline of the right of way, whichever is greater.

2. Minimum Interior Side Yards: Not less than twenty feet (20') from an interior side lot line.

3. Minimum Rear Yards: Not less than forty feet (40') from a rear lot line.

B. Exterior Setback From A Livestock Facility: In addition to those regulations set forth in subsection A of this section, the minimum setback from any occupied livestock facility (occupied with livestock at least 6 months out of the last 2 years) shall be as follows. Animal units shall be as set forth in the livestock management act¹.

1. A minimum of one-fourth ($\frac{1}{4}$) mile from an occupied livestock facility with fifty (50) to one thousand (1,000) animal units.
2. For an occupied livestock facility with one thousand one (1,001) to seven thousand (7,000) animal units, the minimum setback shall be one-half ($\frac{1}{2}$) mile plus four hundred forty feet (440') for each additional one thousand (1,000) animal units in excess of one thousand (1,000).
3. A minimum of one mile from an occupied livestock facility with more than seven thousand (7,000) animal units. (Ord. 2009-3, 5-12-2009)

8-3B-7: LIGHTING REGULATIONS:

See [chapter 4, article E](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3B-8: OFF STREET PARKING AND LOADING REGULATIONS:

See [chapter 4, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3B-9: SIGN REGULATIONS:

See [chapter 4, article C](#) of this title. (Ord. 2009-3, 5-12-2009)

ARTICLE C. R-2 TWO-FAMILY RESIDENTIAL DISTRICT

8-3C-1: INTENT:

The intent of the R-2 two-family residential district is to provide for moderate density residential development, including higher density single-family and two-family dwellings, in a manner which will encourage a strong residential neighborhood within a contiguous growth area of a municipality. (Ord. 2009-3, 5-12-2009)

8-3C-2: PERMITTED USES:

Generally, two-family dwellings, single-family dwellings and amenities as listed in [chapter 5](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3C-3: SPECIAL USES:

For a specific listing of special uses, see [chapter 5](#) of this title. Special uses are allowed upon approval of a special use permit issued in accordance with [chapter 2, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3C-4: INTENSITY OF USE REGULATIONS:

Except as modified by the provisions of [chapter 5](#) of this title:

A. Minimum Lot Area:

1. Not less than twenty two thousand five hundred (22,500) square feet for each dwelling unit served by individual private sewage disposal system, subject to approval by the Jo Daviess County health department.
2. Not less than twelve thousand (12,000) square feet for each dwelling unit served by a public or community sanitary sewer and water system, subject to approval by the Jo Daviess County health department.
3. Not less than nine thousand six hundred (9,600) square feet for each dwelling unit served by both water and sewer service provided by public or community systems and where all lots are served by a fire hydrant system approved by the fire department having jurisdiction.

B. Minimum Lot Width At Street Right Of Way:

1. One hundred feet (100') for lots more than twelve thousand (12,000) square feet.
2. Eighty feet (80') for lots less than twelve thousand (12,000) square feet.
3. On lots off of a cul-de-sac the minimum lot frontage shall be eighty feet (80') at the road right of way.

C. Lot Configuration: All lots shall conform to the square footage/perimeter ratio standards set forth in section [8-5B-48](#) of this title.

D. Maximum Lot Coverage: Thirty percent (30%).

E. Accessory Buildings: Total area of accessory buildings, including attached garages, shall not exceed the following:

1. On lots 0.22 acre to 0.74 acre: One thousand five hundred (1,500) square feet;
2. On lots 0.75 acre to 0.99 acre: One thousand seven hundred twenty five (1,725) square feet;
3. On lots 1.00 acre to 1.49 acres: One thousand nine hundred fifty (1,950) square feet;
4. On lots 1.5 acres or more: Two thousand four hundred (2,400) square feet. (Ord. 2009-3, 5-12-2009)

8-3C-5: HEIGHT REGULATIONS:

A. Principal Structure: Not more than thirty five feet (35').

B. Accessory Structures: The sidewall of an accessory structure shall not exceed fourteen feet (14') in height. (Ord. 2009-3, 5-12-2009)

8-3C-6: SETBACK REQUIREMENTS:

A. Requirements: Except as set forth in subsection B of this section, every structure, principal and accessory, hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

1. Public Streets:
 - a. Major highways (federal or state): Seventy five feet (75') from the property line, or one hundred twenty five feet (125') from the centerline of the right of way, whichever is greater.
 - b. Primary or secondary thoroughfares (county highways): Sixty feet (60') from the property line, or one hundred ten feet (110') from the centerline of the right of way, whichever is greater.
 - c. All other streets: Fifty feet (50') from the property line, or eighty feet (80') from the centerline of the right of way, whichever is greater.
2. Minimum Interior Side Yards: Not less than fifteen feet (15') from an interior side lot line.
3. Minimum Rear Yards: Not less than thirty five feet (35') from a rear lot line.

B. Exterior Setback From A Livestock Facility: In addition to those regulations set forth in subsection A of this section, the minimum setback from any occupied livestock facility (occupied with livestock at least 6 months out of the last 2 years) shall be as follows. Animal units shall be as set forth in the livestock management act¹.

1. A minimum of one-fourth ($\frac{1}{4}$) mile from an occupied livestock facility with fifty (50) to one thousand (1,000) animal units.
2. For an occupied livestock facility with one thousand one (1,001) to seven thousand (7,000) animal units, the minimum setback shall be one-half ($\frac{1}{2}$) mile plus four hundred forty feet (440') for each additional one thousand (1,000) animal units in excess of one thousand (1,000).
3. A minimum of one mile from an occupied livestock facility with more than seven thousand (7,000) animal units. (Ord. 2009-3, 5-12-2009)

8-3C-7: LIGHTING REGULATIONS:

See [chapter 4, article E](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3C-8: OFF STREET PARKING AND LOADING REGULATIONS:

See [chapter 4, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3C-9: SIGN REGULATIONS:

See [chapter 4, article C](#) of this title. (Ord. 2009-3, 5-12-2009)

ARTICLE D. C COMMERCIAL DISTRICT

8-3D-1: INTENT:

The commercial district is intended to prevent random, unplanned, or unsightly development along the county's public streets by promoting commercial and office development in integrated planned developments. The commercial district is intended to provide for the specialized types of services and

businesses that support the surrounding area or the county as a whole. The commercial district is intended to be located in the contiguous growth areas surrounding communities. The location and the design of the commercial district must provide convenient and safe access to roadways. (Ord. 2009-3, 5-12-2009)

8-3D-2: PERMITTED USES:

For a general listing of permitted uses see [chapter 5](#) of this title. The permitted uses will be determined based on compatibility with other uses permitted in the commercial district and with uses listed in [chapter 5](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3D-3: SPECIAL USES:

For a specific listing of special uses, see [chapter 5](#) of this title. Special uses are allowed upon approval of a special use permit issued in accordance with [chapter 2, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3D-4: INTENSITY OF USE REGULATIONS:

Except as modified by the provisions of [chapter 5](#) of this title:

A. Minimum Lot Area: The minimum lot area shall be not less than one acre and in accordance with the following:

1. Bulk requirements of the district;
2. Off street parking requirements of the district;
3. Driveway standards as specified in [chapter 4](#) of this title;
4. Sanitary sewer requirements of the Jo Daviess County health department; and
5. Any provisions specifically required for a special use.

B. Minimum Lot Width: One hundred fifty feet (150') at the street right of way.

C. Floor Area Ratio (FAR): Not to exceed thirty five hundredths (0.35). (Ord. 2009-3, 5-12-2009)

8-3D-5: HEIGHT REGULATIONS:

A. Not more than thirty five feet (35'). (Ord. 2009-3, 5-12-2009)

8-3D-6: SETBACK REQUIREMENTS:

A. Requirements: Except as set forth in subsection B of this section, every structure hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

1. Setback From Public Streets:
 - a. Major highways (federal or state): Seventy five feet (75') from the property line, or one hundred twenty five feet (125') from the centerline of the right of way, whichever is greater.
 - b. Primary or secondary thoroughfares (county highways): Sixty feet (60') from the property line, or one hundred ten feet (110') from the centerline of the right of way, whichever is greater.
 - c. All other streets: Fifty feet (50') from the property line, or eighty feet (80') from the centerline of the right of way, whichever is greater.
2. Minimum Interior Side Yards: Not less than ten feet (10') from an interior side lot line.
3. Minimum Rear Yards: Not less than twenty feet (20') from a rear lot line.

B. Exterior Setback From A Livestock Facility: In addition to those regulations set forth in subsection A of this section, the minimum setback from any occupied livestock facility (occupied with livestock at least 6 months out of the last 2 years) shall be as follows. Animal units shall be as set forth in the livestock management act¹.

1. A minimum of one-fourth ($\frac{1}{4}$) mile from an occupied livestock facility with fifty (50) to one thousand (1,000) animal units.
2. For an occupied livestock facility with one thousand one (1,001) to seven thousand (7,000) animal units, the minimum setback shall be one-half ($\frac{1}{2}$) mile plus four hundred forty feet (440') for each additional one thousand (1,000) animal units in excess of one thousand (1,000).
3. A minimum of one mile from an occupied livestock facility with more than seven thousand (7,000) animal units. (Ord. 2009-3, 5-12-2009)

8-3D-7: USE LIMITATIONS:

- A. Transition Belts: A transition belt not less than twenty feet (20') in width shall be provided along any interior rear or interior side lot line when such lot line is adjacent to a lot zoned for any use other than commercial, manufacturing or industrial.
- B. Transition Screens: A transition screen shall be established in each required transition belt. Such transition screen shall meet the landscape specification contained in section [8-4A-9](#) of this title.
- C. Business Operations: All business, storage, servicing, or processing shall be conducted within a fully enclosed building, except as follows:
1. Businesses of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles.
 2. Outdoor storage which does not occupy more than twenty percent (20%) of the gross lot area as an accessory use to the principal use provided such outdoor storage area has been specifically approved through a site plan review by the zoning administrator.
 3. The parking of trucks as an accessory use, when used in the conduct of a permitted use shall be limited to vehicles of not over one and one-half (1¹/₂) tons' capacity when located within one hundred fifty feet (150') of an R-1 or R-2 district boundary line.
- D. Lighting Fixtures: Exterior lighting fixtures shall be in accordance with lighting regulations [chapter 4, article E](#) of this title.
- E. Fencing: A solid or semisolid fence, hedge or wall at least six feet (6'), but not more than eight feet (8') high, with no more than thirty percent (30%) open space per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the commercial development are separated by a street or alley right of way. Said fence or wall shall be maintained in good condition by the owner(s) of the property in the C district. (Ord. 2009-3, 5-12-2009)

8-3D-8: LIGHTING REGULATIONS:

See [chapter 4, article E](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3D-9: OFF STREET PARKING AND LOADING REGULATIONS:

See [chapter 4, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3D-10: SIGN REGULATIONS:

See [chapter 4, article C](#) of this title. (Ord. 2009-3, 5-12-2009)

ARTICLE E. M GENERAL MANUFACTURING DISTRICT

8-3E-1: INTENT:

The intent of the M general manufacturing district is to permit a mix of light industrial uses that are not obnoxious due to appearance, noise, emissions, or odor, as well as office and limited retail commercial uses in planned industrial park settings. Uses within this district shall not require intensive land coverage and shall be compatibly developed with adjacent districts through site plan review. (Ord. 2009-3, 5-12-2009)

8-3E-2: PERMITTED USES:

Generally, light manufacturing, wholesaling, trucking and warehousing uses, as well as office uses are permitted. In addition, limited retail and service uses are permitted. For a general listing of permitted and special uses see [chapter 5](#) of this title. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in [chapter 5](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3E-3: SPECIAL USES:

For a specific listing of special uses, see [chapter 5](#) of this title. Special uses are allowed upon approval of a special use permit issued in accordance with [chapter 2, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3E-4: INTENSITY OF USE REGULATIONS:

Except as modified by the provisions of [chapter 5](#) of this title:

- A. Minimum Lot Area: The minimum lot area shall be not less than three (3) acres and in accordance with the following:

1. Bulk requirements of the district;
2. Off street parking requirements of the district;
3. Driveway standards as specified in [chapter 4](#) of this title;
4. Sanitary sewer requirements of the Jo Daviess County health department; and
5. Any provisions specifically required for a special use.

B. Minimum Lot Width: One hundred fifty feet (150') at the street right of way.

C. Floor Area Ratio (FAR): Not to exceed eight-tenths (0.8). (Ord. 2009-3, 5-12-2009)

8-3E-5: HEIGHT REGULATIONS:

A. Not more than thirty five feet (35'). (Ord. 2009-3, 5-12-2009)

8-3E-6: SETBACK REQUIREMENTS:

A. Every structure hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

1. Setback From Public Streets:

- a. Major highways (federal or state): Seventy five feet (75') from the property line, or one hundred twenty five feet (125') from the centerline of the right of way, whichever is greater.
- b. Primary or secondary thoroughfares (county highways): Sixty feet (60') from the property line, or one hundred ten feet (110') from the centerline of the right of way, whichever is greater.
- c. All other streets: Fifty feet (50') from the property line, or eighty feet (80') from the centerline of the right of way, whichever is greater.

2. Minimum Interior Side Yards: Not less than twenty feet (20') from an interior side lot line.

3. Minimum Rear Yards: Not less than forty feet (40') from a rear lot line. (Ord. 2009-3, 5-12-2009)

8-3E-7: LIGHTING REGULATIONS:

See [chapter 4, article E](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3E-8: OFF STREET PARKING AND LOADING REGULATIONS:

See [chapter 4, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3E-9: SIGN REGULATIONS:

See [chapter 4, article C](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3E-10: USE LIMITATIONS:

A. Transition Belts: A transition belt not less than thirty feet (30') in width shall be provided along any interior rear or interior side lot line when such lot line is adjacent to a lot zoned for any use other than commercial, manufacturing or industrial.

B. Transition Screens: A transition screen shall be established in each required transition belt. Such transition screen shall meet the landscape specifications contained in section [8-4A-9](#) of this title.

C. Storage Of Materials: All storage of materials, products or equipment, except those related to or used for agricultural research, testing and/or analysis purposes shall be within a fully enclosed building.

D. Fencing: A solid or semisolid fence at least six feet (6'), but not more than eight feet (8') high and having a density of not less than seventy percent (70%) per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right of way. Said fence shall be maintained in good condition by the owner(s) of the property in the M district.

E. Residential Structure: No structure shall be used for residential purposes.

F. Business Operations: All operations shall be conducted within a fully enclosed building.

G. Industrial Wastes: Industrial wastes shall be of such a quantity and nature as to not overburden the private sewage disposal facilities so as to cause odor and unsanitary effects beyond the property line.

H. Private Street Network: A private street network shall be allowed where comprehensive control of a large industrial site is required for safety or security reasons and where no unsecured access to the site is afforded the public. (Ord. 2009-3, 5-12-2009)

ARTICLE F. I INDUSTRIAL DISTRICT

8-3F-1: INTENT:

The I industrial district is intended for the purpose of allowing basic or primary industries which are generally not compatible with residential and/or commercial activity. (Ord. 2009-3, 5-12-2009)

8-3F-2: PERMITTED USES:

Generally, manufacturing, wholesaling, trucking and warehousing uses, with limited retail and service uses are permitted. For a general listing of permitted and conditionally permitted uses see [chapter 5](#) of this title. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in [chapter 5](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3F-3: SPECIAL USES:

For a specific listing of special uses, see [chapter 5](#) of this title. Special uses are allowed upon approval of a special use permit issued in accordance with [chapter 2, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3F-4: INTENSITY OF USE REGULATIONS:

A. Minimum Lot Area: The minimum lot area shall be not less than three (3) acres and in accordance with the following:

1. Bulk requirements of the district;
2. Off street parking requirements of the district;
3. Driveway standards as specified in [chapter 4](#) of this title;
4. Sanitary sewer requirements of the Jo Daviess County health department; and
5. Any provisions specifically required for a special use.

B. Minimum Lot Width: One hundred fifty feet (150') at the street right of way.

C. Floor Area Ratio (FAR): Not to exceed eight-tenths (0.8). (Ord. 2009-3, 5-12-2009)

8-3F-5: HEIGHT REGULATIONS:

A. Not more than thirty five feet (35'). (Ord. 2009-3, 5-12-2009)

8-3F-6: SETBACK REQUIREMENTS:

A. Every structure hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

1. Setback From Public Streets:
 - a. Major highways (federal or state): Seventy five feet (75') from the property line, or one hundred twenty five feet (125') from the centerline of the right of way, whichever is greater.
 - b. Primary or secondary thoroughfares (county highways): Sixty feet (60') from the property line, or one hundred ten feet (110') from the centerline of the right of way, whichever is greater.
 - c. All other streets: Fifty feet (50') from the property line, or eighty feet (80') from the centerline of the right of way, whichever is greater.
2. Minimum Interior Side Yards: Not less than twenty feet (20') from an interior side lot line.
3. Minimum Rear Yards: Not less than forty feet (40') from a rear lot line. (Ord. 2009-3, 5-12-2009)

8-3F-7: LIGHTING REGULATIONS:

See [chapter 4, article E](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3F-8: OFF STREET PARKING AND LOADING REGULATIONS:

See [chapter 4, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3F-9: SIGN REGULATIONS:

See [chapter 4, article C](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3F-10: USE LIMITATIONS:

- A. Transition Belts: A transition belt not less than thirty feet (30') in width shall be provided along any interior rear or interior side lot line when such lot line is adjacent to a lot zoned for any use other than commercial, manufacturing or industrial.
- B. Transition Screens: A transition screen shall be established in each required transition belt. Such transition screen shall meet the landscape specifications contained in section [8-4A-9](#) of this title.
- C. Storage Of Materials: All storage of materials, products or equipment, except those related to or used for agricultural research, testing and/or analysis purposes shall be within a fully enclosed building.
- D. Fencing: A solid or semisolid fence at least six feet (6'), but not more than eight feet (8'), high and having a density of not less than seventy percent (70%) per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right of way. Said fence shall be maintained in good condition by the owner(s) of the property in the I district.
- E. Residential Structure: No structure shall be used for residential purposes.
- F. Business Operations: All operations shall be conducted within a fully enclosed building.
- G. Industrial Wastes: Industrial wastes shall be of such a quantity and nature as to not overburden the private sewage disposal facilities so as to cause odor and unsanitary effects beyond the property line.
- H. Private Street Network: A private street network shall be allowed where comprehensive control of a large industrial site is required for safety or security reasons and where no unsecured access to the site is afforded the public.
- I. Facilities Used For Agricultural Research, Testing And/Or Analysis: In agriculture related research facilities, the following use limitations shall apply:
1. Operations required to be conducted outside a fully enclosed building shall be conducted in controlled outdoor areas.
 2. A private street network shall be allowed where comprehensive control of a large industrial site is required for safety or security reasons and where no unsecured access to the site is afforded the public.
 3. Private roadways for certain agricultural related research and development activities may be improved with an all weather surface other than asphaltic concrete such as gravel or stone. They shall be designed to permit surface drainage without erosion of adjacent land. (Ord. 2009-3, 5-12-2009)

ARTICLE G. PD PLANNED DEVELOPMENT DISTRICT

8-3G-1: PURPOSE AND INTENT:

The purpose of the planned development district is to provide a means of achieving greater flexibility in development of land in a manner not possible in conventional zones; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; and to retain maximum control over both the structure and future operation of the development.

The county board, upon recommendation by the zoning board of appeals, may, by ordinance adopted in the same manner as zoning districts are created, authorize a planned development district when the proposed development or use of a specific tract of land or area warrants greater flexibility, control, and density than is afforded under the general regulations of standard zoning districts. However, it should be noted that these planned development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood. The standards contained in the following provisions must be strictly adhered to by the applicant. The county board may, upon proper application, approve a planned development to facilitate the use of flexible techniques of land development and site design in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site. (Ord. 2009-3, 5-12-2009)

8-3G-2: RELATIONSHIP OF PLANNED DEVELOPMENT DISTRICTS TO ZONING MAP:

- A. A Mapped District: The PD designation is not intended to be attached to existing use districts as an overlay. The PD designation as detailed in this article is a separate use district and may be attached to a parcel of land through the process of rezoning and zoning map amendment.
- B. Plan Approval Required: It is the intent of this title that no development or redevelopment of the property encompassed by the PD designation take place until an acceptable development plan has been reviewed and approved in conformance with the requirements of this article.
- C. Types Of Planned Developments: All areas of the county subject to the PD designation shall be assigned one of the following district classifications which shall be considered a separate use district and subject to the specific restrictions and limitations outlined in this article:
 - 1. Planned Development - Residential (PD-R): Planned developments involving residential uses only.
 - 2. Planned Development - Commercial (PD-C): Planned developments involving commercial uses only.
 - 3. Planned Development - Industrial/Manufacturing (PD-I/M): Planned developments involving industrial uses only.
 - 4. Mixed Use Developments (MXD): Planned developments involving a mixture of uses. (Ord. 2009-3, 5-12-2009)

8-3G-3: PROCEDURES FOR PLANNED DEVELOPMENT APPROVAL:

- A. Preapplication Procedure: Prior to filing any application for planned development approval, the prospective applicant shall request a preapplication conference with the zoning administrator, plat officer, county highway engineer, and environmental health director. Such request shall include a brief and general narrative description of the nature, location and extent of the proposed planned development; concept plan showing general lot configuration, land use, road/street configuration, total acreage and acreage by land use; and a list of any professional consultants advising the prospective applicant with respect to the proposed planned development. Upon receipt of such request, the zoning administrator shall schedule such a conference.
- B. Natural Resources Report: An application must also be made to the Jo Daviess County soil and water conservation district for a natural resources report for any land to be rezoned from an agricultural use to a nonagricultural use. This application shall be filed with the soil and water conservation district prior to making application to the zoning department. All data generated by the natural resources report will become part of the public record.
- C. Professional Specialists: Professional talents of qualified land planners, registered landscape architects, Illinois registered professional engineers, Illinois professional land surveyors, and other specialists deemed necessary shall be utilized in different stages of the preparation necessary to effect a planned unit development to assure developments of the quality desired by the county, to be supplied by the applicant.
- D. Development Plan: A development plan shall be submitted with any application for map amendment seeking creation of a planned development district. The development plan shall contain, at a minimum, the following information, in addition to any other information requested by the zoning administrator:
 - 1. Site And Landscape Plan: One or a series of maps shall be submitted indicating:
 - a. An out boundary survey plat and legal description of the property;
 - b. Air photo showing site and surrounding area and demarcation of all taxing bodies;
 - c. The location, size and height of all existing and proposed structures on the site;
 - d. The location and general design (dimensions and materials) of all driveways, curb cuts and sidewalks including connections to building entrances;
 - e. The location, area and number of proposed parking spaces;
 - f. Nature of use, including special uses permitted;
 - g. Ingress and egress areas;

- h. Existing and proposed grades at an interval of two feet (2') or less, extended beyond the project site to include adjacent properties and structures;
- i. The location and general type of all existing trees over six inch (6") caliper and, in addition, an indication of those to be retained;
- j. The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscaped areas by function, and the general location and description of all proposed outdoor furniture (seating, lighting, telephones, etc.);
- k. Soils information. The zoning administrator may require a detailed soils map (200 foot grid minimum) prepared by a certified soils classifier, showing each soil type boundary location of each soil investigation pit, depth to seasonal high ground water, and limiting conditions of each soil type;
- l. Drain tile information;
- m. The landscape plan with the location and approximate size of all proposed plant material by type, such as hardwood, deciduous, evergreen, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Including any buffer area and plantings in parking areas should be included;
- n. The location and details of all retaining walls, fences (including privacy fences, etc.), and earth berms;
- o. The description and location of all refuse collection facilities including screening to be provided;
- p. Provisions for both on and off site stormwater drainage and detention related to the proposed development;
- q. The location and approximate size of all utilities (including water and sanitary facilities);
- r. All easements and dedications;
- s. Any signs, location and size;
- t. The architectural characteristics and any proposed architectural standards of the proposed development; and
- u. All other information which the zoning board of appeals may designate.

The scale of the drawing or drawings shall be one hundred feet to the inch (1" = 100'), or if the area of the planned development is more than two hundred (200) acres in area, two hundred feet to the inch (1" = 200'). The zoning administrator shall approve of the use of any other scale that may be more appropriate, either larger or smaller. All drawings shall likewise indicate a project name, the names of adjoining streets, the applicant's name, a scale, a north arrow, and the date drawn.

The applicant may be required to provide, at the applicant's expense, additional clarification and/or further detail of the site plan, as deemed necessary by the zoning administrator or zoning board of appeals.

2. Site And Building Sections: Schematic or illustrative sections shall be drawn to scale of fifty feet to the inch (1" = 50') or larger, indicating both edge conditions and internal grade changes in relation to principal variations of internal building levels and site line relations to adjacent structures.
3. Typical Elevations: Typical elevations of proposed buildings shall be provided at a reasonable scale.
4. Project Data:
 - a. Site area (square feet and acres);
 - b. Allocation of site area by building coverage, parking, loading and driveways, and open space areas including total open space, recreation area, landscaped areas and others;
 - c. Total dwelling units and floor area distributed by general type (1 bedroom, 2 bedroom, etc.); and total floor area ratio and residential density distribution;
 - d. Floor area in nonresidential use by category and total floor area ratio;
 - e. Calculations of parking spaces and area in relation to dwelling units and commercial floor area.
5. Project Report: A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and contractual interest in the subject site, and anticipated development schedule. At the discretion of the zoning board of appeals, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, stormwater and erosion control, etc., of the proposed development.
6. Phased Development: If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule shall be submitted indicating:
 - a. The approximate date when construction of the project can be expected to begin;
 - b. The order in which the phases of the project will be built;
 - c. The minimum area and the approximate location of the common open space and public improvements that will be required at each stage;
 - d. If a planned development is developed in stages, or the public interest requires, the ordinance granting the planned development may require bond and/or other reasonable guarantees that all of the necessary improvements will be completed; and
 - e. Placement of all temporary structures utilized during construction, i.e., construction offices, siltation control devices, etc.

E. Review Procedure: The application, together with the proposed development plan, shall be considered at the first regularly scheduled public hearing held pursuant to [chapter 2, article E](#) of this title. No public hearing shall be held to consider any application which does not include all required elements of the development plan as set forth in subsection D of this section. (Ord. 2009-3, 5-12-2009)

8-3G-4: PERMITTED USES:

The listing of permitted uses within each PD district shall be as follows:

A. Planned Development - Residential: The following land uses and developments are permitted in this district:

1. Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular planned development residential district; specific uses may include those uses designated as permitted, accessory, or special uses in any of the R residential districts.
2. The following uses may be designated as permitted uses and established as such in the ordinance governing the particular planned development residential district:

Attached single-family dwellings.

Duplexes.

Multiple-family dwellings.

Package sanitary treatment plants.

Recreational facilities and/or open space.

B. Planned Development - Commercial: The following land uses and developments are permitted in this district:

1. Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular planned development commercial district; specific uses may only include those uses designated as permitted, accessory, or special uses in the C commercial district, or other uses of a commercial nature.

C. Planned Development - Industrial/Manufacturing: The following land uses and developments are permitted in this district:

1. Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular M general manufacturing districts and those uses in the I industrial district which are specifically related to a particular activity or complex.

D. Mixed Use Developments: Permitted land uses and developments:

1. Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular development mixed use district (MXD); specific uses may include uses designated as permitted, accessory or special uses in any of the R-1 and R-2 residential, C commercial, M general manufacturing or I industrial districts.

E. Amendment: Each planned development must contain an express statement of the proposed permitted use or uses of each portion and structure in the development plan. Any change in an approved planned development which seeks a modification or change in the permitted use or uses must be done by submission and approval of an amended development plan. (Ord. 2009-3, 5-12-2009)

8-3G-5: AREA REGULATIONS AND PERFORMANCE STANDARDS:

A. The approval of the development plan may provide for such variations from regulations and such additional requirements as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such variations are consistent with the standards and criteria contained in this article; and further, that no modification of the above referenced regulations shall be allowed when such proposed modification would result in:

Inadequate or unsafe access to the planned development:

1. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity;
2. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
3. A development which will be incompatible with the purposes of this title;
4. Detrimental impact on surrounding area including, but not limited to, visual pollution.

The burden of proof that the criteria above are not being violated shall rest with the developer and not the zoning administrator or the zoning board of appeals.

B. The ordinance approving the development plan for the planned development shall establish regulations governing uses, densities, minimum lot area, bulk regulations, parking and signs, setbacks other than those regulated in [chapter 4](#) of this title and exceptions to the subdivision design standards as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such are consistent with the standards and criteria contained in this article. No minimum lot size is required within a planned development, and appropriate lot size shall be evaluated based upon the relationship to adjacent development, amount of common open space, proposed provision of sewage disposal, and other appropriate factors. Uses in planned developments may include residential (single-family detached, attached, and multi-family dwellings), business, manufacturing, public/institutional, recreational, conservation, open space or any combination of these uses, provided, however, that planned development - residential projects must consist of at least fifty five percent (55%) of the developed land area devoted to residential uses; planned development - commercial projects must consist of at least fifty five percent (55%) of the developed land area devoted to commercial uses; and planned development - industrial

projects must consist of at least fifty five percent (55%) of the developed land area devoted to manufacturing uses. Mixed use development projects may consist of any mixture of uses. (Ord. 2009-3, 5-12-2009)

8-3G-6: CONDITIONS OF APPROVAL:

Upon the passage of said ordinance granting planned development district classification, final platting, subdividing or further rezoning shall not be necessary within the planned unit to complete the development of the unit in accordance with the approved development plan.

Prior to any conveyance of any part of the planned unit less than the whole, the owner shall subdivide the area in compliance with the provisions of the Illinois plat act, and shall further comply with the provisions of the subdivision regulations of Jo Daviess County.

In the event that any conveyance or transfer is made by whatever nature or manner which involves less than the entire planned unit in violation of the provisions herein contained, no further building permits shall be issued and all use and occupancy permits issued during the period the property was classified a planned development district shall terminate until such time as the violation shall be corrected. (Ord. 2009-3, 5-12-2009)

8-3G-7: PERIOD OF VALIDITY:

The period of validity of approval of a development plan is as follows:

- A. Construction Permit, Commencement: No approval of a development plan shall be valid for a period longer than twelve (12) months from the date of approval unless within such period a construction permit is obtained and construction is commenced.
- B. Extensions; Exceptions: The county board may grant extensions, not exceeding one year each, upon written request of the original applicant if the application submitted is substantially the same as the initially approved application. However, the county board has the power in such cases to attach new conditions to approval. At such time as the period of validity of an approved development plan lapses, the development plan and all uses, terms, and conditions thereof shall be considered null and void. No further development of the site shall be permitted except by application in accordance with the procedural requirements of this article, whereby it shall be considered an entirely new application.
- C. Amendments To Approved Development Plan:
1. Permitted Minor Amendments: Minor changes in the location, siting and height of buildings and structures, or minor lot line and roadway adjustments, depicted on the approved development plan may be authorized by the zoning administrator without additional public hearing if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:
 - a. A change in the use or character of the development;
 - b. An increase by more than five percent (5%) in the lot coverage of structures;
 - c. An increase in the density or intensity of use;
 - d. A reduction of more than one percent (1%) in approved open space area;
 - e. A reduction in the number of off street parking and loading spaces.
 2. Major Amendments: Changes to the development plan that exceed the limitations in subsection C1 of this section shall result in the entire planned development, or phase of the development in which the changes are proposed, to be resubmitted as a new planned development. (Ord. 2009-3, 5-12-2009)

ARTICLE H. RP PLANNED RESIDENTIAL DISTRICT

8-3H-1: INTENT:

- A. The purpose of the RP (residential planned) district is to provide standards for planned, platted residential subdivision (primarily those with public sewer and water) that:
1. Encourage a variety of housing types.
 2. Provide the means whereby land may be planned and developed as a unit for residential uses under standards and conditions which encourage good design and promote a stable, desirable living environment.
 3. Permit flexibility and variety in development.
 4. Encourage the preservation of natural features and open space.
 5. Minimize the present and future burdens upon the community as a whole which result from poor planning.
 6. Are compatible in design with the character of the surrounding area. (Ord. 2009-3, 5-12-2009)

8-3H-2: GENERAL REQUIREMENTS:

- A. Development within the RP district shall:

1. Be consistent with the purpose and intent of this title and the 1989 land use plan, as amended.
 2. Be laid out and developed as a unit in accordance with an integrated overall design, as approved and authorized by the county board.
 3. Provide existing and proposed utility services adequate for the population densities proposed.
 4. Provide yards and open spaces adjoining the boundaries of the project that are equal to, or greater, than those specified under sections [8-3H-7](#), [8-3H-8](#) and [8-3H-9](#) of this article.
 5. Be allowed to exceed the height limitation of this district, provided no building shall exceed the allowable height by more than ten percent (10%).
- B. The number of dwelling units erected shall not exceed the number permitted by the regulations of this district, unless an exception is permitted by the county board based upon evidence that:
1. Such exception shall be solely for the purpose of encouraging a desirable living environment no less beneficial to the residents or occupants of such development, as well as neighboring properties, than would be obtained under the bulk regulations of this title.
 2. Maximum parcel coverage by buildings and pavement in a residential planned development would not exceed thirty percent (30%) in the residential portion of the planned development. (Ord. 2009-3, 5-12-2009)

8-3H-3: PERMITTED USES:

For a general listing of permitted uses see [chapter 5](#) of this title. The permitted uses will be determined based on compatibility with other uses permitted in the RP planned development district and with uses listed in [chapter 5](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3H-4: SPECIAL USES:

For a specific listing of special uses, see [chapter 5](#) of this title. Special uses are allowed upon approval of a special use permit issued in accordance with [chapter 2, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3H-5: COMMERCIAL USES:

A. Neighborhood commercial centers, designed principally for the convenience of the residents of the neighborhood in which they are located, shall be permitted as a special use on lots not less than three (3) acres in area, and shall be allowed on premises signs as regulated by [chapter 4, article C](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3H-6: INTENSITY OF USE REGULATIONS:

A. Single-Family Housing:

Description	Minimum Lot Area (Square Feet)
Single-family detached	12,000
Single-family cluster	9,000

B. Multiple-Family Housing:

Description	Minimum Lot Area (Square Feet Per Unit)
Two-family	4,500
Multiplex	3,500
Townhomes	4,500
Low rise apartments	2,700

C. Commercial: Three (3) acres.

D. Other Uses: Lot sizes for uses other than those residential and commercial noted above shall be as approved by the county board, after recommendation by the planning commission. (Ord. 2009-3, 5-12-2009)

8-3H-7: SETBACK REQUIREMENTS:

A. Residential: The following setback and separation requirements shall apply to residential structures in this district:

1. Public Streets:

- a. Major highways (federal or state): Seventy five feet (75') from the property line, or one hundred twenty five feet (125') from the centerline of the right of way, whichever is greater.
- b. Primary or secondary thoroughfares (county highways): Sixty feet (60') from the property line, or one hundred ten feet (110') from the centerline of the right of way, whichever is greater.
- c. All other streets: Fifty feet (50') from the property line, or eighty feet (80') from the centerline of the right of way, whichever is greater.

2. Single- And Two-Family Dwellings:

- a. Front Yard And Corner Side Yards: Dwellings shall be set back at least thirty feet (30') from the rights of way of interior residential streets constructed as a part of a planned development.
- b. Interior Side Yard: Not less than ten feet (10') from an interior side lot line.
- c. Rear Yard: Not less than thirty feet (30') from a rear lot line. (Ord. 2009-3, 5-12-2009)
- d. Lesser Setbacks: If, in existing subdivisions established prior to the implementation of this title, lesser setback lines have been observed by fifty percent (50%) of the structures in a block; then new structures in that block may be built to said lesser setback lines. In no case, however, shall the front yard be less than fifteen feet (15') or any interior or rear yard be less than five feet (5'). Furthermore, no lesser setback shall be allowed which interferes with safe traffic flow and unobstructed corner views in the subdivision. (Ord. 2012-3, 2-14-2012)

3. Cluster Single-Family:

- a. Front And Corner Side Yards: Dwellings shall be set back at least thirty feet (30') from the rights of way of interior residential streets constructed as part of a planned development.
- b. Interior Side Yard: Not less than ten feet (10') from an interior side lot line.
- c. Rear Yard: Not less than thirty feet (30') from a rear lot line.

4. Low Rise Apartments:

- a. Distance From Parking And Access Drives: Not less than twenty five feet (25').
- b. Distance Between Buildings:

Front to front	100 feet
Front to side	40 feet
Side to side	40 feet
Rear to rear	60 feet
Rear to side	50 feet
Corner to corner	40 feet

- c. Distance From Lot Line: Structures shall maintain a minimum distance of forty feet (40') from any lot line, unless otherwise regulated by subsection A1 of this section which governs building setbacks along public streets.

5. Commercial: Unless otherwise granted under the terms of the special use permit, the following setbacks and separation requirements shall apply to commercial buildings in this district:

- a. Public Streets: See subsection A1 of this section.
- b. Parking, Loading And Access Drives: All access drives and off street parking and loading areas shall maintain a thirty foot (30') setback from the right of way of any public or private street.
- c. Distance From Residential/Institutional Uses: Structures shall maintain a minimum distance of one hundred feet (100') from any residential or institutional structure.
- d. Distance From Lot Line: Structures shall maintain a minimum distance of forty feet (40') from any lot line, unless otherwise regulated by subsection A1 of this section which governs building setbacks along public streets.

6. Accessory Uses:

- a. Public Streets: See subsection A1 of this section.
- b. All Other Lot Lines: Structures accessory to a principal building or use shall maintain a setback not less than ten feet (10') from interior rear or side lot lines.

7. Exterior Setback From A Livestock Facility: In addition to those regulations set forth in subsection A of this section, the minimum setback from any occupied livestock facility (occupied with livestock at least 6 months out of the last 2 years) shall be as follows. Animal units shall be as set forth in the livestock management act¹.

- a. A minimum of one-fourth ($\frac{1}{4}$) mile from an occupied livestock facility with fifty (50) to one thousand (1,000) animal units.
 - b. For an occupied livestock facility with one thousand one (1,001) to seven thousand (7,000) animal units, the minimum setback shall be one-half ($\frac{1}{2}$) mile plus four hundred forty feet (440') for each additional one thousand (1,000) animal units in excess of one thousand (1,000).
 - c. A minimum of one mile from an occupied livestock facility with more than seven thousand (7,000) animal units.
8. Other: Building setbacks and separation requirements for all other uses shall be subject to review and approval by the planning commission and the county board and specified in the special use permit. (Ord. 2009-3, 5-12-2009)

8-3H-8: BULK REGULATION:

A. Lot Coverage:

1. Residential:

- a. Not more than thirty percent (30%) of the area of a zoning lot on which detached single-family or two-family attached dwellings are located may be occupied by buildings, including accessory structures.
- b. Not more than thirty percent (30%) of the area of a zoning lot on which multiple-family dwellings (multiplex units, townhomes or low rise apartments) may be occupied by buildings, including accessory structures.

2. Commercial: Not more than seventy percent (70%) of the area of a zoning lot on which neighborhood commercial is developed may be occupied by buildings, pavements and accessory structures.

- B. Structure Height: Unless otherwise granted under the terms of a special use permit, all structures shall not exceed thirty five feet (35') in height. (Ord. 2009-3, 5-12-2009)

8-3H-9: RECREATION; OPEN SPACE:

- A. Required Land Area: Residential development in the RP district shall include open space and recreation areas for the enjoyment of all residents of the planned development in accordance with the following:

1. Single-Family Residential:

- a. With Public Sewer And Water: At least twenty percent (20%) of the total land area in any single-family residential planned development provided with public sewer and water shall be reserved as usable, accessible open space as defined in subsection B of this section.
- b. Without Public Sewer And Water: No open space shall be required for residential planned developments consisting of single-family dwellings on lots of one acre or more in size that are constructed without public sewer and water.

2. Multiple-Family Residential:

- a. With Public Sewer And Water: At least twenty percent (20%) of the land area of any residential planned development provided with public sewer and water which consists of two-family dwellings, multiplexes, townhomes or apartments shall be reserved as usable, accessible open space as defined in subsection B of this section.
- b. Without Public Sewer And Water: No open space shall be required for residential planned developments constructed without public sewer and water which consist of two-family dwellings, multiplexes, townhomes or apartments having not more than twenty (20) dwelling units. However, when a planned development consisting of two-family dwellings, multiplexes, townhomes or apartments is constructed with twenty one (21) or more dwelling units, fifteen percent (15%) of the total land area shall be reserved as usable, accessible open space as defined in subsection B of this section.

B. Definition Of Open Space/Recreation Areas:

1. For the purpose of this title, "open space/recreation areas" developed within the RP district shall be defined as land specifically designed and intended for the active or passive recreational use of the residents of the district.
2. Open space/recreation areas shall include, but not be limited to, the following:
 - a. Public or private play lots and parks.
 - b. School sites.
 - c. Pedestrian corridors.
 - d. Bicycle and equestrian trails.
 - e. Greenbelt open space networks.
 - f. Stormwater detention or retention facilities, provided such areas are capable of being utilized for recreational purposes.

- C. Ownership And Maintenance: All open space/recreational areas developed as part of a residential planned development shall be owned and maintained by an association. The county shall not be required to develop, own and maintain these areas. (Ord. 2009-3, 5-12-2009)

8-3H-10: REQUIRED LANDSCAPING:

A. Residential:

1. Street trees shall be installed along all residential streets in accordance with the county's subdivision regulations.
2. In addition to street trees, undulating landscaped berms may be required by the county board where rear yards abut arterials or county highways. Where required, berms shall range between three (3) and five feet (5') in height, and shall be planted with evergreen, deciduous, or flowering trees and shrubs to attenuate the effects of vehicular sight and sound of traffic along these roadways.

B. Commercial:

1. The first thirty feet (30') of a front, side or rear yard which abuts a street or access drive shall be landscaped with seed or sod within the first spring following completion of the project.
2. A five foot (5') high screen shall be provided along property lines which abut or are adjacent to residential or institutional properties. Said screen may consist of a fence, wall, or landscaping, subject to county board approval as part of the special use permit.
3. Foundation plantings shall be provided around the front and side elevations of the building.

C. Ownership And Maintenance: All landscaping developed as part of a planned development shall be owned and maintained by the owners of each zoning lot. The county shall not be required to develop, own and maintain any landscaping, including trees planted along residential streets. (Ord. 2009-3, 5-12-2009)

8-3H-11: SIGN REGULATIONS:

See [chapter 4, article C](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3H-12: OFF STREET PARKING AND LOADING REGULATIONS:

See [chapter 4, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3H-13: LIGHTING REGULATIONS:

See [chapter 4, article E](#) of this title. (Ord. 2009-3, 5-12-2009)

ARTICLE I. CON CONSERVATION DISTRICT

8-3I-1: INTENT:

The purpose of this district is to prohibit buildings and uses from encroaching upon natural areas which are environmentally sensitive. Areas within this district provide for the storage and movement of floodwater, ground water recharge, water quality improvement, wildlife and aesthetic benefits. (Ord. 2009-3, 5-12-2009)

8-3I-2: PERMITTED USES:

For a general listing of permitted uses see [chapter 5](#) of this title. The permitted uses will be determined based on compatibility with other uses permitted in the conservation district and with uses listed in [chapter 5](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3I-3: SPECIAL USES:

For a specific listing of special uses, see [chapter 5](#) of this title. Special uses are allowed upon approval of a special use permit issued in accordance with [chapter 2, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

8-3I-4: LOT SIZE REGULATIONS:

No minimum requirement. (Ord. 2009-3, 5-12-2009)

8-3I-5: SETBACK REQUIREMENTS:

As established for the AG general agricultural district. (Ord. 2009-3, 5-12-2009)

8-3I-6: FLOODPLAINS AND FLOODWAYS¹:

A. Purpose: The restrictions which follow apply specifically to floodplains and floodways, and are established to:

1. Avoid or lessen the hazards to persons, property, or buildings resulting from floodwaters.
2. Protect the stream channels from encroachment.
3. Maintain the capacity of the floodplain to convey floodwaters.
4. Provide for the development of floodplain lands with uses not subject to severe damage by flooding, and which are compatible with other uses permitted in the various zoning districts.
5. Avoid the creation of new flood problems.

B. Restrictions For Floodplains And Floodways:

1. No existing building or structure shall be moved to, and no new building or structure shall be erected or constructed in the floodway as determined by FEMA.
2. The elevation of the ground upon which anything is constructed shall be one foot (1') above the established 100-year flood crest for a minimum distance of ten feet (10') surrounding any such construction.
3. The elevation of the finished surface at the crown of any new street constructed within the 100-year floodplain shall not be less than two feet (2') above the crest elevation established. The design of such streets shall be such that the normal direction or course of drainage shall not be interrupted.

C. Compensatory Storage: Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken below the base flood or 100-year frequency flood elevation:

1. The excavation volume shall be equal to at least one and one-half ($1\frac{1}{2}$) times the volume of the storage lost due to the fill or structure. This safety factor is intended to compensate for uncertainties in the estimate of the base flood elevation and in the determination of project impacts.
2. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to areas so filled or occupied:
 - a. All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation.
 - b. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation.
 - c. All such excavations shall be constructed to drain freely and openly to the watercourse unless designed as a pond or shallow water area. Any area below the permanent pool elevation cannot be considered as flood storage area. (Ord. 2009-3, 5-12-2009)

Chapter 4 SUPPLEMENTAL REGULATIONS

ARTICLE A. GENERAL REGULATIONS

8-4A-1: PURPOSE AND INTENT:

Unless otherwise stated, the regulations hereafter established shall apply within all districts established by this title. These general regulations supplement and qualify the district regulations appearing elsewhere in this title. (Ord. 2009-3, 5-12-2009)

8-4A-2: HEIGHT REGULATIONS:

Chimneys, cooling towers, elevator head houses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, wind energy conversion systems (WECSs) and necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the district regulations. (Ord. 2009-3, 5-12-2009)

8-4A-3: YARD AND SETBACK EXCEPTIONS:

A. Front Yard:

1. Where a lawfully approved and recorded subdivision plat clearly and graphically indicates a front yard setback that is less than presently required, the setback clearly indicated on the plat shall determine the minimum setback required.
2. Where lots have a double frontage, a required front yard shall be provided on both streets.

B. Side Yard And Rear Yard:

1. Where a lawfully approved and recorded subdivision plat clearly and graphically indicates a side or rear yard area requirement that is less than presently required, the yard area requirement that is clearly and graphically indicated on the plat shall determine the minimum yard area required;

however, this provision shall not apply to written subdivision covenants that may delineate less than presently allowed yard areas. (Ord. 2009-3, 5-12-2009)

8-4A-4: NUMBER OF PRINCIPAL STRUCTURES ON A LOT:

In other than the planned development district, no more than one principal structure may be located upon a lot. Land required for setbacks, open spaces, off street parking or loading spaces for any existing building or new building shall be used for only one building. (Ord. 2009-3, 5-12-2009)

8-4A-5: NUMBER OF USES ON A LOT:

In other than the commercial, manufacturing, industrial and planned development zoning districts, no more than one principal use may be located upon a lot. (Ord. 2009-3, 5-12-2009)

8-4A-6: SIGHT TRIANGLE:

Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet ($2\frac{1}{2}'$) and eight feet (8') above the grades of the outside edge of the street surface of two (2) or more intersecting streets, measured from the point of intersection of the centerline of the streets, ninety feet (90') in each direction along the centerline of the streets. (Ord. 2009-3, 5-12-2009)

8-4A-7: ACCESS TO COMMERCIAL, MANUFACTURING AND INDUSTRIAL DISTRICTS:

No land which is located in a residential district shall be used for a driveway, walkway or access to any land which is located in any commercial, manufacturing, or industrial district. (Ord. 2009-3, 5-12-2009)

8-4A-8: DETERMINATION OF STRUCTURE SETBACK LINE:

The structure setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the farthest architectural projection of the existing or proposed structure; except that certain architectural projections listed below may extend beyond the structure setback line, subject to the following conditions:

A. Projections: "Projections" shall be defined as any structural or nonstructural portion or appendage attached to the main structure which, by design, protrudes outward beyond the structure floor, wall, and roof or foundation line.

Projections include, but are not limited to:

1. Roof eaves and gutters may encroach no more than four feet (4') into front and rear yards and not more than two feet (2') into a side yard. Roof eaves and gutters projecting from a building located in a rear yard may extend no closer than two feet (2') from a lot line.
2. Cornices and sills of the principal building shall project no more than one and one-half feet ($1\frac{1}{2}'$) into a front, side and rear yard.
3. Air conditioning equipment may encroach into a side and rear yard provided such equipment is at least ten feet (10') from any property line.
4. Stairs which are necessary for access to a dwelling or an accessory building may encroach into a front, side and rear yard with up to eight (8) steps.
5. Bay windows shall project no more than three feet (3') into a front or rear yard.
6. Chimneys that are attached to the principal building shall encroach no more than two feet (2') into a front, side or rear yard.
7. Ornamentation attached to a principal building shall project no more than one and one-half feet ($1\frac{1}{2}'$) into a front, side or rear yard.

B. Exception For Canopies And Awnings: A canopy or awning may be permitted to overhang a public way in a C commercial district, M manufacturing district or I industrial district providing:

1. The canopy or awning construction is covered with a fabric material, such as canvas, or is made of a material which simulates a fabric covering, other than metal or aluminum.
2. No portion of the canopy or awning shall be less than eight feet (8') above the level of the sidewalk or other public way.
3. The canopy or awning may extend the full width of the building facade to which it is attached, and further, it shall not extend beyond a point two feet (2') inside the pavement line of a public street. (Ord. 2009-3, 5-12-2009)

8-4A-9: TRANSITION SCREEN SPECIFICATIONS:

When a transition screen is required by this title, such screen shall conform to the following specifications:

A. Such transition screen shall be located in a transition belt, and shall extend the full length of such transition belt except for any portion of such belt lying within a required front yard or side yard adjoining a street.

B. Such transition screen shall consist of a planting screen meeting the specifications herein.

1. Planting Screens: Planting screens shall consist of trees, bushes or shrubs of a variety and so planted and kept as to be achieved within thirty six (36) months after occupancy of the premises to be screened.
 - a. Such screen shall have a minimum height of six feet (6') above grade at any particular point along its length.
 - b. Any two foot (2') square segment of a planting screen shall contain no more than thirty percent (30%) open space affording a direct horizontal view through such screen if such segment is over two feet (2') above grade.
2. Landscaped Berm: Adequate evidence from a registered engineer shall be furnished demonstrating that the construction of such berm, along with any necessary culverts and ditching, will not create adverse drainage and flooding conditions on adjacent property.
 - a. Such berm shall be at least thirty feet (30') in width at the base and at least four feet (4') in height, as measured perpendicular to grade level at any point along its length. Side slopes shall have a gradient no steeper than three to one (3:1).
 - b. Side slopes of such berm shall be grass so as to prevent erosion. The top of the berm shall contain a planting screen according to the specifications set forth in this article, except that the minimum height of such planting screen need not be more than three feet (3') above the top of the berm at any particular point along its length.
3. Fence Screen: A fence screen shall not be less than eight feet (8'), nor more than ten feet (10') in height above grade level, at any particular point along its length, and any two foot (2') square segment of such screen shall contain no more than thirty percent (30%) open space affording a direct horizontal view through such screen. (Ord. 2009-3, 5-12-2009)

ARTICLE B. PERFORMANCE STANDARDS

8-4B-1: APPLICABILITY OF OTHER LAWS AND REGULATIONS:

The uses set forth in this title shall be subject to all applicable federal and state laws and regulations. (Ord. 2009-3, 5-12-2009)

ARTICLE C. SIGN REGULATIONS

8-4C-1: PURPOSE:

It is the purpose of this article to regulate and control the location, erection, number and maintenance of signs and matters relating thereto within Jo Daviess County in order to promote public safety, health and general welfare of the community. These regulations are specifically designed to:

- A. Provide for uniform regulation and orderly development of signs consistent with established ordinances of the county.
- B. Prohibit hazardous and dangerous signs.
- C. Provide a desirable and attractive living environment through harmonious and uniform signage. (Ord. 2009-3, 5-12-2009)

8-4C-2: SCOPE:

The provisions of this article shall govern the erection, alteration, and maintenance of all signs and outdoor display structures, together with their appurtenant and auxiliary devices, with respect to location, size, content, construction, structure, and fire safety.

A. The provisions of this article shall not apply to:

1. Flags of any nation, state, county, city or other governmental unit and any not for profit organization.
2. Signs or other materials temporarily displayed in conjunction with traditionally accepted patriotic, religious or local holidays or events or official government public notices.
3. The erection, construction, and maintenance of official traffic, fire and police signs, signals and devices and markings, nonilluminated directional or informational signs of a public nature of the state, county, or city.
4. Residential garage or patio sale signs not to exceed six (6) square feet and located upon premises where the sale is taking place. (Ord. 2009-3, 5-12-2009)
5. Bulletin boards not over thirty two (32) square feet in area, for public, charitable, or religious institutions which are located on the premises of said institutions. (Ord. 2015-7, 11-10-2015)
6. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
7. Identification/occupational signs not exceeding one square foot in size.
8. Signs erected inside a building not visible through windows and signs not visible from adjoining properties or from public rights of way.

9. Crop identification sign, not exceeding thirty two (32) square feet in gross surface area and shall be unlimited in number as to crop type or plot of land. The duration of these signs shall be limited to the growing season.
10. Signs for the purpose of restricting the use of property are permitted along the boundary line of a publicly or privately owned tract of land. Each such sign shall not exceed two (2) square feet in area. In addition, at the entrance of such tract of land, one sign shall be permitted not to exceed sixteen (16) square feet in area.
11. Signs for the purpose of identifying the entrance, exit, traffic direction, and parking facilities of public or private property on premises, signs are permitted not exceeding eight (8) square feet in area and eight feet (8') in height.
12. For the purpose of identifying the architect, engineer, or contractor of work under construction, one temporary sign is permitted, not exceeding thirty two (32) square feet in area.
13. Window signs covering not more than fifty percent (50%) of the window surface. (Ord. 2009-3, 5-12-2009)

8-4C-3: ADMINISTRATION AND ENFORCEMENT:

- A. Application/Zoning Approval: Except where herein otherwise stated, no sign subject to the regulations of this code shall be erected without first obtaining a zoning certificate. To obtain a zoning certificate for a sign, the person(s) erecting the sign shall complete an application form provided by the zoning administrator. Applications for sign permits shall include, but not be limited to, the following:
 1. The names, addresses and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign and the person to be erecting or affixing the sign.
 2. The location of the building, structure or lot on which the sign is to be erected or affixed.
 3. A site plan of the property involved, showing accurate placement thereon, of the proposed sign.
 4. The written consent of the owner of the building, structure or property on which the sign is to be erected or affixed.
 5. Such other information as the zoning administrator may require to determine full compliance with this and other applicable ordinances of the county.
- B. Fees: Any sign over one hundred fifty (150) square feet in area is subject to any applicable fees as established by the Jo Daviess County board. Annual fees are calculated on a per structure basis.
- C. Removal Of Signs:
 1. The zoning administrator may cause the removal of any sign that is an immediate peril to persons or property summarily and without notice.
 2. If any sign is erected without a permit, the zoning administrator shall order it removed.
 3. If any sign is erected or maintained so as to obstruct free ingress or egress from any door, window or fire escape, the zoning administrator shall order it removed.
- D. Maintenance And Appearance Of Signs: All advertising signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe condition. All advertising signs and the sites upon which they are located shall be maintained in a neat, clear and attractive condition, and advertising signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surface of all standard outdoor advertising structures shall be kept neatly painted or posted. (Ord. 2009-3, 5-12-2009)

8-4C-4: PROHIBITED SIGNS:

- A. Animated signs, electronic standard outdoor advertising structure/billboards.
- B. Any sign erected in a public easement or right of way.
- C. Any sign erected so as to prevent free ingress to or egress from any door or window, or any other way required by the building or fire codes of the county.
- D. Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on public property.
- E. Any sign erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its shape, position or color interfere with or be confused with any authorized traffic signal, sign or device. Further, no sign shall be erected in the sight distance triangle or any other location where it will obstruct vision of the public right of way to a vehicle operator during ingress to, egress from, or while traveling on the public right of way.
- F. Any sign or advertising device such as banners and pennants affixed on poles, wires, ropes or streamers, wind operated devices, fluttering signs, pinwheels, streamers, banners, street banners, and "A" frames or other portable signs of like nature, and other similar contraptions or techniques.
- G. Signs placed or affixed to vehicles and/or trailers which are parked on a public right of way, public property, or private property so as to be visible from a public right of way where the apparent purpose is to advertise a product or direct people to a business activity located on the same or nearby property.

However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

- H. Off premises signs and standard outdoor advertising structure and/or billboards except as provided in this title.
- I. Signs which contain flashing lights; however, not including digital time and temperature signs involving only that information and no further or additional information of an advertising nature. Such time and temperature signs shall be constant or steady in nature, and shall not grow, melt, X-ray, up or down scroll, write-on, travel, inverse, roll, twinkle, snow or present pictorials or other animation.
- J. Portable signs.
- K. Project identification or real estate signs promoting the sale of lots prior to the approval of a final plat.
- L. Signs which contain characters, cartoons, statements, works or pictures that constitute public indecency as prohibited under 720 Illinois Compiled Statutes 5/11-9, or that are obscene as defined in 720 Illinois Compiled Statutes 5/11-20(b).
- M. Signs containing strobe lights which are visible from beyond the property line; and signs artificially illuminated which are of such intensity or placed in such manner as to interfere with, or impair the vision of the driver of a motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle.
- N. Window signs covering more than fifty percent (50%) of the window surface.
- O. Signs that impact the availability of direct sunlight to an existing solar energy system.
- P. Any freestanding sign which, by its location and/or structural design, would interfere with the safe and efficient use of off street parking and loading areas, including aiseways and access driveways.
- Q. No sign shall be painted or mounted on rocks or other natural features, except that nameplates and/or addresses for residences, of up to a maximum of six (6) square feet. "No Hunting", "No Trespassing", "No Dumping", and signs of a similar nature may be affixed to trees. (Ord. 2009-3, 5-12-2009)

8-4C-5: NONCONFORMING SIGNS:

- A. Any sign unless otherwise excepted by this article, legally existing prior to enactment of this article but which shall violate any provision of this article, may continue to be maintained and used subject to the following provisions: (Ord. 2009-3, 5-12-2009)
 - 1. Enlargement: Nonconforming signs may be enlarged, expanded, or extended to occupy a greater square footage than was occupied on the date of adoption or amendment of this article, but shall be no more than thirty two (32) square feet in size, to be measured by the sign face. Both sides of a nonconforming sign may be utilized. Triangle settings may be utilized in the support of a sign limited to advertising on two (2) sides only. (Ord. 2012-6, 3-13-2012)
 - 2. Relocation: Nonconforming signs shall not be moved in whole or in part to any other portion of the lot, parcel or building not so occupied on the date of adoption of this article, except that any such sign which is hereafter required to be moved by a governmental body for the purpose of construction, relocation, widening, or improvement of a street, highway, or other public purpose, may be relocated once and allowed to be maintained and used as before.
 - 3. Discontinuance: If the business or service advertised or identified by a nonconforming sign ceases to be conducted for a period exceeding one hundred eighty (180) calendar days, the nonconforming sign shall be classified as an "abandoned sign" and removed. (Ord. 2009-3, 5-12-2009)
 - 4. Destruction: Should any nonconforming sign be destroyed it may be allowed to be reconstructed to its original size at the time of adoption or amendment of this article. If an original nonconforming sign was smaller than thirty two (32) square feet in size it shall be allowed to be constructed in accordance with subsection A1 of this section. (Ord. 2012-6, 3-13-2012)
- B. If any existing sign is repainted or the sign panels are replaced for the purpose of changing the business, occupation, or tenant advertised or identified, it shall not be considered a new sign. Ordinary maintenance or repair of an existing sign to a safe condition shall not be cause to classify the sign as a new sign.
- C. In cases of doubt or on a specific question raised whether a nonconforming sign exists, it shall be a question of fact decided by the zoning administrator, and may be appealed to the zoning board of appeals. (Ord. 2009-3, 5-12-2009)

8-4C-6: AGRICULTURAL DISTRICT SIGNAGE:

- A. Allowable Signs:
 - 1. Identification signs associated with permitted uses, not exceeding thirty two (32) square feet in gross surface area. One such sign shall be permitted on each frontage.
 - 2. Commercial identification sign associated with uses as regulated by relevant special use permit or permits, not exceeding thirty two (32) square feet in gross surface area. One such sign shall be permitted on each frontage with a maximum of two (2) signs.

3. Monument signs associated with a public or semipublic use, not exceeding one hundred twenty eight (128) square feet in gross surface area.
4. Memorial or tablet signs: One sign not exceeding six (6) square feet in size per face unless such signs are installed by the federal, state, county or city government agencies thereof.
5. Property real estate signs: One sign per lot frontage and not exceeding thirty two (32) square feet in gross surface area. Such sign shall be removed within five (5) days following the date of closing or lease initiation.

B. Location And Height:

1. No sign placed upon the ground shall be located closer than ten feet (10') to any interior property line and shall meet the sight triangle requirements of section [8-4A-6](#) of this chapter.
2. No sign attached to the wall of a building or other structures shall extend above the roofline of that building or structure.
3. With the exception of monument signs, no sign shall exceed ten feet (10') in height from the surrounding grade to the highest point of the sign. Monument signs shall not exceed twelve feet (12') in height from the surrounding grade to the highest point of the sign.
4. Memorial or tablet signs: No sign shall exceed six feet (6') in height from the surrounding grade to the highest point on the sign.
5. Property real estate signs: No sign shall exceed six feet (6') in height from the surrounding grade to the highest point on the sign. (Ord. 2009-3, 5-12-2009)

8-4C-7: RESIDENTIAL AND PD PLANNED DEVELOPMENT DISTRICTS SIGNAGE:

A. Allowable Signs:

1. Subdivision Identification Signs: Two (2) permanent subdivision signs not exceeding fifty (50) square feet in size per face inclusive of any logo shall be allowed per development. Where the development has access on two (2) or more streets, or has more than one entrance to one street, identification shall be allowed at each entrance.
2. Monument Signs: Monument signs associated with a public or semipublic use: Not more than one sign per street frontage not exceeding one hundred twenty eight (128) square feet in size per face inclusive of any logo.
3. Residential Construction Project Signs:
 - a. Promotional Signs: One sign not exceeding ninety six (96) square feet per face. Such signs shall be removed within two (2) years from the date of issuance of the sign permit, or when eighty percent (80%) of the lots and/or dwelling units have been sold, whichever circumstance occurs first.
 - b. Directional Signs: Any number of signs not exceeding ten (10) square feet per face. Such signs may include directions to the development and pertinent information concerning the developer but shall exclude promotional information, and shall be removed within two (2) years from the date of issuance of the sign permit, or when eighty percent (80%) of the lots and/or dwelling units have been sold, whichever circumstance occurs first.
4. Institutional Identification Signs: Institutional identification signs for churches, schools, hospitals or fraternal, benevolent and social service organization: One permanent sign shall be allowed on the same premises provided that said sign does not exceed ninety six (96) square feet in area per facing on each roadway.
5. Special Displays And Other Temporary Signs: See subsection [8-4C-10B](#) of this article.
6. Signs Identifying The Name And/Or Owner(s) Of A Premises: One sign not exceeding ten (10) square feet in gross surface area shall be permitted at each entrance to the premises.
7. Signs Identifying A Multiple-Family Residential Building: One sign not exceeding sixteen (16) square feet in gross surface area shall be permitted per lot frontage.
8. Property Real Estate Signs: One sign per lot frontage not exceeding six (6) square feet in size per face.

B. Location And Height:

1. Ground Sign: No sign placed upon the ground shall be located closer than ten feet (10') to any interior property line and shall meet the sight triangle requirements of section [8-4A-6](#) of this chapter.
2. Wall Signs: No sign attached to the wall of a building or other structure shall extend above the roofline of that building or structure.
3. Residential, Identification, Monument Signs: Residential construction project signs, subdivision identification signs, monument signs and institutional identification signs shall not exceed fifteen feet (15') in height from the surrounding grade to the highest point of the sign. Other signs, unless otherwise indicated, shall not exceed eight feet (8') in height from the surrounding grade to the highest point of the sign.
4. Directional Signs: No sign shall exceed three and one-half feet (3¹/₂') above the elevation of the adjacent driveway at the point which it meets the street right of way.
5. Property Real Estate Signs: No sign shall exceed six feet (6') in height from the surrounding grade to the highest point on the sign.

C. Other Requirements:

1. Construction Signs: Signs identifying mechanics, painters, architects, engineers, and similar artisans and workmen which are attached to or on trailers on the site of construction shall be permitted provided that upon completion of the project the trailer must be removed within one week. These trailers shall not be located closer than ten feet (10') to the street. All such signs shall be removed within two (2) years from the date of issuance of the sign permit, or when the project has received an approved final inspection.

2. Residential Construction Project Sign: Such signs shall be removed within two (2) years from the date of issuance of the sign permit, or when eighty percent (80%) of the lots or dwelling units have been sold, whichever circumstance occurs first.
3. Property Real Estate Signs: Shall be removed within five (5) days following the date of closing or lease initiation.
4. Directional Signs: May contain the street address or name of the business center or the name of the building, trademark, logo, or similar matter, provided that not more than fifty percent (50%) of the sign area is used for this purpose. (Ord. 2009-3, 5-12-2009)

8-4C-8: COMMERCIAL, MANUFACTURING, AND INDUSTRIAL DISTRICTS SIGNAGE:

A. Allowable Signs:

1. Residential And PD District Signage: All signs permitted in section [8-4C-7](#) of this article.
2. Attached Signs: One attached sign not exceeding five percent (5%) of the total square footage of the building face upon which it is placed. In the instance of corner lots, an additional attached sign will be permitted on each street footage of the respective building face upon which it is placed. For buildings with multiple tenants, see other requirements below.
3. Ground Signs: One ground sign per lot not exceeding sixty four (64) square feet per face may be substituted for the allowable pole sign.
4. Pole Signs: One pole sign per lot not exceeding ninety six (96) square feet per face.
5. Occupational/Identification Signs: One attached, nonilluminated sign not exceeding four (4) square feet in size displaying the name, occupation and/or service located upon the premises and the address.
6. Window Signs: Shall not cover more than twenty percent (20%) of the total window area or door to which they are applied.
7. Commercial Directory Signs: For buildings with multiple tenants, a directory sign may be substituted in lieu of the allowable pole sign and/or ground mounted sign not exceeding ninety six (96) square feet per face.
8. Projecting Signs: Projecting signs shall be permitted in lieu of freestanding signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy. Such signs shall not exceed thirty two (32) square feet per face.

B. Location And Height:

1. Attached Signs: Shall be face mounted on the building wall, projecting not more than one and one-half feet ($1\frac{1}{2}$ ') from the face of the building. Such signs shall not project above the parapet wall, mansard, or other roofline, shall maintain a clearance of ten feet (10') above the ground or pavement, and shall be recessed where involving a pitched roof location.
2. Ground Signs: Such signs shall not exceed ten feet (10') in height from the surrounding grade to the highest point on the sign and shall be located no closer than ten feet (10') to any property line. Such signs shall meet the sight triangle of section [8-4A-6](#) of this chapter and shall not be located so as to obstruct vision at a vehicular entry or exit from the property.
3. Pole Signs: Such signs shall not exceed thirty feet (30') in height from the surrounding grade to the highest point on the sign, and shall be located no closer than two feet (2') to a street or road rights of way line, no closer than ten feet (10') to an interior property line. The bottom of the sign shall be at least eight feet (8') above surrounding grade.
4. Occupational/Identification Signs: Such signs shall conform to the location requirements of subsection A2, "Attached Signs", of this section.
5. Window Signs: Such signs may only be attached to the interior of a window or glass door and shall be maintained in good repair.
6. Commercial Directory Signs:
 - a. Ground Sign: Such signs shall not exceed fifteen feet (15') in height from the surrounding grade to the highest point of the sign, and shall be located no closer than ten feet (10') to any public street rights of way or property line.
 - b. Pole Sign: Such signs shall not exceed thirty feet (30') in height from the surrounding grade to the highest point on the sign, and shall be located no closer than two feet (2') to a street or road rights of way line, no closer than ten feet (10') to an interior property line. The bottom of the sign shall be at least eight feet (8') above surrounding grade.
7. Projecting Signs: No such sign shall extend vertically above the highest point of the building facade upon which it is mounted by more than six inches (6"), and shall not project horizontally more than eight feet (8'). The bottom of the sign shall be a minimum of eight feet (8') above grade. No such sign shall project into or over a public right of way.
8. Property Real Estate Signs: No such sign shall exceed fifteen feet (15') in height from the surrounding grade to the highest point of the sign, and shall be located no closer than ten feet (10') to any property line.

C. Other Requirements:

1. Construction Signs: Construction signs as permitted by subsection [8-4C-7C](#), "Other Requirements", of this article.
2. Number Of Signs: Each building or property shall be allowed a maximum of two (2) signs, which may be either an attached sign, a ground sign, or a pole sign, but the total number shall not include more than one sign of each of these types. Window signs and occupational/directional signs as regulated by this section are excluded from this maximum of two (2) signs. When a directory sign is substituted for the allowable pole and/or ground sign, only attached and/or fascia signs shall be allowed as additional signs.
3. Buildings With Multiple Occupancy: For buildings and/or property containing more than one business or tenant, each business or tenant may have one attached or projecting sign conforming to the requirements of this section. For the purposes of determining the total square footage of the attached or projecting sign, only the face of each respective lease unit to which the respective sign will be attached shall be counted. Each sign must be attached to the lease unit containing the business tenant identified.

4. Additional Wall Sign: Each building or property may have one additional attached sign conforming to the requirements of this section on walls containing a main entrance which face customer parking areas and are not visible from either a public or private street. For this exception to apply, the signs must be attached to the same wall as their respective entrances and both the signs and the entrances must be upon the same plane of the building. (Ord. 2009-3, 5-12-2009)

8-4C-9: CONSERVATION DISTRICT SIGNAGE:

A. Allowable Signs:

1. Identification signs associated with permitted uses, not exceeding thirty two (32) square feet in gross surface area. One such sign shall be permitted on each frontage.

B. Location And Height:

1. No sign placed upon the ground shall be located closer than ten feet (10') to any interior property line and shall meet the sight triangle requirements of section [8-4A-6](#) of this chapter.
2. No sign attached to the wall of a building or other structures shall extend above the roofline of that building or structure.
3. With the exception of monument signs, no sign shall exceed ten feet (10') in height from the surrounding grade to the highest point of the sign. Monument signs shall not exceed twelve feet (12') in height from the surrounding grade to the highest point of the sign.
4. Memorial or tablet signs: No sign shall exceed six feet (6') in height from the surrounding grade to the highest point on the sign. (Ord. 2009-3, 5-12-2009)

8-4C-10: OTHER SIGNAGE:

A. Automobile And Truck Services Stations; Convenience Stores With Gasoline Pumps:

1. Allowable Signs:

a. Brand Identification Signs:

- (1) One pole sign not exceeding ninety six (96) square feet per face.
- (2) One ground sign, in lieu of a pole mounted sign, not exceeding sixty four (64) square feet in size per face.
- (3) One attached sign not exceeding five percent (5%) of the total square footage of the building face upon which it is placed. In the instance of corner lots, an additional sign will be permitted on each street frontage of building not exceeding five percent (5%) of the total square footage of the respective building face upon which it is placed.
- (4) One attached company logo not exceeding thirty two (32) square feet per street frontage.

b. Price Signs:

- (1) One price sign per pump island not exceeding two (2) square feet per face per sign.
- (2) One price sign as component of the permitted pole sign not exceeding ten (10) square feet per face in lieu of the price signs per pump island.
- (3) In those instances where digital price signs are utilized, such signs shall be constant in nature, and shall not travel, flush, inverse, write-on, up or down scroll, roll, grow, melt, X-ray, twinkle, snow, or otherwise change in nature.

c. Self-Service And/Or Full Service Signs: Two (2) self-service signs per pump island not exceeding five (5) square feet per face per sign.

d. Federal And State Stamps, Etc.: Federal and state stamps, octane ratings, pump use directions, no smoking signs, as required by federal, state and local authorities.

2. Location And Height:

a. Brand Identification Signs:

- (1) Pole signs: As regulated by this section.
- (2) Ground mounted signs: As regulated by this section.
- (3) Attached signs: As regulated by this section.

b. Company Logos: As regulated by this section for attached signs.

c. Price Signs And Self-Service And/Or Full Service Signs: Shall be located at the ends of pump island and may be affixed to the canopy, canopy supports, poles or end pumps.

d. Federal And State Stamps, Etc.: Shall be placed upon the body of the gasoline pump, or as required by the respective governmental authority.

3. Other Requirements:

a. Canopy Use: An attached or detached canopy may be used in lieu of the permitted pole sign for the location of brand identification signs, or as an alternative location for price signs, or company logos.

b. Portable Signs: The use of portable signs for the advertisement of cigarettes, food, or other sundry items is specifically prohibited.

B. Special Displays And Other Temporary Signs:

1. The following temporary signs may be approved by the zoning administrator for up to a thirty (30) day time period. The use of such devices for special promotions shall be limited to three (3) such events for each business in a calendar year with a maximum time period of fourteen (14) days for each event. These events may be consecutive.
 - a. Banners and pennants.
 - b. Sign announcing openings.
 - c. Seasonal or special occasion signs such as special events and special business hours.

C. Standard Outdoor Advertising Structures (Billboards):

1. Where Permitted: Advertising signs complying with all the requirements of this title shall be permitted upon all property with the M general manufacturing and I industrial districts. Within areas zoned PD planned development district or property in any district upon which a special use permit has been issued, such advertising signs shall only be permitted when specifically authorized upon the final development plan or permit approval.
2. Area And Height:
 - a. The maximum area for any one sign shall not exceed six hundred seventy two (672) square feet in size per face excluding extensions and embellishments, with a maximum height of fourteen feet (14') and a maximum length of forty eight feet (48') inclusive of border and trim, but excluding the base, apron, supports, and other structural members.
 - b. Extensions to the top of advertising signs are permitted. However, in no case shall any extensions exceed ninety six (96) square feet in total area or extend more than five and one-half feet (5¹/₂') in height above the top of said sign. Other extensions are permitted as follows:
 - (1) Side extensions: Two feet (2') on each side.
 - (2) Bottom extensions: One foot (1').
 - c. Embellishments to advertising signs shall not exceed one foot (1') out from the facing of said sign.
 - d. The maximum height shall not exceed fifty feet (50') from the highest point on the sign to surrounding grade or street level, whichever is higher.
 - e. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back or in a V-type construction with not more than three (3) side by side displays to each facing, but such sign structures shall be considered as one sign. A group of not more than two (2) advertising signs shall be permitted on one sign structure. However, there shall be no vertical stacking signs.
3. Location:
 - a. No such sign shall be erected within one thousand (1,000) linear feet of an existing sign in any direction, considering both sides of the road as one.
 - b. No such sign shall be located within one thousand (1,000) linear feet of a residential district.
 - c. No sign shall be located in such a manner as to obstruct or otherwise 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.
 - d. No structures may be located adjacent to or within five hundred feet (500') of an interchange, intersection at grade, or safety rest area. Said five hundred feet (500') shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
 - e. The minimum front yard setback for such signs shall be fifty feet (50') from any public right of way, and/or private roadway easement.
 - f. No sign shall be located on any public or private utility easement, road, drainage easement, or railroad right of way.
 - g. All linear distances required by this section shall be measured from the nearest outside edge of the subject sign, whether a support, structural member, or the sign surface itself, to the nearest outside edge of the corresponding sign, building, right of way, or easement involved.
4. Plans Required: An application to erect such a sign shall be accompanied by the following:
 - a. A site plan to scale containing:
 - (1) The proposed location for the sign upon the property.
 - (2) The distance from the proposed sign location to any buildings upon the property, and adjoining street right of way lines, and driveway entrances.
 - (3) The distance from the proposed sign location to the next nearest billboard sign on either side of the street in either direction.
 - (4) The distance from the proposed sign location to the nearest street intersection in either direction.
 - (5) Lighting plan.
 - (6) Other information deemed necessary by the zoning administrator.
 - b. A representation of the proposed sign, to scale, including the width and length of the sign faces, and height from surrounding grade.
5. Construction Specification: Henceforth, any such sign erected under this title shall be single pedestal type, constructed of nonflammable material, excluding wood.

- D. Tourist Oriented Destination Signs (TODS): Permitted in all districts and may only be acquired through the appropriate highway authority. TODS are located in the ROW by the highway authority. (Ord. 2009-3, 5-12-2009)

ARTICLE D. OFF STREET PARKING AND LOADING REGULATIONS

8-4D-1: SCOPE OF REGULATIONS:

The off street parking and off street loading provisions of this title shall apply as follows:

- A. Accessory off street parking and off street loading facilities shall be provided as required by the regulations of this article for all buildings and structures erected and all uses of land established in each district after the effective date hereof.
- B. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement in the amount specified herein requiring parking or loading facilities, such additional parking and loading facilities as required herein shall be provided.
- C. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if said building or structure was erected prior to the effective date hereof, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this title. (Ord. 2009-3, 5-12-2009)

8-4D-2: EXISTING PARKING FACILITIES:

Accessory off street parking facilities in existence on the effective date hereof and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than shall not be further reduced below, the requirements for a similar new building or use under the provisions of this title. (Ord. 2009-3, 5-12-2009)

8-4D-3: PERMISSIVE PARKING AND LOADING FACILITIES:

Nothing in this title shall be deemed to prevent the voluntary establishment of off street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to. (Ord. 2009-3, 5-12-2009)

8-4D-4: DAMAGE OR DESTRUCTION:

For any conforming or nonconforming building or use which is in existence on the effective date hereof, which subsequently is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, additional off street parking or loading facilities need not be provided, except that such parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. (Ord. 2009-3, 5-12-2009)

8-4D-5: OFF STREET PARKING GENERAL PROVISIONS:

Off street parking facilities for motor vehicles shall be provided in accordance with the following regulations:

- A. Use: Accessory off street parking facilities required for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants, or employees. When bus transportation is provided for patrons, occupants or employees of a specific establishment, additional open or enclosed off street parking spaces for each bus to be parked on the premises shall be provided in accordance with regulations of sections [8-4D-6](#) and [8-4D-7](#) of this article.
- B. Computation: When determination of the number of off street parking spaces required by this title results in a requirement of a fractional space, any fraction of one-half ($\frac{1}{2}$) or less may be disregarded while a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one parking space.
- C. Collective Provisions: Off street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portions thereof shall serve as a required space for more than one use unless otherwise authorized by the zoning board of appeals.
- D. Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both on the premises at any one time.
- E. Repair And Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with any accessory parking facilities. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities.

F. Accessible/Handicapped Spaces: In addition to the requirements of section [8-4D-7](#) of this article, accessible/handicapped parking spaces shall be provided as required below or as amended per the current requirements of the Illinois accessibility code.

Total Off Street Parking Spaces Required	Required Minimum Number Of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total number
Over 1,000	20 plus 1 for each 100 over 1,000

1. Parking Space Dimensions: Shall be at least twenty feet (20') in length and sixteen feet (16') in width including an eight foot (8') wide diagonally striped access aisle.
2. Location: Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. (Ord. 2009-3, 5-12-2009)

8-4D-6: OFF STREET PARKING DESIGN AND MAINTENANCE:

- A. Open And Enclosed Parking Spaces: Accessory parking spaces may be open to the sky or enclosed in a building, carport or structure.
- B. Surfacing: All open off street parking areas, containing more than eight (8) parking spaces shall be graded and paved with asphalt, concrete, asphaltic concrete, or seal coat except in the following instances:
1. Parking lots that are accessory to a special event as approved in accordance with the provisions of this article.
 2. Agricultural demonstrations and other not for profit activities.
- C. Screening: Where automobile parking areas containing more than eight (8) parking spaces are located less than forty feet (40') from the nearest property line of a lot in an R-1 single-family district or R-2 two-family district or a lot containing a dwelling as a principal use, they shall be effectively screened from such property line by a transition screen meeting the specifications of section [8-4A-9](#) of this chapter.
- D. Lighting: Any lighting used to illuminate off street parking areas shall be directed away from residential properties in such a way as not to create a nuisance. (See section [8-4E-3](#), "Outdoor Lighting Standards", of this chapter.)
- E. Driveways: Each required off street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway that crosses public property at the right of way line shall exceed a width of twenty five feet (25') in a residential district and thirty five feet (35') in commercial and industrial districts.
- F. Location: All parking spaces required to serve buildings or uses erected or established after the effective date hereof shall be located on the same lot as the building or use served. Buildings or uses existing on the effective date hereof which are subsequently altered or enlarged so as to require the provision of parking spaces under this title may be served by parking facilities located on other than the lot on which the building or use served is located, provided such facilities are within three hundred feet (300') walking distance of the main entrance of the use served.
- G. Parking Space Dimensions: Required off street parking spaces shall be at least nine feet (9') in width and at least twenty feet (20') in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Enclosed parking spaces shall have a vertical clearance of at least seven feet (7'). (Ord. 2009-3, 5-12-2009)

8-4D-7: OFF STREET PARKING SPACE REQUIREMENTS:

The minimum number of off street parking spaces required for uses allowed are provided in schedules A and B of this section. Schedule A provides off street parking requirements for land uses with a single type of activity and schedule B provides off street parking requirements for land uses with multiple types of activities.

SCHEDULE A

Residential:		
Dwelling unit or lodging unit in commercial building, where permitted		1 parking space per dwelling unit
Group residential facility		1 parking space per bedroom in a lodging unit
Single-family dwelling, including manufactured/mobile homes		2 parking spaces per dwelling unit
Two-family dwelling; multi-family dwelling		2 parking spaces per dwelling unit

SCHEDULE B

Commercial:		
Animal hospital, clinic, and physician's office		1 parking space for each employee plus 3 parking spaces for each licensed professional, staff, or visiting physician
Auto sales lot		1 space per 10 vehicles to be offered for sale
Bowling alley		4 spaces per bowling lane plus 1 space for every 2 full time employees plus sufficient spaces for other uses contained in the facility
Daycare facilities		1 space for each 6 client children at maximum capacity, plus 1 for each full time employee
Elderly housing		1 space per dwelling
General retail sales and service operations		1 space per 300 square feet of floor area or portion thereof
Golf club		1 space for 2 users at maximum capacity plus sufficient spaces for other uses contained in the facility
Hotel, motel, tourist home, private club, and all other similar places offering overnight accommodations		1 parking space for the owner or manager if resident on the premises, plus 1 parking space for each accommodation/unit and 0.55 space for each employee
Marina		1 space per boat slip
Mortuary, undertaking and funeral parlor		1 parking space for each 4 seats or portion thereof in the chapel or parlor plus 1 parking space for each vehicle maintained on the premises
Nursing home		1 space per 2 bedrooms
Office		4 spaces per 1,000 square feet of office floor space for the first 20,000 square feet plus 2 spaces per 1,000 square feet above 20,000
Place of public assembly, including churches, private clubs, lodges, and fraternal organizations not providing overnight accommodations, assembly halls, exhibition halls, convention halls, auditoriums, skating rinks, dance halls, movie theaters, athletic fields, sports arenas, stadiums, gymnasiums, amusement parks, racetracks, fairgrounds, circus grounds, exposition grounds, community buildings, public administration buildings, and other similar places of relatively infrequent public assembly:		
For building and other enclosed structures		1 parking space for each 4 seats provided for patrons' use, or at

		least 1 parking space for each 200 square feet of floor area, whichever requires the greater number of parking spaces
	For outdoor areas, including nonpermanent structures, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons	1 parking space per 3 patrons based on the estimated number of patrons during peak attendance on a given day during the period said use is in operation
	When a use involves a combination of enclosed buildings or structures and an outdoor area	Required parking spaces shall be calculated separately per the above standards and then totaled to obtain the required parking spaces for said use
	Retail establishment for sale of food and/or beverages to be consumed on the premises	1 parking space for every 100 square feet of floor area or portion thereof
	Riding stable	1 parking space per 3 horses boarded, 1 parking space for each horse trailer stored on the site, 1 parking space for each riding arena operated, and 1 parking space for each employee
	School:	
	Elementary school	2 parking spaces per classroom; but not less than 1 parking space per teacher and staff, nor fewer than the number required for the largest public assembly spaces provided
	Intermediate school	1 ¹ / ₂ parking spaces per classroom; but not less than 1 parking space per teacher and staff, nor fewer than the number required for the largest public assembly space provided
	Secondary school	1 parking space per teacher and staff and 1 parking space per 3 students enrolled, but no fewer than the number required for the largest public assembly space provided
	Vocational school	1 per 2 employees plus 1 space per 5 students based on the maximum designed student population
	Shopping center:	
	Less than 15,000 square feet	5 spaces per 1,000 square feet minimum; and 5 ¹ / ₂ spaces per 1,000 square feet maximum
	15,000 to 400,000 square feet	4 spaces per 1,000 square feet minimum; 5 spaces per 1,000 square feet maximum
	400,000 to 600,000 square feet	4 spaces per 1,000 square feet minimum; 5 spaces per 1,000 square feet maximum
	More than 600,000 square feet	5 spaces per 1,000 square feet minimum and maximum
	Industrial	1 space per employee at maximum shift
	Manufacturing	1 space per employee at maximum shift

ARTICLE E. LIGHTING REGULATIONS

8-4E-1: PURPOSE AND INTENT:

The purpose of this article is to provide outdoor lighting standards that will improve safety, minimize glare and light trespass, and conserve energy for businesses and residents of Jo Daviess County. (Ord. 2009-3, 5-12-2009)

8-4E-2: APPLICABILITY:

All new commercial, manufacturing, industrial and residential outdoor lighting installations shall meet the requirements of this article. (Ord. 2009-3, 5-12-2009)

8-4E-3: OUTDOOR LIGHTING STANDARDS:

A. Shielding Standards:

1. All nonexempt outdoor lighting fixtures with an initial output greater than or equal to two thousand (2,000) lumens shall be full cutoff.
2. All outdoor lighting fixtures with initial output less than two thousand (2,000) lumens are exempt from the requirements of this article.
3. All full cutoff outdoor lighting fixtures shall be installed and maintained in such a manner as to be horizontal to the ground so that the cutoff characteristics of the fixture are maintained.
4. Beyond the cutoff requirements of this section all light fixtures shall be located, aimed or shielded so as to minimize light trespass across property boundaries. Where applicable, all commercial installations shall utilize house-side shielding to minimize light trespass on residential properties.

B. Reduced Lighting Levels: Lighting levels shall be reduced to security levels within thirty (30) minutes after the close of business or the end of the business activity. (Ord. 2009-3, 5-12-2009)

8-4E-4: SPECIAL USES AND EXEMPTIONS:

A. Recreational Sports Facilities Lighting:

1. Shielding: Full cutoff lighting is strongly recommended. Where full cutoff fixtures are not utilized, acceptable outdoor light fixtures shall include those which:
 - a. Are provided with internal and/or external glare control louvers and installed so as to minimize uplight and off site light trespass, and
 - b. Are installed and maintained with aiming angles that permit no greater than five percent (5%) of the light emitted by each fixture to project above the horizontal.
2. Off Site Spill: The installation shall also limit off site spill (off the parcel containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design. A design goal of seventy five hundredths (0.75) full cutoff at any location on any nonresidential property, and twenty five hundredths (0.25) full cutoff at any location on any residential property, as measurable from any orientation of the measuring device, shall be sought.

B. Service Station Canopies: Lighting fixtures under any canopy shall be full cutoff to prevent glare. The portions of the canopy not included in the sign area shall not be illuminated.

C. Outdoor Advertising Signs:

1. Internally illuminated signs shall have dark backgrounds with light lettering.
2. Externally illuminated signs shall be lighted from the top down and lighting will be directed to minimize glare and light spill to nonsign areas.

D. Facade Lighting: The lighting of building facades is allowed and cutoff fixtures as defined by the Illuminating Engineering Society of North America (IESNA) are not required so long as shielded and directional fixtures are used. Fixtures must be installed and aimed so as to minimize glare, sky glow and light trespass.

E. Holiday Lighting: Holiday lighting is exempt from the provisions of this article.

F. Flag Lighting: The lighting of flags is allowed and cutoff fixtures as defined by the IESNA are not required so long as shielded and directional fixtures are used. Fixtures must be installed and aimed so as to minimize glare, sky glow and light trespass.

G. Emergency Lighting: Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all provisions of this article for as long as the emergency exists.

H. Temporary Lighting: Temporary lighting, such as that used at construction sites or other uses of a temporary nature, is exempt from the provisions of this article. However temporary lighting shall be aimed so as to minimize glare and light trespass to adjacent properties and turned off upon the completion of the project.

I. State Maintained Roadways: Lighting for state maintained roadways is exempt from the provisions of this article.

J. Aviation Facility Lighting: ILS landing lighting systems, taxiway lighting, heliport landing area lighting, rotating beacons for landing facilities, and anything relating to the safety and direction of aircraft required by the FAA, state of Illinois department of aviation, or other aviation governing bodies, is exempt from the provisions of this article. (Ord. 2009-3, 5-12-2009)

8-4E-5: CERTIFICATION:

Commercial and industrial installations must certify that the lighting system design and installation conforms to all applicable provisions of this article. (Ord. 2009-3, 5-12-2009)

8-4E-6: MEASUREMENT:

Unless otherwise stated all luminance measurements for the purpose of this article shall be made at ground level with the meter oriented horizontally. (Ord. 2009-3, 5-12-2009)

ARTICLE F. ADOPTION OF OTHER REGULATIONS

8-4F-1: BUILDING REGULATIONS:

The building ordinance adopted December 14, 1999, by the Jo Daviess County board, as from time to time amended, shall be applied to all zoning decisions under this title. It provides minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the unincorporated areas of Jo Daviess County and certain equipment specifically regulated therein. (Ord. 2009-3, 5-12-2009)

8-4F-2: LAND EVALUATION SITE ASSESSMENT (LESA):

The land evaluation site assessment ordinance adopted by the Jo Daviess County board on July 11, 2006, as from time to time amended and approved by the Illinois department of agriculture, bureau of land and water resources and USDA - natural resources conservation services, shall be used in the analysis of all zoning decisions under this title as may be applicable by said ordinance. (Ord. 2009-3, 5-12-2009)

8-4F-3: SPECIAL FLOOD HAZARD AREAS ORDINANCE:

The JD special flood hazard areas ordinance adopted December 12, 2006, as from time to time amended, shall be applied to all of the zoning decisions under this title. (Ord. 2009-3, 5-12-2009)

8-4F-4: REGULATION OF TELECOMMUNICATIONS FACILITIES:

The regulation of "telecommunications facilities" as defined in the ordinance regulation of telecommunications facilities adopted on July 9, 2002, by the county board of Jo Daviess County, as from time to time amended, and shall be governed by the terms of that ordinance and as may be regulated by the laws of the United States or the state of Illinois. (Ord. 2009-3, 5-12-2009)

8-4F-5: PUBLIC NUISANCE ORDINANCE:

The Jo Daviess County public nuisance ordinance adopted by the Jo Daviess County board on June 11, 1996, as from time to time amended, and shall be applied to all zoning decisions under this title. Its purpose is to define and abate public nuisances in the unincorporated area of Jo Daviess County, Illinois. (Ord. 2009-3, 5-12-2009)

8-4F-6: GUEST ACCOMMODATIONS ORDINANCE:

The guest accommodations ordinance adopted by the county board of Jo Daviess County, Illinois on August 10, 1999, as from time to time amended, and shall be applied to all zoning decisions under this title. (Ord. 2009-3, 5-12-2009)

8-4F-7: SUBDIVISION ORDINANCE:

The subdivision ordinance adopted September of 1991, by the Jo Daviess County board, as from time to time amended, shall be applied to all zoning decisions under this title. (Ord. 2009-3, 5-12-2009)

Chapter 5 USE TABLE AND REGULATIONS

ARTICLE A. USE TABLE

8-5A-1: PURPOSE AND INTENT:

The use table provides a tabular summary of the land use types allowed within each zoning district. The table is intended for reference and does not necessarily reflect all of the regulations that may apply to particular uses or districts. In the event of conflict between the use regulations listed within this chapter and the zoning district regulations of [chapter 3](#) of this title, the text of the zoning district regulations shall prevail. (Ord. 2009-3, 5-12-2009)

8-5A-2: PERMITTED USES:

Uses identified in a zoning district column of the use table with a "P" shall be permitted in such zoning district. Permitted uses shall also be subject to the standards and regulations as may be indicated in the "use standards" column and all other requirements of this zoning ordinance. (Ord. 2009-3, 5-12-2009)

8-5A-3: SPECIAL USES:

Uses identified in a zoning district column of the use table with an "S" shall be permitted in such zoning district if reviewed and approved in accordance with the standards of [chapter 2, article D](#) of this title. Special uses shall be subject to the standards and regulations as may be indicated in the "use standards" column and all other requirements of this zoning ordinance. (Ord. 2009-3, 5-12-2009)

8-5A-4: NOT PERMITTED:

Uses not identified in a zoning district column of the use table as permitted uses or special uses are not allowed in such zoning district unless otherwise expressly permitted by other regulations of this zoning ordinance. (Ord. 2009-3, 5-12-2009)

8-5A-5: STANDARDS:

A section number in the "use standards" column of the use table refers to standards and regulations applicable to the particular use in one or more of the districts in which such use is allowed. The referenced standards appear in [article B of this chapter](#). (Ord. 2009-3, 5-12-2009)

8-5A-6: TABLE:

USE TABLE

Use Type	Zoning Districts								Use Standards
	Residential				Nonresidential				
	AG	R-1	R-2	RP	CON	C	M	I	
Accessory uses	P	P	P	P	P	P	P	P	8-5B-1
Agri-tourism:	P								8-5B-51
Agricultural education center	P								
Christmas tree sales/cut your own	P								
Cooking demonstrations	P								
Exotic animal farm	P								
Farm tours	P								
Fee fishing/hunting	P								
Game preserve	P								
Hay tunnels/mazes/crop art	P								
Hay/wagon/sleigh rides	P								
Horse stables and riding; horseback riding	P								
On farm sales	P								

Petting zoos	P								
Picnicking	P								
School tours	P								
U-pick operations	P								
Wildlife viewing and photography	P								
Agriculture	P	P	P	P	P	P	P	P	
Areas of natural, historical/cultural, geological, educational, or research significance	P			S	P				
Home occupations/home office	P	P	P	P					8-5B-16
Interpretive center	P				P				
Rural business uses when found to be compatible with established uses on adjoining property	S								
Temporary uses	P	P	P	P	P	P	P	P	8-5B-37
Waste consolidation point			S	P					
Residential uses:									
Assisted living		S	P	S					
Detached accessory dwelling unit	S	S							8-5B-52
Detached accessory dwelling unit; manufactured homes	S	S							8-5B-52
Duplex			P	P					8-5B-31 , 8-5B-33
Group home	S	P	P	S					8-5B-15 , 8-5B-33
Group residential						S			
Guest accommodations and guest houses/homes	P	P	P	P		P			8-5B-46
Manufactured home, residential design	S ¹ P ²	P	P	P					8-5B-20 , 8-5B-33
Manufactured/mobile home			P						8-5B-19
Manufactured/mobile home park			S						8-5B-21
Modular home - agricultural residence	P ² S ¹								8-5B-32
Modular home - nonagricultural	S ¹ P ²	P	P	P					8-5B-33
Multi-family			S	P					8-5B-23 , 8-5B-33
Rural home based off premises business	S								8-5B-43
Single-family, attached dwelling			P	P					8-5B-31 , 8-5B-33
Single-family, detached agricultural residence	P ² S ¹								8-5B-32
Single-family, detached nonagricultural residence	S ¹ P ²	P	P	P					8-5B-33
Single-family, underground agricultural residence	P ² S ¹								8-5B-32 , 8-5B-34
Single-family, underground nonagricultural residence	S ¹ P ²	P	P						8-5B-33 , 8-5B-34
Single-family, zero lot line dwelling/condos		P	P	P					8-5B-35 , 8-5B-33
Transitional living facility		S	S						8-5B-38

Commercial uses:									
Adult entertainment establishment								S	8-5B-2
Agricultural processing	S						S	S	S
Agricultural sales and service	S						P	P	P
Animal care, general	S						S	P	
Animal care, limited	S						P	P	
Auction rooms	S						P		
Bank or financial institution							P		
Bed and breakfast	S	S	S	S			S		8-5B-5
Car wash							P	P	P
Catering establishment							P		
Childcare facility							P		
Childcare institution		S	S						
Construction sales and service							S	P	P
Daycare center		S	S						8-5B-12
Daycare home	P	P	P	P					8-5B-12
Festivals/events, large scale	S	S		S					
Food store							P		
Greenhouse/nursery	S				S		P	P	P
Greenhouse/wholesale	P								
Health club				S			P	P	
Hotel or motel							P	P	
Kennel, commercial	S						S	P	P
Manufactured home sales							P	P	
Office, general							P	P	
Paintball establishments	S								8-5B-25
Parking lot, commercial							P	P	
Racetracks							S	S	S
Recreation and entertainment, indoor				S	S		P	P	
Recreation and entertainment, outdoor	S			S	S		S	S	8-5B-27
Repair service							P	P	P
Research service							S	S	S

Restaurant, fast food						P	P		
Restaurant, general	S					P	P		
Retail sales and service						P	P		
Service station, automotive						S	P		
Service station, truck stop						S	P		
Studio (radio, television, film, or music)									
Vehicle and equipment sales						P	P	P	8-5B-41
Vehicle paint and body shop						S	P	P	8-5B-41
Vehicle repair						S	P	P	8-5B-41
Warehouse, self-storage	S			S		P	P	P	8-5B-45
Public, quasi-public, and institutional:									
Airport or airstrip	S						S	S	8-5B-3
Auditorium or stadium						S	S	S	
Camp, institutional	S								8-5B-6
Camp, recreational	S			S	S				8-5B-7
Cemeteries, mausoleums, or columbariums	S			S		S	S	S	8-5B-8
Churches, chapels, temples, or synagogues	S	S	S	S		P			8-5B-9
Club, private				S		P	S		
College or university			S			S	S	S	8-5B-30
Community center				S					
Competitive communication tower	S					S	S	S	8-5B-10
Correctional facility							S	S	
Crematory	S					S	P	P	
Cultural service						P	P	P	
Funeral home						P	P		
Golf course	S	S	S	S		P			8-5B-13
Government service	S	S	S	S		P	P	P	
Heliport or helipad	S					S	P	P	
Hospital				S		P	P		
Library		S	S			P	P		
Marina		S	S	S		P			8-5B-22

Medical service						P			
Military/paramilitary facility	S					S	S	S	
Nursing home		S	P	S		S			
Parks and recreation area	S	S	S	S	P	S	S	S	
Philanthropic institutions	S			S		P			
Post office						P	P		
Recreational vehicle park	S			S		S	P		8-5B-28
Safety service	S	S	S			S	S		
School (elementary, middle, high)	S	S	S	S		S	S	S	8-5B-30
Shooting range	S					S	S		8-5B-47
Stables, public	S								
Telecommunications tower	P	S	S	S		P	P	P	8-5B-42
Vocational school	S	S	S			S	S	S	8-5B-30
Manufacturing, industrial and extractive uses:									
Asphalt batch plant	S							S	8-5B-4
Basic industry							S	P	
Concrete plant	S							S	8-5B-4
Contractor shop and office						P	P	P	8-5B-11
Fertilizer distribution plant	S						P	P	
Food/bakery product manufacturing							P	P	
Freight terminal							P	P	8-5B-44
Gas and fuel sales/storage				S			S	P	
Hazardous operation								S	
Integrated center						S	S	S	
Landfill								S	8-5B-17
Landscape waste composting and mulching facility	S			S			S	S	8-5B-18
Laundry plan							P	P	
Manufacturing and assembly							P	P	
Mining or quarrying	S						S	S	8-5B-17
Oil or gas drilling/refining/distillation	S						S	P	8-5B-24

Printing and publishing								P	P		
Salvage yard								S	S	8-5B-29	
Solar energy systems, commercial	S										
Solar energy systems, private	P	P	P	P	P	P	P	P	P		
Solid waste collection/processing				S				S	S	8-5B-36	
Solid waste transfer station								S	P	8-5B-36	
Stockyard	S								S		
Transit facility								P	P	P	
Trucking facility								S	P	P	8-5B-44
Utility, major	S	S	S	S				S	S	S	8-5B-39
Utility, minor	P	P	P	P	S			P	P	P	
Warehousing and wholesale									P	P	
Welding or machine shop									S	P	
Wind energy conversion systems, private	P	P	S	S				S	S	S	8-5B-50
Wind generators, commercial	S										8-5B-40

- Notes:
 1. On lots less than 40 acres.
 2. On lots 40 acres or more.

(Ord. 2015-7, 11-10-2015; amd. Ord. 2016-8, 10-11-2016)

ARTICLE B. USE STANDARDS¹

8-5B-1: ACCESSORY USES:

Permitted uses and approved special uses shall be deemed to include accessory uses and activities that are customarily associated with, and appropriate, incidental, and subordinate to the principal uses allowed in zoning districts. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, unless otherwise stated in this title. Accessory uses shall not be established prior to the principal use, unless specifically allowed by this title.

Accessory uses shall not be established prior to the principal use except that the Zoning Administrator may issue a temporary permit for the residential use, by one (1) family, of any accessory building while the principal dwelling is under construction. Such temporary permit shall be valid until the date of the first occupancy of the principal building or eighteen (18) months after the issuance of the permit, whichever is the earlier date. Also, one (1) accessory 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 the otherwise vacant lot. The building shall be no larger than necessary for storage of the aforementioned machinery and equipment as determined by the zoning administrator.

A. Agricultural Accessory Uses: Agricultural accessory uses include, but shall not be limited to, the following activities and structures:

Barns, carports and off street parking and loading areas, provided that a detached garage or carport shall not cover more than ten percent (10%) of the total lot area.

Distillation of ethyl alcohol (ethanol) from agricultural crops and the processing of byproducts from such distillation when such alcohol is utilized as fuel for agricultural purposes on the premises.

Fences and walls.

Garages.

Gardens.

Gates and guardhouses.

Grain elevators for the storage of grains other than commercial grain storage.

Methane digester or generation when utilized as fuel for agricultural purposes on the premises.

Private radio and television receiving antennas and support structures.

Private stables.

Seasonal sale of agricultural produce grown on the premises as allowed as a temporary use in section [8-5B-37](#) of this article.

Signs as specified in [chapter 4, article C](#) of this title.

Other necessary and customary uses determined by the zoning administrator to be appropriate, incidental and subordinate to the agricultural use on the lot.

B. Residential Accessory Uses: Residential uses shall include, but not be limited to, the following accessory uses, activities and structures:

Fences and walls.

Garages, carports and off street parking areas, provided that detached garage or carport shall not cover more lot area than allowed by the applicable zoning district.

Gardens.

Gates and guardhouses.

Guest household unit, one is allowed, which may include a kitchen facility that is separate from that of the principal household unit, subject to the following:

1. The guest household unit is used only for the housing of guests of the family residing in the principal dwelling unit and not as a rental unit;
2. When the guest household unit is located within the same building as the principal dwelling unit the guest household unit should be accessible through the principal dwelling unit entrance. If a separate exterior entrance to the guest household unit is provided, it shall face either a side yard or the rear yard of the principal dwelling unit. For this purpose, an attached garage is considered part of the principal dwelling unit;
3. Maximum allowable living space of a guest household unit shall be nine hundred (900) square feet.

Home occupations, subject to section [8-5B-16](#) of this article.

Home office.

Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings, provided that such buildings shall not in total cover more than five percent (5%) of the total lot area.

Private radio and television receiving antennas and support structures.

Private stables.

Recreational and play facilities for residents.

Signs as specified in [chapter 4, article C](#) of this title.

Storage of recreational equipment such as boats, boat trailers, camping trailers, converted buses or trucks, provided that storage shall be limited to private garages, side or rear yards of private homes, and in the driveways of private homes if located behind the required front yard setback. Outside storage shall be limited to two (2) pieces of equipment. No recreational vehicle shall be used for living or sleeping purposes for a period exceeding thirty (30) days in a calendar year while stored on the premises.

Storm shelters and fallout shelters.

Other necessary and customary uses determined by the zoning administrator to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the zoning administrator to ensure land use compatibility.

C. Nonresidential Accessory Uses: Nonresidential uses shall include, but not be limited to, the following accessory uses, activities and structures:

Automated teller machine (ATM).

Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the principal use.

Dwelling units, other than mobile homes, when used or intended to be used for security or maintenance personnel.

Fences and walls.

Gates and guardhouses.

Offices for allowed business and industrial uses when the office is located on the same site as the principal use.

Parking garages and off street parking areas.

Parsonages, rectories, parish houses, and housing for others residing on the premises in conjunction with a church, chapel, temple, synagogue or other place of religious assembly.

Playgrounds, play fields, athletic fields, auditoriums, gymnasiums, swimming pools, heating plants, administration and recreational buildings including the sale of food and nonalcoholic refreshments, in conjunction with educational and recreational facilities.

Recycling collection stations, subject to the provisions of subsection E of this section.

Restaurants, newsstands, gift shops, swimming pools, tennis courts, clubs and lounges when in a permitted hotel, motel or office building.

Sales of goods produced as a part of allowed industrial activities when on the same site as the principal industrial use.

Signs as specified in [chapter 4, article C](#) of this title.

Single-family, accessory dwelling. In the C commercial district, a single-family dwelling unit may be allowed as an accessory use in the principal building subject to the following:

1. Said dwelling unit is occupied only by the proprietor of the principal use and his family; or
2. One employee of the proprietor which may include the family of the employee.

Storage of merchandise when located within the same building as the principal business.

Television receiving antennas and support structures.

Other necessary and customary uses determined by the zoning administrator to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standard imposed by the Zoning Administrator to ensure land use compatibility.

D. Accessory Use Development And Operational Standards: The following standards shall apply to all accessory uses and structures unless otherwise specifically provided:

1. Exterior Setback: No accessory structure, other than a fence, shall be located within a required exterior setback.
2. Setbacks From Easements: No accessory structure, other than a fence, shall be located within any platted or recorded easement unless all parties with an interest in the easement provide written permission for locating an accessory structure in the easement. No accessory structure, including fences, shall be located within a drainage easement. Any fence located within a platted easement, recorded easement, or over a known utility shall be constructed at the property owner's risk. Any utility company having to remove or relocate said fence shall not be required to replace or repair said fence.
3. Height: No accessory structure shall exceed the maximum height standards of the underlying district unless specifically authorized.
4. Building Separation: Unless attached to the principal structure, accessory structures shall be located at least five feet (5') from any other structure.
5. Building Coverage: No accessory structure shall exceed the maximum coverage allowed by the underlying district unless specifically authorized.

E. Recycling Collection Stations: Recycling collection stations shall be allowed as an accessory use in accordance with the following standards:

1. Maximum Size And Approval Required: Recycling collection stations shall be allowed as an accessory use only if it does not exceed one thousand (1,000) square feet in area and only if shown on a site plan that has been reviewed and approved in accordance with [chapter 2, article E](#) of this title.
2. Screening: All collection stations shall be screened from public view of adjoining properties or any street right-of-way with a six foot (6') tall, one hundred percent (100%) opaque, solid screen or be wholly contained within a structure.
3. Separation From Residential: Recycling collection station structures shall be located at least one hundred fifty feet (150') from an R-1 or R-2 District or residential dwelling.
4. Reverse Vending Machines: Reverse vending machines shall be located or soundproofed such that the noise of operation is imperceptible from any property line of property zoned or used for residential purposes.
5. Maintenance: An employee, business owner or property owner shall be responsible for keeping the recycling sites in a clean and safe condition and shall pick up any recycle materials that have blown around the site or adjacent area. All materials shall be stacked properly within a recycling bin and be monitored on a frequent basis.
6. Hours Of Operation: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Zoning Administrator.
7. Signs: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. (Ord. 2009-3, 5-12-2009)

F. Miscellaneous: Small scale events such as garage sales, auctions and private, non-commercial events on the sponsor's property such as private weddings, family reunions and graduation celebrations not intended to be open to the public and events such as gatherings at any regularly established permanent place of worship, fairgrounds or any permanent established place of business when held in conjunction with and at the site of business, when accessory to the permitted principal use on the property are permitted under this section. (Ord. 2016-8, 10-11-2016)

8-5B-2: ADULT ENTERTAINMENT ESTABLISHMENT:

- A. Separation From Other Uses: No adult entertainment establishment shall be permitted within two thousand six hundred fifty feet (2,650') of any residential zone, residential dwelling, or of any religious assembly, school or park and recreation use. This separation distance shall be measured as a straight line, without regard to intervening properties, from the nearest exterior wall of the adult entertainment establishment to the nearest lot line of a residential zone, residential dwelling or a lot that contains a religious assembly, school or park and recreation use.
- B. Separation From Other Adult Entertainment Establishments: No adult entertainment establishment shall be allowed to locate or expand within two thousand six hundred fifty feet (2,650') of any other adult entertainment use or of any bar or tavern.
- C. Access: All access to and from the adult entertainment establishment shall be provided from a thoroughfare street.
- D. Windows And Doors: The building in which the adult entertainment establishment is located shall be designed in such a fashion that all openings, entries and windows prevent views into such establishments from any sidewalk, walkway, street or other public area. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building. No adult entertainment activity shall take place outside the building containing the adult entertainment establishment.
- E. Signs: Adult entertainment establishments shall be limited to one wall mounted sign no greater than one square foot of sign per linear foot of wall length, not to exceed a total of fifty (50) square feet. The sign shall not flash, blink or move by mechanical means and shall not extend above the roofline of the building. No flashing lights or lighting that gives the impression of motion or movement shall be permitted.
- F. Parking Area Lighting: Lighting of parking areas that serve an adult entertainment establishment shall provide a minimum light level of twenty five hundredths (0.25) foot-candle over the entire parking area, but in no point shall the light level exceed three (3.0) foot-candles, nor shall any increase in light levels or visible glare be permitted at the lot line. (Ord. 2009-3, 5-12-2009)

8-5B-3: AIRPORT OR AIRSTRIP:

Airports and airstrips shall comply with all federal and state regulations as well as other conditions with the granting of a special use. (Ord. 2009-3, 5-12-2009)

8-5B-4: ASPHALT PLANT:

- A. Residential Separation: Asphalt plants shall not be located within one thousand feet (1,000') of an R-1 or R-2 district boundary line or property on which an existing residential zone or a residential dwelling is located. The separation distance shall be measured from the nearest property line on which the asphalt plant is or is intended to be located to the nearest boundary property line of an R-1 or R-2 district or to the nearest property line of a residential zone or lot on which an existing residential dwelling is located.
- B. Access: Access to an asphalt plant shall only be from an arterial or collector road.
- C. Accessory Use: Accessory use to a quarry allowed by special use permit only. (Ord. 2009-3, 5-12-2009)

8-5B-5: BED AND BREAKFAST ESTABLISHMENTS²:

Bed and breakfast establishments shall be allowed in the zoning districts as specified in this chapter upon approval of a special use permit issued in accordance with the provisions of [chapter 2, article D](#) of this title. When considering a special use permit application for a bed and breakfast establishment, the following requirements shall apply:

- A. The establishment shall be located within a one- or two-family dwelling unit.
- B. The establishment shall be located on a lot that is a minimum of one acre in size.
- C. The yard and floor area requirements shall be as set forth in the R-1 single-family dwelling district.
- D. The establishment shall be located in a dwelling unit permanently occupied by the owner or manager, wherein as an accessory use to the residential use, rooms are rented to the public for more than ten (10) consecutive nights in any twelve (12) month period, with the exception of the agricultural district wherein a bed and breakfast may incorporate the use of accessory buildings detached from the main house providing such are suitable for human habitation.
- E. Breakfast may be provided to guests of the bed and breakfast only.
- F. Two (2) off street parking spaces plus one additional off street parking space per lodging room shall be provided. All off street parking spaces for each lodging room shall be adequately screened from neighboring property.

- G. No more than five (5) guestrooms may be provided. The county board may, however, further limit the number of lodging rooms allowed in order to maintain the character of the neighborhood in which the bed and breakfast facility is located.
- H. No signs other than an identification sign as allowed by [chapter 4, article C](#) of this title shall be permitted.
- I. The establishment shall comply with the requirements of the state fire marshal for one- and two-family dwellings.
- J. The operator of the establishment shall obtain certification from the state fire marshal that the proposed bed and breakfast establishment meets the requirements of section 6 of the state of Illinois "bed and breakfast act".
- K. In conjunction with the special use permit application, a floor plan of the proposed bed and breakfast establishment shall be submitted illustrating that the proposed establishment will comply with the requirements for bed and breakfast establishments as set forth by this title.
- L. The operator shall obtain all required licenses and permits for a bed and breakfast establishment as required by the Jo Daviess County health department prior to beginning the operation of the bed and breakfast establishment. (Ord. 2009-3, 5-12-2009)

8-5B-6: CAMP, INSTITUTIONAL:

Institutional camps may be allowed upon approval of a special use permit issued in accordance with [chapter 2, article D](#) of this title and the following provisions:

- A. The camp is located within a contiguous growth area as designated by the comprehensive plan for the development of the community of Jo Daviess County; or
- B. Is located outside of a contiguous growth area where parcels with a land evaluation and site assessment score less than two hundred (200). (Ord. 2009-3, 5-12-2009)

8-5B-7: CAMP, RECREATIONAL:

Recreational camps may be allowed upon approval of a special use permit issued in accordance with [chapter 2, article D](#) of this title and the following provisions:

- A. Any accessory outdoor recreational facilities shall be for use only by persons camping on the premises.
- B. Incidental storage of such recreational vehicles shall be permitted provided such vehicles are not placed on permanent foundations or supports. (Ord. 2009-3, 5-12-2009)

8-5B-8: CEMETERIES, MAUSOLEUMS OR COLUMBARIUMS:

A fifteen foot (15') wide landscape buffer shall be provided along all property lines. (Ord. 2009-3, 5-12-2009)

8-5B-9: CHURCHES, CHAPELS, TEMPLES OR SYNAGOGUES:

- A. Bus Parking: Any parking area used for the overnight parking of buses and vehicles shall be located at least one hundred feet (100') from the lot line of a lot zoned residential or residential dwelling. Any such parking area shall be screened from view of adjacent residential zone or residential dwelling districts by a landscape buffer.
- B. Accessory Dwelling: A property on which a church, chapel, temple or synagogue is located may also contain an accessory residential dwelling to be used as a parsonage, rectory or parish house. (Ord. 2009-3, 5-12-2009)

8-5B-10: COMPETITIVE COMMUNICATION TOWERS:

Shall comply with [title 4, chapter 8](#) of this code as well as all state and federal regulations. (Ord. 2009-3, 5-12-2009)

8-5B-11: CONTRACTOR SHOP AND OFFICE:

No outside storage shall be allowed within a commercial district. Temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction activities, except that such facilities shall be required to be located not less than three hundred feet (300') from any building used for residential purposes, and except that the period of such temporary use shall not exceed the duration of the permit. Types of facilities used by contractors in the ordinary course of construction activities shall include, but not be limited to, a contractor's office or equipment sheds and shall be located on the same lot where such construction is occurring or on a contiguous lot, shall be exempt. (Ord. 2009-3, 5-12-2009)

8-5B-12: DAYCARE (CENTER, HOME):

A. Daycare Center:

1. State Licensing: Each daycare center shall be licensed by the Illinois department of children and family services under the Illinois child care act of 1969³, and shall meet all county and state health department requirements pertaining to facilities, equipment, and other features.
2. Vehicle Drop Off Area: An off street loading zone capable of holding one car per ten (10) individuals cared for shall be provided, in addition to the required parking area, in order to provide for the safe pick up and discharge of passengers.

B. Daycare Home: Each daycare home shall be conducted in a single-family or two-family dwelling unit that is occupied as a permanent residence by the daycare provider. The use will be considered a home occupation and shall be subject to the home occupation provisions of this article. (Ord. 2009-3, 5-12-2009)

8-5B-13: GOLF COURSES:

A. Location Of Accessory Restaurants And Equipment Shops: Facilities such as restaurants, bars and equipment shops shall be allowed when an integral part of a principal clubhouse building, provided there is no exterior display or advertising for the restaurant or bar.

B. Location Of Accessory Recreation Facilities: Buildings, swimming pools, tennis courts, and similar accessory recreational facilities shall be set back at least twenty five feet (25') from the property line of any AG, R-1 or R-2 zoning district.

C. Size: An 18-hole golf course shall require a minimum of sixty (60) acres for each nine (9) holes unless the golf course is a par 3 course in which case a minimum of twenty five (25) acres shall be required for each nine (9) holes. (Ord. 2009-3, 5-12-2009)

8-5B-14: GREENHOUSES AND NURSERIES:

Greenhouses, nurseries and wholesale sales of plant materials and garden crops shall be subject to the following standards:

A. Within the agricultural district, a minimum of sixty percent (60%) of the plant materials and garden crops that are for sale shall be grown on the property.

B. Greenhouses and nurseries shall not be located within one hundred fifty feet (150') of an existing residentially zoned district, boundary line, or residential dwelling.

C. Within the conservation district, retail sales are not permitted. (Ord. 2009-3, 5-12-2009)

8-5B-15: GROUP HOME:

Group homes shall be subject to the following standards:

A. Spacing: A group home to be located within an R-1 or R-2 district shall not be located on a lot that is within six hundred feet (600') of another lot on which a group home is located.

B. Exterior Appearance: There shall be no alteration of the exterior of the group home that shall change the character thereof as a single-family residence. There shall be no alteration of the property on which the group home is located that will change the character thereof as property within a single-family dwelling district.

C. Neighborhood Character: A group home shall be constructed to be compatible with the architectural character of the neighborhood in which it is located. (Ord. 2009-3, 5-12-2009)

8-5B-16: HOME OCCUPATIONS:

Home occupations shall be permitted in all districts permitting dwellings subject to the following provisions and the provisions for accessory uses as specified in section [8-5B-1](#) of this article:

A. Restrictions And Limitations:

1. The home occupation shall be incidental and subordinate to the principal residential use of the premises.
2. No more than four (4) employees who do not reside in the house may work at the location of the home occupation on any single day. The home occupation shall not constitute a nuisance taking into account the character of the surrounding area or neighborhood. The number of employees that never work at the home occupation location shall not be limited.

3. Sales on the site of a home occupation shall be limited to goods made on the site. Off premises sales, including sales made by telephone, fax or computer are not prohibited by this title.
4. No exterior display of merchandise sold or used in conjunction with the home occupation shall be allowed.
5. Signs shall comply with [chapter 4, article C](#) of this title. No sign shall exceed two feet (2') in any direction, shall not be illuminated and shall be placed flat against the main wall of the principal residential structure.
6. Materials or equipment used in conjunction with a home occupation shall be wholly enclosed within the dwelling or accessory building.
7. No equipment shall be utilized that creates a nuisance such as noise, vibration, smoke, dust, odor, heat, glare, emissions or electrical interference.
8. No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling.
9. No traffic shall be generated by the activity of the home occupation which creates a nuisance taking into account the character of the surrounding area or neighborhood. This provision shall also include the prohibition of regular delivery by tractor trailer combination trucks.
10. The following are examples of uses that are permitted for illustrative purposes:

Art, dancing, and music schools.

Artists' studios and conservatories.

Barbershops, beauty shops and tanning salons.

Catering.

Chimney sweep.

Contracting - electrical, carpenter, plumbing, heating, painting.

Flower arrangement.

Gardening, landscaping (office).

Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinetmaking, etc.

Housecleaning service.

Jewelry making, rock polishing.

Locksmith.

Offices, general, for example, including, but not limited to, offices for realtors, insurance agents, brokers, sales representatives, accounting services, architectural services, consulting services, data processing, drafting and graphic services, engineering services, financial planning, legal services, investment services, counseling services, interior design, tax preparation, typing, word processing services, writing, computer programming services and manufacturing representatives.

Pet grooming.

Security service, security systems, auto security systems.

Small appliance and electronic repair services.

Small engine repair (lawn and garden).

Swimming pool cleaning.

Tailoring, alterations, and other sewing services.

Telephone answering, switchboard, call forwarding.

Tutoring, music lessons, religious instruction.

Watch, clock, and jewelry repair services.

11. Permitted home occupations shall not in any event include the following:

Adult entertainment establishments.

Antiques - retail.

Automobile and other motor vehicle repair services.

Grocery sales.

Heavy equipment rental.

Kennels.

Undertaking, mortuary and funeral services.

Veterinary clinics. (Ord. 2015-7, 11-10-2015)

8-5B-17: LANDFILLS, MINING, AND QUARRYING:

Landfills as defined by the state of Illinois, mining and quarrying operations shall be subject to the following standards:

- A. Minimum Surveyed Site Area: A minimum site area of thirty five (35) acres shall be required for a landfill. A minimum surveyed site area of ten (10) acres shall be required for mining or quarrying.
- B. Setback Distances: No digging or excavating shall occur within one hundred fifty feet (150') of any lot line with a quarry face of no more than one hundred feet (100'), for future reclamation.
- C. Groundwater: Groundwater protection at the site by accepted good construction methods of berming and silt fencing. NPDES permit required.
- D. Location: Landfill, mines or quarrying of any kind shall not be located within one thousand five hundred feet (1,500') of a residential dwelling, except for a residence occupied by the owner, lessees, or operator of the premises on which the activities take place, or a residence, the owner and occupant of which have executed written consent for such operations to be conducted closer than one thousand five hundred feet (1,500') from such residence.
- E. Fencing: A fence surrounding the quarry is required.
- F. Reclamation: Reclamation is required upon discontinuance of use or upon expiration of the permit. (Removal of less than 300 cubic yards of material per year for 3 succeeding years constitutes discontinuance of the use.) Upon reclamation a three to one (3:1) slope is required for the sidewalls, with cover and seed.
- G. Bond: Bonding for the reclamation of the quarry to be established at the time of special use request.
- H. Fuel Storage: No fuel storage on site.
- I. Dust Free: All roads, driveways, parking lots and loading and unloading areas shall be kept in as dust free condition as possible, using application of dust inhibitors, if necessary so as to limit the nuisance caused by windborne dust or debris to adjoining lots and public roads. (Ord. 2009-3, 5-12-2009)

8-5B-18: LANDSCAPE WASTE COMPOSTING AND MULCHING FACILITY:

The following standards shall apply to all landscape waste composting facilities:

- A. Permission To Construct And Operate: An application for permission to construct and operate a landscape waste composting facility shall be accompanied by copies of all valid permits issued and required by the Illinois environmental protection agency, and all other applicable local, state or federal agencies.
- B. Minimum Site Area: All landscape waste composting and mulching facilities shall be located on a site containing at least five (5) acres.
- C. Separation Distance:
 - 1. The location of the portion of the site where active biological decomposition of the landscape waste is taking place shall not be located less than five hundred feet (500') from the following:
 - a. Residential zone or a residential dwelling.
 - b. A lot line of any lot containing a residence;
 - c. A boundary line of an R-1 or R-2 district.
 - 2. The location of all operations of such landscape waste composting facility shall be outside the boundary of any special flood hazard area.
- D. Setback: The location of the portion of the site where active biological decomposition of the landscape waste is taking place shall be set back a minimum of two hundred feet (200') from the property line. In addition, the facility shall be set back not less than two hundred feet (200') from a potable water supply.
- E. Landscape Buffer: Each landscape waste composting facility shall have a landscape buffer around its perimeter. The county board may require a greater buffer to protect adjacent property from adverse visual, noise and other impacts associated with a specific compost facility.
- F. Traffic Circulation: The operation shall provide an entrance with ingress and egress so designed as to minimize traffic congestion. No more than one vehicle entrance shall be allowed for each six hundred sixty feet (660') of lot frontage on a public street. There shall be enough room on site to

accommodate peak traffic volume and company vehicles. The zoning administrator may require a traffic report to be submitted with the special use permit application.

- G. **Storage Bins:** Storage bins will be allowed to be stored on site as an ancillary use, providing they are durable, covered and meet the same setbacks required for structures on the site. The number of storage bins allowed may be limited by the county board and shall be screened from view from off site.
- H. **Sale Of Composted Material:** The sale or marketing of any composted or mulched waste material at retail or wholesale from such facility shall be allowed only when such sale or marketing is accessory and incidental to the composting and mulching facility.
- I. **Hours Of Operation:** The proposed hours of operation shall be submitted with the special use permit application for the facility. In no case, however, shall the facility operate before sunrise or after sunset.
- J. **Dust Free Condition:** All entrance roads and driveways, parking lots and loading/unloading areas within one hundred feet (100') of any lot line or roadway shall be graded and paved with an approved concrete or asphalt/concrete surface as approved by the zoning administrator so as to limit adjoining lots and public roads from the nuisance caused by windborne dust and debris. All roads, driveways, parking lots and loading and unloading areas shall be kept in as dust free condition as possible, using application of dust inhibitors, if necessary, so as to limit the nuisance caused by windborne dust or debris to adjoining lots and public roads.
- K. **Stormwater Management:** A stormwater management plan may be required at the discretion of the zoning administrator.
- L. **Litter Control:** Evidence shall be submitted to show that the operation shall be conducted in such a manner as to prevent the blowing of any waste materials or dust particulate matter onto adjoining property or roadway.
- M. **Hazardous Material:** Operations shall not involve the on site holding, storage or disposal of hazardous substances, except for such substances used for the operation of the facility such as fuel and pesticides.
- N. **Material:** No food scraps (except for vegetable scraps) or other vermin attracting materials shall be processed, stored or disposed of on the site of the compost facility. Only yard/garden wastes are allowed as compost material. (Ord. 2009-3, 5-12-2009)

8-5B-19: MANUFACTURED HOME/MOBILE HOME:

Manufactured homes and mobile homes shall only be permitted in a manufactured home park unless said manufactured home is a "manufactured home, residential design" as defined and allowed herein. (Ord. 2009-3, 5-12-2009)

8-5B-20: MANUFACTURED HOME, RESIDENTIAL DESIGN:

Standards are those as set forth in the building regulations, [title 7, chapter 3](#) of this code. (Ord. 2012-3, 2-14-2012)

8-5B-21: MANUFACTURED HOME PARKS:

Manufactured home parks shall comply with the following standards:

A. Property Development Standards:

1. Minimum park area: Ten (10) acres.
2. Maximum density: Seven (7) dwelling units per acre.
3. Minimum perimeter setbacks: Forty feet (40').

B. Streets: Private streets shall be permitted within manufactured home parks, provided that they comply with the design standards of the Jo Daviess County land subdivision ordinance. Street signs shall comply with all applicable county standards.

C. Parking: A minimum of two (2) off street parking spaces shall be provided for each dwelling unit within the manufactured home park. At least one of the two (2) required spaces shall be an off street parking space located on each manufactured home unit space. All off street parking areas shall be paved in accordance with county standards.

D. Recreation And Open Space: At least three hundred (300) square feet of common recreation and open space shall be provided per manufactured home/manufactured housing site in the manufactured home park. Such recreation and open space area shall be located no farther than five hundred feet (500') from any manufactured home site served. Streets, sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the necessary area.

E. Walkways: Walkways shall be required on one side of all interior streets and accessways and shall provide connections between manufactured home units and common areas such as recreational areas and laundry facilities. Walkways shall not be less than four feet (4') in width.

- F. Water Supply: All manufactured home parks shall be connected to a water supply system as approved by the Illinois environmental protection agency.
- G. Sewage Disposal: All manufactured home parks shall be connected to a sewer system as approved by the Illinois environmental protection agency or the Jo Daviess County health department.
- H. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect those who will reside in the manufactured home park, as well as the property owners adjacent to the manufactured home park. Such facilities shall be of such capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park and shall comply with all applicable county standards. A stormwater management plan shall be filed with the application.
- I. Underground Utilities: All electric, telephone, and other lines from supply poles outside the park or other sources to each manufactured home site shall be underground.
- J. Fire Protection: Manufactured home parks shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the park to satisfy regulations of the state fire marshal.
- K. Flammable Liquid Storage: The use of individual fuel oil or propane gas storage tanks to supply each manufactured home separately shall be prohibited. Any fuel oil or gas storage shall be centrally located in underground tanks, at a safe distance from any manufactured home site. All fuel lines leading to the park and to manufactured home sites shall be underground and so designed as to conform with any state code that is applicable. When separate meters are installed each shall be located in a uniform manner.
- L. Solid Waste: All garbage and trash containers shall be placed in a conveniently located enclosed structure the exterior of which is similar in appearance to the manufactured home it serves. The removal of trash shall take place not less than once a week. Individual or common incinerators shall be prohibited.
- M. Landscaping: A landscape buffer as approved by the county board shall be provided and maintained along all boundaries of a manufactured home park except at established entrances and exits.
- N. Manufactured Home Spaces Within Manufactured Home Parks: Manufactured home spaces within manufactured home parks shall comply with the standards of this section.
1. Minimum Size Of Manufactured Home Space: Each manufactured home space within a manufactured home park shall contain at least three thousand (3,000) square feet of site area, and be at least forty feet (40') in width.
 2. Access: Each space shall have access to a paved interior roadway. In no case shall access to manufactured home spaces be provided from abutting property.
 3. Separation/Clearance: Each space shall be located so that at least ten feet (10') of separation clearance will be maintained between manufactured home units and other structures in the park.
 4. Canopies And Awnings: Canopies and awnings may be attached to any manufactured home and may be enclosed and used for recreation or sunroom purposes. When enclosed for living purposes, such shall be considered as part of the manufactured home.
 5. Utility Hookup: Each manufactured home space shall have hookup facilities for water, sewer, electricity, and telephone. (Ord. 2009-3, 5-12-2009)

8-5B-22: MARINA:

- A. Marinas and boat landing facilities may include the following accessory uses:
- Boat fuel sales.
 - Boat rental.
 - Boat sales.
 - Boat storage and repair.
 - Sales and service of marine motors, boat parts and accessories.
- B. Incidental sales of food and prepackaged beverages may be allowed as an accessory use to a marina upon approval of a special use permit specifically allowing such incidental sales.
- C. Marinas shall be located on lots having not less than one hundred feet (100') of frontage on a waterway used for the general public for boating activities.
- D. Parking areas shall comply with the requirements of [chapter 4, article D](#) of this title.
- E. Sanitation facilities shall be as required by the Jo Daviess County health department. (Ord. 2009-3, 5-12-2009)

8-5B-23: MULTI-FAMILY:

Multi-family development shall be subject to the following guidelines and standards as part of the site plan review of each development:

A. Natural Features And Environment: Each site should be designed to preserve natural features and environmental resources, such as:

1. Floodplains and drainageways.
2. Bodies of water.
3. Prominent ridges.
4. Existing tree cover including tree masses, wind rows and significant individual trees.

B. Cut And Fill: Excessive cut and fill are unacceptable. The development should preserve the natural topography of the site.

C. Pedestrian Circulation: Pedestrian circulation systems (sidewalks, walkways, and paths) shall be located and designed to provide physical separation from vehicles along all public and private streets and within any parking area. Pedestrian access should be designed to provide reasonable linkages of dwelling units to other facilities within the development such as recreation, services, mail and parking.

D. Building Separation: All buildings shall be separated by a minimum distance of twenty feet (20').

E. Lot Coverage: Each development should be designed to reflect unique site characteristics and build strong neighborhood environments without overcrowding the site.

F. Net Living Area: A minimum net living area for each dwelling unit (exclusive of basements, open porches, terraces, patios, garages, carports, and facilities such as heating, cooling and laundry serving more than 1 dwelling unit) shall be as follows:

1. Three hundred seventy five (375) square feet for efficiency units;
2. Five hundred (500) square feet for one bedroom units;
3. Seven hundred fifty (750) square feet for two (2) bedroom units;
4. Eight hundred fifty (850) square feet for three (3) bedroom units; and
5. Nine hundred fifty (950) square feet for a unit with four (4) or more bedrooms.

G. Access: Whenever possible, local streets shall provide the vehicular access for all multi-family residential developments.

H. Open Space: Open space should be provided to meet active and passive use requirements of the neighborhood.

1. At least ten percent (10%) of the total site area shall be set aside as common open space. The common open space area shall be suitable for active or passive recreational use. Common open space areas should be centrally placed within the neighborhood. Common open space may include pools, tennis courts, and tot lots. Common open space may not be counted as part of nor located in a required setback area.
2. A minimum of sixty (60) square feet of private open space shall be provided for each dwelling unit. Private areas should be accessible from each applicable dwelling unit and should be designed to prevent access from other areas so as to ensure privacy. Private areas typically include yards, balconies and patios adjoining each dwelling unit.

I. Building Clustering: Unusable and unassigned open space surrounding buildings should be reduced by clustering buildings. Buildings should be clustered around a central common area, and not have the primary orientation directed toward the parking area.

J. Building Orientation:

1. Individual Buildings: Individual buildings should be oriented in a way that establishes neighborhoods and subneighborhoods.
2. Reduction Of Unusable Open Space: Unusable open space should be reduced through building orientation, the use of low walls, fencing, landscaping and entry design.

K. Vehicular Circulation And Parking:

1. Street Layout: The layout of streets should provide for safe operation of vehicles within the development.
2. Parking Area Layout: Double loaded parking areas along private streets are generally not acceptable. Parking areas should be located along drives that intersect public or private streets.
3. Parking Enclosures: Parking enclosures should be designed and sited so as to complement the primary structures and to provide visual relief from extensive pavement area. (Ord. 2009-3, 5-12-2009)

8-5B-24: OIL AND GAS DRILLING/REFINING:

Oil and gas drilling/refining operations shall be subject to the following standards:

- A. Oil and gas drilling/refining operations shall not be located within one thousand feet (1,000') of a boundary line of a residential district or any residential dwelling.
- B. The distillation of ethyl alcohol (ethanol) from agricultural crops and the processing of byproducts from such distillation when such alcohol is not utilized as fuel for agricultural purposes on the premises shall be allowed as a permitted use in the manufacturing and industrial districts and as a special use, issued in accordance with the provisions of [chapter 2, article D](#) of this title, in the agricultural and commercial districts. (Ord. 2009-3, 5-12-2009)

8-5B-25: PAINTBALL ESTABLISHMENTS:

The following requirements shall apply to paintball establishments:

- A. Operator is required to maintain membership in the American Paintball League (or similar reputable national organization) and enforce their operating rules.
- B. Warning signage shall be placed every one hundred feet (100') along the property lines and be visible from a distance of fifty feet (50').
- C. A clearly marked buffer of fifty feet (50') adjacent to any street or public way and of thirty feet (30') along any other lot line shall be provided in which no paintball games may take place.
- D. Parking shall be in designated areas only.
- E. No games shall be played before sunrise or after sunset.
- F. A copy of the current liability policy of not less than one million dollars (\$1,000,000.00) for bodily injury or death shall be maintained in the department of building and zoning.
- G. A permit from Jo Daviess County health department for food service shall be provided and sanitation facilities shall be provided.
- H. A site plan drawn to scale shall be provided showing property lines, parking areas, buffers and other improvements. (Ord. 2009-3, 5-12-2009)

8-5B-26: RACETRACKS:

The following requirements shall apply to racetracks:

- A. Access to racetracks shall be provided by a paved roadway that is classified as an arterial roadway.
- B. Racetracks for the racing of animals shall be located at least one mile from any residential district or residential dwelling.
- C. Racetracks for the racing of motor vehicles shall be located at least two (2) miles from any residential district or residential dwelling. (Ord. 2009-3, 5-12-2009)

8-5B-27: RECREATION AND ENTERTAINMENT, OUTDOOR:

Outdoor recreation and entertainment uses shall be located on arterial or collector roads. Public activity areas shall be located at least six hundred sixty feet (660') from any adjacent residential district or residential dwelling. (Ord. 2009-3, 5-12-2009)

8-5B-28: RECREATIONAL VEHICLE PARKS:

Recreational vehicle parks shall be permitted subject to the following conditions:

- A. The site selected for recreational vehicle parks shall be well drained and designed to provide space for recreational vehicles that are intended for short term occupancy. Recreational vehicles may have a permanent placement within said park as long as said recreational vehicle has not been built onto and the owner of said recreational vehicle has a bona fide residence at a different location. Location of the recreational vehicle park may not front on a major roadway or thoroughfare, but shall be directly accessible to the major roadway by means of a private road or public road on which it has frontage.
- B. Minimum tract size shall be two (2) acres and shall be one owner.

- C. The maximum number of recreational vehicle spaces allowed shall not be more than twenty (20) per acre. Consideration shall be given to whether the recreational vehicle park and the density level are designed accordingly. The densities of overnight use may be higher than destination type since it primarily serves as a short stopping point while the destination type recreational vehicle park provides for longer and extended stays of several days or weeks.
- D. Minimum width of a recreational vehicle space shall be twenty five feet (25'). The space shall be so designed to provide space for parking both a travel trailer and towing vehicle off the roadway. No travel trailer unit shall be closer than twelve feet (12') to any other adjacent unit, structure or roadway, and all spaces shall have direct access to the roadway. No unit shall be placed closer than thirty feet (30') to any of the development property lines, and the ten feet (10') nearest the property line shall be permanently maintained as a sodded and/or landscaped area.
- E. Mobile homes and manufactured homes shall not be allowed.
- F. A central office or convenience establishment with an attendant shall be provided within the recreational vehicle park to register guests and provide service and supervision to the camp. An accessory residence shall be allowed for occupancy by the owner or operator of the facility.
- G. The applicant for a recreational vehicle park shall submit a site plan in accordance with the provisions of [chapter 2, article D](#) of this title to the zoning board of appeals for their review and recommendation. In addition to the requirements of [chapter 2, article D](#) of this title, the site plan shall contain the information required below and any other information the county board shall deem reasonably necessary to fully evaluate the proposed development:
1. General layout of development with dimensions, depths, number of spaces and related sanitation accommodations.
 2. Parking area location, sizes and capacity.
 3. Ingress and egress points for the project.
 4. Use of structures.
 5. General layout of typical recreational vehicle space showing size of space and proposed improvements.
 6. Layout of roadway within the camp.
 7. Net density of proposed project, expressed in terms of units per acre.
 8. General landscaping plan indicating all new and retained plant material to be incorporated within the new development and layout of outdoor lighting system.
 9. Plan and method of sewage disposal and water supply.
 10. Location plan and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries and utility areas. In addition, proof of state license for operation of the sewer and water supply.
 11. The development shall provide a general refuse storage area or areas which shall be provided with a paved concrete surface and shall be enclosed to screen it from view.
- H. The recreational vehicle parks shall be planned and constructed in accordance with the minimum standards established in this section and outlined below:
1. All parking areas and roadways shall be constructed and paved with a hard surface bituminous or concrete material or at least eight inches (8") of crushed aggregate material.
 2. All camps shall be provided with general outdoor lighting with a minimum of three-tenths (0.3) foot-candle of general illumination.
 3. At least ten percent (10%) of the park area shall be yard area or open space. All yard areas and other open spaces not otherwise paved or occupied by structures shall be sodded and/or landscaped and shall be maintained. (Ord. 2009-3, 5-12-2009)

8-5B-29: SALVAGE YARD:

The following standards shall apply to salvage yards, scrap and waste material storage yards, auto wrecking and junk yards:

- A. Separation From Residential: No salvage yard shall be located within five hundred feet (500') of a residential district or a residential dwelling.
- B. Screening: The operation shall be conducted wholly within a noncombustible building or within an area surrounded on all sides by a solid fence or wall at least twelve feet (12') in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all scrap, junk, or other materials within the yard. Scrap, junk or other salvaged materials shall be piled or stored so that they are not visible from outside the fenced in area and do not exceed the height of the enclosing fence or wall within fifty feet (50') of the inside of such fence or wall.
- C. Loading/Unloading: No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right of way.

D. County, State And Federal Standards: All operations shall obtain all necessary licenses and permits from all county, state, and federal agencies that regulate such facilities, equipment and other features. (Ord. 2009-3, 5-12-2009)

8-5B-30: SCHOOLS:

Schools (elementary, middle, high), colleges or universities, and vocational schools shall comply with the following:

- A. Approval by the Illinois capital development board if required by state law;
- B. Upon issuance of a special use permit issued in accordance with the provisions of [chapter 2, article D](#) of this title, a group residential use may be allowed in conjunction with a school for the residency of students, faculty and other staff of the school. (Ord. 2009-3, 5-12-2009)

8-5B-31: SINGLE-FAMILY ATTACHED DWELLING:

Developments consisting of single-family attached dwellings shall be subject to the following standards:

- A. Lot Width: Each single-family attached dwelling shall be located on an individual lot having a minimum width of one hundred fifty feet (150').
- B. Lot Area: Each lot on which a single-family attached dwelling is located shall not be less than twenty two thousand five hundred (22,500) square feet in area.
- C. Building Coverage: Single-family attached dwelling shall be exempt from the building coverage standards of the R-2 district.
- D. Setbacks: No interior side setback shall be required on the "attached" side of a lot containing a single-family attached dwelling unit. The interior setback standards of the R-2 district shall only apply to "end" units in a single-family attached development. End units are those that are attached to other dwelling units on only one side. (Ord. 2009-3, 5-12-2009)

8-5B-32: SINGLE-FAMILY, DETACHED AGRICULTURAL RESIDENCE:

A single-family, detached agricultural residence shall only be allowed in conjunction with an agricultural operation. (Ord. 2009-3, 5-12-2009)

8-5B-33: SINGLE-FAMILY, DETACHED NONAGRICULTURAL RESIDENCE:

- A. A single-family, detached nonagricultural residence in the AG agricultural district that is permitted as a special use shall be subject to the following standards and regulations:
 - 1. A site plan which provides the following information shall be provided:
 - a. The existing and proposed topography, slope, and drainage patterns of the lot.
 - b. The erosion control measures that will be used during and after construction.
 - c. The grade of the driveway which shall not exceed fifteen percent (15%) at any one point.
 - d. The area to be cleared if the lot is wooded.
 - 2. Jo Daviess County uses a land evaluation and site assessment (LESA) system to help local officials determine if farmland may be converted to other uses. This tool has a maximum of three hundred (300) points. A score of two hundred (200) points or more would indicate that land is important to retain for agricultural purposes. A score of less than two hundred (200) points would indicate the site may be suitable for nonagricultural uses.
 - 3. On site wastewater facilities shall conform to all Illinois statutes and those established by the Jo Daviess County health department.
 - 4. Identification of an appropriate septic area as provided by the natural resources inventory (NRI) reports.
 - 5. Lot configuration (see section [8-5B-48](#) of this article).
 - 6. All lighting shall conform to section [8-4E-3](#), "Outdoor Lighting Standards", of this title.
 - 7. The most sensitive areas for development in Jo Daviess County are underlain by Silurian geological formations. These elevated ridge tops and hillsides are scenic, prone to excessive erosion and often provide the least amount of ground water protection. These areas are mapped and are presented as part of the natural resources inventory (NRI) report for every requested change in zoning for Jo Daviess County. Development located in these areas will be subject to the following additional standards:
 - a. Buildings and roads located on sloping sites shall be built to blend with the existing topography.
 - b. Exterior building colors are encouraged to blend with the natural background.
 - c. Yard areas shall not be clear cut, existing trees shall be protected whenever possible, clearing of trees to create a building site should be as minimal as possible and the continuity of wooded sites shall be preserved. If trees must be removed in the construction process, they should be replaced with trees of species similar to those in surrounding woodlands.

- d. In no case shall the roofline of any structure be higher than the existing mature tree height or ridge top.
- e. Additional erosion control will be required on highly erosive sites.
- f. The impervious surface coverage of the lot, which includes the building footprint, paved roads and compacted gravel surfaces, etc. This area shall not exceed one-half ($\frac{1}{2}$) acre.

B. A single-family, detached nonagricultural residence when allowed as a permitted use in the R-1, R-2, RP and AG districts shall be subject to the following standards:

1. A site plan which provides the following information shall be provided:
 - a. The existing and proposed topography, slope, and drainage patterns of the lot.
 - b. The erosion control measures used during and after construction will be identified.
 - c. The area to be cleared if the lot is wooded.
2. On site wastewater facilities shall conform to all Illinois statutes and those established by the Jo Daviess County health department.
3. All lighting shall conform to section [8-4E-3](#), "Outdoor Lighting Standards", of this title.
4. Buildings and roads located on sloping sites shall be built to blend with the existing topography.
5. Exterior building colors are encouraged to blend with the natural background.
6. Yard areas shall not be clear cut, existing trees shall be protected whenever possible, clearing of trees to create a building site should be as minimal as possible and the continuity of wooded sites shall be preserved. If trees must be removed in the construction process, they should be replaced with trees of species similar to those in surrounding woodlands.
7. Additional erosion control will be required on highly erosive sites. (Ord. 2009-3, 5-12-2009)

8-5B-34: SINGLE-FAMILY, UNDERGROUND RESIDENCE:

Single-family dwellings constructed belowground shall conform to the following standards:

- A. Shall have a minimum of eight hundred (800) square feet of floor area.
- B. Shall have sufficient earth cover over the underground portion to support vegetation.
- C. At least twenty percent (20%) of the total length of the perimeter wall surrounding the living area entirely exposed above ground level, with doors leading from at least two (2) separate rooms through such exposed wall.
- D. In addition to the information specified in [chapter 2, article D](#) of this title to be submitted with the special use permit application, the following information shall also be submitted:
 1. Building plans sealed by a registered architect for the underground single-family dwelling.
 2. Sewage disposal plans approved by the Jo Daviess County health department.
 3. Final grading plan.
 4. Soil information and water table information for the site. (Ord. 2009-3, 5-12-2009)

8-5B-35: SINGLE-FAMILY, ZERO LOT LINE DWELLING:

Zero lot line single-family dwellings shall conform with the following standards:

- A. The procedure for establishing a zero lot line single-family development shall be the same as set out for site plan approval in [chapter 2, article D](#) of this title.
- B. The intensity of use, bulk of buildings, concentration of population, amount of open space, light and air, shall be the same as established for single-family dwellings in the R-2 district.
- C. The intensity of the residential dwelling units shall be the same as established for single-family dwellings in the R-2 district.
- D. The developer shall establish a property owners' association or other entity for the maintenance of common open space areas within the development. The county board may require assurance of the financial and administrative ability of any organization created by the developer for the purpose of maintaining common open space areas and facilities of a nonpublic nature.

- E. There shall be sufficient water pressure to ensure that adequate fire protection is provided.
- F. The county board may, in the process of approving preliminary and final plans, approve the following deviations from the requirements of the R-2 district:
1. Setbacks of buildings and paved areas from a public street may be reduced to fifty percent (50%) of the standard requirement.
 2. Setbacks of buildings from a property line other than a public street may be reduced to sixty percent (60%) of the standard requirement and setbacks of paved areas adjacent to property lines, other than street lines, may be reduced to zero if existing or proposed development on said adjacent land justifies the same.
 3. Side yards between buildings may be reduced to zero.
 4. The foregoing deviations in subsections F1 through F3 of this section may be granted by the county board only when compensating open space is provided elsewhere in the project, where there is ample evidence that said deviation will not adversely affect neighboring property nor will it constitute the mere granting of privilege.
- G. The design of all zero lot line single-family projects shall assure proper access and circulation in accordance with the design standards established in the Jo Daviess County land subdivision ordinance. (Ord. 2009-3, 5-12-2009)

8-5B-36: SOLID WASTE TRANSFER STATION:

The following standards shall apply to solid waste collection/processing facilities:

- A. Traffic Circulation: The operation shall provide entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion. There shall be enough room on site to accommodate peak traffic volume and company vehicles. A traffic analysis may be required.
- B. Storage Bins: Storage bins or trailers will be allowed to be stored on site as an ancillary use, providing they are durable, covered and meet the same setbacks required for the structure on the site. The bins shall be screened as part of the operation.
- C. Loading/Unloading: No solid waste or junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside an enclosed building, fence or screened area or within the public right of way, except the use of storage bins placed on the outside of an enclosed building for recycling. The operation shall be attended on days of operation to maintain the property in a clean, litter free condition.
- D. Separation For Residential: No structure shall be located within three hundred feet (300') of a residential zone or a residential dwelling.
- E. Hours Of Operation: Uses shall not operate before sunrise or after sunset if located within one thousand feet (1,000') of a residential zone or a residential dwelling. Hours shall be established as part of the special use.
- F. Paving: All roads, driveways, parking lots and loading/unloading areas shall be graded and paved with an approved concrete or asphalt/concrete surface.
- G. Stormwater Management: A stormwater management plan may be required at the discretion of the zoning administrator.
- H. Other Regulations: All operations shall be licensed if required, have proper permits from the Illinois environmental protection agency and shall meet all county, state and federal health department requirements pertaining to facilities, equipment and other features. (Ord. 2009-3, 5-12-2009)

8-5B-37: TEMPORARY USES:

The Zoning Administrator is authorized to issue a permit for a temporary use provided it meets the requirements of this section. The permit shall be issued for a specified period of time and may contain health, safety and traffic restrictions, and may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances.

A. Type 1 Temporary Uses:

1. The following temporary uses shall be allowed:

Seasonal sale of agricultural produce including, but not limited to, farmers' markets.

B. Type 2 Temporary Uses:

1. Uses Allowed By Permit Only: The following uses shall be allowed by temporary use permit only:

Commercial sales events/activities, not conducted in an enclosed building or on the premises of a regular place of business. The total duration of event/activity shall not exceed fourteen (14) weeks.

WECS test towers subject to the following:

- a. All test towers shall be eighty meters (80 m) or less in height.

- b. All test towers shall be set back from public roads, third party transmission lines, communication towers and primary structures a distance of 1.1 times the test tower height.
- c. All test towers shall be set back a distance of one and one-tenth (1.1) times the tower height from adjacent property lines.
- d. At the expiration of the temporary use permit, the test tower must be taken down and the area reclaimed if necessary.
- e. Temporary permit for a test tower may only be issued for no longer than a three (3) year time period.
- f. The provisions of items b and c of this use shall not apply to test towers if the applicant submits with the application for this temporary use, a statement wherein the applicant indicates what the actual setbacks will be from structures and property lines and such statement shall be duly acknowledged before a notary public by the applicant, owner and lessee (if applicable) of the primary structure referred to in item b of this use and the owner of the adjacent property referred to in item c of this use indicating that said owner(s) of the structure or property has no objections to the applicant having test towers located in the location set forth in the statement.
- g. WECS test towers that do not meet the above requirements may apply for a special use permit in accordance with [chapter 2, article D](#) of this title.

2. Application And Review Procedures:

- a. Approval Of Type 2 And Type 3 Temporary Uses By The Zoning Administrator: The Zoning Administrator may approve Type 2 and Type 3 temporary use permits after determining that the use will comply with all of the standards of this subsection.
 - (1) Contents Of All Applications: An application for a temporary use permit shall be made to the Zoning Administrator on a form available from the Zoning Administrator and shall be accompanied by:
 - (A) Site Plan: A site plan or map showing the location of the structures, improvements, parking areas and other features that exist or are proposed on the site.
 - (B) Owner Authorization: When the applicant for a special event is not the owner of the property on which the event will occur, the applicant must submit proof of the owner's authorization which shall be in writing, dated, signed by the owner and contain sufficient information so as to identify the property and the proposed special event.
 - (C) Fee: A fee as established by the County Board.
 - (2) Review And Approval Process: A complete application shall be submitted to the Zoning Administrator at least thirty (30) days prior to the requested start, with the exception of amusement events/festivals requiring at least sixty (60) days prior to the requested start date. The Zoning Administrator shall submit copies of the application to the Jo Daviess County Environmental Health Department, Sheriff Department, County Highway Department and emergency responders for review. The Zoning Administrator shall make a determination whether to approve, approve with conditions, or deny the permit within twenty (20) working days after the date of application. Any applicant denied a permit by the Zoning Administrator shall be notified in writing, of the reasons for the denial and of the opportunity to appeal the denial to the Zoning Board of Appeals at their next regularly scheduled meeting.

3. Requirements: The following provisions shall apply to all Type 2 and Type 3 temporary uses:

- a. Land Use Compatibility: The special event must be compatible with the purpose and intent of this section and the zoning district in which it will be located. The special event shall not impair the normal, safe and effective operation of a permanent use on the same site. The special event shall not endanger or be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to parking and access points.
- b. Traffic Circulation: The special event, as determined by the County Engineer, shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls. The special event application shall be reviewed and agreed to by all affected road authorities, and by the Sheriff's Department for public safety.
- c. Off Street Parking: Off street parking shall be provided in a manner as determined by the Zoning Administrator to meet the needs of the requested special event.
- d. Setback From Road Right-Of-Way: Temporary structures and equipment used in conjunction with a special event need not comply with the setback requirements of the applicable district in which the special event is located unless otherwise required by the Zoning Administrator for public safety reasons. However, structures or equipment shall not block the view of operators of motor vehicles on the public streets and shall conform to the requirements of the sight triangle as specified in section [8-4A-6](#), "Sight Triangle", of this title.
- e. Public Convenience And Litter Control: Adequate portable sanitation stations, potable water and on site solid waste containers shall be provided.
- f. Staffing: Event staff shall be provided by the applicant to provide for traffic coordination to protect the public health and safety.
- g. Food Regulations: If food will be served to the public or available for public purchase, food vendors must comply with Jo Daviess County Health Department food service regulations.
- h. Serving Alcohol: If alcohol will be served to the public or available for public purchase and consumption, all applicable licenses and permits shall be procured through the local/State and Federal agencies.
- i. Hours Of Operation: All amusement events/activities shall begin activities after nine o'clock (9:00) A.M. and shall cease activities by twelve o'clock (12:00) midnight.
- j. Right To Close: It shall be the responsibility of the applicant to see that the area used for the event is maintained in a condition that provides for the public health, safety, and welfare for event attendees and neighbors alike. In the event that authorized personnel from the Jo Daviess County Sheriff's Office determine that the activity is a threat to the public health, safety, and welfare, the Jo Daviess County Sheriff's Office shall have the right to close the event to ensure the health, safety, or general welfare of attendees or neighbors.
- k. Other Conditions: The Zoning Administrator may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses. The Zoning Administrator may refuse to issue a permit if the event is too large to be safe for the site, neighborhood, roadway or other infrastructure. In the event that authorized personnel from the Jo Daviess County Sheriff's Office

determine that the activity is a threat to the public health, safety and welfare, the Sheriff's Office shall have the right to close the event to ensure the health, safety or general welfare of attendees or neighbors.

- I. Site Cleared: The site shall be cleared of all event debris within twenty four (24) hours of the end of the activity and cleared of all temporary structures within seven (7) days after closing the activity.

C. Type 3 Temporary Uses:

1. The following uses shall be allowed by temporary use permit only:

Agricultural themed public events:

- a. Application and review process stated in subsections B2 and B3 of this section is applicable to all Type 3 temporary uses.

Amusement events/festivals: A temporary use permit is required for amusement events/festivals when one (1) or more of the following are triggered:

- a. The event will have alcohol either served or brought on premises and have an anticipated attendance of five hundred (500) people or more.
b. The event is scheduled for more than one (1) calendar day.
c. The event will have an anticipated attendance of five hundred (500) people or more.

The purpose and intent of this subsection is to allow short term use of land, that are not otherwise permitted in the use table of this chapter, for special amusement events/festivals, when not conducted on premises and associated with a permitted business, while protecting nearby property owners, residents and businesses from activities that may be disruptive, obnoxious or otherwise incompatible. No more than two (2) events in any calendar year with regard to any particular property and shall not last longer than four (4) consecutive days with the exception of a haunted house/barn/forest or similar seasonal activity, which shall not last longer than a specific period of time not exceeding sixty (60) days.

Events/festivals may be held either in an enclosed existing structure, not to exceed occupancy load as established in the adopted International Residential/Building Code, or in an open area with or without temporary tent structures.

Garage sales, auctions and private, non-commercial events on the sponsor's property such as private weddings, family reunions and graduation celebrations not intended to be open to the public are not considered activities intended for public amusement. Events/festivals do not include gatherings at any regularly established permanent place of worship, fairgrounds or any permanent established place of business when held in conjunction with and at the site of business.

D. Type 4 Temporary Uses:

1. In the event of a fire or natural disaster which results in the partial or total demolition of a residence, making it unfit for human habitation, the Zoning Administrator may, upon application from the owner of such residence, issue a temporary emergency shelter permit for the use of a mobile home or recreational vehicle for use during rehabilitation of the original residence or construction of a new residence. The temporary emergency shelter permit shall be limited to a period of twelve (12) months. Upon expiration of the twelve (12) month period, an application may be presented to the Zoning Board of Appeals requesting an extension of up to six (6) months. Extension application must show necessary cause of the requested extension. The Zoning Board of Appeals may grant the extension for no longer than six (6) months.

All applications for a permit shall be accompanied by an affidavit, stating as follows:

- a. Name(s) and address(es) of occupants.
b. Site plan showing location of proposed use.
c. Description (make, model and year) of mobile home or recreational vehicle.
d. Reason for application.
e. Statement that a change in the usage, name or number of occupants, or location will be reported to the Zoning Administrator immediately.
f. Sign off from the Environmental Health Department concerning septic and well.

Type 4 temporary use structure may be placed no closer than five feet (5') to a side and rear property line and maintain a setback of fifty three feet (53') from the centerline of the roadway or twenty feet (20') from the right-of-way line, whichever is greater.

Failure to comply with any of the above or any additional conditions placed on a permit by the Zoning Administrator shall be sufficient for the permit to be revoked.

The mobile home or recreational vehicle shall be removed by the permit holder on or before the date of the expiration of the permit. Failure to do so may result in a fine as established in sections [8-2G-1](#) and [8-2G-2](#) of this title. (Ord. 2016-8, 10-11-2016)

8-5B-38: TRANSITIONAL LIVING CENTER:

Transitional living centers shall be subject to the following standards:

- A. Size: No more than ten (10) persons, including staff, shall reside in the center at one time.
B. Separation: No transitional living center shall be located within one thousand five hundred feet (1,500') of any other transitional living center or substance abuse treatment facility, nor shall a transitional living center be located within three hundred feet (300') of any religious assembly, school, or residential dwelling. (Ord. 2009-3, 5-12-2009)

8-5B-39: UTILITY, MAJOR:

Major utilities shall conform to the following requirements:

- A. The facility shall not be located within two hundred feet (200') of a boundary line of an R-1 or R-2 District or residential dwelling.
- B. No building or tower that is part of a wind power generation facility shall encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
- C. Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA all lighting shall be red, and all lighting shall be shielded so that no glare extends substantially beyond the boundaries of a facility.
- D. No facility shall encroach onto an existing septic field.
- E. The height of the facility shall not exceed four hundred fifty feet (450'), except if the facility is located within one and one-half (1¹/₂) miles of the corporate limits of a municipality with a population of twenty five thousand (25,000) or more, the height of the facility shall not exceed two hundred feet (200').
- F. Documentation, approved by the Zoning Administrator, shall be provided which verifies that the site and design are acceptable to the FAA. (Ord. 2009-3, 5-12-2009)

8-5B-40: WIND ENERGY CONVERSION SYSTEMS (WECSs):

- A. Applicability: This section governs the siting of wind energy conversion systems (WECSs) and substations that generate electricity to be sold to wholesale or retail markets, except that owners of a rated capacity of not more than one hundred (100) kilowatts where indicated as a permitted use are not subject to this section. The following standards are applicable to all wind energy conversion systems, requiring a special use permit, and may be subject to additional conditions as recommended by the Zoning Board of Appeals and approved by the County Board under [chapter 2, article D](#) of this title.
- B. Prohibition: No WECS or substation governed by this section shall be constructed, erected, installed, or located within Jo Daviess County, unless prior special use permitting has been obtained for each individual WECS and substation pursuant to this title.
- C. Procedure:
 - 1. Submittal Requirements:
 - a. To obtain a special use permit, the applicant must first submit an application to the county.
 - b. In addition to the application requirements stated in [chapter 2, article D](#) of this title the application shall contain or be accompanied by the following information:
 - (1) A WECS project summary, including to the extent available: a) a general description of the project, including its approximate nameplate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECSs, and nameplate 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 b) a description of the applicant, owner and operator, including their respective business structures;
 - (2) The name(s), address(es), and phone number(s) of the applicant(s), owner and operator, and all property owner(s), if known;
 - (3) A site plan for the installation of WECS showing the planned location of each WECS tower, guylines 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 title; and
 - (5) Any other information normally required by the county as part of this zoning ordinance.
 - (6) The applicant shall notify the county of any changes to the information provided in subsection C1a of this section that occur while the special use application is pending.
- D. Design And Installation:
 - 1. Design Safety Certification:
 - a. WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.
 - b. Following the granting of siting approval under this title, 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.

2. Controls And Brakes:

- a. All WECSs 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.

3. Electrical Components:

- a. All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and international electrical commission).

4. Color:

- a. Towers and blades shall be painted white or gray or another nonreflective, unobtrusive color.

5. Compliance With The Federal Aviation Administration:

- a. The applicant for the WECS shall comply with all applicable FAA requirements.

6. Warnings:

- a. A reasonably visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations.
- b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guywires and along the guywires up to a height of fifteen feet (15') from the ground.

7. Climb Prevention:

- a. All WECS towers must be unclimbable by design or protected by anticlimbing devices such as:
 - (1) Fences with locking portals at least six feet (6') high; or
 - (2) Anticlimbing devices twelve feet (12') vertically from the base of the WECS tower.

E. Setbacks:

1. All WECS towers shall be set back at least one thousand four hundred feet (1,400') 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 one and one-tenth (1.10) times the WECS tower height. A waiver may also be granted to the owner of a primary structure, to be built after the installation of a WECS tower. Such a primary structure shall be located no closer than one and one-tenth (1.10) times the WECS tower height. Any time a setback distance waiver is involved, the owner of the primary structure shall provide a notarized letter requesting said waiver.
2. All WECS towers shall be set back a distance of at least one and one-tenth (1.10) times the WECS tower height from public roads, third party transmission lines, and communication towers. The county may waive this setback requirement.
3. All WECS towers shall be set back a distance of at least one and one-tenth (1.10) times the WECS tower height from adjacent property lines. The affected adjacent property owner may waive this setback requirement.
4. The applicant does not need to obtain a variance from the county upon waiver by either the county or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall be addressed during public hearing and shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

F. Compliance With Additional Regulations:

1. Nothing in this title is intended to preempt other applicable state and federal laws and regulations.

G. Use Of Public Roads:

1. An applicant, owner, or operator proposing to use any (county, municipality, township or village) 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 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, municipality, township or village, the applicant, owner, or operator shall:
 - a. Conduct a preconstruction baseline survey to determine existing road conditions for assessing potential future damage; and
 - b. Secure financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS.

H. Operation:

1. Maintenance:

- a. 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 reasonably requests.

- b. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require recertification under subsection D1a of this section. 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 subsection D1a of this section to determine whether the physical modification requires recertification.

2. Interference:

- a. The applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the complete application. To the extent that the above provider(s) demonstrates 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.
- b. 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.

3. Coordination With Local Fire Department:

- a. The applicant, owner or operator shall submit to the local fire department a copy of the complete application.
- b. 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.
- c. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

4. Materials Handling, Storage And Disposal:

- a. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site properly and disposed of in accordance with all federal, state and local laws.
- b. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

I. 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 application process, shall appropriately demonstrate compliance with the above noise requirements.

J. Birds: A qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the application process, to determine if the installation of WECS will have a substantial adverse impact on birds.

K. Public Participation: Nothing in these standards is meant to augment or diminish existing opportunities for public participation.

L. 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 one million dollars (\$1,000,000.00) per occurrence and one million dollars (\$1,000,000.00) in the aggregate.

M. Decommissioning Plan:

1. A decommissioning plan must be submitted 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.

N. Remedies:

1. The applicant's, owner's, or operator's failure to materially comply with any of the above provisions shall constitute a default under this title.
2. 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 sixty (60) days, for good faith negotiations to resolve the alleged default(s).
3. If the county determines in its discretion that the parties cannot resolve the alleged default within the good faith negotiation period, the existing county ordinance provisions addressing the resolution of such default shall govern. (Ord. 2009-3, 5-12-2009)

8-5B-41: VEHICLE/EQUIPMENT SALES, VEHICLE/EQUIPMENT STORAGE YARDS AND VEHICLE PAINT AND BODY SHOP, VEHICLE REPAIR:

All vehicle and equipment storage areas and parking areas must be hard surfaced and dust free. Vehicle repair in the C commercial district shall be limited to vehicles that do not exceed eighteen thousand (18,000) pounds, with a single rear axle. (Ord. 2009-3, 5-12-2009)

8-5B-42: FACILITIES OF A TELECOMMUNICATIONS CARRIER:

These provisions shall not abridge any rights created by authority confirmed in the federal telecommunications act of 1996, PL 104-104.

A. In designing a facility, a telecommunication carrier shall consider the following guidelines:

1. No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
2. Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the federal aviation administration or the federal communications commission, all lighting should be shielded so that no glare extends substantially beyond the boundaries of the facility.
3. No facility shall encroach on an existing septic field.
4. Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.
5. Existing trees more than three inches (3") in diameter should be preserved if reasonably feasible during construction. If any tree more than three inches (3") in diameter is removed during construction, a tree three inches (3") in diameter or more shall be planted as a replacement if reasonably feasible.
6. If any elevation of a facility faces an existing residential use in a residential zoning district, landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of landscaping should be in accordance with any other county landscaping requirements.
7. Fencing should be installed around the facility. The height and materials should comply with any other county fence regulations.
8. Any building that is part of the facility located adjacent to a residentially zoned lot should be designed with exterior colors and materials reasonably compatible with the residential character of that area.

B. In choosing a location for a facility, a telecommunications carrier shall consider the following:

1. A nonresidentially zoned lot is the most desirable location.
2. A residentially zoned lot that is not used for residential purposes is the second most desirable location.
3. A residentially zoned lot that is two (2) acres or more in area and is used for residential purposes is the third most desirable location.
4. A residentially zoned lot less than two (2) acres in area and is used for residential purposes is the least desirable location.

C. The following provisions shall apply to all facilities established after the effective date of the amendatory act of 1997:

1. Except as governed in this subsection, no yard or setback regulations shall apply to or be required for a facility.
2. A facility may be located on the same lot as one or more structures or uses.
3. No minimum lot area, width or depth shall be required for a facility. No parking spaces shall be required unless the facility is used on a regular, daily basis. If it is used on a regular, daily basis, one off street parking space shall be provided for each employee regularly working at the facility.
4. No portion of the facility's supporting structure or equipment housing shall be less than fifteen feet (15') from the front line of the lot or ten feet (10') from any other lot line.
5. Except as provided in this subsection, no height limits, bulk regulations, lot coverage, building coverage or floor area limitations shall apply to the facility.
6. The county's review of the building permit application for a facility shall be completed within thirty (30) days. If a decision by the county board is required to permit the establishment of a facility, the county's review of the building permit application shall be simultaneous with the process leading to the county board's decision.
7. The improvements and equipment comprising the facility may be freestanding or wholly or partly attached to or enclosed within a structure or structures.

D. The following provisions shall apply to all facilities established after April 21, 1998:

1. A facility is permitted if its supporting structure is a qualifying structure or if the following conditions are met:
 - a. The height of the facility shall not exceed three hundred fifty feet (350'), except if the facility is located within one and one-half ($1\frac{1}{2}$) miles of the corporate limits of a municipality with a population of twenty five thousand (25,000) or more, the height of the facility shall not exceed two hundred feet (200').
 - b. The horizontal separation distance to the nearest residence shall not be less than the height of the supporting structure; except that if the supporting structure exceeds ninety nine feet (99') in height, the horizontal separation distance to the nearest residence shall be at least one

hundred feet (100') or eighty percent (80%) of the height of the supporting structure, whichever is greater. If the supporting structure is not an antenna tower, this subsection is satisfied.

2. Unless a facility is a qualifying structure or meets the provisions of subsections D1a and D1b of this section, a facility must receive county board approval. If the county board fails to act on a complete application within seventy five (75) days of submission, the application shall be deemed to have been approved. Approval requires a majority of the county board members present at the meeting. No more than one public hearing shall be required. The following siting considerations shall be considered by the body conducting the public hearing:

- a. The criteria of this section;
- b. Whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
- c. The benefits derived by the users of the services to be provided or enhanced by the establishment of the facility;
- d. The existing uses on adjacent and nearby properties; and
- e. The extent to which the design of the proposed facility reflects compliance with this zoning ordinance. (Ord. 2009-3, 5-12-2009)

8-5B-43: RURAL HOME BASED OFF PREMISES BUSINESS:

On a lot no less than forty (40) acres in area and subject to the following standards and stipulations:

- A. Employment at the site of the special use may include any persons who are bona fide residents of the single-family dwelling located on such site and not more than one other person who is not a bona fide resident of such single-family dwelling.
- B. Such home based off premises business shall not be established in any subdivision used for residential purposes which contains more than one lot.
- C. Such home based off premises business shall not create additional traffic congestion on the public streets and highways, and any motor vehicles used in the operation of such home based off premises business shall not exceed the official weight limits on the public streets and highways which provide access to the site of such special use. The applicant for the special use shall provide a certified listing of the gross weights of all equipment and motor vehicles used in the operation of such home based off premises business at the time of the filing of the special use application with the county.
- D. Any and all equipment, materials and supplies used in the operation of such home based off premises business, if stored on the site of the special use, shall be stored within not more than one completely enclosed accessory storage building with a floor area not in excess of five thousand (5,000) square feet and/or within an outdoor area not in excess of one acre. An office for such home based off premises business may also be located within such completely enclosed accessory storage building.
- E. No more than twenty five percent (25%) of the ground floor area and not more than fifty percent (50%) of the basement of the single-family dwelling on the site of such special use shall be used for the operation of such special use.
- F. Retail sales and/or wholesale sales shall be prohibited on the site of such special use.
- G. No more than one home based off premises business shall be permitted to operate from any one tract of land.
- H. Such home based off premises business shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on the site of such special use.
- I. Such home based off premises business shall not exhibit any outward evidence of such use other than one nameplate not to exceed two (2) square feet in area and attached to the single-family dwelling located on the site of such special use. (Ord. 2009-3, 5-12-2009)

8-5B-44: FREIGHT TERMINALS AND TRUCKING FACILITIES:

The following standards shall apply to all freight terminals and trucking facilities:

- A. Motor vehicles and equipment used in the operation of such a facility shall not exceed the official weight limits on the public streets and highways, which provide access to the site of the facility. The permit applicant shall provide a certified listing of the gross weights of all equipment and motor vehicles used in the operation of the facility.
- B. Such facility shall be located at least three hundred feet (300') from any residential zone or residential dwelling.
- C. Driveways, parking lots and vehicle and equipment storage areas shall be graded and paved with asphalt, concrete, or other hard surface materials as approved by the county engineer.
- D. Lighting shall be installed for safety and security purposes only according to [chapter 4, article E](#), "Lighting Regulations", of this title. All lighting shall be shielded so that no glare extends substantially beyond the boundaries of a facility. (Ord. 2009-3, 5-12-2009)

8-5B-45: WAREHOUSE, SELF-STORAGE:

The following standards shall apply to all warehouse self-storage facilities:

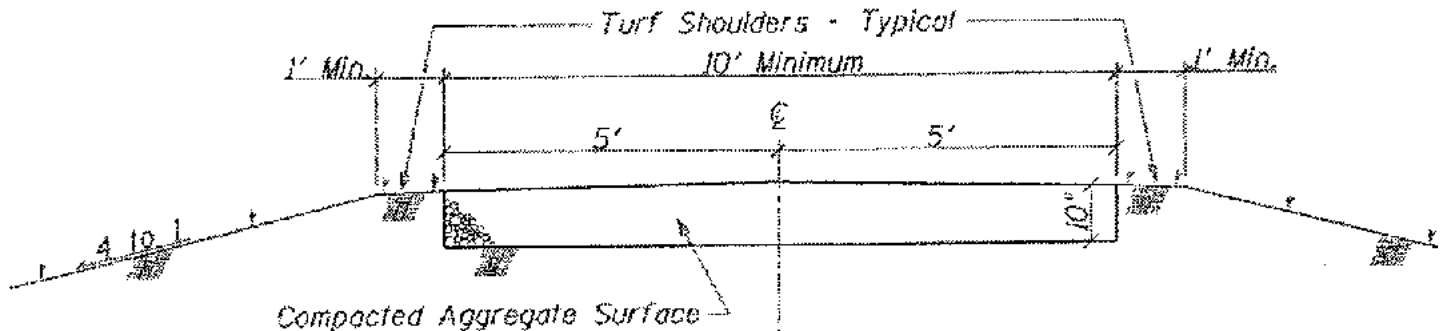
- A. All self-storage facilities shall be limited to the rental of storage bays and the pick up and deposit of goods or property in dead storage.
- B. Storage bays shall not be used to manufacture, fabricate or process goods; service or repair vehicles, boats, small engines, or electrical equipment or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or to conduct any other commercial or industrial activity on the site.
- C. Individual storage bays or private postal boxes within a self-storage facility shall not be considered premises for the purposes of assigning a legal address in order to obtain an occupational license or other governmental permit or license to do business nor as a legal address for residential purposes. (Ord. 2009-3, 5-12-2009)

8-5B-46: GUEST ACCOMMODATIONS AND GUEST HOUSES/HOMES⁴:

A. Application: Application for a zoning certificate shall be filed with the zoning administrator in such form and in such manner as he or she requires. No zoning certificate will be issued by the zoning administrator without meeting the standards listed under this section.

B. Standards:

1. Parking: Each and every facility shall provide no less than one parking place for every two (2) persons for which the licensed facility provides occupancy. Each off street parking space shall be at least nine feet (9') wide by twenty feet (20') long. Such parking must be provided and arranged in such a manner that any emergency vehicle can drive up to and park within one hundred feet (100') of the main entrance to the facility without being impeded by parked vehicles. The area designated for off street parking must not have a slope greater than eight percent (8%) and shall be surfaced with at least ten inches (10") of compacted aggregate. An off street parking design plan must be submitted. Overnight parking on township, county or state roads adjacent to the facility is prohibited.
2. Ingress/Egress: Each and every facility shall provide access roads at a grade no greater than fifteen percent (15%) at any one point and the surface shall be no less than ten inches (10") of compacted aggregate with a ten foot (10') driving surface, one foot (1') shoulders on each side consisting of a material type other than that of the driveway surface grade being one-half inch ($\frac{1}{2}$ ") per foot, with four to one (4:1) side slopes off of the shoulder.



* Note - Shoulders are not required when side slopes are less than 8 to 1

Typical Driveway Section

3. Access Sight Distance: Each and every facility shall have sight distance adequate for road type accessing on and off of as indicated by the AASHTO (American Association Of State Highway And Transportation Officials) "A Policy On Geometric Design Of Highways And Streets", 2001, fourth edition manual, as amended. (Ord. 2009-3, 5-12-2009)
4. Building Siting And Orientation: Structures, as defined in [chapter 7](#) of this title, including all outdoor activity areas (excluding detached accessory buildings and fencing) shall be so located on the property as follows:
 - a. Five feet (5') from the side lot line per bedroom, with a minimum of fifteen feet (15') and a maximum requirement of thirty five feet (35').
 - b. Thirty feet (30') from the rear lot line.
 - c. Front setback shall be in accordance with public street setbacks.
 - (1) Major highways (federal or state): Seventy five feet (75') from the property line, or one hundred twenty five feet (125') from the centerline of the right of way, whichever is greater.
 - (2) Primary or secondary thoroughfares (county highways): Sixty feet (60') from the property line, or one hundred ten feet (110') from the centerline of the right of way, whichever is greater.

(3) All other streets: Fifty feet (50') from the property line, or eighty feet (80') from the centerline of the right of way, whichever is greater. (Ord. 2015-7, 11-10-2015)

5. Outdoor Activity Areas: Each and every facility shall provide adequate screening around any outdoor activity area (e.g., hot tubs and decks) as determined by the zoning administrator. Natural screening shall be at a minimum of no less than three feet (3') in height at time of planting; fencing shall be no less than six feet (6') in height and shall be a solid fence with no more than fifty percent (50%) view through the fence.
6. Septic: Each and every facility (if not on central sewer) shall have a septic system designed according to the current Illinois private sewage disposal licensing act and this code.

C. Zoning Certificate: A zoning certificate shall be valid for a period no longer than twelve (12) months from the date of issuance unless a guest accommodation license is procured. Zoning certificate shall remain in effect as long as a current license is maintained under the county's guest accommodations ordinance regardless of a change in ownership. (Ord. 2009-3, 5-12-2009)

8-5B-47: SHOOTING RANGE:

A. Shooting ranges for rifle, pistol, and black powder using solid or shot ammunition.

1. Every permit issued by the Jo Daviess County board for a shooting range shall be a special use permit. Shooting and the handling of firearms on the premises shall be conducted in a safe and orderly manner, so as not to constitute an undue hazard to persons either on or off the premises. All shooting will be in compliance with the Illinois state statutes.
2. All premises used for shooting ranges shall be completely fenced, meeting standards of the Illinois fencing law. Each such range shall be posted with warning signs, not more than one hundred feet (100') apart and fastened at the level of the top of such fence, but not more than six feet (6') above the ground. Such warning signs shall not be less than two (2) square feet in area and shall contain the words "Danger Shooting Range" in red on a white background. The letters of such words to be not less than four inches (4") high and maintained in legible condition at all times.
3. Shooting stands are required for targets at a distance of one hundred (100) yards or greater. Shooting stands on any shooting range shall be located not less than one thousand five hundred feet (1,500') from any residential dwelling other than that of the owner of the premises, his agent or employee, and not less than one hundred feet (100') from any property line of such premises other than that line or those lines directly opposite to the direction of normal shooting.
4. The necessity and placement of any screening shall be determined by the special use.
5. Ranges where solid projectile ammunition is used shall be so arranged as to provide a sod faced barrier of earth or sand, blocking any projectile to be fired on such ranges. For those shooting ranges where all targets are one hundred (100) yards or less in distance, such barrier shall be not less than twenty feet (20') in height, measured from the base of the targets, and shall not be less than fifty feet (50') in width. For those shooting ranges where targets are one hundred (100) yards or greater in distance, such barrier shall not be less than thirty feet (30') in height, measured from the base of the targets, and shall not be less than one hundred feet (100') in width. (Ord. 2009-3, 5-12-2009)

8-5B-48: LOT CONFIGURATION:

Any lot or parcel for nonagricultural use created after the effective date hereof shall not have a proportional ratio value greater than 1.40. A proportional ratio value is the product obtained by dividing the total length of the subject parcel's perimeter in feet by the length of the perimeter of a two to one (2:1) rectangle having the same area. A two to one (2:1) rectangle is a square cornered four (4) sided figure having a length exactly twice its width.

A. To determine the perimeter of a two to one (2:1) rectangle with a given area:

1. Divide the area in square feet by two (2).
2. The square root of the product is the length of the short side of the rectangle.
3. The length of the long side of the rectangle is twice that of the short side.
4. Add the lengths of the two (2) short sides with the lengths of the two (2) long sides, to determine the total perimeter.

B. Example:

1. Given:
 - a. A five (5) acre parcel is proposed.
 - b. By adding the lengths of the lot boundaries shown on the submitted plat the total perimeter of the proposed parcel is determined to be two thousand nine hundred seventy feet (2,970').
2. Calculation:
 - a. 5 acres x 43,560 square feet/acre = 217,800 square feet.
 - b. 217,800 square feet divided by 2 = 108,900 square feet.
 - c. The square root of 108,900 square feet = 330 feet; this is the short side of the 2:1 rectangle.
 - d. 330 feet + 330 feet + 660 feet + 660 feet = 1,980 feet; this is the perimeter of the 2:1 rectangle.
 - e. Divide the total perimeter of the proposed parcel given above, 2,970 feet by the perimeter of the 2:1 rectangle, 1,980 feet. This equals 1.50, and is the proportional value.

f. Since 1.50 exceeds the 1.40 maximum, this lot would not be acceptable. (Ord. 2009-3, 5-12-2009)

8-5B-49: KENNEL, COMMERCIAL:

A. Animal hospitals, kennels or pounds, provided no building or pen housing any animals shall be located closer than one thousand feet (1,000') to any residential district, or to a dwelling other than that of the lessee or the owner. (Ord. 2009-3, 5-12-2009)

8-5B-50: WIND ENERGY CONVERSION SYSTEMS, PRIVATE:

A. Accessory Use: Private wind energy conversion systems accessory to an established agricultural and residential use provided that all private WECS towers shall be set back not less than 1.10 times the tower height from any public road right of way, overhead utility transmission lines, communication towers, and adjacent property lines. The affected road authority, utility, tower owner/lessee and/or affected adjacent property owner may waive the setback. Said waiver shall be in writing. However, in no instance shall any part of a private WECS, including guywires, be located within five feet (5') of any of the aforementioned items.

B. Capacity: Private WECS consisting of a wind turbine, a tower, and associated control or conversion electronics may have a capacity of up to one hundred (100) kilowatts and is intended to primarily reduce on site consumption of utility power.

C. Tower Height: For property sizes between one-half ($1/2$) acre and one acre the tower height shall be no greater than eighty feet (80'). For property sizes of more than one acre there is no limitation on tower height, except as imposed by FAA regulations.

D. Code Compliance: Building permit applications for private WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the county's adopted building codes and certified by a licensed professional engineer shall be submitted as well as a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the adopted electrical codes. These analyses are frequently supplied by the manufacturer. Private WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

E. Utility Notification: No private WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.

F. Approval: Private WECS must be approved under the small wind certification program recognized by the American Wind Energy Association. (Ord. 2009-3, 5-12-2009)

8-5B-51: AGRI-TOURISM STANDARD:

Those uses listed as permitted under the agri-tourism heading in section [8-5A-6](#) of this chapter, are only permitted when associated with an active agricultural operation. (Ord. 2011-8, 11-8-2011)

8-5B-52: DETACHED ACCESSORY DWELLING UNIT AND DETACHED ACCESSORY DWELLING UNIT; MANUFACTURED HOMES:

A. Purpose And Intent: To provide an opportunity to offer cost effective independent accessory housing options in close proximity to the principal dwelling.

The following standards are in place to ensure that the detached accessory dwelling units are compatible with the character of the area, share infrastructure and common spaces with the principal residence on the parcel and shall not be split from the parcel on which the principal residence sits.

B. Development Standards:

1. Generally, the development standards stated in this section are applicable to a detached accessory dwelling unit and a detached accessory dwelling unit; manufactured home unless specifically stated otherwise. If not addressed in this section, the base zone development standards apply.

a. No more than one (1) detached accessory dwelling unit shall be established on a parcel and shall only be allowed as an accessory to a principal residence on the property.

b. Manufactured homes when used as a detached accessory dwelling unit shall not be older than fifteen (15) years at the time of placement.

c. Special use permits issued for a detached accessory dwelling unit; manufactured home shall expire three (3) years from issuance date and may be extended in accordance with section [8-2D-7](#) of this title. If no extension is received the unit shall be removed from the property.

d. Home occupations are prohibited in a detached accessory dwelling unit.

e. A detached accessory dwelling unit shall only be allowed on a zoning lot of five (5) acres in size or more.

f. The gross floor area of an accessory dwelling unit shall be no less than four hundred (400) square feet and no greater than nine hundred (900) square feet.

g. Detached accessory dwellings shall be located no more than one hundred fifty feet (150') from a principal dwelling (to be measured from outside of structure to outside of structure).

- h. Detached accessory dwellings shall utilize the existing driveway that is serving the principal residence and shall be metered off of the existing electric and water supply.
- i. Detached accessory dwellings shall not be used as guest accommodations. (Ord. 2016-8, 10-11-2016)

Chapter 6 NONCONFORMING USES

8-6-1: STATEMENT OF PURPOSE:

The purpose of this chapter is to provide for the regulation of nonconforming lots of record, structures, and uses. (Ord. 2009-3, 5-12-2009)

8-6-2: APPLICABILITY:

Any lawfully existing lot, building, structure, or use which does not conform with the regulations of the district in which it is located shall be subject to the provisions of this chapter. (Ord. 2009-3, 5-12-2009)

8-6-3: GENERAL:

Nonconformities are of three (3) types: nonconforming lots of record, nonconforming structures and nonconforming uses. A definition of each type is as follows:

NONCONFORMING LOT OF RECORD: A legally established lot which does not conform with the minimum lot size, lot width, or lot depth requirements of this title.

NONCONFORMING STRUCTURE: An existing structure which does not comply with the height or yard requirements which are applicable to new structures in the zoning district in which it is located.

NONCONFORMING USE: An existing use which does not comply with the use regulations of the zoning district in which it is located. (Ord. 2009-3, 5-12-2009)

8-6-4: NONCONFORMING LOTS OF RECORD:

The zoning administrator shall issue a zoning certificate for a structure or building on a nonconforming lot of record, provided that the zoning administrator finds that:

- A. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and
- B. Said lot has remained in separate and individual ownership from adjoining tracts of and continuously during the entire time that conformance of such lot has been in nonconformance, and
- C. Said structure or building can meet all yard regulations for the district in which it is located, and
- D. Said lot can meet the minimum standards for an on site sewage treatment as required by the Jo Daviess County health department or can be served by a public sanitary sewerage system. (Ord. 2009-3, 5-12-2009)

8-6-5: NONCONFORMING STRUCTURES:

- A. Authority To Continue: Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which it is located may be occupied, so long as it remains otherwise lawful. (Ord. 2009-3, 5-12-2009)
- B. Enlargement, Repair, Alterations:
 1. Any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except as provided in subsection B2 of this section; provided further, existing manufactured home parks not meeting the requirements of this title shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of this title. Ordinary repairs and alterations shall be determined by the zoning administrator and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.
 2. An addition to a lawfully existing nonconforming building or structure that would not meet the strict letter of this title but would not extend farther than the original building or structure into any required setback(s) of the zoning lot that the original building or structure is located may be permitted. Before issuing a permit for an addition to be constructed under this subsection, a notice of the intent to issue such a permit shall be sent by certified mail (to be paid for by the applicant) to all adjoining landowners and any affected highway authority. If any adjoining landowner or affected highway

authority files a written objection with the zoning administrator within fifteen (15) days of receipt of such notice, a permit shall not be issued. The applicant may, however, proceed with an application for a variation as set forth in [chapter 2, article C](#) of this title. (Ord. 2012-3, 2-14-2012)

- C. **Damage Or Destruction:** In the event that a nonconforming building or structure is damaged or destroyed by any means, such building or structure may be restored or reconstructed, providing such restoration is on the existing footing of such buildings or structures. If such restoration or reconstruction is not on the existing footing, then such building shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located. No repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of damage or destruction and is diligently pursued to completion.
- D. **Moving:** No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- E. **Conforming Uses:**
1. A conforming use located in a nonconforming structure may be expanded within the nonconforming structure in which said use is presently located, but no changes or structural alterations shall be made unless such changes or structural alterations conform to all the regulations of the district in which the nonconforming structure is located.
 2. A nonconforming use of a nonconforming structure may be changed to a conforming use in the district in which the nonconforming structure is located. (Ord. 2009-3, 5-12-2009)
- F. **Manufactured/Mobile Home:** When a manufactured/mobile home, legally existed on a parcel of land zoned RP planned residential as of April 10, 2006, and remains as of the date of this amendment, it may be replaced with a manufactured home that is no more than fifteen (15) years old. Said manufactured home must comply with all waste disposal requirements and conform to the setback requirements set forth in section [8-3H-7](#) of this title, and with all other applicable regulations as adopted by the county of Jo Daviess. When a manufactured/mobile home is moved off of the lot, a building permit shall be obtained and it shall be replaced within twenty four (24) months. If it is not replaced within the above stated time, any structure thereafter shall conform to the RP district regulations.
1. Manufactured/mobile homes that were in place as of April 10, 2006, but had been moved off the premises prior to April 11, 2011, may be replaced within twenty four (24) months of the adoption of this subsection F. Said manufactured home must comply with all waste disposal requirements and conform to the setback requirements set forth in section [8-3H-7](#) of this title, and with all other applicable regulations as adopted by the county of Jo Daviess. If not replaced within the twenty four (24) months' time, any structure thereafter shall conform to the RP district regulations. (Ord. 2011-3, 4-11-2011)

8-6-6: EXISTING NONCONFORMING USES:

- A. **Authority To Continue:** Nonconforming uses may be allowed to continue except as such uses may be limited or eliminated by the provisions of this section.
- B. **Ordinary Repair And Maintenance:**
1. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
 2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.
 3. Ordinary repairs and alterations shall be determined by the zoning administrator and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.
- C. **Extension:** A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:
1. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).
 2. Extension of such use within a structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming); provided, however, that such use may be extended throughout any part of such structure that was lawfully and manifestly designed or arranged for such use on such effective date.
- D. **Enlargement:** No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
- E. **Structural Alterations:** No structural alterations shall be made in or to such building or structure all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law.
- F. **Damage Or Destruction:** In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, such use may be reestablished or resumed, only if the restoration or reconstruction of the structure is in compliance with subsection [8-6-5C](#) of this chapter and the use must be reestablished or resumed within twelve (12) months of the structure being damaged or destroyed. If the

nonconforming use is not reestablished or resumed within twelve (12) months, then such use shall thereafter conform to the regulation for the district in which it is located.

G. Moving: No structure that is devoted in whole or in part to a nonconforming use and nonconforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

H. Change In Use: No nonconforming use shall be changed to another nonconforming use when such nonconforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

I. Abandonment Or Discontinuance: When a nonconforming use is discontinued or abandoned for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

J. Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate. (Ord. 2009-3, 5-12-2009)

Chapter 7 DEFINITIONS

8-7-1: GENERAL TERMS AND USES:

This chapter contains definitions of general terms, use types and sign terminology used throughout the text of this zoning ordinance. The use definitions are mutually exclusive, which means that uses that are specifically defined shall not also be considered to be a part of a more general definition of a use type. An "adult bookstore", for example, shall not be considered a "retail sales and service" use, since "adult bookstore" is a more specific definition of the use. (Ord. 2009-3, 5-12-2009)

8-7-2: DEFINED TERMS:

ABANDONED SIGN: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

ABUTTING (Contiguous, Adjacent): Having one or more common boundary lines or district lines.

ACCESS: A way or means of approach to provide physical entrance to a property.

ACTIVE AGRICULTURAL OPERATION: An act of performing "agriculture" as defined in this section.

ADULT: A person eighteen (18) years and older.

ADULT BOOKSTORE: An establishment having ten percent (10%) or more portion of its stock in trade, to include, but not limited to, books, photographs, magazines, films for sale or viewing on the premises by use of motion picture devices, or other coin operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to "specified sexual activities" as defined herein.

ADULT ENTERTAINMENT ESTABLISHMENTS: A "modeling studio", "adult bookstore", "adult entertainment facility", "bathhouse" or "massage parlor" as defined herein.

ADULT ENTERTAINMENT FACILITY: Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for presenting live presentations, videotapes or films predominantly distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to "specified sexual activities", as defined herein, and exotic dance facilities (regardless of whether the theater or facility provides a live presentation, videotape or film presentation), where the patrons either:

- A. Engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or
- B. Observe any live presentation, videotape or film presentation of persons wholly or partially nude with their genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe "specified sexual activities" as defined herein.

AGRI-TOURISM: The act of visiting an active agricultural operation for the purpose of education, enjoyment or active involvement for the visitor in the activities of the agricultural operation.

AGRICULTURAL PROCESSING: The initial processing of crop based agricultural products that is reasonably required to take place in close proximity to the site where such products are produced. Typical uses include grain elevators and grain mills.

AGRICULTURAL SALES AND SERVICE: An establishment primarily engaged in the sale or rental of agricultural tools and implements, feed and grain, tack, animal care products and agricultural supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and agricultural machinery repair services that are accessory to the principal use.

AGRICULTURAL THEMED PUBLIC EVENTS: An event organized, managed and promoted that is beyond the principal agriculture use, or permitted agri-

tourism activity normally associated with the operation that includes, but is not limited to, the selling of additional food, alcohol, or other goods; the installation of tents, stages and stands. An active agricultural operation may not exceed three (3) 3-day agricultural themed public events annually.

AGRICULTURE: An art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for man's use. In this broad use it includes farming, horticulture and forestry, together with such subject as butter and cheese making, sugar making, etc. Unless restricted by the context, the words "agricultural purposes" have generally been given this comprehensive meaning by the courts of the Country.

AIRCRAFT: Any contrivance, now known or hereafter invented, for use or designed for flight in air.

AIRPORT OR AIRSTRIP: Any public or privately owned or operated ground facility designed to accommodate landing and takeoff operations of aircraft, including all taxiways, aircraft storage and tie down areas, hangars and other nonresidential buildings and open spaces.

ALLEY: A public right-of-way which is less than thirty four feet (34') (9 m) wide and affords a secondary means of access to abutting property. Frontage on an alley shall not be construed as satisfying the requirements related to frontage on a public street.

ALTERATION: A change in shape, location, character, occupancy or use of a building or structure.

AMUSEMENT EVENTS/FESTIVALS: Activities intended for public amusement which may or may not require some sort of remittance to enter the activity area or partake in the activity and is open to the general public where patrons attend for social or pleasure rather than business reasons. Uses that fall under agri-tourism and agricultural themed public events shall not be treated as amusement events/festivals. For the purpose of this definition "events/festivals" includes but is not limited to: circus, carnival, fair, flea market, craft fair, trade show, concert, athletic competition, haunted house/barn, and any similar activity not involving the erection of any permanent structure or facility. Large scale events/festivals when utilizing more than five (5) acres of land shall be considered large scale and are not permissible under section [8-5B-37](#) of this title, with the exception of a haunted forest and historical reenactments.

AMUSEMENT EVENTS/FESTIVALS, LARGE SCALE: Those uses identified under amusement event/festivals when utilizing more than five (5) acres of land mass.

ANIMAL CARE, GENERAL: A use providing animal care, veterinary services or boarding. See definitions of animal care, limited and kennel.

ANIMAL CARE, LIMITED: A use providing animal care, boarding and veterinary services for household pets, with no outside animal runs. See definitions of animal care, general and kennel.

ANIMATED SIGN: Any sign which includes action or motion. For purposes of this title, this term does not refer to flashing or changing, all of which are separately defined.

APPLICANT: The owner or duly designated representative of land for which a rezoning, special use permit, amendment, variance, construction permit, or certificate of occupancy has been requested.

AREAS OF NATURAL, HISTORICAL/CULTURAL, GEOLOGICAL, EDUCATIONAL, OR RESEARCH SIGNIFICANCE: These areas consist of ecologically important and/or cultural/archaeologically important sites for protection as natural areas or known archaeological sites. Natural resources conservation areas protect outstanding examples of native ecosystems, habitat for endangered, threatened and sensitive plants and animals, and scenic landscapes. Cultural resource areas protect outstanding examples of human settlements, village sites, effigy mounds and burial mounds as determined by the Illinois State Archaeological Survey. Education and low impact public use are appropriate on conservation areas where they do not impair the resource values of the area protected. Research, educational use, and public access natural and cultural areas provide unique opportunities for research and education by protecting relatively undisturbed native communities, wildlife habitat, and populations of native rare plants. Educational use of natural and cultural areas are used as outdoor classrooms by all educational levels, from primary school through college graduate studies and continuing adult education. Other public access would allow low impact uses that do not negatively affect special features of the sites. This may include hiking and other similar uses. Accessory uses such as interpretive centers would be appropriate.

ARTERIAL ROAD: A street that provides for through traffic movement between and around areas, with restricted access to abutting property and subject to necessary control of entrances and exits.

ASPHALT OR CONCRETE PLANT: An establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products.

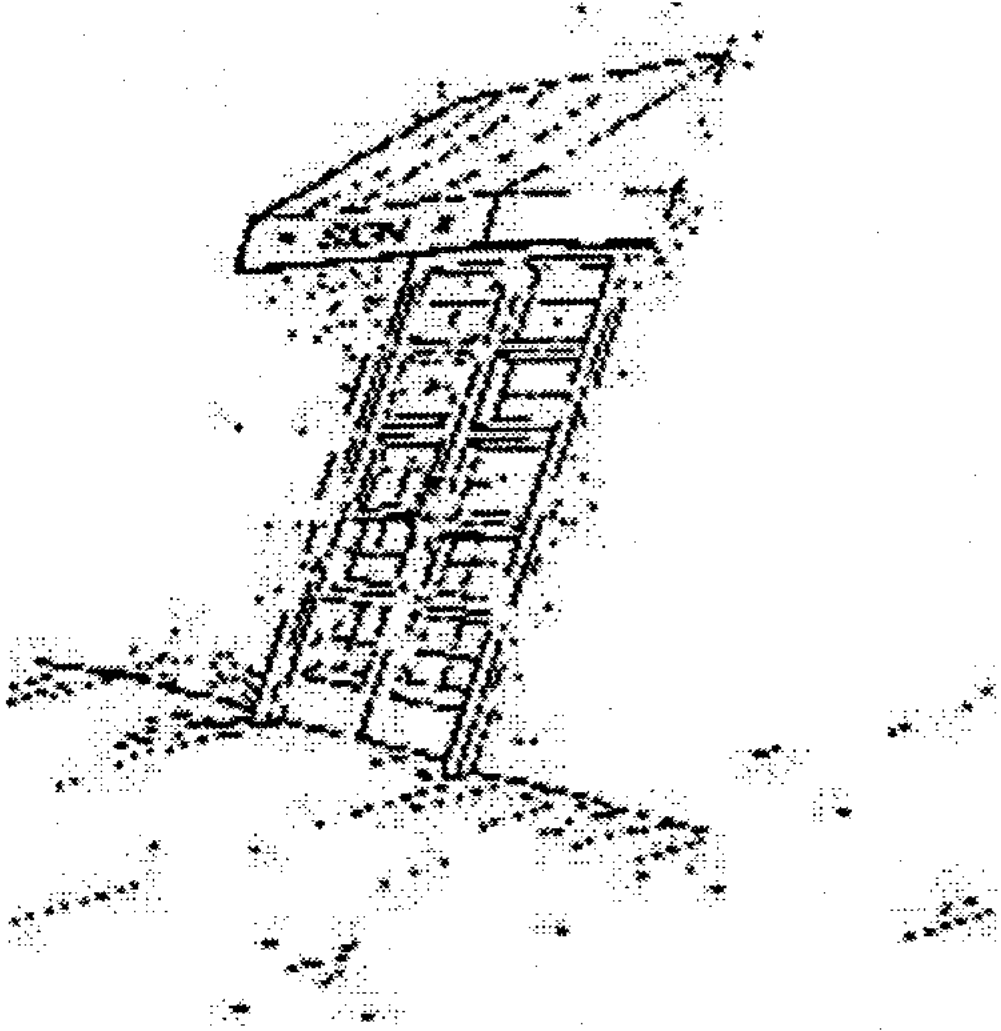
ASSISTED LIVING MULTI-FAMILY DWELLING UNITS: Used or designed to be used by older persons, persons with HIV, persons with disabilities or other persons needing or desiring assistance with day to day living matters, but not including group homes, group residential, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities, and recreational and social activities are offered to residents.

AUDITORIUM OR STADIUM: An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, meeting halls, sports arenas and amphitheaters.

AUTOMATED TELLER MACHINE (ATM): A mechanized consumer banking device operated by a bank or financial institution for the convenience of its customers, whether outside or in an access controlled facility. ATMs located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.

AWNING: A rooflike mechanism, retractable in operation and covered with a flexible textured material which projects from the wall of a building.

AWNING SIGN: An architectural projection from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.



BANK OR FINANCIAL INSTITUTION: Establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions. "Banks and financial institutions" also include automated teller machines.

BANNER: A sign made of fabric, plastic, paper or other light, pliable material, not enclosed in a rigid frame.

BAR OR TAVERN: An establishment in which the primary function is the sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as cocktail lounges and nightclubs but excluding those establishments that would otherwise be defined as an "adult entertainment facility".

BASEMENT: That portion of a building having one-half ($1/2$) or more of its floor to ceiling height below average grade of the ground immediately adjacent to its walls. A basement shall be counted as a story for the purposes of height measurement.

BASIC INDUSTRY: An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials. Typical uses include distilleries, pulp processing and paper products manufacturing; glass manufacturing; brick manufacturing; steelworks; tanneries; acid manufacturing; cement, lime, gypsum, or plaster of Paris manufacturing; fertilizer or chemical manufacturing; and petroleum refineries.

BATHHOUSE: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the state.

BED AND BREAKFAST ESTABLISHMENT: An operator occupied residence providing accommodations for a charge to the public with no more than five (5) guestrooms for rent, in operation for no more than ten (10) consecutive nights in a twelve (12) month period and where breakfast is provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments. In the agricultural district, a guesthouse/bed and breakfast may incorporate the use of accessory buildings detached from the main house providing they are suitable for human habitation. For purposes of this definition, "guestroom" shall mean a sleeping room intended to serve not more than two (2) guests per night.

BERM: A mound of earth, or the act of pushing earth into a mound.

BLOCK: A block is a tract of land bounded by public streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, rivers and lakes and/or other lines of demarcation. A block may be located in part within an incorporated city or village.

BUILDING: Any permanently fixed structure used or intended for supporting or sheltering any use or occupancy. Except in the floodplain overlay district, the terms building or structure do not include recreational vehicles or trailers.

BUILDING, ACCESSORY: A structure that:

- A. Is subordinate in area, extent and purpose to the principal use;
- B. Contributes to the comfort, convenience or necessity of the principal use; and
- C. Is located on the same lot and in the same zoning district as the principal use.

BUILDING AND ZONING OFFICE: The office of the zoning administrator of Jo Daviess County from which the zoning administrator, and such deputies or assistants as may be duly appointed by the county board to administer and enforce the provisions of this zoning ordinance and make such determinations, interpretations and orders as are necessary therefor, and require such plats, plans, and other descriptive material in connection with applications for permits as are necessary for him/her to judge compliance with this title in accordance with regulations set forth in this title.

BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space, or from other structures, by a permanent roof and by exterior or party walls, pierced only by windows and normal entrance or exit doors.

BUILDING COVERAGE: The area of a lot covered by buildings or roofed areas, as measured along the outside wall at ground level, and including all projections, other than open porches, fire escapes, canopies and the first three feet (3') of a roof overhang. Ground level parking, open recreation areas, patios and plazas shall not be counted as building coverage.

BUILDING, DETACHED: A building which is not connected to any other building or structure.

BUILDING FACE OR WALL: All window and wall areas of a building in one plane or elevation.

BUILDING HEIGHT: The vertical distance from the curb level to the highest point of the underside of the ceiling beams in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the top of the ceiling joists and the ridge of a gable, hip or gambrel roof. Chimneys, spires, towers, elevators or other accessory equipment, penthouses, tanks or other similar projections shall not be included in calculating the height. Freestanding chimney towers, poles and tanks, when function is related to height, shall also not be included in calculating building height.

BUILDING LINE: An imaginary line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site.

BUILDING, NONCONFORMING: Any building that does not conform to the regulations of this title prescribing the use, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

BUILDING, PRINCIPAL: A building in which a principal use is conducted.

BUILDING, RESIDENTIAL: A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers.

BUILDING, TEMPORARY: Any building not designed to be permanently affixed to any given location.

BULK: The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another and lot lines. This term includes regulations dealing with the following:

- A. Lot area;
- B. Lot area per dwelling unit;
- C. Lot frontage;
- D. Lot width;
- E. Height;
- F. Required yards;
- G. Open space;
- H. Gross floor area of buildings in relation to total lot area (floor area ratio).

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

BUSINESS COMPLEX: Two (2) or more commercial businesses on a lot or contiguous lots with common access and parking.

BUSINESS COMPLEX SIGN: A sign which is designed to identify a business complex where no single business identification and/or advertisement occupy more than fifty percent (50%) of the sign area.

CAMP, INSTITUTIONAL: A camp operated by a service club, an educational organization or a 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 a bona fide permanent place of abode. A facility with permanent housing facilities (i.e., cabins) or with pads or electric and water hookups for recreational vehicles or tents.

CAMP, TOURIST: A tract of land containing facilities for locating three (3) or more tents or recreational vehicles for use only by travelers remaining not more than fifteen (15) days whether or not a charge is made.

CANOPY: Any structure attached to a building at the inner end and supported on the other end, or a freestanding structure, with one or more supports, meant to provide shelter from weather elements onto which signs may be affixed or incorporated.

CAR WASH: An establishment primarily engaged in cleaning or detailing motor vehicles, whether by self-service, automatic or by hand.

CARPORT: A roofed automobile shelter having at least two (2) open sides.

CATERING: An establishment engaged in the preparation of food and beverages for consumption at another location. Catering shall not include the manufacturing of food as defined in "food/bakery product".

CEMETERY: Land used or intended to be used for burial or cremation of the dead, whether human or animal, including a mausoleum or columbarium.

CENTRAL SANITARY SEWER SYSTEM: A sanitary sewer system that is designed to provide treatment of sanitary sewage from multiple uses.

CHANGEABLE COPY SIGN (MANUAL): A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

CHANGEABLE SIGN (AUTOMATIC): A sign such as electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

CHILD: Any person under eighteen (18) years of age. For purposes of admission to and residence in childcare institutions and maternity centers, the term also means any person under twenty one (21) years of age who is referred by a parent or guardian, including any agency having responsibility for a person pursuant to act 405, juvenile court act of 1987¹.

CHILDCARE FACILITY: Any person, group of persons, agency, association or organization, whether established for gain or otherwise who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from parents, with or without the transfer of the right to custody in any facility as defined in the child care act of 1969², established and maintained for the care of children.

CHILDCARE INSTITUTION: A childcare facility where more than five (5) children are received and maintained for the purpose of providing them with care or training or both. The term "childcare institution" includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include such facilities excluded from the definition of "Child Care Institution" as cited in the Illinois child care act of 1969³.

CHURCH BULLETIN BOARD: A sign attached to the exterior of a church or located elsewhere on church premises and used to indicate the services and/or other activities of the church, and including the church name.

CHURCHES, CHAPELS, TEMPLES AND SYNAGOGUES: A site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship or retreat site. This definition shall not include church camps or other types of camps as are defined herein by "camp, institutional".

CLOSED CUP FLASHPOINT: The lowest temperature at which a combustible liquid, under prescribed conditions will give off a flammable vapor which will burn immediately.

CLUB, PRIVATE: A use providing meeting, recreational, or social facilities for a private association, primarily for use by members and guests. Typical uses include private social club, lodges, and fraternal organizations.

COLLECTOR ROAD: A street that provides for traffic movement between arterial roads and local streets, with direct access to abutting property.

COLLEGE OR UNIVERSITY: An institution of higher education offering undergraduate or graduate degrees.

COMMERCIAL DISTRICT: The C commercial district as identified in [chapter 3, article D](#) of this title.

COMMUNICATION TOWER: Commercial AM/FM radio, television, microwave and cellular telephone transmission towers and accessory equipment and buildings. To include any or all electronic communication.

COMMUNITY CENTER: A building or place in which members of a community may gather for social, educational or cultural activities.

COMPOSTING: The biological treatment process by which microorganisms decompose the organic fraction of waste, process of composting.

COMPREHENSIVE PLAN: Includes the composite of the functional and geographic elements of the comprehensive plan of Jo Daviess County, Illinois, or any future version thereof, or any segment thereof in the form of plans, maps, charts, and textual materials, as adopted by the county board.

CONSTRUCTION SALES AND SERVICE: An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, and the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction contractors' storage yards and construction equipment rental establishments.

CONTIGUOUS GROWTH AREA: An area contiguous to a municipality in which new development is determined to be both desirable and sustainable. The boundaries of the contiguous growth area (CGA) shall be as defined in a legal description set forth in a joint planning agreement, mutually agreed to by both the county and the municipality. Where no such joint planning agreement exists, the boundaries of the contiguous growth area shall be defined as the area surrounding a municipality within one and one-half (1¹/₂) miles of the corporate limits of the municipality.

CONTRACTOR SHOP AND OFFICE: A building and/or property where materials and equipment used by construction contractors are stored and repaired.

The contractor's office may also be located within the building or on the same property.

COPY: The wording or graphics on a sign surface.

CORRECTIONAL FACILITY: A facility providing housing and care for individuals confined for violations of law.

COUNTY: Jo Daviess County, Illinois.

COUNTY BOARD: The county board of Jo Daviess County, Illinois.

COUNTY ENGINEER: The registered professional engineer as appointed by the county board as head of the highway department of Jo Daviess County or his designated representative.

CREMATORY: A furnace, including any building or structure housing such a furnace, for the burning of dead bodies.

CULTURAL SERVICE: A facility providing cultural and educational services to the public. Typical uses include museums, art museums, observatories, planetariums, botanical gardens, arboretums, zoos and aquariums.

CUTOFF: A cutoff outdoor lighting fixture emits no more than two and one-half percent (2¹/₂%) of its light above ninety degrees (90°) and ten percent (10%) above eighty degrees (80°) from horizontal. A standard IESNA definition.

CUTOFF, FULL: A full cutoff outdoor lighting fixture emits zero percent (0%) of its light above ninety degrees (90°) and ten percent (10%) above eighty degrees (80°) from horizontal. A standard IESNA definition.

CUTOFF, SEMI: A semicutoff outdoor lighting fixture emits no more than five percent (5%) of its light above ninety degrees (90°) and twenty percent (20%) above eighty degrees (80°) from horizontal. A standard IESNA definition.

DAYCARE CENTER: Any childcare facility which regularly provides care for less than twenty four (24) hours per day for:

A. More than eight (8) children in a family home, or

B. More than three (3) children in a facility other than a family home which is licensed by the Illinois Department of Children and Family Services under the Illinois Child Care Act of 1969⁴.

DAYCARE HOMES: Family homes which receive more than three (3), up to a maximum of eight (8), children for less than twenty four (24) hours a day. The number includes the natural or adopted children and all persons under the age of twelve (12). Such daycare homes shall be licensed by the Illinois Department of Children and Family Services under the Illinois Child Care Act of 1969⁵ and allowed as a home occupation.

DECIBEL: A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound calibrated in decibels.

DECISION MAKER OR DECISION MAKING BODY: The entity (County Board, County department head or board) that is authorized to grant final approval or denial of an application or permit required under this title.

DEDICATE, DEDICATION: Transfer of ownership of right-of-way or other parcel of land or improvement to a public or private entity without compensation.

DETACHED ACCESSORY DWELLING UNIT (DADU): A self-contained housing unit that typically has their own kitchen, bedroom(s), bathroom(s) and living space, which is a freestanding structure on the same parcel as the principal dwelling unit.

DEVELOPMENT: Any subdivision of land; any consolidation or accumulation of tracts of land; any material change in the use or appearance of any parcel of land; any activity that affects lot lines, easement locations, number of lots, setbacks, locations of structures, dedications of streets or utilities; or the act of building structures or improvements on land.

DIRECTOR OF ENVIRONMENTAL HEALTH: The Director of Environmental Health of the Jo Daviess County Health Department or his/her designated representative.

DISTRICT: A section or part of the unincorporated portion of the County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title.

DOORWAY IDENTIFICATION SIGN: A nonilluminated sign which is limited to the name, address, and number of the building, institution, or person and to the activity carried on in the building or institution, or the occupancy of the person; provided, that the lettering, excluding numbers, of each sign shall not exceed two (2) square feet.

DRAINAGEWAY, IMPROVED: A portion of a right-of-way or easement used or intended principally for storm, surface or subsurface drainage which meets or exceeds the design and construction standards for public drainageways.

DRAINAGEWAY, UNIMPROVED: A portion of a right-of-way or easement whose use or intended principal use is storm, surface or subsurface drainage which does not meet or exceed the design and construction standards for public drainageways.

DRIVE-IN ESTABLISHMENT: An establishment which accommodates patrons in motor vehicles from which the occupants may watch, purchase, etc.

DRIVEWAY: A private accessway for motor vehicles between a public or private street and one or more structures or off street parking areas.

DUPLEX: The use of a single lot for two (2) dwelling units within a single building.

DWELLING: A building designed or used principally for residential occupancy, but not including hotels, motels, boarding or rooming houses, tourist homes, mobile homes or trailers.

DWELLING, MULTIPLE-FAMILY: A residential building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A residential building containing one dwelling unit.

DWELLING UNIT: A building or portion of a building that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation. A dwelling unit shall not include rooms or suites customarily associated with hotels, motels, tourist cabins and other places providing temporary overnight lodging.

EASEMENT: That portion or quantity of land set aside in which a liberty, privilege or advantage in land without profit is dedicated and is distinct from fee ownership of the land, is granted either to the public, a particular person or a combination of both.

ELECTRONIC MESSAGE CENTER: A sign on which the copy changes automatically on a lamp bank or through mechanical means, such as electrical or electronic time and temperature units.

ELECTRONIC STANDARD OUTDOOR ADVERTISING STRUCTURE/BILLBOARDS: Billboards that can be updated electronically. Usually a large projection spectacular or LED sign with changing advertising and internal illumination.

ENGINEER: A professional engineer licensed in the state of Illinois.

ENLARGED: To make or become greater in quantity or dimensions; to extend in limits, breadth, or size; to expand; to broaden.

ERECT: The act of placing or affixing a component of a structure upon the ground or upon another such component.

ERECT SIGN: To build, construct, reconstruct, attach, hang, rehang, alter, place, affix, enlarge, move or relocate and includes the painting and repainting of existing sign structures.

EROSION CONTROL PLAN: A plan showing a functional means of controlling runoff to prevent sediments from leaving the project site and causing siltation in sewers, lakes, streams or adjacent properties.

ESCROW AGENT: A title company, bank, savings and loan association, trust company, attorney or other person, company, or agency approved by the county board to act as escrow agent.

EXCAVATION: Any act by which organic matter, earth, sand, or other similar material is cut into, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting from said act.

EXISTING BUILDING: Any building erected prior to the adoption of the ordinance or for which a legal building permit has been issued.

EXISTING GRADE: The vertical location of the existing ground surface prior to excavating or filling.

EXPANSION: The act of becoming larger; increasing in dimensions or the state of being expanded; enlargement; distention; dilatation.

FACADE: The front or main part of a building facing a street as measured from the ground elevation to the head beam.

FAMILY: One or more persons related by blood, marriage or adoption or a group of not more than four (4) persons not so related, together with their domestic servants or gratuitous guests, maintain a common household in a dwelling unit. A family may include not more than two (2) roomers or boarders whether or not gratuitous or not gratuitous. A family may include the occupants of a foster family or a "group home" as defined herein.

FARM TOURS: The act of viewing and/or participating in active agricultural operations. Typical farm tours may include, but are not limited to, educational programs, trails, on farm animal petting areas and historical agriculture exhibits.

FENCE: An enclosure or barrier such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

FENCE, AGRICULTURAL: A fence used in conjunction with an agricultural use as defined by the Illinois fencing law.

FENCE HEIGHT: The vertical distance measured from the side of the fence that is exterior to the property or from the lowest adjacent ground level to the top of the fence material. Fence material shall include the support posts and any material attached to said posts. In the case of wire fencing, height shall be measured by the width of the material used, providing that when installed, the material is directly adjacent to the ground level.

FENCE, OPEN: A fence, including entrance and exit gates where each one foot (1') wide segment for the full length and height of the fence contains at least seventy percent (70%) open space which affords a direct view through the fence or if said fence has a height of not more than four feet (4') tall may contain not less than fifty percent (50%) open space.

FENCE, PRIVACY: A solid fence a minimum of six feet (6') in height.

FENCE, SHARP POINTED: A barbed fence, a fence with spikes, other sharp points or a razor blade fence.

FENCE, SOLID: A fence, including solid entrance and exit gates, where each one foot (1') segment for the full length and height of the fence contains less than seventy percent (70%) open spaces or if said fence has a height of not more than four feet (4'), contains less than fifty percent (50%) open space.

FENCE, WIRE: A fence whose principal material is wire. This includes, but is not limited to, chainlink fences.

FERTILIZER DISTRIBUTION PLANT: Premises or buildings where agricultural fertilizer products are stored, mixed and blended and sold at retail or wholesale, but not including the manufacture of such products.

FILL: Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by mechanical means to a new location and shall include the conditions resulting therefrom.

FILLING STATION (SERVICE STATION): Any business which dispenses, or is designed to dispense, gasoline and/or oil for use in motor vehicles or boats.

FINAL GRADE, FINISH GRADE: The vertical location of the ground or paving surface after the grading work is completed in accordance with the site

development plan.

FINANCIAL ASSURANCE: Reasonable assurance from a creditworthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.

FLOOR AREA: For nonresidential buildings or buildings containing both residential and nonresidential uses, "floor area" means the sum of the gross horizontal area of all floors of the building measured from the exterior faces of the exterior walls. For residential buildings, "floor area" shall mean the gross horizontal area of all floors in a dwelling measured from the external faces of the exterior walls. Garages, basements and open porches shall be excluded when measuring residential floor area.

FLOOR AREA RATIO: The numerical value obtained by dividing the gross floor area of a building or buildings by the total area of the parcel of land on which the building or buildings are located.

FOOD/BAKERY PRODUCT: A use engaged in the manufacture of food and food products, including manufacturing nonretail bakeries, canning facilities and creameries.

FOOD STORE: An establishment where food and prepackaged beverages are sold on site for consumption off site. A limited amount of food preparation on site may also be allowed, such as a delicatessen or bakery.

FOOT-CANDLE: A unit of luminance on a surface that is everywhere one foot (1') from a uniform point source of light on one candle and equal to one lumen per square foot.

FOOTING: The, usually concrete, ground engaging portion of a structure's foundation. The footing's purpose is to transfer the weight of the structure to the soil so that the structure, as built, remains vertically and horizontally stable. The footing would normally outline the footprint of the structure.

FOSTER FAMILY HOME: A facility for childcare in residences of families who receive no more than five (5) children unrelated to them, unless all of the children are of common parentage, for the purposes of providing family care and training for the children on a full time basis; except the director of the department of children and family services, pursuant to departmental regulations may waive the limit of five (5) children unrelated to an adoptive family for good cause and only to facilitate an adoptive placement. The family's own children, under eighteen (18), shall be included in determining the maximum number of children served. The term "foster family home" includes homes receiving children from any state operated institution for childcare or from any agency established by a municipality or other political subdivision of the state of Illinois authorized to provide care for children outside their homes. The types of foster family homes are as defined and cited in the Illinois child care act of 1969⁶.

FREE BURNING: Implies a rate of combustion described by a material which burns actively and easily supports combustion.

FREIGHT TERMINAL: A building or area in which freight brought by truck, rail or air is processed for continued shipment by truck, rail or air.

FREQUENCY: The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

FRONTAGE: The length of any one property line of a premises that abuts a public street right of way. The frontage of a lot abutting more than one street shall be calculated separately for each street.

FRONTAGE (Of A Block): All of the property fronting on one side of a street. If the street is a dead end, the frontage is measured to the end of the street.

FRONTAGE (Of A Lot): The linear measure between lot lines along a street, roadway or other public way.

FRONTAGE, STREET: The length of a lot line that abuts a public street right of way. The frontage of a lot abutting more than one street shall be calculated separately for each street.

FUNERAL HOME: An establishment engaged in preparing the human deceased for burial, entombment or cremation and arranging and managing funerals.

GARAGE, PRIVATE: An accessory building or an accessory portion of the principal building which is intended and used to store private motor vehicles owned or used by members of the family or families residing upon the premises.

GAS AND FUEL SALES/STORAGE: The use of a site for bulk storage, distribution and sales of flammable liquid, gas or solid fuel, excluding storage that is clearly ancillary to an allowed principal use on the site such as automotive or truck stop service stations as defined herein.

GLARE: The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

GOLF COURSE: A public, semipublic or private grounds over which the game of golf is played including accessory buildings and land uses incidental to the game and consisting of an eighteen (18) hole golf course with at least sixty (60) acres of land for each standard nine (9) hole course; and at least twenty five (25) acres of land for each nine (9) hole "par 3" course.

GOVERNMENT SERVICE: Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and park and recreation services. Typical uses include administrative offices of government agencies, utility billing offices, township halls, and township road maintenance buildings and yards.

GRADE: The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GRADING: The act of excavating or filling or combination thereof and shall include the conditions resulting from any excavation or fill.

GREENHOUSE, NURSERY: An establishment where flowers, trees, seeds, plants, plant stock and other products that are commonly used for landscaping and gardening are grown and sold.

GROUND LEVEL: Immediate surrounding grade.

GROUP HOME: A childcare facility which provides care for not more than five (5) children placed by and under the supervision of a licensed child welfare agency with these homes being owned or rented, staffed, maintained and otherwise operated by the agency. Group home also means a dwelling providing

shelter to not more than five (5) unrelated persons who are handicapped as defined herein.

GROUP RESIDENTIAL: The use of a site for occupancy by groups of more than five (5) persons, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, and boarding houses. The term "group residential" does not include the term "group home".

GUESTROOM: For the purpose of enforcing the provisions of this title regulating bed and breakfast establishments, "guestrooms" shall mean a sleeping room intended to serve not more than two (2) transient guests per night.

HANDICAP: With respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment. This term does not include current, illegal use or an addiction to a controlled substance as defined in section 102 of the controlled substances act (21 USC 902). An individual shall not be considered to have a handicap solely because that individual is a transvestite. As used in this definition:

A. "Physical or mental impairment" includes:

1. Any physiological disorder or condition, cosmetic disfiguration, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; genitourinary; speech organs; cardiovascular; reproductive; digestive; hemic and lymphatic; skin; and endocrine; or
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal controlled substance) and alcoholism.

B. "Major life activities" means taking care of oneself, performing manual tasks, walking, seeing, speaking, breathing, learning and working.

C. "Has a record of such an impairment" means has a history of or has been classified as having a mental or physical impairment that substantially limits one or more major life activities.

HAZARDOUS OPERATION: Activities that present the potential for serious hazards to human life and health. Typical uses include, but are not limited to, arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal and radioactive waste handling.

HAZARDOUS SUBSTANCES: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or harmful to the health of any person handling or otherwise coming into contact with such material or substance.

HEALTH CLUB: A facility where members or nonmembers use equipment or space for the purpose of physical exercise. Said facilities may be located both indoors and outdoors.

HEARING: Public hearing.

HEIGHT OF SIGN: The vertical distance measured from the surrounding grade to the highest point of a sign.

HELIPORT OR HELIPAD: An area, either on the ground or on a building, used as a landing pad for helicopters to pick up or discharge passengers or cargo.

HISTORIC SITE: Any area of particular historical significance as determined by federal, state or local officials having jurisdiction over said areas. This includes interests in land, which has been acquired for the restoration, preservation and enhancement of historical significance.

HOME OCCUPATION: Any occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes.

HOME OFFICE: An incidental and subordinate area in a residential dwelling unit used solely by the occupants of the dwelling unit for limited business activities including making and receiving phone calls; paper and electronic communications; word processing; data analysis and manipulation. The occupants of the dwelling unit may conduct these activities on behalf of an employer or as a self-employed proprietor.

HOMEOWNERS' ASSOCIATION: An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner or homeowner in a planned district or other described land area is automatically a member and each lot is automatically subject to a charge for a proportionate share of the expenses for the activities of the organization, such as maintaining common property.

HOSPITAL: An institution that:

- A. Offers service more intensive than those required for room, board, personal services and general nursing care;
- B. Offers facilities and beds for use beyond twenty four (24) hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and
- C. Regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

HOTEL OR MOTEL: An establishment used, maintained or advertised as a place where sleeping accommodations, in rooms without individual kitchens, are supplied for short term rent to transient guests. Such establishments provide customary hotel services such as a central desk, maid service and laundry of linens used in the lodging rooms.

HOUSEHOLD HAZARDOUS WASTE: Waste that is considered hazardous because of the way it affects humans or reacts with other chemicals. Waste is usually grouped into the following five (5) categories: caustic, explosive, infectious, toxic and radioactive.

ILLEGAL SIGNS: A sign which contravenes this title, or a nonconforming sign for which a permit is required under a previous ordinance was not obtained.

INCOMPATIBLE USES: A use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

INDUSTRIAL COMPLEX: Two (2) or more industrial establishments on a lot or contiguous lots with common access and parking.

INOPERABLE VEHICLE: Any motor vehicle which does not have a current license sticker or which for a period of at least six (6) months, 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. Inoperable motor vehicle shall not include a motor vehicle, which has been rendered temporarily incapable of being driven under its own motor power for no more than thirty (30) days in order to perform ordinary service or repair operations. Inoperable motor vehicle shall also include parts of motor vehicles that are scattered or stacked.

INTEGRATED CENTER: A use combining office and warehousing; office and light assembly; or office, warehousing and light assembly activities within the same building. Buildings within integrated centers typically have office storefronts on one side of the structure and loading docks or roll up doors on the other side. Loading and service areas are screened from view of public rights of way, public recreation facilities (e.g., parks, golf courses, etc.) and lower intensity zoning districts. Integrated centers may have more than one use within the same building and may include retail sales of merchandise as an accessory use.

INTENSE BURNING: Implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

INTENSITY (Of Uses And Districts): References to less restrictive or more restrictive zoning districts refer to the base zoning districts established by [chapter 3](#) of this title and represent a progression from the AG district as the least intensive zoning district to the I district as the most intensive zoning district. Overlay districts are not included in the zoning district hierarchy. References to less intensive or more intensive uses refer to the zoning districts in which such uses are first permitted. Use "X" is to be construed as more intensive than use "Y" if use "X" is first permitted by right in a zoning district that is more intensive than the district in which use "Y" is first permitted by right.

INTERCHANGE: The system of interconnecting ramps between two (2) or more intersecting guideways, rail lines, highways, and so on that are grade separated.

INTERIOR PROPERTY LINE: Property lines other than those forming a dedicated public right of way.

INTERPRETIVE CENTER: A facility used for dissemination of knowledge of natural or cultural heritage and located in connection to cultural, historic or natural sites.

INTERSECTION: The point at which two (2) or more guideways or roadways meet.

KENNEL, COMMERCIAL: A facility, either state licensed or not, housing dogs, cats or other household pets where grooming, breeding, boarding, training or selling of animals is conducted as a business, or the rendering of surgical and medical treatment is provided and having no limitation on overnight accommodations of such animals.

KENNEL, PRIVATE: Any building or buildings or land designed or arranged for the care of dogs and cats or other household pets belonging to the owner of the principal use, kept for the purposes of show, hunting, or as pets.

LANDFILL: A facility permitted by the Illinois environmental protection agency for the disposal of waste on land meeting the requirements of the resource conservation and recovery act, PL 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse of the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Illinois pollution control board may provide by regulations.

LANDSCAPE AND NURSERY CONTRACTOR: A business engaged in installation of plant material stock, including wholesale and/or retail of such plant stock and other landscaping materials.

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

LANDSCAPE WASTE COMPOSTING AND MULCHING FACILITY: An establishment for the composting and mulching of waste materials accumulated as the result of the care of lawns, shrubbery, vines and trees and not accessory to general agriculture as set forth in [chapter 3, article A](#) of this title.

LAUNDRY PLANT: An establishment that is primarily for cleaning of laundry, rugs and similar materials. This definition does not include laundromats or dry cleaning pick up stations.

LIBRARY: A publicly operated establishment housing a collection of books, magazines, audio and video tapes, computers and other material for borrowing and use by the public.

LIGHT TRESPASS: Light falling where it is not wanted or needed, typically across property boundaries. This is the most common citizen complaint associated with outdoor lighting.

LIVESTOCK: Animals kept for use on an agricultural property or raised for sale and profit.

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

LOADING SPACE: An off street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

LOCAL STREET: A street that provides direct access to abutting land and local traffic movement.

LOGO: A letter, character, or symbol used to represent a person, corporation or business enterprise.

LOT: A quantity of land described with such specificity that its location and boundaries may be established and which is designated by its owner or developer as land to be conveyed, used and developed as a unit including any easements.

LOT AREA, GROSS: The area of a horizontal plane bounded by the vertical planes through the front, side and rear lot lines.

LOT, CORNER: A lot located at the intersection of two (2) or more streets; or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an angle less than one hundred thirty five degrees (135°).

LOT DEPTH: The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE (THROUGH LOT): A lot which has a pair of opposite lot lines along two (2) substantially parallel streets.

LOT, INTERIOR: A lot whose side lines do not abut upon any street.

LOT LINE: A line dividing one lot from another or from the street right of way.

LOT LINE, FRONT: That boundary of a lot which is along the existing or dedicated street or public way. The owner of a corner lot may select either street lot line as the front lot line.

LOT LINE, REAR: That boundary of a lot which is most distant from and is, or is approximately parallel to the front lot line. If the rear lot line is less than ten feet (10') in length within the lot or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet (10') in length within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE: Any boundary of a lot which is not a front or rear lot line.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been duly recorded in the office of the Jo Daviess County recorder, or a lot or parcel described by metes and bounds, the description of which has been recorded or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the Jo Daviess County recorder, provided such lot was of a size that met the minimum dimensions for lots in the district in which it was located at the time of recording, or was recorded prior to the effective date of the Jo Daviess County zoning ordinance (March 1, 1995), or has been otherwise approved.

LOT, TRAILER: The area of land assigned to a travel trailer or mobile home in a tourist park or a mobile home in a mobile home park.

LOT WIDTH: The horizontal distance between side lot lines as measured along the required front setback line. In the case of a corner lot either side along a public street may be designated as the front yard.

LOT, ZONING: A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more contiguous lots of record, one or more contiguous portions of a lot or lots of record, or any combination thereof.

LUMEN: Unit of luminous flux; used to measure the amount of light emitted by lamps.

LUMEN, INITIAL: Amount of luminous flux emitted by a lighting fixture at initial installation. Initial lumens are usually listed by the manufacturer. Example: A one hundred (100) watt incandescent light bulb emits approximately one thousand eight hundred (1,800) lumens.

LUMEN, TOTAL INITIAL: Derived by summing the individual initial lumens output for all the lighting fixtures of an installation. For example, six (6) fixtures with ten thousand (10,000) initial lumens output per fixture would equal sixty thousand (60,000) total initial lumens.

LUMINANCE: Amount of luminous flux per unit area in the imperial system and is equal to one lumen per square foot. Luminance is measured in foot-candles. The metric system uses the lux. One foot-candle equals approximately nine hundred twenty nine thousandths (0.0929) lux.

LUMINANCE LEVEL, MAINTAINED: Lamps emit less luminous flux over time and therefore luminance levels of an installation will decrease over time. The maintained luminance level is usually determined as a percentage of the initial luminance level. The percentage is different for the various types of lamp sources. This number is reported as a part of the photometric plan.

MANSARD ROOF: A roof having two (2) slopes on all four (4) sides, with the lower slope almost vertical, and the upper almost horizontal.

MANUFACTURED HOME PARK: An area or tract of land where two (2) or more manufactured housing units, mobile homes or mobile home/manufactured housing spaces are rented or held out for rent.

MANUFACTURED HOME, RESIDENTIAL DESIGN: A manufactured housing unit placed upon a permanent foundation and which contains exterior elements commonly found on other conventionally built single-family detached dwellings. Such housing unit has residential character, manufactured features, architectural details, covered entry, horizontal lap siding, window elements, front porch, not less than twenty four feet (24') in width, landscaping, permanent masonry foundation, pitched roof.

MANUFACTURED HOME SALES: An establishment primarily engaged in the display and sale of mobile homes or manufactured housing units.

MANUFACTURED HOME SPACE: A plot of ground within a manufactured home park that can accommodate one manufactured housing unit and that provides necessary utility services.

MANUFACTURED HOUSING UNIT: A transportable, factory built structure that is manufactured in accordance with the federal manufactured housing construction and safety standards act of 1974 (42 USC section 5401) and that is designed to be used as a single dwelling unit. (Previously referred to as a mobile home.) A manufactured housing unit is constructed to be towed on its own chassis (comprised of frame and wheels) from place of construction to

location.

MANUFACTURING AND ASSEMBLY: Establishment engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding "basic industry".

MARINA: A facility for the storage (wet or dry), launching and mooring of boats.

MARQUEE: Any permanent, rooflike structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MASSAGE PARLOR: An establishment which has a fixed place of business having a source of income or compensation sixty percent (60%) or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage. Under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity; provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the state of Illinois.

MEDICAL SERVICE: An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, and the provision of medical testing and analysis services. Typical uses include clinics and offices for doctors of medicine, dentists, chiropractors, osteopaths, optometrists; blood banks and medical laboratories.

MICRON: A unit of length, equal to one thousandth part of one millimeter.

MILITARY/PARAMILITARY FACILITY: A facility used or intended to be used for the purpose of military or paramilitary training activities.

MINING OR QUARRYING: The extraction of metallic and nonmetallic minerals excluding oil or natural gas. Typical uses include sand and gravel pit operations, quarries and mines.

MOBILE HOME: A movable or portable unit, which is eight (8) body feet or more in width and is thirty two (32) body feet or more in length, and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to location or subsequent locations, and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. These homes were constructed prior to June 15, 1976, when the federal preemptive HUD code became effective. Mobile homes have not been constructed since this date.

MOBILE HOME PARK: See the definition of Manufactured Home Park.

MOBILE HOME SALES: See the definition of Manufactured Home Sales.

MODELING STUDIO: A use or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools where persons are enrolled in a class.

MODERATE BURNING: Implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

MODULAR HOME: A factory fabricated dwelling built in accordance with the requirements of all technical codes adopted in section [7-1-3](#) of this code and the requirements of the Illinois department of public health, and shall be subject to the same standards as site built homes. It may consist of two (2) or more components that can be separated when transported but designed to be joined into one integral unit on a permanent foundation ready for occupancy except for assembly operations and finishing. Modular homes are not considered as mobile homes, manufactured homes, or travel trailers.

MOTOR VEHICLE: Any self-propelled vehicle designed primarily for transportation of people and goods along streets, alleys and other public ways.

MULTI-FAMILY RESIDENTIAL: The use of a site for three (3) or more dwelling units within a single building. Typical uses include triplexes, fourplexes, apartments and residential condominiums and townhouses.

NATURAL DRAINAGE: Watercourses formed in the topography of the earth prior to any manmade changes.

NONCONFORMITY: A nonconforming existing lot, nonconforming use, nonconforming sign or nonconforming structure that does not conform to regulations of the district in which it is located.

NOXIOUS MATTER: That which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects on the physical or economic well being of human beings.

NURSING HOME: A home for the aged, chronically ill or incurable person in which three (3) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

OCTAVE BAND: A term denoting all frequencies between any given frequency and double that frequency.

OCTAVE BAND FILTER: An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

ODOR THRESHOLD: The minimum concentration of odorous matter in the air that can be detected as an odor.

ODOROUS MATTER: Material, gas, liquid or solids that yield an odor.

OFFICE, GENERAL: An establishment providing executive, management, administrative or professional services, but not medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

OIL OR GAS DRILLING/REFINING: The subsurface extraction of oil or natural gas or the distillation of ethyl alcohol (ethanol) from agricultural crops and

the processing of byproducts from such distillation.

OPEN SPACE: Any parcel or area of land or water essentially unimproved or otherwise devoid of buildings or other structures and paved areas, and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.

OPEN SPACE, PRIVATE: Open space within a development that is contained within individually owned lots and which is designed and intended primarily for the private uses of residents or occupants of the lot on which the private open space exists. Private open space shall also include land within a subdivision or development which is owned and maintained by a homeowners' association. Private open space does not include areas utilized for streets, alleys, driveways, private roads, or off street parking or loading areas. Private open space may include recreational areas such as swimming pools, tennis courts, shuffleboard courts, etc.

OPEN SPACE, PUBLIC: Any publicly owned open area including, but not limited to, the following: parks, playgrounds, forest preserves, waterways, parkways and streets. Public open space does not include areas utilized for streets, alleys, driveways, private roads, or off street parking or loading areas. Public open space may include recreational areas such as swimming pools, tennis courts, shuffleboard courts, etc.

OPERATOR, BED AND BREAKFAST ESTABLISHMENTS: The owner of a bed and breakfast establishment, or the owner's agent, who is required to reside in the bed and breakfast establishment, or on contiguous property.

OPERATOR, WIND ENERGY CONVERSION SYSTEM (WECS): The entity responsible for the day to day operation and maintenance of the WECS, including any third party subcontractors.

OUTDOOR LIGHTING FIXTURE: The complete lighting assembly less the support assembly. Such devices shall include, but are not limited to, lights used for parking lot lighting, roadway lighting, buildings and structures, recreational areas, landscape lighting, billboards and other signs (advertising or other), product display area lighting, building overhangs and open canopies.

OWNER: Any person, firm, association, private corporation or quasi-public corporation or combination of any of these or other legal entity having sufficient proprietary interest in the land sought to be subdivided or developed to commence and maintain proceedings under the provisions of this title.

OWNER, SIGN: A person recorded as such on official records and including the duly authorized agent or notary, a purchase lessee; any person having a vested or contingent interest in the property or business in question.

OWNER, WIND ENERGY CONVERSION SYSTEM (WECS): The entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean: a) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or b) 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.

PARCEL: All contiguous land used or legally described as a single unit.

PARENT PARCEL: One parcel of land with a legal description and parcel number, from which a portion is subdivided as a new separate parcel; except when there is one metes and bounds legal description for more than one numbered parcel. In such case, all numbered parcels included in the one metes and bounds legal description shall be considered to be one parent parcel.

PARKING AREA, OFF STREET PARKING LOT: An area not on a public right of way, exclusive of driveways, which is used for the parking of motor vehicles. For the purpose of computing the number of parking spaces in a lot, all areas used for parking under unified control, the same or contiguous parcels of land shall be considered as one lot.

PARKING LOT, COMMERCIAL: An area used or intended to be used for the off street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.

PARKING SPACE: An enclosed or unenclosed area permanently reserved for the temporary storage of one passenger vehicle and appropriately connected with a street or alley by a driveway affording adequate ingress and egress.

PARKS AND RECREATION AREA: A publicly or privately owned park, playground or community facility that provides opportunities for active or passive recreational activities.

PARKWAY: The unpaved land within a street right of way which is located between the back of the curb and the right of way.

PARTICULATE MATTER: Dust, smoke or any other form of airborne pollution in the form of minute separate particles.

PERFORMANCE STANDARD: A criterion established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, glare, heat generated by or inherent in the uses of land or buildings.

PERSON: Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

PLANNED DEVELOPMENT: A parcel of land or contiguous parcels of land of size sufficient to create its own environment controlled by a single landowner or by a group of landowners in common agreement as to control. To be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district in which it is located.

POST OFFICE: A facility used for the collection, sorting and distribution of U.S. mail among several zip code areas and having limited retail services for the public, such as the sale of stamps, postcards and postal insurance.

PREMISES: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PRIMARY STRUCTURE: 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 buildings, hospitals, and daycare facilities. Primary structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

PRINTING AND PUBLISHING: The production of books, magazines, newspapers and other printed matter, and record pressing and publishing, engraving and photoengraving, but excluding businesses involved solely in retail photocopying, reproduction, photo developing or blueprinting services, which would

be included within the definition of "retail sales and service" herein.

PRIVATE IMPROVEMENT: Any installed or constructed facility for which the responsibility of maintenance and ownership will be retained by the owner or a private entity.

PRIVATE SEWAGE DISPOSAL SYSTEM: An on site sanitary sewage system that is designed to provide treatment of sanitary sewage from a single use and is maintained by a private individual or entity.

PRIVATE STREET: Any road that is used for access and circulation and the ownership and maintenance responsibility of which is borne by the owner or homeowners' association.

PROFESSIONAL ENGINEER: A qualified individual who is licensed as a professional engineer in any state in the United States.

PROPERTY LINE: The lines bounding a lot or parcel delineating the land in individual ownership.

PUBLIC IMPROVEMENTS: Include streets, sidewalks, public utilities and other structures, fixtures or land appurtenances which are or are intended to be dedicated to a public or private entity.

QUARRY: The extraction of metallic and nonmetallic minerals excluding oil or natural gas. Typical uses include sand and gravel pit operations, quarries and mines.

RACETRACKS: Establishments providing tracks for the racing of cars, motorcycles, bicycles, horses, dogs or similar types of motor vehicles and animals for viewing by the public. To include facilities for support services.

RAILROAD RIGHT OF WAY: A strip of land with tracks and auxiliary facilities for track operations, but not including freight depots or stations, loading platforms, train sheds, roundhouses, car or locomotive shops or car yards.

RECREATION AND ENTERTAINMENT, INDOOR: An establishment offering recreation, entertainment or games of skill to the public for a fee or charge and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors and video game arcades. Indoor recreational and entertainment facilities shall not include facilities that are considered to be a "parks and recreation area" as defined herein.

RECREATION AND ENTERTAINMENT, OUTDOOR: An establishment offering recreation, entertainment or games of skill to the public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, and golf driving ranges, drive-in theaters and miniature golf courses. Outdoor recreational and entertainment facilities shall not include facilities that are considered to be a "parks and recreation area" as defined herein.

RECREATIONAL VEHICLE: Any of the following vehicles which are licensed for travel on the highway: travel trailer (a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation, or one permanently identified as a travel trailer by the manufacturer of the trailer); pickup coach (a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation); motor home (as a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle); and camping trailer (as a canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use); including, but not limited to, motorcycles and trailers to include motorcycles, utility trailers, and all-terrain vehicles.

RECREATIONAL VEHICLE PARK: Land used or intended to be used for occupancy by recreational vehicles for transient living purposes, including the use of camping spaces for tents.

RECYCLING: The return of municipal solid waste items, most notably, glass, paper, aluminum, steel, other metals, motor oil, yard waste and plastics, into a usable product.

RECYCLING COLLECTION CENTER: A building and/or site, with more than one thousand (1,000) square feet in area, in which source separated recoverable materials, such as newspapers, glassware and metal cans are collected, stored, flattened, crushed or bundled prior to shipment to others who will use those materials to manufacture new products. The materials are stored on site in bins or trailers for shipment to market.

RECYCLING COLLECTION STATIONS: An accessory use or structure that serves as a drop off station or buy back station, occupying no more than one thousand (1,000) square feet for the collection of recyclable materials.

REFINERY: An industrial plant for purifying a crude substance.

REPAIR SERVICE: A use primarily engaged in the provision of repair services to individuals and households, but excluding "vehicle repair" services. Typical uses include appliance repair shops.

RESERVOIR PARKING: Those off street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

RESIDENCE: The act or condition of residing or dwelling in a place.

RESTAURANT, FAST FOOD: An establishment primarily engaged in the sale of food and nonalcoholic beverages in a ready to consume state and where the design or principal method of operation is that of a fast food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle.

RESTAURANT, GENERAL: An establishment where the principal business is the sale of food and beverages in a ready to consume state.

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

RETAIL SALES AND SERVICE: An establishment engaged in the sale or rental of goods and services, excluding uses more specifically defined.

REVIEW BODY: The entity (county department head, board, or committee) that is authorized to recommend approval or denial of an application or permit required under this zoning ordinance.

RIGHT OF WAY: A strip of land dedicated or used by the public for vehicular traffic and/or storm, surface or ground water drainage and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right of way" for land platting purposes shall mean every right of way hereafter established and shown on a final plat and shall be separate and distinct from the lots or parcels adjoining such right of way, which are not included within the dimensions or areas of lots or parcels. Right of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right of way is established.

RINGELMANN CHART: A chart that is described in the "U.S. Bureau Of Mines Circular 6888", and on which are illustrated graduated shades of gray for use in estimating the light obscuring capacity of smoke.

RINGELMANN NUMBER: Designation of the area of the Ringelmann chart that coincides nearly with the visual density of emissions of light obscuring capacity of smoke.

ROADSIDE STAND: A structure for the display and sale of agricultural products, which are produced in the county, with no space for customers within the structure itself.

ROOFLINE: The highest point of the coping on a flat roof, false mansard, or parapet wall; the deck line of a true mansard roof; the ridgeline between the upper and lower slopes of a gambrel roof; or the mean height between the eaves and ridge for a gable or hip roof.

RURAL HOME BASED OFF PREMISES BUSINESS: A home based business that usually includes large equipment where business is conducted or operated primarily off premises from the place of residence of the owner of such business with business activity on the site of such owner's place of residence being limited to the routine maintenance and routine storage of equipment, materials and supplies used in the operation of such business and an accessory office within such owner's dwelling for the operation of such business.

SAFETY SERVICE: A facility for conduct of safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition; or for the sale of parts thereof. Unless conducted entirely within enclosed buildings, this also includes a lot or land where waste or scrap materials of any type, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles, are bought, sold, exchanged, stored, baled, packed, disassembled or handled. Typical uses include automobile salvage yards and junkyards.

SANITARY LANDFILL: A facility permitted by the Illinois environmental protection agency for the disposal of waste on land meeting the requirements of the resource conservation and recovery act and regulations hereunder. Such facility shall operate in such a manner as to minimize nuisances or hazards to the public health, safety, and welfare by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and at such intervals as the county board may provide by regulation.

SCENIC AREA: Any area of particular scenic beauty as determined by federal, state or local officials having jurisdiction over said areas. This includes interests in land, which has been acquired for the restoration, preservation and enhancement of scenic beauty.

SCHOOL: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

SCREENING: Fencing, berms or plantings maintained for the purpose of concealing from view the area behind such fencing, berms or plantings. When a use is required to be separated from an adjoining lot or district by screening, such screening shall be of sufficient size and design to conceal such use when viewed from the adjoining property.

SEASONAL OR SPECIAL OCCASION TEMPORARY SIGNS: A sign which is not permanent and is limited to a specific activity or in the celebration of holidays or other special events.

SERVICE STATION, AUTOMOTIVE: A use primarily engaged in the retail sale of gasoline or other motor fuels primarily to automobiles and passenger vehicles, along with accessory activities such as the sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, and the minor adjustment or repair of passenger motor vehicles. Uses involved primarily in the sale of diesel fuel, gasoline or other fuels to tractor trucks and uses that feature parking, storage or servicing of tractor trucks or semitrailers shall be classified as "truck stop service stations".

SERVICE STATION, TRUCK STOP: A use primarily engaged in the sale of diesel fuel, gasoline or other fuels to tractor trucks, along with accessory activities such as the sale of lubricants, accessories or supplies, or the servicing of tractor trucks or semitrailers. A truck stop service station may include, as an accessory use, the parking and storage of tractor trucks and semitrailers for a short period of time not exceeding five (5) days.

SETBACK: The minimal longitudinal distance between the building or structure line and the related lot line abutting a street.

SETBACK, EXTERIOR: An "exterior front setback" or an "exterior street side setback".

SETBACK, EXTERIOR FRONT: A setback that is to extend across the full width of a lot between the street right of way line and a line parallel thereto on the lot.

SETBACK, EXTERIOR STREET SIDE: A setback that is to extend from the street right of way line to the rear lot line along the side of a lot that is adjacent to a street or street right of way line, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

SETBACK, INTERIOR: An "interior side setback" or an "interior rear setback".

SETBACK, INTERIOR REAR: A setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot.

SETBACK, INTERIOR SIDE: A setback that is to extend from the street right of way line to the rear lot line along the side of a lot that is adjacent to another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

SHOOTING RANGE, PUBLIC, SEMIPUBLIC OR PRIVATE: A premises used for target shooting with rifles, muskets or pistols; or for skeet 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 premises used for such purposes by the individual owner, members of

the household and nonpaying guests when accompanied by the individual owner or a member of the household.

SHOPPING CENTER: A building containing four (4) or more shops, stores, and other places of business, and providing off street parking facilities in common for all of the businesses and their customers.

SHOW WINDOW SIGNS: Any temporary sign advertising sales or specials attached to or within three feet (3') of the glass surface of any fixed window (glazing) visible from the public right of way.

SIDEWALK: A paved surface or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SIGN: Any name, identification, description, illustration or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures. Not included are decorative devices or emblems as may be displayed on a residential mailbox. For the purpose of this title, this definition shall include those signs painted directly upon a building or structure.

SIGN AREA: A. The area of a freestanding sign or structure not utilizing an integral part of the building for its background means the largest cross sectional area of the sign measured to a line encompassing all portions of the sign structure, including tubing used in lighting such sign or structure, but excluding posts without attached lighting. Further, the base on which a monument type sign is set may be excluded; provided, there is no attached lighting;

B. The area of a double faced sign (i.e., a sign painted on 2 sides), or signs which are erected in a "V" configuration with an angle between the two (2) faces not exceeding thirty degrees (30°), shall be the largest area on one side of the sign. Further, these types of signs shall be considered one sign for the purpose of determining the number of signs allowed;

C. The area of any sign or structure utilizing an integral part of the building or awning as a background means the area within the shortest line drawn to include all letters, design and tubing which are a part of the sign or structure; provided, that for illuminated awnings the area shall be limited to the area within the shortest line drawn to include all copy and graphics, excluding illuminated area outside of these lines.

SIGN, ATTACHED: A sign erected or placed upon the wall of any building with the plane of the face parallel to the plane of the wall below the roofline.

SIGN, COMMERCIAL DIRECTORY: A sign designating the name of a commercial center and listing the various tenants of the center.

SIGN, CONSTRUCTION: A temporary sign used during the construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor, and/or financing institutions of the project.

SIGN, CROP IDENTIFICATION: A sign whose content includes the type, description, identification and otherwise pertinent information of crops being grown on a plot of land.

SIGN, DIRECTIONAL: A sign which indicates a direction for vehicular or pedestrian traffic or other movement.

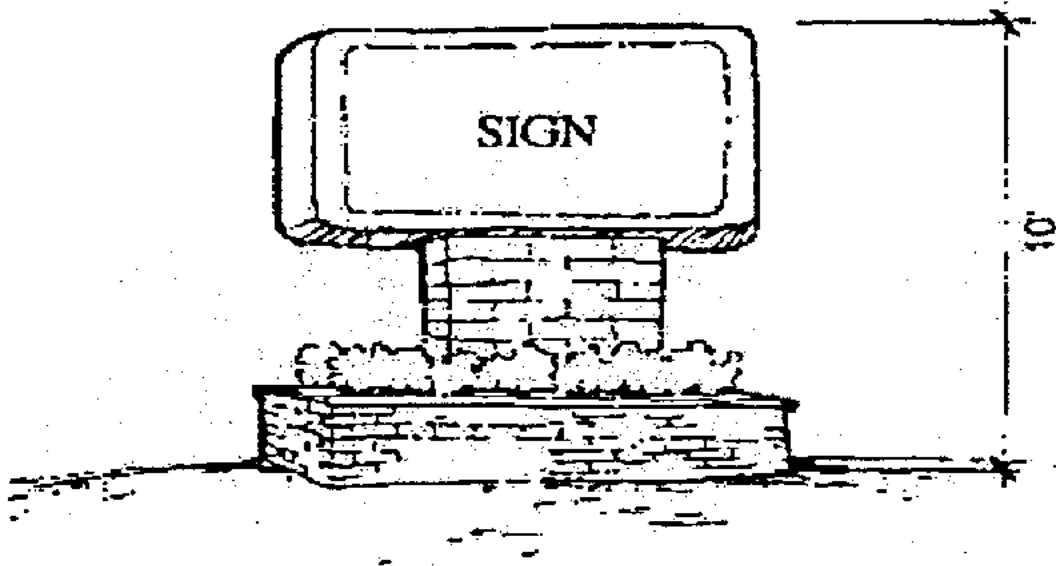
SIGN, FASCIA: A flat sign which projects one and one-half feet ($1\frac{1}{2}'$) or less horizontally from the vertical face of the wall of a building, or vertical face of a canopy awning or parapet upon which it is affixed, painted, or attached, running parallel for its whole length to the face or wall of the building and which does not extend beyond the horizontal width of such wall, awning or parapet.

SIGN, FLASHING: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are not defined as "flashing signs".

SIGN, FLUTTERING: A sign which flutters and includes banners, flags, pennants, or other flexible material which moves with the wind or by some artificial means.

SIGN, FREESTANDING: A sign not attached to or forming a part of a building.

SIGN, GROUND: Any detached sign on the same lot or parcel as the use it advertises which has its bottom portion erected upon or supported by the ground, a ground planter box, or other supports.



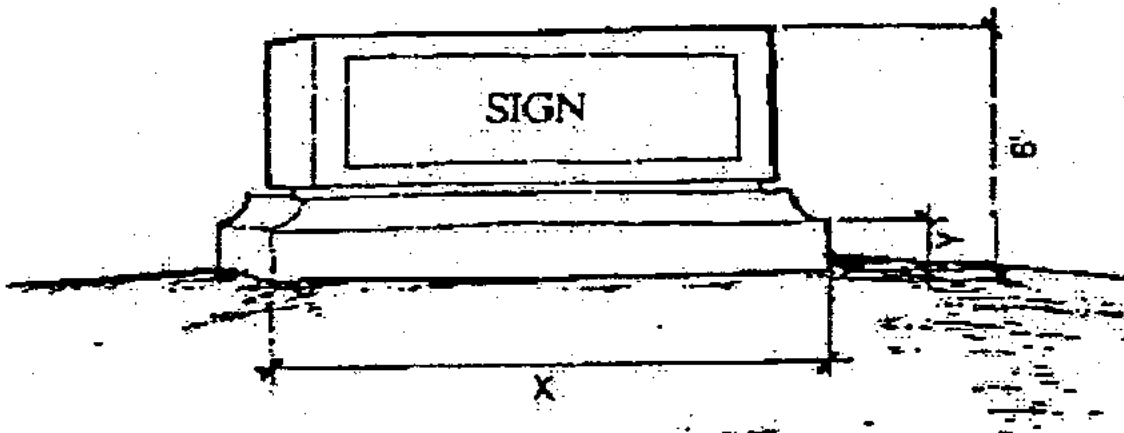
SIGN, HANGING: Any sign hanging entirely beneath a canopy, portico, or marquee.

SIGN, ILLUMINATED: Any sign which is illuminated by light source mounted on or in the sign or at some other location.

SIGN, INDUSTRIAL COMPLEX: A sign which is designed to identify an industrial complex where no single business identification and advertisement occupies more than fifty percent (50%) of the sign.

SIGN, MEMORIAL OR TABLETS: The permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication, or other similar information.

SIGN, MONUMENT: A sign and supporting structure which has similar top and bottom dimensions and is constructed as a solid structure or one which gives the appearance of a continuous, nonhollow, unbroken, unfenestrated mass. Further, similar top and bottom dimensions shall mean dimensions which are within ten percent (10%) of each other.



SIGN, NONCONFORMING: A sign legally erected prior to the adoption date hereof, but which does not conform to the provisions of this code.

SIGN, OCCUPATIONAL AND/OR IDENTIFICATION: An attached wall sign identifying the name of a person occupying a building and mounted adjacent to the main entrance of the building.

SIGN, OFF PREMISES: A sign that advertises products, services or facilities or directs persons to a premises different from where the sign is installed.

SIGN, OFF PREMISES DIRECTIONAL: A sign which directs persons to a premises different from where the sign is located. These signs typically include an address or street name or direction such as "two blocks north on the right".

SIGN, ON PREMISES: A sign which carries only advertisements strictly related to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises. "On premises sign" also means a sign which contains religious, political, social and other noncommercial messages.

SIGN, POLE: Any detached sign located on the same lot or parcel as the use it advertises which is supported by one or more stationary poles no taller

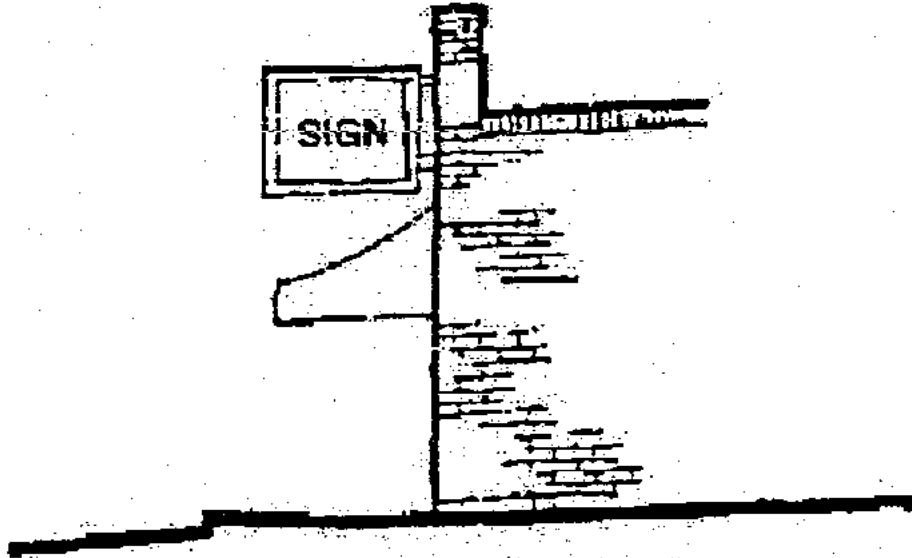
than thirty feet (30') above the mean grade line of the ground at its base provided that this shall not include a permitted ground sign as set forth.

SIGN, POLITICAL: A temporary sign advocating or opposing any political proposition or candidate for public office.

SIGN, PORTABLE: Signs not permanently affixed to the ground or to a building.

SIGN, PROJECT IDENTIFICATION: A permanent ground sign identifying an apartment complex, condominium project, or mobile home development entry, name and/or street names within the project.

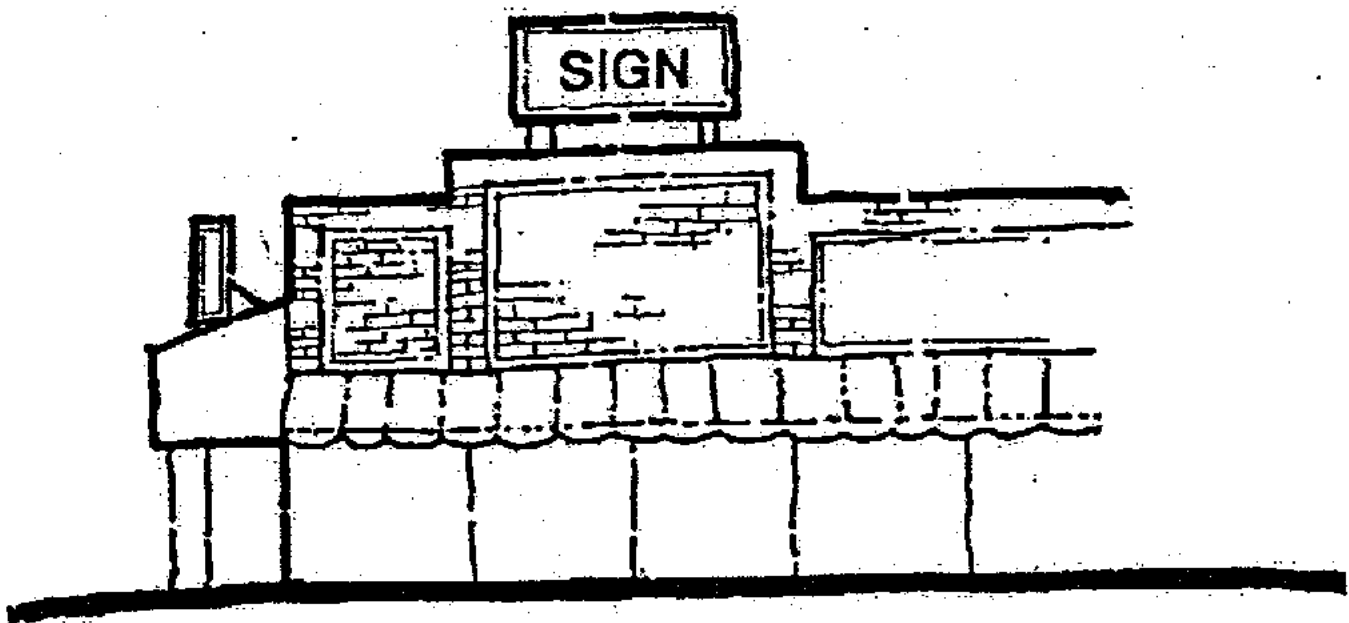
SIGN, PROJECTING: A sign, other than an attached sign, that is attached to or projects more than one and one-half feet ($1\frac{1}{2}'$) from a building face or wall or from a structure whose primary purpose is other than the support of a sign.



SIGN, PROPERTY REAL ESTATE: A sign pertaining only to the prospective rental, lease, or sale of the property upon which it is located. Real estate signs shall be excluded from the definition of pole signs.

SIGN, RESIDENTIAL CONSTRUCTION PROJECT: Any temporary sign that provides direction to any residential development under construction, or promotes the residential development on the project site.

SIGN, ROOF: Any sign erected on a roof but excluding marquee and canopy signs and wall signs. The generally vertical plane of a mansard type roof shall be interpreted as the same as a wall of a building.



SIGN, ROTATING: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner.

SIGN, SPECIAL DISPLAYS: Signs not exceeding thirty two (32) square feet, used for holidays, public demonstrations, or promotion of civil welfare or charitable purposes.

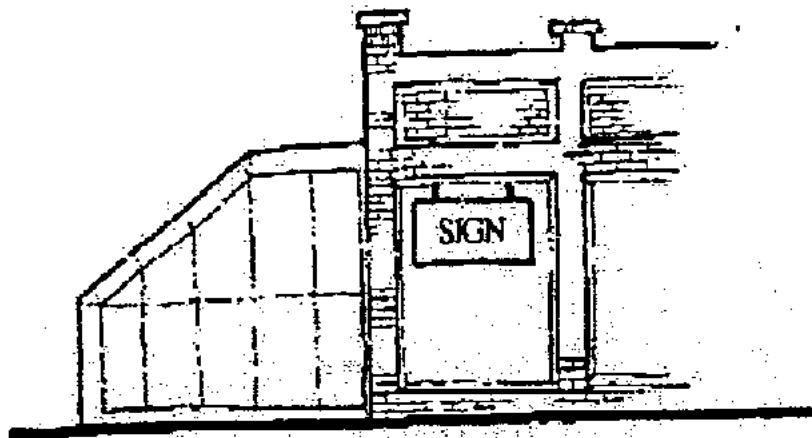
SIGN STRUCTURE: The sign and all parts associated with its construction.

SIGN, SUBDIVISION IDENTIFICATION: A permanent ground sign identifying a subdivision entry, subdivision name, and/or street names within the subdivision.

SIGN SUPPORTS: All structures by which a sign is held up, including, for example, poles, braces, guys, and anchors.

SIGN, TEMPORARY: Any sign intended for a limited or intermittent period of display.

SIGN, WINDOW: A temporary sign affixed to the inside of an exterior window or glass door.



SINGLE-FAMILY, ACCESSORY: A single-family dwelling unit located within a building containing a commercial use and which is accessory to the commercial use.

SINGLE-FAMILY, ATTACHED: The use of a lot for one dwelling unit that is attached to at least one other dwelling unit by common or abutting walls and with each dwelling unit located on its own separate lot. Typical uses include duplexes, townhouses and condominiums. This definition shall exclude mobile homes.

SINGLE-FAMILY, DETACHED: The use of a lot for only one principal dwelling unit that is not connected to any other dwelling unit. This definition shall exclude mobile homes.

SINGLE-FAMILY, DETACHED AGRICULTURAL RESIDENCE: A single-family dwelling unit located on a tract of land whose principal use is the pursuit of an agricultural use as defined herein with the dwelling unit being clearly accessory and subordinate to such agricultural use subject to the limitation that such a dwelling unit is occupied by or intended for occupancy by the owner of such tract or by a person or persons whose principal occupation is the pursuit of agriculture on such land.

SINGLE-FAMILY, DETACHED NONAGRICULTURAL RESIDENCE: Any single-family dwelling unit which is not an agricultural residence.

SINGLE-FAMILY, UNDERGROUND DWELLING: A single-family detached dwelling unit constructed belowground and which has earth cover over the underground portion of the dwelling.

SINGLE-FAMILY ZERO LOT LINE DWELLING: A single-family dwelling that does not adjoin any other dwelling and is located on a lot that does not extend beyond the exterior of the building in which the dwelling is located.

SLOW BURNING OR INCOMBUSTIBLE: Implies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite or actively support combustion during an exposure for five (5) minutes to a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) shall be designated combustible.

SMOKE UNITS NUMBER: The number obtained by multiplying the smoke density in Ringelmann number by the time of emission in minutes.

For the purpose of this calculation:

A. Ringelmann density reading is made at least once every minute of the period of observation;

B. Each reading is then multiplied by the number of minutes during which it is observed; and

C. The various products are then added together to give the total number of smoke units observed during the total period under observation.

SOLAR ENERGY SYSTEMS, COMMERCIAL: Any device or combination of devices or elements which rely on power obtained by harnessing the energy of the sun's rays, intended primarily to be sold to wholesale or retail markets.

SOLAR ENERGY SYSTEMS, PRIVATE: Any device or combination of devices or elements which rely on power obtained by harnessing the energy of the sun's rays, intended primarily to be used as an onsite power source, however, incidental energy output may be delivered to a power grid to offset the cost of energy on site.

SOLID WASTE COLLECTION/PROCESSING: Recycling collection centers, incinerators, processing facilities, materials recovery facilities, solid waste transfer stations or any facility where solid wastes are salvaged, sorted, processed or treated.

SOLID WASTE TRANSFER STATION: A solid waste facility at which solid waste is transferred from collection vehicles (some sorting may occur) to long distance hauling vehicles for transportation to a central solid waste management facility for processing, disposal, incineration or resource recovery.

SOUND LEVEL: The intensity of sound, measured in decibels produced by an operation or use.

SOUND LEVEL METER: An instrument standardized by the American Standards Association for measuring the intensity of sound.

SOURCE SEPARATION: Materials that are separated from the solid waste stream at the point of origin for the purpose of recycling. For example, separating household paper, glass and aluminum from the rest of the solid waste.

SPECIFIED SEXUAL ACTIVITIES: A. Sexual conduct, being acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person is a female, her breast;

B. Sexual excitement, being the condition of human male or female genitals when in a state of sexual stimulation or arousal; or

C. Sadoomasochistic abuse, being flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.

STABLE, PRIVATE: A building, structure or area of land 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 unit but in no event for hire.

STABLE, PUBLIC: A building used for housing horses for compensation, hire or sale.

STANDARD OUTDOOR ADVERTISING STRUCTURE AND/OR BILLBOARD: Any sign intended to attract general public interest concerning a commercial enterprise, product, service, industry, or other activity not conducted, sold or offered on the premises upon which the sign is erected. This includes billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground. Real estate signs and political signs are excluded from this definition.

STOCKYARD: A nonagricultural based facility used or intended to be used for selling or holding livestock.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above it and in the case of a split level story, the surface of the floors at different elevations and the ceilings next above such floors, provided that there is not more than four feet (4') difference in elevation between the levels of the floors of such a story. A "basement" as herein defined shall not be considered a story for the purposes of this title.

STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three feet (3') above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

STREET: A general term denoting a public right of way or a publicly maintained or approved private thoroughfare which affords the principal means of vehicular access to abutting property. The term includes all facilities which normally are found within the right of way.

STREET LINE: The dividing line between a lot and a contiguous street. If said contiguous street is established by easement rather than by dedicated right of way, the street line shall be established by measuring from the centerline of said roadway half the right of way width if said roadway were dedicated.

STRUCTURAL ALTERATIONS: Any change other than incidental repairs, which would prolong the life of the supporting members of a building such as the addition, removal or alteration of bearing walls, columns, beams, girders or foundations.

STRUCTURE: Anything that is built or constructed, including, but not limited to, any usable, permanent, in place device or appliance within the lot making a projection of six inches (6") (15 cm) or more above grade and having a base greater than twelve (12) square feet (1 square meter). This does not, however, exclude such underground or surface structures such as tunnels, future foundations, or swimming pools in whole or in part below grade. An improvement upon land, other than the land itself, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground.

STUDIO (RADIO, TELEVISION, FILM OR MUSIC): An establishment primarily engaged in the provision of recording or broadcasting services accomplished through the use of electronic mechanisms.

SUBDIVISION PLAT: The configuration of lots of record, outlots, public rights of way and land improvements which result from subdividing land in accordance with the provisions of this title.

SUBSTATION: The apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.

SURETY BOND: A bond approved by the county board posted with a surety to guarantee a developer's performance.

SURETY COMPANY: A surety, title, or insurance company approved by the county board to act as surety.

SWIMMING POOL, PRIVATE: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained by an individual for the sole use of a family and guests, without charge for admission, and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

SWIMMING POOL, PUBLIC: A swimming pool and apparatus and equipment pertaining to the swimming pool, maintained and operated by a municipality or other units of government for the general public, whether or not an admission fee is charged.

TEMPORARY USE: A use which is only allowed for a specified period of time.

TENT: A structure or enclosure, the roof of which and/or one-half ($1/2$) or more of the sides are constructed of a silk, cotton, canvas, nylon fabric or a similar light material.

TERMINAL: A depot building or area specifically designated for the storage or transfer of persons or material, or temporary storage and service of operable vehicles used in the transport of persons, goods or materials.

THREE COMPONENT MEASURING SYSTEM: Denotes instrumentation which can measure earth borne vibrations in three (3) directions (those occurring in a horizontal as well as vertical plane).

THROUGH LOT: See definition of Lot, Double Frontage (Through Lot).

TOURIST ORIENTED DESTINATION SIGNS (TODS): Guide signs that display the business identification of and directional information for tourist oriented businesses and tourist oriented facilities, these signs may only be acquired through the appropriate highway authority.

TOXIC MATTER OR MATERIALS: Those which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

TRACT: See definition of Parcel.

TRAILER: Any vehicle, or any portable or mobile vehicle on wheels, skids or rollers, or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for dwelling, lodging, commercial, or agricultural purposes. For the purposes of this title, such vehicle, or any portable or mobile vehicle shall be classified as a trailer whether or not it has been placed on a permanent foundation with its hitch and rolling equipment removed and whether or not an addition thereto has been built on the ground. See definition of Mobile Home.

TRANSIT FACILITY: A facility used or intended to be used as an area of loading, unloading and interchange of transit passengers. Typical uses include bus terminals, rail stations, park and ride facilities, and passenger related mass transit facilities.

TRANSITION BELT/BUFFER ZONE: An area which may be required along the rear lot line and interior side lot lines of lots which are immediately adjacent to a different zoning district or to a different use. Such transition belt, when required, shall consist of a strip of land lying immediately adjacent and parallel to the full length of a side or rear lot line, extending into the lot a specified width. In no case shall the transition belt encroach into the front yard. Such transition belt shall be unobstructed except by a required transition screen, and shall not contain driveways, parking or loading facilities.

TRANSITION SCREEN: A screen located in a transition belt, such screen meeting the specifications set forth in section [8-4A-9](#) of this title.

TRANSITIONAL LIVING FACILITY: A state licensed group care home for juvenile delinquents, halfway houses providing residence, rehabilitation and counseling to persons on release from a more restrictive custodial confinement, and residential rehabilitation treatment centers which also may provide outpatient rehabilitation for alcohol and other drug abuse.

TRUCKING FACILITY: The business office or the parking, repair or storage facility for vehicles and/or equipment used for the business of transporting goods on trucks. Such use does not include the storage, processing, or loading and unloading of goods transported.

UPLIGHT: Light projected above the horizontal.

USE: Activity for which the land, or building structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the regulations of this zoning ordinance.

USE, ACCESSORY: A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located in 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 primary use and chief purpose of a lot or structure as distinguished from an accessory 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. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such special use may or may not be granted, subject to the terms of this title.

UTILITY, MAJOR: Generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term "utility" shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities; or other uses defined herein.

UTILITY, MINOR: Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines.

VARIANCE: A relaxation of the terms of this zoning ordinance where such variances will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship.

VEHICLE AND EQUIPMENT SALES: An establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance activities. Typical uses include new and used automobile and truck sales, automobile rental, boat

sales, motorcycle sales, moving trailer rental, and agricultural equipment and machinery sales and rental.

VEHICLE/EQUIPMENT STORAGE YARD: An outdoor area used or intended to be used for long term storage of vehicles and equipment, other than a "commercial parking lot" or accessory parking to a principal use.

VEHICLE PAINT AND BODY SHOP: An establishment primarily engaged in painting of or bodywork to motor vehicles or heavy equipment.

VEHICLE REPAIR: A use providing automobile repair or maintenance services within completely enclosed buildings, but not including "general vehicle repair" services.

VIBRATION: The periodic displacement, measured in inches, of earth.

VOCATIONAL SCHOOL: A use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a "college or university" or "school".

WAREHOUSE, SELF-STORAGE: An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for dead storage of their household goods or personal property.

WAREHOUSING AND WHOLESALE: An establishment primarily engaged in the storage or sales of materials, equipment, or products or sales to wholesalers or retailers. Typical uses include cold storage, warehousing and dead storage facilities, but excluding "residential storage warehouses" and sales of goods to the general public.

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, semisolid, 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 sources, special nuclear, or byproduct 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 (PL 95-87) or the rules and regulations hereunder or any law or rule or regulations adopted by the state of Illinois pursuant thereto.

WASTE CONSOLIDATION POINT: A point where solid waste is collected and can be sorted and compacted, to be then transferred to a solid waste facility, and is identified as a supportive accessory use to a residential district.

WELDING OR MACHINE SHOP: A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.

WIND ENERGY CONVERSION SYSTEM TOWER: The support structure to which the nacelle and rotor are attached.

WIND ENERGY CONVERSION SYSTEM TOWER HEIGHT: The distance from the rotor blade at its highest point to the top surface of the WECS foundation.

WIND ENERGY CONVERSION SYSTEM (WECS), COMMERCIAL: All necessary devices that together convert wind energy into electricity to be sold to wholesale or retail markets, including the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower to the substation(s).

WIND ENERGY CONVERSION SYSTEM (WECS), PRIVATE: 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 any substation(s), where the rated capacity is not more than one hundred (100) kilowatts, and the WECS is located on private property for the use of the owner of the property on which the WECS is to be located.

WIND ENERGY CONVERSION SYSTEM (WECS) PROJECT: The collection of WECSs and substations as specified in a special use permit application pursuant to this title.

YARD: An open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise authorized by this title.

YARD, FRONT: A yard extending along the full length of the front line between the side lot lines.

YARD, REAR: A yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE: A yard extending along a side lot line between the front and rear property lines.

YARD WASTE: See definition of landscape waste.

ZONING ADMINISTRATOR: The Zoning Administrator of Jo Daviess County, Illinois, or his/her designated representative.

ZONING BOARD OF APPEALS: The Jo Daviess County Zoning Board of Appeals.

ZONING MAP: The map adopted by the County Board in accordance with 55 Illinois Compiled Statutes or any other statute enacted in lieu thereof showing all zoning district boundaries in the unincorporated areas of Jo Daviess County, Illinois.

ZONING ORDINANCE: The zoning ordinance of Jo Daviess County, Illinois. (Ord. 2009-3, 5-12-2009; amd. Ord. 2011-8, 11-8-2011; Ord. 2015-7, 11-10-2015; Ord. 2016-8, 10-11-2016)