

Chapter 53 - ZONING

Sec. 53-A TITLE

Sec. 53-A-1 Ordinance

This Ordinance shall be known and may be cited hereafter as the "DeKalb County Zoning Ordinance."

Sec. 53-A-2 Repeal of Previous Ordinance

The DeKalb County Zoning Ordinance adopted on December 15, 1999, and all amendments thereto, is hereby repealed effective coincident with the effective date of this Ordinance.

Sec. 53-A-3 Purpose

The primary purpose of this Zoning Ordinance is to implement the goals, objectives, recommendations and policies of the DeKalb County Unified Comprehensive Plan. To this end, this Ordinance sets forth regulations that control the use of land, buildings and structures in unincorporated DeKalb County in order to promote public safety, health and general welfare of the citizens.

These regulations are specifically designed to:

- A. Secure adequate natural light, pure air, and safety from fire and other dangers, and adequate access to property, for residents of DeKalb County;
- B. Divide the County into zones or districts regulating and restricting therein the location and use of building, structures and land for residence, business, manufacturing and other specified purposes;
- C. Protect the character and stability of the agricultural, residential, business, and manufacturing areas within the County and to promote the orderly and beneficial development of such areas;
- D. Regulate the intensity of use of lot areas, and determine the area of open spaces surrounding buildings, necessary to provide adequate light and air and to protect the public health;
- E. Establish building lines and the location of buildings designed for agricultural, residential, business, and manufacturing or other uses within such areas;
- F. Fix reasonable standards to which buildings or structures shall conform therein;
- G. Prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- H. Limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading of commercial vehicles;
- I. Protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare.
- J. Prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
- K. Conserve and enhance the taxable value of land and buildings throughout the County;
- L. Provide for the gradual elimination of non-conforming uses of land, buildings and structures that are adversely affecting the character and value of desirable development in each district;
- M. Prevent additions or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed herein;

- N. Facilitate and insure the preservation of sites, areas and structures of historical, architectural and aesthetic importance;
- O. Define and limit the powers and duties of the administrative officers and bodies provided herein;
- P. Enhance aesthetic values within the County;
- Q. Protect the character and the social and economic stability of all parts of the County and to encourage the orderly and beneficial development of the community through appropriate growth management techniques to assure the proper timing and sequencing of development and to protect environmentally critical areas and prime farmland from premature development;
- R. Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
- S. Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having a particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for proper location of building lines;
- T. Preserve the natural beauty and topography of DeKalb County and to ensure appropriate development with regard to these natural features;
- U. Preserve the character and quality of County neighborhoods by maintaining the integrity of those areas which have a discernible character and are harmonious in design;
- V. Prescribe penalties for the violation of and methods for the enforcement of the provisions of this Ordinance or any amendment thereto;
- W. Prevent unwise developments from increasing the flood or drainage hazards to others, protect new building and major improvements to building from flood damage, protect human life and health from the hazards of flooding, lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities and flood rescue and relief operations, maintain property values and a stable tax base by minimizing the potential for creating flood-blighted areas, and make federally subsidized flood insurance available for property in the County by fulfilling the requirements of the National Flood Insurance Program;
- X. Assure that lands best suited for pursuit of agriculture are protected from the encroachment of urban and suburban type residential and business developments in order to promote more efficient use of the increasingly reduced area of land in agricultural uses as the result of expanding growth and development; and
- Y. Assure that development within the County occurs in such a fashion as to minimize conflict between agriculture and other land uses, and the enforcement of any rule, regulation or Ordinance is consistent with Illinois State Laws as set forth in Illinois Compiled Statutes, Chapter 505, Agriculture.

Sec. 53-A-4 Validity and Severability Clause

If any court of competent jurisdiction shall declare any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Ordinance to be invalid, such ruling shall not affect the validity or enforceability of the remaining portions of this Ordinance not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance 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. No. 2007-13, § 2, 9-19-07)

Sec. 53-A-5 Compliance with the Regulations

The regulations set by this Ordinance 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. No land required for setbacks, open spaces, or off-street parking or loading spaces around an existing building or any building hereafter erected or structurally altered shall be considered as required setback, open space, off-street parking or loading spaces for more than 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 as otherwise provided in this 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 Ordinance impose greater restrictions than those of any statute, other Ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other Ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other Ordinance or regulation shall be controlling.

Sec. 53-A-6 Inconsistencies

All Ordinances and parts of Ordinances relating to zoning and planning previously adopted by the County Board, including special use Ordinances and all orders or parts of orders adopted by the County Board, which are inconsistent with any provision of this Ordinance, are repealed to the extent of such inconsistency. An Ordinance or part of an Ordinance shall be deemed inconsistent with this Ordinance if it establishes a regulation or authorization that is inconsistent with a regulation or authorization under the provisions of this Ordinance.

Sec. 53-A-7 Relationship to Other Laws

Where the conditions imposed by any provision of this Ordinance, 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 Ordinance or of any other law, Ordinance, resolutions, rule or regulations of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

Sec. 53-A-8 Organization of this Document

The Zoning Ordinance approaches regulations from the most general to the most specific within each article and section. The document is organized into the following articles: Article One, Short Title, Purpose and Legal Clause; Article Two, Definitions; Article Three, General Provisions; Article Four, Use Districts; Article 5, Supplemental District Regulations; Article Six, Off-Street Parking, Loading and Landscape Requirements; Article Seven, Sign Regulations; Article Eight, Nonconforming Uses, Buildings and Lots; Article Nine, Special Use Permit Procedures; Article Ten, Variations, Appeals, Amendments and Fees; and Article Eleven, Administration and Enforcement.

Sec. 53-B DEFINITIONS

Sec. 53-B-1 Use of Definitions

In the construction of this Ordinance, the definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise.

Sec. 53-B-2 Rules

In the construction of this Ordinance, the rules contained in this article shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular.
- B. The words "shall" and "will" are mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "plot," "piece," "parcel," and "tract."
- E. Unless otherwise specified, all distances shall be measured horizontally.
- F. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof.
- G. The masculine gender shall include the feminine and neuter.
- H. All measured distances shall be expressed in feet and shall be calculated to the nearest tenth (0.1) of a foot.
- I. The word "person" shall include the words "association," "corporation," "estate," "governmental agency," "individual," "joint venture," "partnership," "venture," or any other legal entity.
- J. The word "building" shall include the word "structure."
- K. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

53-B-3 Definitions

The following words and terms when used in the interpretation and administration of this Ordinance shall have the meaning set forth herein except where otherwise specifically indicated. Words and terms not defined here shall be defined as specified in the latest published edition of Webster's New Collegiate Dictionary.

Accessory Structure or Use: shall mean a structure or use customarily incidental to and auxiliary to the primary building or use on the same premises as such primary building or use. When the wall of an accessory structure is a part of or joined to the wall of the primary building such accessory structure shall be construed as a part of the primary building.

Adjacent: shall mean adjoining, abutting, bordering, touching or contiguous. If two (2) tracts of land are separated by a public or private street or right-of-way or a public or private alley, they shall not be deemed to be adjacent.

Adult Business: Any establishment having as a substantial or significant portion of its stock in trade or business activity in a use such as, but not limited to the following: Adults-Only Bookstores, Adults-Only Motion Picture Theaters, Adult-Entertainment Centers, Adults-Only Nightclubs or Adults-Only Saunas, where explicit sexual conduct is depicted or sexual activity is explicitly or implicitly encouraged or tolerated.

Adult Care Center: shall mean a building or group of buildings providing daytime care to six (6) or more handicapped persons or senior citizens unrelated by blood or marriage to, and not legal wards or foster children of the attendant adult within an occupied residence.

Adult Entertainment Business: Synonymous with AAdult Business,@ as defined herein.

Adult Entertainment Center: An enclosed building or part of an enclosed building, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live nude person or in such attire, costume or clothing as to expose to view the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; or, female breast, at or below the areola thereof. In addition, the viewing of a live person, in the above described manner, after paying of any admission or fee for the viewing of the same activity.

Adult-Use Cannabis Business Establishment: An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

Adult-Use Cannabis Craft Grower: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Cultivation Center: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use Cannabis Dispensing Organization: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Infuser Organization or Infuser: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Processing Organization or Processor: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Transporting Organization or Transporter: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

Adults-Only: Any items or activities emphasizing, depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity.

Adults-Only Bookstore: Any adults-only establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. Any establishment, having adults-only items as a substantial or significant portion of its stock, that sells or displays adults-only items for sale to patrons therein.

Adults-Only Motion Picture Theater: An enclosed building used regularly and routinely for presenting adults-only material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity, for observation by patrons therein.

Adults-Only Nightclub: An establishment or place either occasionally or primarily in the business of featuring topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where explicit sexual conduct is depicted or sexual activity is explicitly or implicitly encouraged or tolerated.

Adults-Only Sauna: An establishment or place primarily in the business of providing a steam bath or massage services, where explicit sexual conduct is depicted or sexual activity is explicitly or implicitly encouraged or tolerated.

Agribusiness: shall mean agriculturally related businesses such as, but not limited to, commercial anhydrous ammonia facilities; commercial bulk fertilizer facilities; commercial grain elevators and grain storage; commercial sale, rental and repair of farm implements and equipment; commercial storage, distribution and sales of liquid petroleum products; retail animal feed; commercial feed preparation, grinding, and mixing; and commercial livestock depots and buying or sale yards, where such business activity constitutes the principal activity on the land and further provided sufficient evidence accompanies the application that adjoining or neighboring properties will not be adversely affected by the proposed business.

Agricultural Labor Housing: shall mean detached single-family dwelling units, which may include manufactured homes but not other trailers, for use by full-time, temporary or permanent employees engaged in agricultural pursuits that take place on the property where the dwelling units are located. This housing unit is considered an accessory structure and its use is accessory to the zoning lot's agricultural use or uses.

Agriculture: shall mean land, or land and structures, which is primarily used and intended for agricultural purposes which includes the growing of farm crops; truck garden crops; animal and poultry husbandry; animal feed lots, apiculture, aquaculture, dairying; floriculture; horticulture; nurseries, tree farms; sod farms; pasturage; viticulture; wholesale greenhouses; the growing, developing, processing, conditioning and selling of hybrid seed corn, seed beans, seed oats, or other farm seeds, when such agricultural purposes constitute the principal activity on the land; and uses customarily incidental to agricultural purposes including the production, processing, storage and sale of grain, animal feed and fodder; field scouting and soil sampling; precision agriculture; remote aerial imagery and data processing; field drain tile installation and repair; manure application; on-farm machine repair and used machine sales; and limited on-farm processing of locally grown crops, produce, livestock or poultry, when such incidental uses take place on land used for agricultural purposes. Any and all land or structures used in accordance with the above shall be considered to be used for agricultural purposes.

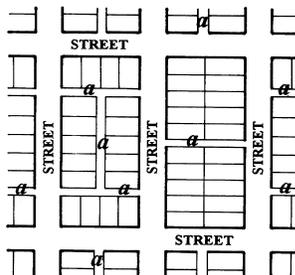
Agri-tainment: shall mean uses and activities conducted on agricultural land that are intended to be offered to the general public for entertainment purposes.

Aircraft Hangars/Tiedowns: shall mean an area used for the temporary storage of aircraft, and may either enclosed or unenclosed.

Aircraft Repair and Service: shall mean general repair, rebuilding or reconditioning of airplanes.

Airstrip/Runway: shall mean a strip of ground used for the landing and take-off of airplanes.

Alley: shall mean a public or private way primarily designed to serve as a secondary means of access to those parcels whose principal frontage is on a public street.



Alley (a)

Alterations, Structural: see structural alteration.

Amusement Arcade: shall mean an establishment devoted to the use of four (4) or more coin-operated amusement devices.

Animal Foster Home: shall mean any private premises or portion thereof on which animals belonging to a state licensed animal shelter are housed until adoption.

Animal Hospital: shall mean a place where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Animal Shelter: shall mean any space designated to provide for the temporary accommodation of five (5) or more common household pets which are stray or not wanted by their owner, until appropriate disposition or adoption of such pets can be effectuated.

Antenna: shall mean an arrangement of wires, metal rods, parabolic or concave dishes, or similar materials used for the transmission and/or reception of electromagnetic waves.

Antenna Tower: shall mean any structure designed for the purpose of mounting an antenna.

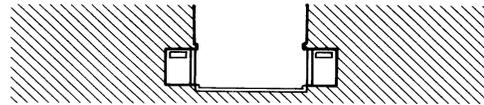
Apartment: shall mean a room or suite of rooms in a multiple dwelling structure, which is arranged, designed, used or intended to be used as a residence for one family.

Apartment Hotel: shall mean a building or portion thereof designed for or containing both individual guest rooms or suites of rooms, and dwelling units, the majority of which are for permanent guests. Maid and janitor service may be provided but kitchen facilities are not necessarily included.

Arbor: shall mean a leafy, shady recess formed by tree branches, or latticework intertwined with shrubs or vines.

Arcade: shall mean a building frontage type where the building façade above the ground level overlaps the public sidewalk while the ground level portion of the building maintains a setback or is located at the build-to line.

Artwork: shall mean any object, such as a sculpture, figure, statue, monument, painting, photograph or the like constructed out of such materials as stone, clay, wood, or metals, which exhibits individual expression and creativity.



Arcade

Awning: shall mean a roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

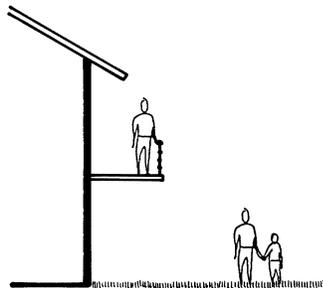
Automobile Repair, Major: shall mean general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; overall painting or paint shop; or vehicle steam cleaning.

Automobile Repair, Minor: shall mean replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half (1-1/2) tons capacity, excluding body repairs.

Automobile and Trailer Sales Area: shall mean an open area other than a street, used for the display or sale of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

Automobile Service Station or Filling Station: shall mean a place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public, and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, and including minor automobile repairs. Such businesses may include as an accessory use a convenience store.

Automobile Wrecking: shall mean the permanent dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.



Balcony

Balcony: shall mean an elevated platform open to the elements, not supported by the ground and projecting from an upper story and enclosed entirely by a railing.

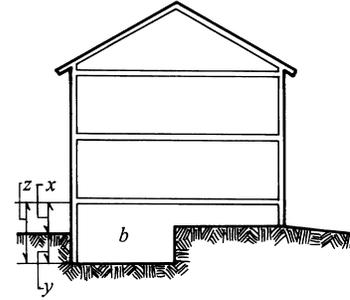
Bar: shall mean a room(s) or a counter accessory to the principal use of the building or tenant space in the building where alcoholic beverages are served for consumption on the premises and may provide for dancing.

Base Flood: shall mean the flood having a one (1) percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year-flood.

Base Flood Area: shall mean the land area subject to inundation by waters of the base flood.

Base Flood Elevation: shall mean the elevation at all locations delineating the level of flooding resulting from the 100 year frequency flood event

Basement: shall mean a story partly or wholly underground. Where a basement is used for business or dwelling purposes, or where more than one-half (1/2) of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purpose of height measurement.



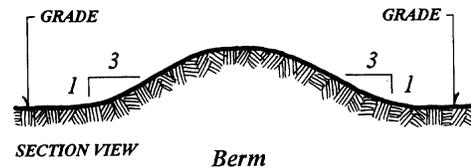
Basement (b),
Where $x > y$ and $z \leq 14$ feet

Bay Window: shall mean a window projecting beyond the wall line of the building and not supported by a foundation.

Bed and Breakfast Lodge, Inn: shall mean a residential building containing not more than five (5) lodging rooms offered for rent on a daily basis to transient guests for a continuous period of thirty (30) days or less, and containing the owner's principal residences; where provision of meals is limited to the breakfast meal served exclusively to overnight guests between the hours of 5:00 A.M. and 10:00 A.M., but does not include meeting rooms or reception halls.

Bedroom: shall mean any room designed, intended, or used principally for sleeping purposes, including a study or a den.

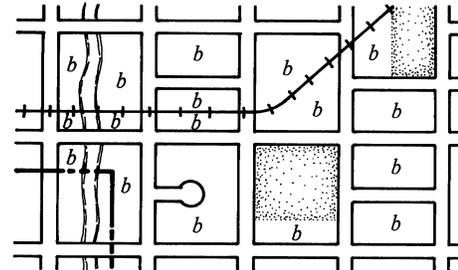
Berm: shall mean soil of good quality, uncompacted, raised generally above the surrounding finish grade with side slopes generally no steeper than three (3) horizontal units to one (1) vertical unit (3:1); generally a man-made slope.



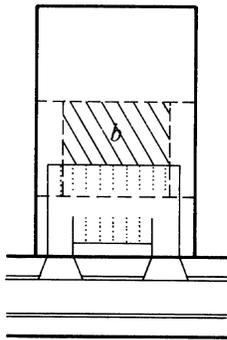
Block: shall mean a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, municipal, township and county boundary lines.

Body Shop, Motor Vehicle: see Automobile Repair, Major, above.

Boarding House: shall mean an owner-occupied single-family dwelling that includes one or more rooms that are rented or intended to be rented, but which rooms, individually or collectively, do not include a separate kitchen(s) and do not constitute separate dwelling units.



Block (b)



Breezeway: shall mean a covered pedestrian passageway, as between a house and a garage, but otherwise exposed to the elements.

Buildable Area: shall mean the area of a lot remaining after yard, parking or any other requirements of this Ordinance have been satisfied.

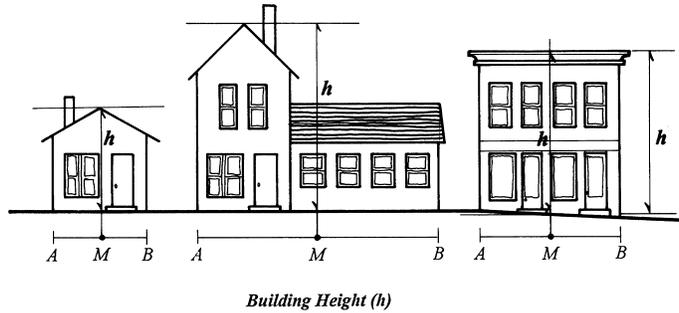
Building: shall mean a roofed structure designed or intended for the enclosure, shelter or protection of persons, animals or other property, which is permanently affixed to the ground. All forms of vehicles and structures designed with axels, even if immobilized, are excluded from this definition.

Building, Accessory: see Accessory Structure or Use.

Buildable Area (b) **Building, Detached:** shall mean a building surrounded by open space on all sides.

Building Coverage: see Lot Coverage.

Building Height: shall mean the vertical distance of a building measured from finished grade to the highest point of the building, excluding chimneys, towers and spires, mechanical equipment, cooling towers, storage tanks, bulkheads, water towers, and antennae attached to or resting upon the building.



Where building height (h) is measured at M, the midpoint between A and B

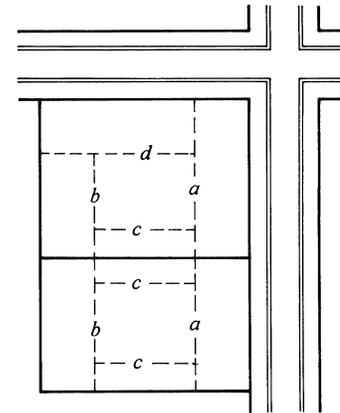
Building Inspector: shall mean the Chief Building Inspector for DeKalb County, or his duly authorized representative.

Building Line: shall mean a line parallel to adjacent property lines at a specified distance from said property lines establishing the minimum open space to be provided between building(s) and an adjacent lot line. Also known as "building setback line," "setback line" and "build-to line."

Building Official: shall mean the official charged with interpretation and enforcement of the adopted building codes of DeKalb County. The Planning Director shall serve as the Building Official for DeKalb County.

Building, Primary: shall mean a building other than an accessory structure in which is conducted the primary use of the zoning lot on which it is located.

Bulk Regulations: shall mean a general term referring to the regulations of the various zoning districts and supplemental district regulations that establish dimensional requirements, including minimum building setbacks, minimum lot area and lot width, maximum building height, maximum lot coverage and other regulations dealing with the spatial relationships of buildings, structures, land uses, parking lots, signs, and other improvements to each other and to lot lines.



*Where a = Front Building Line
b = Rear Building Line
c = Side Building Line
d = Corner Side Building Line*

Burial Building: shall mean any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults or columbaria.

Business: shall mean an occupation, employment or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited, bought or sold, or where services are offered for compensation.

Caliper: shall mean the diameter of a tree trunk six (6) inches above the existing grade or proposed planted grade and in conformance with the provisions of the Code of Standards (Z60.1-1986 or latest version) published by the American Association of Nurserymen, Inc.

Car Wash: shall mean a structure, or portion thereof, containing facilities for washing automobiles, and may utilize production-line methods using a conveyor, blower, steam-cleaning device; or other mechanical devices, and may include detailing services.

Cellar: see Basement.

Church: shall mean land, buildings, structures and facilities used primarily for religious worship. The word "church" shall include chapel, temple, synagogue and mosque. As a use, "church" shall include those activities and incidental uses customarily associated with churches, including, but not limited to: Sunday schools; vacation Bible schools; private schools owned and operated by a church located on the same zoning lot as the church; meetings conducted on the premises by private groups; clergy residence; church offices; and cemeteries located on the same lot as a church; and such incidental uses shall be considered part of the "church" use and shall not require separate approval by the County.

Clinic, Medical or Dental: shall mean an establishment where one or more licensed physicians, surgeons or dentists engage in the practice of medicine, operating on a group or individual basis with pooled facilities such as coordinated laboratory, x-ray and allied departments, for the diagnosis and treatment of humans, and may include a drug prescription counter (not a drug store) for dispensing prescription drugs and pharmaceutical products to the patients of said physicians, surgeons or dentists.

Club or Lodge: shall mean a group of people organized for a common purpose to pursue common goals, interest, or activities and usually characterized by certain membership qualifications, payment of dues, regular meeting, and constitution and by-laws. Food and alcoholic beverages may be served on the premises provided such service is secondary and incidental to the principal use.

Cluster: shall mean plant material installed as a clump or group as opposed to individual specimens. An odd number of shrubs is desired.

Cocktail Lounge: shall mean a room or an establishment where alcoholic beverages are served for consumption on the premises and may provide for dancing or live entertainment on the premises.

Commercial Use: shall mean an activity carried out for pecuniary gain.

Commercial Feed Lot: shall mean any tract on which the principal use is the concentrated or forced feeding of livestock, fowl, or edible animals for the sale of such animals or the sale of products derived from such animals.

Common Open Space: Common open space refers to the land within a Planned Development that is devoid of buildings and other structures, other than recreational and pedestrian facilities and uses accessory thereto, and is suitable for active and passive recreational activities. For purposes of this Ordinance, common open space must be a minimum of 50' wide. Common open space may include underground drainage fields for community septic systems or back-up areas for individual septic systems, and for Aspray fields@ for spray irrigation purposes in a Aland treatment@ sewage disposal system. Common open space specifically excludes parking lots for non-recreational uses, street rights-of-way, subdivided residential lots, school sites, Amound@ sewage disposal systems protruding above grade and aerated sewage treatment ponds. Common Open Space is further divided into two categories as follows: 1. Primary Open Space consists of wet-lands and land within the 100-year floodplain; 2. Secondary Open Space includes otherwise developable areas of a property which are being preserved for passive or active open space use. Wet bottom detention areas may be included as a part of secondary open space.

Commercial Recreation: shall mean any establishment or use of land which provides active recreational opportunities, including but not limited to, waterslides and water parks, batting cages, miniature golf, go-cart racing, carnival games, paint-ball fields and facilities, and the like.

Compensatory Storage: An artificially excavated, hydraulically equivalent or greater volume of storage within the Special Flood Hazard Area used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain.

Competitive Shooting Course: A shooting range designed for competitive and recreational sporting activities involving proficiency tests of accuracy, precision, and speed in using ranged weapons, primary referring to firearms and bows/crossbows.

Community Living Facility: shall mean a dwelling unit operated under State license or certification, or contract to provide supervision, food, lodging, or other services to a service-dependent population as herein defined, living and cooking together in a single, cooperative housekeeping unit, consisting of: a basic group of members of a service-dependent populations; and additional staff persons providing supervision of service to the basic group, as specified in aforesaid licensing, certification or contract regulations. A community living facility with a basic group limited to not more than eight (8) service-dependent individuals plus a maximum of two (2) resident (live-in) staff at any given time, subject to a higher number of staff if required to meet State or federal regulations, shall be considered a single-family dwelling under the terms of this Ordinance. Said facility is intended for permanent placements, and shall not be for crisis or short-term, transient placements.

Conservation Area: Environmentally sensitive and valuable lands protected from any activity that would significantly alter the ecological integrity, balance, or character, except in cases of overriding public interest. A conservation area may be privately or publicly owned or maintained. Conservation areas may include wetlands, significant woodlands, natural habitats of endangered species, and other areas with unique or high-quality natural environments.

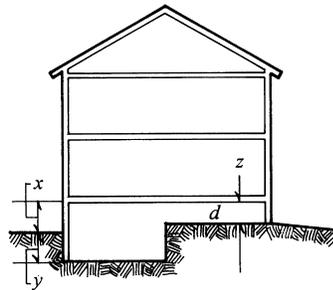
Condominium: shall mean an estate in real property consisting of an individual interest in common with other purchasers in a portion of real property, together with a separate interest in space in a building and/or separate interest in other portions of such real property.

Convalescent Home or Rest Home: shall mean an establishment for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, but excluding contagious or communicable diseases and excluding surgery.

Convenience Store: A retail establishment having a gross floor area of 5,000 sq. ft. or less, primarily selling foods as well as other household goods customarily sold in larger food markets and supermarkets.

Cottage Office: shall mean a room or group of rooms meeting habitable room sizes as required by the County Building Code which are arranged, designed, used and intended for use as a private office and having no sleeping, cooking, eating or sanitation facilities, located in a freestanding accessory building and having its own exterior entrance.

Country Club: shall mean a land area and building containing recreational facilities, clubhouse and usual accessory uses, typically open only to members and their guests for a membership fee.



*Crawl Space (d),
where $x < y$ and $z \leq 4.5$ feet*

County: shall mean the County of DeKalb, Illinois.

County Board: shall mean the DeKalb County Board.

County Clerk: shall mean the DeKalb County Clerk/Recorder.

County Engineer: shall mean the County Superintendent of Highways or a professional engineer, registered in the State of Illinois, who has been duly appointed as the County Engineer of the County of DeKalb, Illinois, or who has been hired by the County as its consulting engineer.

County Recorder: shall mean the County Clerk/Recorder of DeKalb County.

Crawl Space: shall mean a space between the ceiling of one story and the floor of the next story above, which normally contains pipes, ducts, wiring and lighting fixtures and permits access but is too low for an individual to stand. A crawl space may be a cellar area no more than four and one-half (4.5) feet in height, or, if between a ceiling and a shed roof or a flat roof, a cockloft.

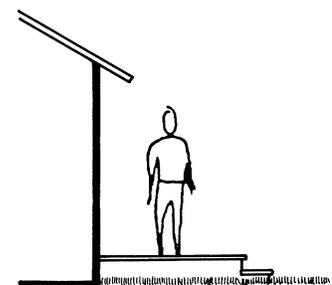
Crematory: A building or portion of a building owned and operated by the owner/operator of a mortuary located on the same property, devoted to cremation services for deceased human bodies. Crematories shall provide services only for the mortuary on the same property, and shall not serve mortuaries, funeral homes or other businesses or institutions located elsewhere.

Day Care Center: shall mean a facility commonly called "infant and toddler centers", "child care centers", "day nurseries", "nursery schools", "play groups", "kindergartens", and "after school programs for young school age children" licensed by the Illinois Department of Children and Family Services.

Day Care Home: shall mean a residence licensed by the Illinois Department of Children and Family Services for the care of at least three (3) but not more than twelve (12) children for less than twenty-four (24) hours per day. The maximum number of children permitted includes the family's natural, foster or adopted children and all other persons under the age of twelve. The term does not include residences or facilities that receive only children from a single household.

Deciduous: shall mean plants that do not retain leaves or needles during the winter season of the year.

Deck: shall mean a level, unenclosed platform serving as a floor and located above the finished grade, and usually directly adjoining or attached to a building.



Deck

Dedication: shall mean intentional transfer by the developer to the public of ownership of or an interest in land for a public purpose. Dedication may be affected by formal conveyance, or by any other method recognized by the laws of the State of Illinois.

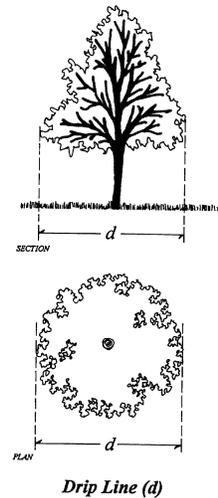
Density: shall mean the number of dwelling units per acre of land area.

Density, Gross Buildable: shall mean the number of dwelling units per acre of gross buildable land area.

Developer: shall mean any person, persons, corporation, or government agency undertaking any development as defined in the Ordinance. The term Developer includes such commonly used references as sub-divider, owner, and proprietor.

Disability: shall mean a personal condition which is: (i) attributed to mental, intellectual, or physical impairment or a combination of mental, intellectual, or physical impairments; (ii) likely to continue for a significant amount of time or indefinitely; and, (iii) results in functional limitation in three or more of the following areas of major life activities self-care: recaptive or expressive language; learning; mobility; self-direction; capacity for independent living; economic self-sufficiency; and reflects the person's need for a combination and sequence of special interdisciplinary or generic care treatment, or other service of life-long or extended duration, but is not the result of a communicable disease or substance abuse or alcohol abuse.

District, Zoning: shall mean a section of the unincorporated areas of the County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.



Dog Run: shall mean an enclosed outdoor area intended for the exercising and/or containment of dogs or other animals.

Dormitory: shall mean a building where sleeping accommodations, dining facilities and common bathroom facilities are provided for more than ten (10) unrelated individuals, exclusive of the resident family, who are students or members of a religious order, college, university, convent, monastery or other institutional use.

Drip Line: shall mean the zone lying between the trunk of a tree or shrub and the extreme outer edge of the leaf and branch structure, i.e., the diameter of the leaf and branch structure extended vertically down to the soil surface.

Drive-In/Drive-Through: shall mean a facility or establishment which is designed, intended or used for transaction of business with customers in automobiles, including the viewing of motion pictures. A drive-up facility may be the principal or an auxiliary function of the business. A drive-up facility does not include mail or parcel collection boxes.

Driveway: shall mean a private roadway providing vehicular access from a street or alley to adjacent property.

Dwelling: shall mean a building or portion thereof designed or used exclusively for residential purposes, including farm, single-family, two-family, and multiple-family dwellings, but not including manufactured homes or other trailers, hotels, motels or lodging houses.

Dwelling, Single-Family: shall mean a dwelling unit designed or intended for use by one (1) family.

Dwelling, Attached Single-Family: shall mean a building consisting of single-family dwellings each of which is attached by common vertical wall to at least one other dwelling unit with each dwelling unit having a separate exterior entrance and occupying the ground, including, but not limited to, the following: "townhouse", "rowhouse", "duplex", "four-plex", "three-plex". In addition, no dwelling unit or portion thereof within an attached dwelling shall be located above or below another dwelling unit, and each dwelling unit shall have its primary access to the outside on the ground floor.

Dwelling, Detached Single-Family: shall mean a free-standing building containing one single-family dwelling, but not including manufactured homes or other trailers.

Dwelling, Duplex: shall mean a building containing two (2) single-family dwellings where one (1) dwelling unit is joined with the other dwelling unit on one (1) side by a common wall. No dwelling unit or portion thereof within a duplex dwelling shall be located above or below another dwelling unit. Each dwelling unit shall have an exterior located on the ground floor.

Dwelling, Efficiency: shall mean an attached single-family dwelling consisting of not more than one habitable room together with cooking and sanitary facilities.

Dwelling, Farm: shall mean a detached single-family dwelling located on land used primarily for agricultural purposes, which is used or intended for use by the person engaged in the agricultural use of the subject property.

Dwelling, Multiple-Family: shall mean a building, or portion thereof, consisting of three (3) or more single-family dwellings with varying arrangements of entrances and party walls and one or more of the dwelling units do not occupy the ground, including but not limited to the following: "apartment", "condominium", "cooperative", "manor home", "coach house", "three-flat", and "six-flat".

Dwelling, Rooming House: shall mean a building or a portion thereof utilized as a dwelling unit which is the primary residence of the owner and which contains lodging rooms for occupancy at a monthly rate of compensation by permanent residents who are not related to the owner. A rooming house maintains a common household, including one shared kitchen. Rooming house dwellings include boarding houses and lodging houses, but exclude residential care facilities.

Dwelling, Two-Family: shall mean a building consisting of two (2) single-family dwellings where one dwelling unit is located on the first floor and the second dwelling unit is located on the second floor and each dwelling may or may not have a separate exterior entrance.

Dwelling Unit: shall mean one or more rooms, including at least one complete permanently installed bathroom and not more than one complete kitchen facility, arranged, designed, or used as living quarters. Each dwelling unit shall have an independent entrance, cooking, sleeping and sanitary facilities.

Easement: shall mean a grant by a property owner for the use of a strip or parcel of his land by the general public, a corporation, or a certain person(s) for a specific purpose(s).

Eave: shall mean the projecting lower edges of a roof, overhanging the wall of a building.

Evergreen: shall mean plants which continuously retain leaves or needles over four seasons of the year.

Extended Care Facility: shall mean an institution or a distinct part of an institution which is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours to two or more patients.

Extraction, mining and quarrying: shall mean the commercial removal from the ground of natural materials such as rock, stone, minerals, sand, gravel, and aggregate, as well as the processing and shipping of such materials.

Façade: shall refer to matters of spatial definition and shall mean the vertical surface of a building set along a frontage line. Facades are subject to visual definition by building height, setback lines, recess lines, and transition lines.

Facility: a building or location used, designated, and/or designed for a specific use or purpose.

Factory Built Housing: shall mean a structure designed for long-term residential use that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site.

Fairgrounds: shall mean a public or private facility open to the public during certain periods and on which permitted activities may include, but are not limited to: livestock exhibition; art, crafts and other material exhibits; equestrian activities; temporary sales of goods, services and miscellaneous concessions; and dwellings for watchmen or caretakers.

Family: shall mean excepting domestic servants, any number of persons related by blood or marriage, or adoption not to exceed five (5) persons not so related, using common cooking facilities and living and eating together on the premises as a single housekeeping unit.

Farm: shall mean any real property under common ownership used for commercial agricultural purposes.

Fence: Any artificially constructed barrier, other than a building, of any material or combination of materials more or less permanently affixed to the ground and erected to close or screen areas of land.

Festoon Lighting: shall mean a group of two or more incandescent light bulbs hung or strung overhead, or on a building or structure, which are exposed to persons on a public right-of-way, or which are not shaded or hooded to prevent the direct rays of light from being visible from the property line.

Fill: shall mean an act by which earth, sand, gravel, rock or any material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

Floodplain: The land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Flood plains may also include detached Special Flood

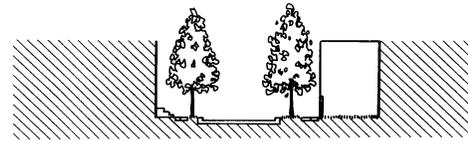
Hazard Areas, ponding areas, etc. The flood plain is also known as the Special Flood Hazard Area (SFHA). The flood plains are those lands within the jurisdiction of the County that are subject to inundation by the base flood or 100-year frequency flood.

Floodway: The channel or watercourse and those portions of the adjoining floodplains that are required to store and convey the 100-year flood with no significant increase in the base flood elevation.

Food Store: shall mean an establishment where the principal use is the retail sale of food, including meats, produce, bakery and dry goods, and may include accessory preparation of food for consumption on or off the premises.

Forecourt: shall mean a building frontage type where the building façade is set back and is replaced with a low wall at the frontage line.

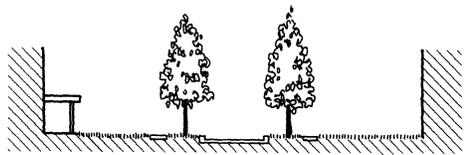
Fraternal Organization: shall mean a group of individuals formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.



Forecourt

Front Lawn: shall mean a building frontage type where the building façade is set back substantially from the frontage line and is uninterrupted by fences, porches and other structures.

Frontage: shall mean the length of any one property line of a premises, which property line abuts a street.



Front Lawn

Game Breeding and Hunting Preserve: shall mean land or land and structures, where game is propagated, preserved, and hunted.

Game refuge: shall mean an area of land set aside and maintained for the preservation and protection of one or more species of animal.

Garage, Community: shall mean a building or portion thereof, other than a public or private garage, providing storage for motor vehicles but no other services, such garage to be in lieu of private garages within a block or portion of a block.

Garage, Private: shall mean a building, or an accessory portion of the principal building, for the private use of the owner or occupant of the principal building, designed or used for the storage and shelter of motor vehicles, with no facilities for mechanical service or repair of a retail nature.

Garage, Public: shall mean a building or portion thereof, other than a private garage, designed or used for the care, storage, of motor vehicles, or where such vehicles are kept for remuneration, hire or sale.

Garden Center: shall mean a place of business where plants, nursery products, fertilizers, potting soil, garden tools and utensils are sold to the customer. The sales and storage of the merchandise is permitted in any open area that must be attached to the building and fenced.

Gasoline Station: see Automobile Service Station.

Golf, Miniature: shall mean a commercial recreation facility, resembling golf, containing short "holes", the majority of which are under 100 feet in length, and primarily utilizing putting irons.

Government Building: shall mean any building, land area, or other premises, or a portion thereof, owned or used by a governmental entity with taxing authority under the State of Illinois, including, but not limited to: county, township, municipal, State and federal buildings, structures and properties; fire stations and police/sheriff buildings.

Ground Covers: shall mean woody or non-woody plants with a maintained or unmaintained average mature height less than twelve (12) inches.

Gross Buildable Area: shall mean the total area of the property minus wetlands, the 100-year floodplain, as shown on FEMA maps, land within the required right-of-way of an existing roadway, and land under an existing permanent easement prohibiting future development (including electrical power lines, fiber-optic lines, and pipelines).

Group Home: shall mean a dwelling for six (6) or more persons not related by blood, marriage or adoption who live together as a single housekeeping unit, and which contains common cooking facilities and common living and eating areas. Group Homes include, but are not limited to, convents, residences for disabled persons, orphanages and monasteries. Group Homes do not include residences that serve as an alternative to incarceration for persons convicted of criminal offenses, or residences for persons whose primary reason for placement therein is the treatment of a communicable disease.

Gun Club: shall mean a commercial facility containing one or more shooting ranges, and associated accessory uses, operated by an organization (business, club, league, etc.) dedicated to the operation, maintenance, and appreciation of ranged weapons, primarily referring to firearms and bows/crossbows.

Gymnasium: shall mean a building or portion thereof used for athletic training or sports activities, including accessory seating for spectators.

Halfway House: shall mean a home for not more than nine (9) persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons, eleven of whom live together as a single housekeeping unit.

Health Club: shall mean a facility designed for the major purpose of physical conditioning and fitness or weight reduction which includes, but is not limited to such equipment as free weights, weight resistance machines, cardiovascular machines, whirl pools, saunas, showers, lockers, swimming pools, or basketball and racquet courts. This shall not include municipal owned recreation buildings.

Health and Welfare Facility: shall mean a facility specializing in medical treatment, physical therapy (alcohol and drug treatment), assisted living for all ages, retirement communities, and shelters.

Hearing Officer/Alternate Hearing Officer: shall mean the duly appointed Hearing Officer/Alternate Hearing Officer of DeKalb County.

Height (for landscaping): shall mean reference to the total finished height of a structure or general mature height of plant materials installed above the adjacent elevation of soil or paving. Specified height of a screening may be provided by a berm, combination of a berm and planting, or a structure unless otherwise specified herein.

Height of Structures: shall mean the vertical distance from the average ground level abutting a structure other than a building to the highest point of any permanent part of the structure.

Heliport: shall mean a facility for the servicing, take-off, and landing of helicopters.

Home Improvement Center: shall mean an establishment where home improvement materials, including but not limited to, kitchen and bathroom accessories and fixtures, wall coverings, window coverings, heating and air conditioning, plumbing and electrical supplies, painting and decorating material, tools and residential construction and remodeling materials and supplies are sold for retail. Outdoor storage of building materials may be provided but shall be accessory to the principal use and structure, and only as permitted by the district in which it is located.

Home Occupation: shall mean a house-based business activity carried on by members of a family residing on the premises, which conforms to all the provisions in Section 5.08 of this Zoning Ordinance.

Hospice: shall mean a home, apartment building, or similar building providing living quarters: (1) that is owned or operated by a person licensed to operate as a full hospice; and (2) at which hospice services are provided to facility residents. A building that is licensed under the Hospital Licensing Act or the Nursing Home Care Act is not a hospice residence.

Hospice Services: Palliative and supportive care provided to a hospice patient and his/her family to meet the special need arising out of the physical, emotional, spiritual and social stresses which are experienced during the final stages of illness and during dying and bereavement.

Hospital: shall mean an institution consisting of one or more buildings primarily devoted to the diagnosis, prevention and treatment of illness, disease, injury, deformity or other abnormal physical or mental conditions, and including as an integral part of the institution related facilities such as laboratories, pharmacies, out-patient facilities or training facilities.

Hotel/Motel: shall mean a building designed for transient occupancy containing lodging rooms or suites accessible from a common interior hall or entrance, providing living, sleeping and sanitary facilities. A central kitchen, meeting rooms, dining room and recreation room are generally provided.

Junk Yard: shall mean an open area of land and any accessory building or structure thereon which is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including vehicles, machinery, and equipment not in operable condition or parts thereof, and other metals, paper, plastics, rags, rubber tires, and bottles. Two (2) or more inoperable or unlicensed motor vehicles stored on a zoning lot shall be considered a junkyard. A “junkyard” includes a motor vehicle wrecking yard, but does not include an establishment located in the applicable manufacturing district engaged exclusively in processing of scrap iron or other metals to be sold only to establishments engaged in manufacturing of steel or metal alloys.

kennel: shall mean any lot or premises, or portion thereof, whether public or private, on which more than five (5) dogs, five (5) cats, or five (5) other household domestic animals over six (6) months of age are kept or on which more than two (2) such animals are maintained, boarded, bred, or cared for in return for remunerations or are kept for the purpose of sale.

Laboratory: shall mean a building, or portion thereof, in which scientific research, investigation, testing, analyzing, or experimentation is conducted on a regular basis but not devoted to the manufacturing of a product or products.

Landscaping Business: shall mean a commercial operation, along with its associated vehicles, equipment and materials, which designs, installs and maintains landscapes on public and private properties.

Laundromat: shall mean a business that provides washing, drying or ironing machines or professional type cleaning or pressing equipment for hire to be used by customers on the premises.

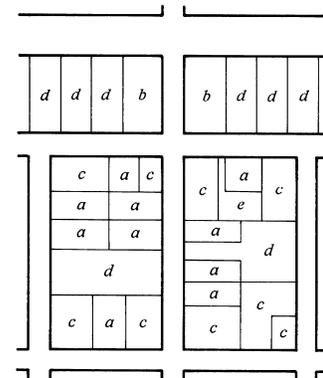
Legal Non-Conforming Use, Building or Setback: A use, building or setback existing legally at the time of the passage of this Ordinance, or any amendment thereto, which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated.

Liquor Store: shall mean a place of business selling beer, wine and/or distilled liquors at retail, to the general public in sealed bottles or containers for consumption or use away from the premises where said establishment is located.

Loading Space: shall mean a space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.

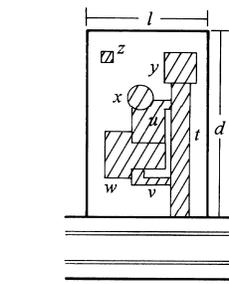
Lot: see Lot, Zoning.

Lot Area: shall mean the area of a horizontal plane bounded by the front, side and rear lot lines. For lots that are within a platted subdivision that has been recorded in the County Recorder’s Office, calculation of the required minimum lot area shall not include street right-of-way, whether dedicated to the public or a private street or easement for street purposes.



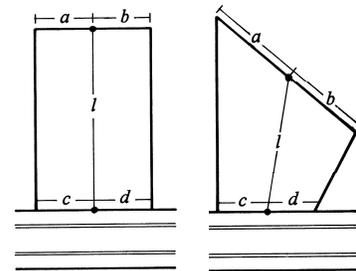
Lots:

- (a) Interior Lot
- (b) Gateway Lot
- (c) Corner Lot
- (d) Double Frontage Lot
- (e) Flag Lot



Lot Coverage (m)

$$\text{where } m = \frac{(l + u + v + w + x + y + z)}{\text{area of lot } (l \times d)}$$



Lot Depth (l): where $a=b$ and $c=d$

Lot, Corner: shall mean a lot of which at least two (2) adjacent sides abut for their full length upon streets, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees.

Lot Coverage: shall mean the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and include all projections other than open porches, fire escapes, or the first three (3) feet of a roof over-hang. Roads, driveways, parking lots and swimming pools shall not be included in the maximum lot coverage requirement. The percent of lot coverage shall be computed as follows:

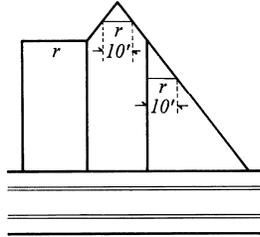
Percent of Square feet of ground coverage of all Lot coverage = principal and accessory buildings multiplied by 100 divided by total square feet of lot area

Lot Depth: shall mean the distance between the midpoints of the front lot line and the midpoint of the rear lot line.

Lot, Double Frontage: shall mean a lot which borders two more or less parallel streets (also called a “through lot”).

Lot, Flag: shall mean a lot with access provided to the bulk of the lot by a narrow corridor of property and the narrow corridor frontage is the only public street frontage.

Lot, Gateway: shall mean a lot which has its front, rear and one side yard bordering on a street.

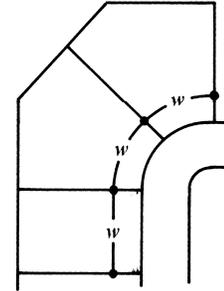


Rear Lot Line (r)

Lot, Interior: shall mean a lot which has only its front yard bordering on a street.

Lot Lines: shall mean the lines bounding a lot as defined herein.

Lot Line, Front: shall mean a street right-of-way forming a boundary of a lot. On a corner lot, the shortest line adjacent to a street right-of-way shall be the front lot line.



Lot Width (w)

Lot Line, Rear: shall mean a lot line which is opposite and most nearly parallel to the front lot-line; in the case of irregular lot lines, triangular or gore-shaped lots, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot of Record: shall mean a lot which is part of a subdivision, the plat of which has been recorded in the office of the DeKalb County Recorder of Deeds, or a legally created parcel of land, the deed to which is recorded in the office of said County Recorder.

Lot Line, Corner Side: shall mean the longer of two intersecting street rights-of-way forming the boundaries of a single lot.

Lot Line, Side: shall mean any lot boundary line not a front or rear lot line.

Lot Width: shall mean the horizontal distance between the side lot lines of a lot, measured within the lot boundary along the front building line.

Lot, Zoning: shall mean all contiguous land under single ownership, located wholly within the boundaries of the County and on one side of a street that meets or exceeds all of the applicable requirements of the zoning district in which it is located and is intended to be separately owned, developed or otherwise used as a unit. A zoning lot may consist of one or more Lots of Record and may or may not coincide with a Lot of Record.

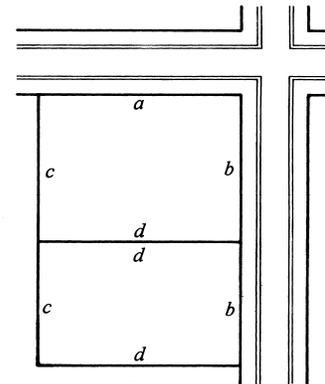
Lounge: see Cocktail lounge.

Low Growing Shrubs: shall mean a woody shrub with a maintained or un-maintained average mature height of three (3) feet or less.

Lumber Yard: shall mean an establishment where the principal activity is the retail and wholesale sale of wood products and generally involving outdoor storage of building materials and supplies.

Mall, Retail: shall mean an enclosed public way upon which business establishments have direct access and which serves primarily for the movement of pedestrians, with trees, benches, or other furnishings provided and with vehicular access prohibited, restricted, or reduced so as to emphasize pedestrian use.

Manufacture: shall mean an economic activity engaged in the mechanical or chemical transformation of materials or substances, including the assembling of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resins or liquors, into new products.



Lot Lines:

(a) Corner Side Lot line

Manufactured Home: shall mean a factory-built residence that is manufactured or constructed under the authority of 42 United States Code Sec. 5401 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

Manufactured Home Park: shall mean any parcel of land consisting of three or more acres upon which two or more manufactured homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. A manufactured home space means the area within a manufactured home park designed for the accommodation of one manufactured home. Manufactured home sites approved as special uses for agricultural labor housing are not considered manufactured home parks.

Manufacturing: shall mean the mechanical or chemical transformation of materials or substances into new products including the assembling of components; parts, the manufacturing of products and the blending of materials.

Material Improvement: shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the replacement value of the structure either (1) before the improvement or repair has started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "material improvements" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Medical Cannabis Cultivation Center or Cultivation Center: A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.

Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary: A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.

Mini-Mart: see Convenience store.

Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Modular Home: Factory-built housing certified as meeting the Illinois Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

Motel: see Hotel.

Nightclub: shall mean an establishment where alcoholic beverages are served for consumption on the premises and live entertainment is provided. The establishment may provide for dancing and a menu for prepared food items during hours of operation.

Nonagricultural Vehicle: shall mean a vehicle not primarily or directly used in or for the pursuit of agricultural activities as defined herein.

Nursery, Plant: shall mean a farm, garden, or other cultivated land together with accessory structures designed and intended to be used only for the cultivation and wholesale sales of live vegetation.

Nursery School: See Day Care Center.

Nursing Home: shall mean an extended or intermediate care facility licensed by the State of Illinois or approved to provide full-time convalescent or chronic care to individuals who by reasons of advanced age, chronic illness or infirmity are unable to care for themselves.

Office: shall mean a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Open Storage: shall mean storage of material or goods on the ground or platforms outside of a building.

Overlay District: shall mean a set of regulations that add an additional layer of design provisions to an underlying zoning district.

Parcel (Tract) of Land: A piece of land delineated by identifiable, legally recorded boundary lines, which may or may not be a Lot of Record and may or may not constitute a Zoning Lot.

Park: An area open to the general public and reserved for recreational, educational or scenic purposes.

Parking Area: shall mean an area of land used or intended for off-street parking of motor vehicles

Parking Space: shall mean a useable space, durably paved and properly graded for drainage, enclosed in a main building or in an accessory building, or unenclosed, which is reserved for the temporary storage of one (1) vehicle, and connected to a street, alley, or other designated roadway by a paved aisle or driveway.

Pave (Pavement): shall mean the act or result of applying a hard, all-weather water-tight material to any ground surface in such manner as to present a uniform surface over large areas in accordance with County standards.

Patio: shall mean a level, unenclosed surfaced area located at grade and usually directly adjoining or attached to a building.

Person: shall mean an individual, corporation, partnership, or any other group acting as a single unit.

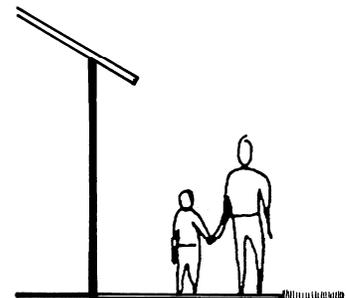
Planning and Zoning Committee: shall mean the Planning and Zoning Committee of the County Board of DeKalb County.

Planning Director: shall mean the duly appointed Planning Director of DeKalb County.

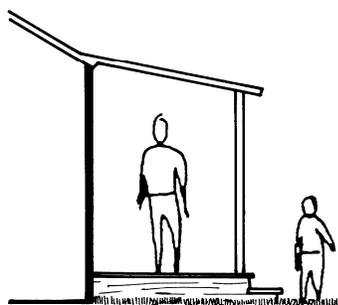
Plat: shall mean a subdivision of land legally approved by the Plat Officer and recorded with the Recorder of Deeds.

Plat Officer: shall mean the Plat Officer of DeKalb County. The Planning Director shall be the Plat Officer, and shall be responsible for signing plats related to divisions of land.

Porch: shall mean a roofed platform projecting from the wall of a building and having direct access to or from the building to which it is attached. A porch has no solid walls other than the wall of the building to which it is attached. A porch may be enclosed with a mesh screen to keep out unwanted insects, but is otherwise exposed to the elements throughout the year.



Patio



Porch

Property owner: shall mean any person, agent, operator, firm or corporation having a legal or equitable interest in a parcel of land; or recorded in the official records of the State, DeKalb County, or a municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor of administrator of the estate of such person if ordered to take possession of real property by a court.

Property Owners Association: shall mean a private, not-for-profit corporation of property owners that operates and maintains various common properties in a subdivision or development.

Pub: see Tavern.

Public Use Areas: shall mean public parks, playgrounds, recreational areas, designated scenic or historic sites; school sites or sites for other public buildings, and other areas dedicated to public use.

Public Utility Facility, Local: shall mean a public utility facility serving a local area only, such as an electric substation or a water or gas pumping or regulating station or a telephone switching center.

Queuing Space: shall mean the reservoir space occupied by any number of cars that must be accommodated while awaiting ingress or egress to specified business or service establishments.

Recreational Camp: shall mean a facility with permanent housing facilities (i.e., cabins) or with pads or electric and water hookups for recreational vehicles or tents.

Recreational Vehicle: shall mean any vehicle or boat originally designed for living quarters, recreation, or human habitation and not used as a commercial vehicle, including, but not limited to, the following: (i) Boats -- meaning any vessel used for water travel, a boat mounted on a trailer shall be considered one vehicle; (ii) Camping Trailers -- meaning a folding or collapsible vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreation or vacation use; (iii) Motor Homes -- meaning a temporary dwelling designed and constructed for travel, camping, recreational or vacation use as an integral part of a self-propelled vehicle; (iv) Off-Road Vehicles -- meaning vehicles intended primarily for recreational use off of roads where state vehicle licenses are required, e.g. dune buggy, go-cart, snow mobile; (v) Racing Car/Cycles -- meaning vehicles intended to be used in racing competition, such as a race car or racing cycle, a racing car/cycle mounted on a trailer shall be considered one vehicle; (vi) Travel Trailers -- meaning vehicles without its own motive power, designed to be used as a temporary dwelling for travel, camping, recreational or vacation uses; (vii) Truck Campers -- meaning a structure designed primarily to be mounted on a pick-up truck or truck chassis and designed to be used as a temporary dwelling for travel, camping, recreational or vacation uses, when mounted on a truck, such structure shall be considered one vehicle; (viii) Vans -- meaning noncommercial motor vehicles licensed by the State of Illinois as a Recreational Vehicle; and (ix) Vehicle Trailers -- meaning a vehicle without its own motive power that is designed to transport another vehicle, such as a boat, motorcycle or snowmobile for recreational or vacation use and that is eligible to be licensed or registered and insured for highway use, a vehicle trailer with a vehicle mounted on it shall be considered one vehicle.

Recycling Center: shall mean a facility, that is not a junkyard, in which recoverable resources from used materials and products are purchased, collected, processed to a condition for reuse, or temporarily stored prior to sale to others who will use the recovered resources to manufacture new products.

Recycling Collection Center: shall mean a building or a portion thereof in which recoverable resources from used products and materials are collected and temporarily stored prior to delivery or sale to others who will process the recoverable resources.

Remodel, remodeling: shall mean to remake, redecorate the interior or exterior of a structure without making structural alterations.

Renovation: shall mean to restore to an earlier condition.

Repair Facility, Motor Vehicle: see Automobile repair.

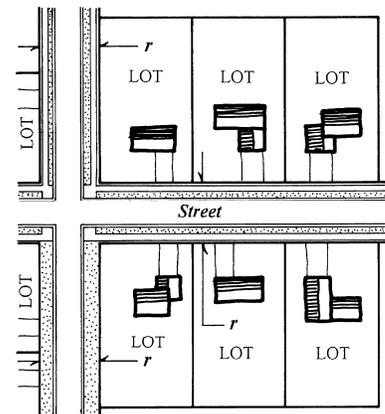
Research Facility: shall mean a building or group of buildings which contain facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products.

Residence: see Dwelling.

Restaurant: shall mean any building or part thereof where a menu of food items are cooked and prepared for compensation, for the general public for immediate consumption on and/or off the premises, including any part of such building or part thereof which may be used for dining by the general public. The retail sale of beer, wine and other alcoholic beverages for consumption on the premises and dancing may be provided on the premises. Reheating of already prepared food by microwave and/or the selling of already prepared food for consumption off premises does not constitute a restaurant.

Rest Home: See Convalescent Home.

Right-of-Way, Public: shall mean the land opened, reserved, or dedicated for a street, sewer, water, walk, drainage course, or other public purpose.



Right-of-Way (ROW) (r)

Roadside Stand: shall mean a structure for the display and sale of agricultural products, with no space for customers within the structure.

Roadway: shall mean the entire area within public or private vehicular easement or right-of-way lines, whether improved or unimproved.

Sanitarium: See **Hospital**.

Sanitary Landfill: shall mean 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 thereunder. 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.

Satellite Station: shall mean any disc antenna with an essentially solid surface, whether flat, concave, or parabolic which is designed for receiving television, radio or data electromagnetic or microwave signals from satellites or other satellite stations.

School, Commercial: shall mean a school which principally offers, for profit, specific courses of instruction in business, trade, industry or other trained skills, but does not offer academic instruction equivalent to the standards prescribed by the School Code of Illinois.

School, Private: shall mean an institution conducting regular academic instruction at kindergarten, elementary, junior high and senior high school levels, operated by non-governmental organizations, which programs are accepted by the State of Illinois in lieu of public instruction. This shall not include private commercial schools.

School, Public: shall mean a public institution conducting regular academic instruction at the kindergarten, elementary, junior high and senior high school levels equivalent to the standards prescribed by the School Code of Illinois.

Screen: shall mean a structure or planting composed of sufficient material to obstruct vision beyond the screen. Generally, but not always, a screen is intended to provide in excess of ninety-percent (90%) opaque obstruction to vision during all seasons of the year.

Self-Service Storage Facility: shall mean a building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares, excluding outside storage.

Septic System: shall mean an underground system with a septic tank used for the discharge of domestic sewage waste.

Service Station: see Automobile Service Station.

Setback: shall mean the horizontal distance between any a lot line and the closest point of a structure.

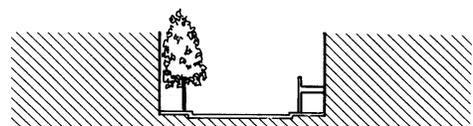
Setback, Minimum Front: shall mean the minimum required horizontal distance between a front lot line and the closest point of any structure, that establishes the area within which structures may not be erected or placed, except as may be permitted elsewhere in this Ordinance.

Setback, Minimum Rear: shall mean the minimum required horizontal distance between a rear lot line and the closest point of the rear of any structure, that establishes the area within which structures may not be erected or placed, except as may be permitted elsewhere in this Ordinance.

Setback, Minimum Side: shall mean the minimum required distance between any side lot line and the closest point of the side of any structure, that establishes the area within which a structure cannot be erected or placed, except as may be permitted elsewhere in this Ordinance.

Shade Tree: shall mean a large tree of standard growth habit with an average mature height in excess of twenty (20) feet. The main purpose of this type of tree in landscape designs is to provide shade and scale against buildings.

Shop Front: shall mean a building frontage type where the building façade is aligned directly on the frontage line with the building entrance at grade.



Shop Front

Shooting Range: a facility designed for archery or firearm practice, or a facility wherein such uses occur.

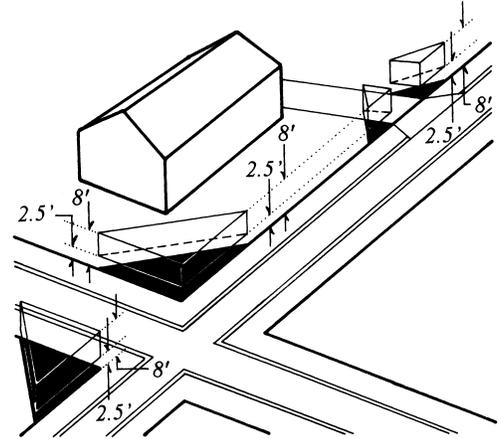
Shooting Range, Private: a shooting range not used for public events or commercial gain.

Shopping Center: shall mean a group of more than five (5) business establishments planned, developed and managed as a unit, located on the same lot with off-street parking provided on the property.

Shrub: shall mean a branched woody plant with an unmaintained average mature height less than eight (8) feet.

Sign: see Article 7 of this Ordinance.

Site Plan: shall mean a plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations of this Ordinance, which may include, but not limited to, lot lines, streets, existing and proposed buildings and structures, ingress and egress, water distribution and sanitary sewer facilities, reserved open spaces, major landscape features (both natural and man-made) and easements.



Sight Triangle

Sight Triangle: shall mean a triangular area established on private property at the intersection of two (2) streets or a street and a driveway in which nothing shall be erected, planted, or allowed to grow so as to limit or obstruct the sight distance of motorists and pedestrians.

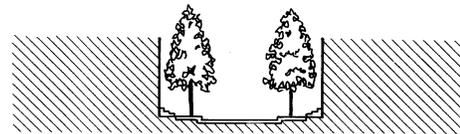
Solar Energy System: See Section 5.12

Special Use: shall mean a use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, propriety, or general welfare. Such uses may be permitted in such zoning districts as special uses, if specific provisions for such special use are made in this Zoning Ordinance.

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

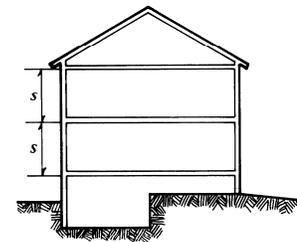
Stable, Public: shall mean a building where horses are kept for remuneration, hire or sale. A public stable may also provide horse riding lessons if approved as part of a Special Use Permit for a public stable.

Stoop: shall mean a building frontage type where the building façade is aligned directly on the frontage line with the ground floor elevated to provide secure privacy at the windows.



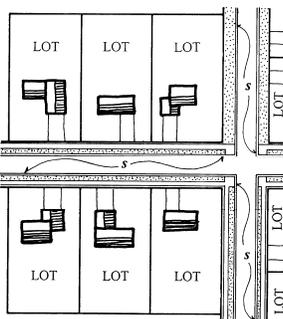
Stoop

Story: shall mean 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.



Story (s)

Street: shall mean a general term denoting a public right-of-way or a publicly maintained or approved private thoroughfare that affords the principal means of vehicular access to abutting property. The term includes all facilities that normally are found within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, thoroughway, road, pike, avenue, boulevard, lane, place, court or other such terms but shall not include pedestrian way, alley, or private or common driveway.



Street (s)

Street Tree: shall mean a tree of standard growth habit acceptable to the County of DeKalb County for installing within the public right-of-way.

Street Orientation: shall mean the direction of the architectural front façade of a building in relation to the street.

Structural Alteration: shall mean any change or modification, other than incidental repairs or which are required by provisions of this Ordinance, which would prolong the life of the supporting member of a structure such as bearing walls, columns, beams, girders or foundations.

Structure: shall mean any improvement of man-made materials erected on land, the use of which requires more or less permanent location on or in the ground or attached to something having a permanent location on or in the ground, including, but not limited to, buildings, fences, towers, antennae, freestanding signs, decks and swimming pools.

Structure, Primary: see Building, Primary.

Substantial Construction, Development or Work: shall mean:

1. In a project involving structures, the completion of excavation for footings and foundations.
2. In a project involving no structures or insignificant structures, the completion of grading.
3. In a subdivision, the completion of roads and storm sewers.

Swimming Pool: shall mean a structure designed to hold water and maintain a water depth of twenty-four (24) inches or more, but not including hot tubs or wading pools.

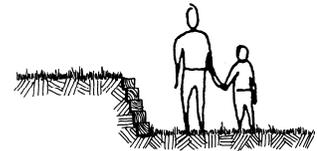
Tactical Training Course: a shooting range designed to provide tactical training in the use of firearms. Such courses may include a variety of temporary: facades, targets, and other props, as needed to simulate various environments and situations.

Tavern: shall mean an establishment for the retail sale of beer, wine and other alcoholic beverages for consumption on the premises and providing a menu of food items prepared during all hours of operation. The incidental sale of packaged liquor may be provided during the hours of operation.

Terminal, Bus or Train: shall mean a building or area specifically designated for the assembly and boarding and unboarding of passengers to/from a train or bus.

Terminal, Motor Freight: shall mean a building or an area in which freight brought by truck is assembled and/or temporarily stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

Terrace: shall mean a landscape treatment of mounded earth, rock wall, railroad tie wall or other retaining device used to modify steep grade differences on a lot. A terrace shall not include a patio or deck surface.



Tract: see Lot, Zoning.

Trailer: shall mean any structure built on a chassis for licensing by the Secretary of State as a trailer and designed for general hauling or recreational purposes.

Tree Survey: shall mean a scaled drawing accurately locating and indicating the size, condition and specie (common and botanical names) of all trees having a caliper of four (4) inches or larger, and the location of any buildings, parking areas, sidewalks and streets on a parcel of property.

Use: shall mean the purpose or purposes for which land, buildings or structures is (are) designed or arranged and for which they are occupied or maintained.

Use, Conforming: shall mean any use of land, buildings or structures which conforms with the list of permitted uses of the zoning district in which the land, building or structure is located, or which is governed by an active Special Use Permit authorized by the County Board. If the use is a permitted use but does not conform with the intensity of use regulations of the district in which it is situated, then the use shall not be deemed to be a conforming use.

Use, Non-Conforming: shall mean any building or structure or use of any building or structure or land which is not included in the list of permitted uses in the zoning district in which such land, building or structure is located and is not governed by an active Special Use Permit approved by the County Board.

Variation: shall mean a modification or waiver of the application of one or more specific regulations in this Ordinance in specific cases where unique circumstances and practical difficulties or particular hardships would result from following the strict letter of the Ordinance, provided the granting of a waiver of the regulation(s) in question would not change the character of or dominate the general area. Such a modification or waiver shall apply only to the bulk regulations (i.e. minimum setback, maximum height, lot width, lot coverage, etc.) of each zoning district. Variations from minimum lot area or to permit a use not

included in the list of permitted or special uses in each zoning district, or to alter the definitions or administrative requirements set forth in this Ordinance, shall not be granted.

Vehicle, Inoperable: shall mean any motor vehicle from which, for a period of at least 14 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power. "Inoperable motor vehicle" shall not include a motor vehicle that has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations. Neither shall "Inoperable Motor Vehicle" include any vehicle kept within a building when not in use, to operable historic vehicles over 25 years of age, or to any vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

Veterinary Clinic: see Animal Hospital.

Wall, Common: shall mean an interior wall that separates and distinguishes two (2) or more uses located in the same building or structure. A common wall extends from floor to ceiling and from exterior wall to exterior wall, and conforms to the fire resistance requirements of the County's Building Code.

Warehouse: shall mean a structure, or part thereof, or area used principally for the storage of goods, materials or merchandise.

Warehouse and Distribution Center: shall mean a building used in the storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

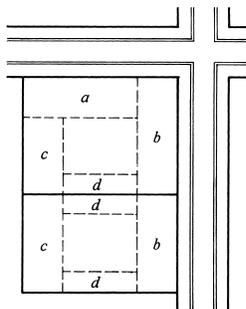
Wholesale Establishment: shall mean a business establishment principally engaged in selling to retailers or distributors rather than consumers.

Wind Energy Conversion Systems (WECS) (Utility): see Section 5.12.B

Wind Energy System, Small (private): shall mean a wind energy system consisting of a small wind electric turbine, a small wind tower, and associated equipment and housing for the control or conversion of electronics, which has a rate capacity of not more than 100 kW per hour and which is intended to primarily reduce consumption of utility power. The energy produced by a small wind energy system is for use of the resident of the property on which said system is located; excess power generation is limited to net metering regulations set by the local power utility, community, county and state.

Wind Energy Turbine, Small -- shall mean a mechanical device, part of which is turned by the force the wind and produces electricity. The maximum amount of energy capacity of a small wind energy turbine shall not be more than 100 kW per hour.

Wind Tower, Small -- shall mean a tower specifically built to hold a small wind energy turbine. Such towers shall be less than 100 feet in height.



Yards:
 (a) Corner Side Yard
 (b) Front Yard
 (c) Rear Yard
 (d) Side Yard

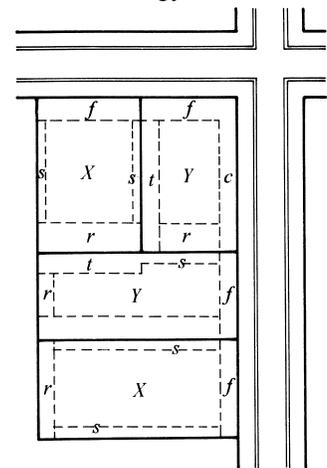
Wrecking Yard: see Junkyard.

Yard: shall mean an open space on a lot at grade between a structure and an adjoining lot line, which is unoccupied and unobstructed by any portion of a structure from the ground to the sky, except for permitted obstructions as set forth in this Ordinance. The width or depth of a yard shall be determined by the least horizontal distance between the lot line and the closest point of a primary structure.

Yard, Corner Side: shall mean a yard extending the full length of a corner side lot line and back to a line drawn parallel to the corner side lot line at a distance equal to the required corner side yard depth, but excluding any area encompassed within a required front yard.

Yard, Front: shall mean a yard extending along the full length of a front lot line and back to a line drawn parallel to the front lot line at a distance equal to the required front yard depth.

Yard, Rear: shall mean a yard extending along the full length of a rear lot line,



Transition Yards (t)

Where
 X = residential lot, and
 Y = non-residential lot

f = Front Yard
 c = Corner Side Yard
 s = Side Yard
 r = Rear Yard

and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the required rear yard depth, but excluding any area encompassed within a required corner side yard.

Yard, Side: shall mean a yard extending along the full length of a side lot line and back to a line drawn parallel to the side lot line at a distance equal to the required side yard depth, but excluding any area encompassed within a required front yard or rear yard.

Yard, Transition: shall mean the required front, side, corner side or rear yard on a lot in a commercial or industrial district and an adjoining residential district, or the required front, side, corner side or rear yard for a non-residential use and adjoining residential uses in a residential district, except when such yard is adjacent a railroad right-of-way, alley or street.

Zone: See District, Zoning.

Zoning Administrator: shall mean the Planning Director or other individual designated by the County Board to enforce this Ordinance, or his or her designee.

Zoning Ordinance: shall mean this Ordinance.

(Ord. No. 2007-18, § 2, 11-21-07; Ord. No. 2011-10, § 2 (Exh. A), 9-21-11; Ord. No. 2013-17, § 2, 12-18-13; Ord. No. 2017-21, 9-20-2017; Ord. No. 2018-09, 5-16-2018 [PDF](#) ; Ord. No. 2020-06, 2-19-2020 [PDF](#))

Sec. 53-C GENERAL PROVISIONS

Sec. 53-C-1 Establishment of Zoning Districts

In order to carry out the recommendations of the County unified comprehensive plan and the purpose and provisions of this Ordinance, the County is hereby divided into the following districts:

- A. FP/C, Floodplain/Conservation District. The map symbol and short name for this district shall be FP/C.
- B. A-1, Agricultural District. The map symbol and short name for this district shall be A-1.
- C. RC-1, Residential Conservation District. The map symbol and short name for this district shall be RC-1.
- D. RC-2, Residential Conservation District. The map symbol and short name for this district shall be RC-2.
- E. BC, Business Conservation District. The map symbol and short name for this district shall be BC.
- F. MC, Manufacturing Conservation District. The map symbol and short name for this district shall be MC.
- G. PD, Planned Development District. There are four possible designations within this general zoning district: Planned Development-Residential, Planned Development-Commercial, Planned Development-Manufacturing, and Mixed-Use Development. The map symbols and short names for these districts shall be PD-R, PD-C, PD-M and MXD.

Sec. 53-C-2 Zoning District Maps

The boundaries of the zoning districts created by this Ordinance shall be as depicted on the computer-generated digital County zoning map for each township within the County, as adopted by Ordinance 2003-28 and subsequently amended by County Board action. The County information management office shall maintain the official digital County zoning maps, under the direction of the County zoning administrator. All subsequent amendments to the zoning maps shall be depicted on the official digital County zoning maps.

Sec. 53-C-3 Interpretation of District Boundaries

The zoning administrator shall interpret the provisions of this Ordinance as they pertain to the location of zoning district boundaries where uncertainties exist as to the location of the district boundaries as depicted on the official zoning district maps, subject to right of appeal to the hearing officer of such interpretation. The following rules for interpretation shall apply:

- A. District boundaries are the centerlines of the streets, alleys or highways, property lines, boundary lines of sections or quarter sections, unless otherwise indicated. Where designation of a boundary line on the zoning district map coincides with the location of a street or alley, the centerline of such street or alley shall be construed to be the boundary of such district.
- B. Where the district boundaries do not coincide with the location of streets, alleys, highways, property lines or the boundary lines of sections or quarter sections, the district boundary shall be determined by the use of the scale shown on the zoning district map.
- C. All streets, alleys, highways, public-ways, 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 and railroad rights-of-way. Where the centerline of a street, alley, public-way or railroad rights-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 of the property abutting up to such center line.
- D. Boundaries indicated as approximately following municipal boundary limits shall be construed to follow municipal boundary limits.
- E. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

- F. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- G. Streets, alleys, public ways or railroad right-of-way which are shown on the zoning district map and which have heretofore been vacated, or which may be vacated hereafter, shall be in the same district as the land abutting both sides of the street, alley, public way or railroad right-of-way involved. If the land abutting each side of the street, alley, public way or railroad right-of-way, was located in different districts before the said street, alley public way or railroad right-of-way was vacated, the center line of such vacated street, alley, public way or railroad right-of-way shall be the district boundary line of the respective zoning districts.
- H. For undivided properties that lie in more than one zoning jurisdiction, the bulk regulations of this Ordinance shall apply to any property the area of which is 50 percent or more within the jurisdiction of the County. If less than 50 percent is in the County's jurisdiction, the zoning regulations of the adjoining jurisdiction shall apply.

(Ord. No. 2011-10, § 2 (Exh. A), 9-21-2011)

Sec. 53-C-4 Interpretation of Ordinance

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- B. Where the conditions imposed by any provision of this Ordinance 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 code or of any other law, Ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive (for which impose higher standards or requirements) shall govern.
- C. Nothing in this Ordinance shall be deemed to be a consent, license or permit to use any property, to locate, construct, or maintain any building, structure or facility, or to carry on any business, industry, occupation or trade.

Sec. 53-C-5 Illustrations

The illustrations used in this Ordinance are not drawn to scale and are intended only to graphically represent the requirements and concepts contained herein, and are not intended, nor should they be construed, to represent every situation or circumstance that may exist in the County. When there is a conflict between the text of this Ordinance and an illustration herein, the text shall prevail.

Sec. 53-C-6 Platted Building and Setback Lines

If a recorded subdivision plat imposes a building or setback line for a lot which is less than the minimum yard required by the applicable section of this Ordinance, then, notwithstanding the recorded plat, the minimum yard shall be the same as required by the applicable section of this Ordinance.

Sec. 53-C-7 Disconnected Territory

Any additions to the unincorporated area of the County resulting from disconnection or de-annexation by municipalities, or by any other means, shall be automatically zoned A-1, Agricultural District, unless and until the County Board designates a different zoning district for said property.

Sec. 53-C-8 Disclosure by Trustee of Land Trust

Whenever any trustee of a land trust or any beneficiary or beneficiaries of a land trust make application to the County or any of its agencies pursuant to the provisions of this Ordinance relating to the land which is the subject of trust, any interest therein, improvements thereto, or use thereof, such application shall identify each beneficiary of such land trust by name and address and define his interest therein. All such applications shall be verified by the applicant in his capacity as trustee, or by the beneficiary as the beneficial owner of an interest in such land trust.

Sec. 53-C-9 Successor to Rule or Standard Making Agencies

Whenever a governmental or private agency is referred to as the promulgator of a rule or standard, the rule or standard shall continue to be incorporated by reference within this Ordinance in the event that the same rule or standard is adopted by a successor agency in name or substance.

Sec. 53-C-10 Private Agreements

This Ordinance is not intended to abrogate any easement, covenant, or other private agreement; provided, that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than easement, covenants, or other private agreements, the requirements of this Ordinance shall be controlling.

Sec. 53-C-11 Saving Clause

All rights and remedies of the County are expressly saved as to any and all violations of any previous Zoning Ordinance or amendments thereto, at the time of the effective date of this Ordinance, and the prosecutions of said violations shall not be abated by the enactment of this Ordinance.

Sec. 53-D USE DISTRICTS**53-D-1 FP/C, Floodplain/Conservation District**

- A. Purpose and Intent: The flood hazard areas of DeKalb County, Illinois are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damages.

In addition, certain areas of DeKalb County, Illinois contain significant natural resources, such as wetlands, woodlands, and other unique environments. These areas provide valuable habitats for flora and fauna, water retention and groundwater recharge, filtration of water to improve water quality, and irreplaceable opportunities for recreation, pleasure, and education of the public. Without concerted efforts at preservation of these resources, development may substantially alter or destroy them, depriving future generations of the many benefits provided by such areas.

This district is therefore necessary to protect human life and health; to minimize expenditure of public money for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains; and to help maintain a stable tax base providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas. This district is also necessary to preserve irreplaceable and unique natural resources for future generations; to preserve woodlands and wetlands which, because of their natural physical features, are useful as water retention and groundwater recharge areas, as habitat for plant and animal life, and as important aesthetic and scenic resources which contribute to the unique character of the County; to prevent damage to the quality of water resources in the County; to provide opportunities for viewing and enjoyment of natural resources; and to provide educational opportunities to the public within appropriate conservation areas.

It is the purpose of this district to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion or in flood heights or velocities; to require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; to control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters; and to control filling, grading, dredging, and other development which may increase erosion or flood damage. It is also the purpose of this district to restrict certain types of development in designated conservation areas that would result in substantial diminishment or destruction of unique natural resources.

- B. Scope of Provisions: This section contains the regulations for the "FP/C" Flood Plain/Conservation District of DeKalb County. The "FP" regulations constitute an "overlay" District, such that property in the FP/C District as a consequence of floodplain only is also located in a designated underlying zoning district (either A-1, Agricultural or C, Conservation). This section controls in the case of any conflict between the regulations contained in this section and the regulations otherwise applicable to any property by virtue of its underlying zoning. However, the "FP/C" Zoning District is an exclusive zoning district when applied to properties for the purpose of conservation of natural resources. Property zoned "FP/C" for conservations purposes, such as State parks and forest preserves, are not zoned under another District governed by this Zoning Ordinance.

All of the areas within the regulatory floodplain, as defined in this Ordinance, are hereby incorporated into the boundaries of the "FP/C" District and are subject to all of the provisions of this section. A portion of the area within this District is designated as the Floodway, as established by the maps applicable to this District. Property within the Floodway is subject to those provisions of this section that are so stated. Other properties within this District are designated as conservation areas, and are subject to all provisions of this section.

- C. **Boundaries:** The boundaries of this District shall generally be established by the boundaries of the flood fringe, floodway and the 100-year base flood elevation. Other conservation area boundaries shall be established in appropriate locations of significant natural resources, such as forest preserves and State parks. The boundaries of the flood fringe, floodway and the 100-year base flood elevation shall be as shown on the Flood Insurance Rate Maps for DeKalb County, dated January 2, 2009, and the accompanying Flood Insurance Study by the Federal Emergency Management Agency. Where no base flood elevation data are provided by FEMA, other sources such as the U.S. Army Corps of Engineers report titled "South Branch Kishwaukee River Flood Plain Information" dated June 1971, or subsequent map amendments made thereto, the State Water Survey, the Illinois Department of Transportation, or a registered professional engineer according to the best data available to the Illinois State Water Surveys Flood Plain Information Depository or the Illinois Department of Transportation, Division of Water Resources, may be used.
- D. **Permitted Land Uses and Developments:** The following land uses and developments are permitted in this district:
1. Agriculture, except animal confinement activities in the flood plain.
 2. Boat docks for other than commercial or industrial use.
 3. Bridges, culverts, roadways, railways and any modification thereto, which are necessary for crossing floodway.
 4. Conservation areas for flora, fauna, including a caretaker's residence on a minimum lot size of 40 acres or more.
 5. Forest Preserves and State Parks, including a caretaker's residence on a minimum lot size of 40 acres or more.
 6. Game breeding and hunting preserves.
 7. Game refuges.
 8. Hunting, fishing, and propagation of wildlife.
 9. Inground swimming pools.
 10. Local public utility facilities, provided that any installation, other than towers and equipment attached to the towers, shall be: adequately screened with landscaping, fencing or walls, or any combination thereof, or placed underground, or enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Zoning Administrator for review. No building permit or installation permit shall be issued until these plans have been approved.
 11. Public and private parks, including a caretaker's residence on a minimum lot size of 40 acres or more.
 12. Recreational uses such as athletic fields, picnic grounds, and trails for horses, bikes, or walking.
 13. Scenic areas.
 14. Wildlife refuges.

- E. Special Land Uses and Development: The following land uses and developments may be permitted under conditions and requirements specified in Article 9, Special Use Procedures:
1. Airstrips/runways and heliports.
 2. Extraction of raw materials from the earth and processing thereof, but not including manufacture of a product.
 3. Golf courses, including ancillary clubhouse, restaurants, and banquet facilities.
 4. Outdoor shooting ranges.
 5. Port and dock facilities.
 6. Railroad tracks and associated structures.
 7. Recreation camps.
 8. Tower, public utility.
- F. Accessory Land Uses and Developments: Subject to compliance with the procedures of this section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a special land use or development when such accessory building, structures or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:
1. Private sustainable energy generators, such as private solar energy systems, small wind energy systems, and similar devices.
 2. Individual sewage treatment facilities serving an individual non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed 5,000 gallons flow per day.
- Accessory uses in this District do not include residences.
- G. Height Limitations for Structures: In the “FP” overlay district, the total height of any structure shall not exceed that permitted in the underlying Zoning District, except where the use of the property includes structures restricted in height by the requirements of a Special Use Permit. In the “FP/C” District, there is no height limitation for structures.
- H. Lot Area and Setback Requirements: The minimum lot area and setback requirements for land uses in the “FP/C” Flood Plain/Conservation District shall be as set out below:
1. Minimum Lot Area Requirement. Permitted and Special Land Uses shall be situated on lots of not less than the minimum lot area required by the provision of the underlying zoning district regulations, or by the ordinance granting FP/C zoning.
 2. General Setback Requirements, Minimum Front Setback: No structures shall be allowed within fifty (50) feet of any roadway right-of-way line, except where a greater setback is required by the underlying district requirements.
 3. Specific Setback Requirements and Exceptions.
 - a. Notwithstanding any other provision of this Article, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.
 - b. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front setback, but not closer than ten (10) feet to a public right-of-way or a lot line.
 - c. Permitted directional signs, three (3) feet or less in height, are allowed within the minimum front setback.
 - d. Any structure, other than a public utility tower authorized by a Special Use Permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

- I. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Article 6, Off-Street Parking, Loading, and Landscape Requirements.
- J. Sign Regulations: Sign regulations are set forth in Article 7, Sign Regulations.
- K. Conditions of Use: In areas located within the floodplain, all permitted and special uses are subject to the following conditions of use:
 - 1. No development shall create a damaging or potentially damaging increase in flood heights or velocity.
 - 2. No development shall occur in the floodway except the following appropriate uses:
 - a. Public flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding of existing structures, erosion, or water quality or habitat for fish, wildlife and native vegetation;
 - b. Storm and sanitary sewer outfalls;
 - c. Underground and overhead utilities;
 - d. Public or private open space and recreational facilities such as playing fields and trail systems including any related fencing (at least 50% open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions;
 - e. Bridges, culverts, roadways, unpaved walkways, railways and any modification thereto, which are necessary for crossing floodway;
 - f. Flood proofing activities to protect existing structures including the construction of water tight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten feet away from the exterior wall of the existing structure, which are not considered substantial improvements to the structure;
 - g. In the case of damaged structures herein permitted, reconstruction, repair or replacement of the same which does not increase the outside dimensions of the building.

Appropriate uses do not include the construction or placement of any new structures, fill, detention or retention facilities, building additions, buildings on stilts, excavation or channel modifications done for the convenience of site design, fencing (including landscaping or planting designed to act as a fence) and storage of materials.
 - 3. All sewage and water systems shall be installed in accordance with requirements of the DeKalb County Health Department and the State of Illinois.
 - 4. No man-made levees, berms or other similar obstructions to the flow of flood waters are permitted without the approval of the County Engineer.
 - 5. Permits required by other state and federal agencies and departments shall be acquired and submitted to the DeKalb County Planning Department prior to the issuance of a building permit. Such permits may include wetlands permits from the United States Army Corps of Engineers.
 - 6. Development in and filling within the floodplain will only be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation and compensatory storage and other provisions of these regulations are met. No use will be permitted which adversely affects the capacity of drainage facilities or systems.
 - 7. All filling, dredging, excavation, etc. or other alteration of floodplain is only permitted when done as a necessary condition of establishing a permitted or approved special use. The construction and maintenance of roads necessary for permitted uses are allowed only on a limited basis and where no alternate location outside of the flood plain is available.
 - 8. Land surface modification within the flood fringe shall be permitted for the purpose of constructing storm water drainage swales between the developed area of a lot (including a storm water detention facility on a lot) and a stream, or detention facility.

9. Whenever a portion of a flood plain 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 from below the base flood or 100 year frequency flood elevation. The excavation volume shall be at least equal to 1.1 times the volume of storage lost due to the fill or structure. In the case of streams and water courses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All flood plain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All flood plain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.
10. On property 100' or closer to the 100 Year Flood Plain, as bounded in accordance with Section 3.2.1.A.3, there shall be no building permitted having a lowest floor, including basement floor, lower than two (2) feet above the 100 Year Flood Plain Elevation (FPE).

A structure or improvement may be constructed on permanent landfill in accordance with the following:

- a. The area of fill shall be cleared of all growth and objects unsuitable for use as foundation material.
 - b. The fill shall be placed in layers no greater than one (1) foot prior to compaction.
 - c. The surface of the fill shall be a minimum of two (2) feet above the FPE. The fill shall extend at least ten (10) feet beyond the foundation of the structure before sloping below the FPE.
 - d. The fill shall be protected against the scour and erosion that occurs during flooding.
11. Prior to any land disturbing activities within the boundaries of the floodplain, the property owner or user shall obtain a Site Development Permit in accordance with the requirements of Article I of Chapter 30 of the DeKalb County Code in order to address and thereby avoid flooding problems for other properties and such other hydrologic problems as may result from the improvements. Where the plan only delineates the flood plain elevation on the ground and no change or construction is proposed involving land below the flood plain elevation, the plan may be submitted under the seal of a registered land surveyor.

The Planning Department or the County Highway Department may require such additional data or engineering studies from the applicant as may be necessary to determine the adequacy of the proposed plan. Any costs associated with obtaining and making available such data or studies shall be borne by the developer.

The County may, at the discretion of the Zoning Administrator or County Engineer, retain outside consultant services for the review of plans for development in the flood plain or floodway. The cost of contracting with said outside consultant shall be borne by the applicant.

- L. Interpretation of Floodplain and Floodway: In an area within the County where there does not exist a delineated floodway, as shown on the Flood Insurance Rate Maps for DeKalb County, IL, all property in such area located within the boundaries of the 100 year floodplain shall be considered also within the floodway and the boundaries of the floodplain and floodway shall be deemed as coterminous. Any proposed development which will affect the ground surface of such property will be subject to the regulations of Section 4.01.K.2 above, in addition to all other applicable regulations of this Article.
- M. Effect of Plan Approval: The approval by the County Engineer and the Planning Department of such plans for flood protection does not constitute a representation, guarantee, or warranty of any kind by DeKalb County, the County Highway or Planning Departments, the DeKalb County Board or by any officer or employee of either as to the practicality or safety of any protective measure and shall create no liability upon or cause of action against such public body, offices, or employees for any damage that may result pursuant thereto.

Approval of the plan by the County Engineer and Planning Department does not relieve an owner or user from fulfilling the requirements set forth in any other County ordinance or state and federal law regarding construction or development within the flood plain.

(Ord. No. 2008-23, § 2, 12-17-2008; Ord. No. 2011-10, § 2 (Exh. A), 9-21-2011; Ord. No. 2018-09, 5-16-2018 )

53-D-2 A-1, Agricultural District

- A. Purpose and Intent: It is recognized that the public health and welfare of the citizens of DeKalb County are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The intent of this district is to ensure that land areas in the County that are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.

The A-1 District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).

Other specific purposes for which this district is established include:

1. To preserve woodlands and wetlands associated with farms that, because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value that contributes to the unique character of the agricultural district.
2. To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
3. To prevent the conversion of agricultural land to scattered non-farm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.
4. To implement the recommendations of the DeKalb County Unified Comprehensive Plan, which strongly discourages scattered development throughout the rural, unincorporated portions of the County, and encourages new non-agricultural uses to develop on properties that are adjacent to municipal boundaries and can, therefore, be annexed.

The agricultural district boundaries take into account an analysis of soils that identify those especially well-suited for farming as classified by the U.S. Soil Conservation Service (based on the characteristics of soils, drainage, topography, and the availability of water). Properties in unincorporated DeKalb County are placed in the A-1, Agricultural District not only to preserve and protect land for agricultural and agriculture-compatible uses, but to discourage new non-agricultural uses from developing in the unincorporated areas.

- B. Permitted Land Uses and Developments: The following uses of land are permitted in this district:

1. Agriculture.
2. Conservation area for fauna, flora, including a caretaker's residence on a minimum lot size of 40 acres or more.
3. Farm.
4. Farm buildings.
5. Farm drainage and irrigation systems.
6. Farm dwelling.
7. Game breeding and hunting preserve.
8. Game refuge.
9. Grazing and forage.
10. Historic sites and structures.
11. Nursery, plant.

12. Roadside stands and small-scale agritainment, such as “u-pick” orchards and gardens, with not more than six hundred (600) square feet of gross floor area, including outdoor display, and set back from the right-of-way at least fifty (50) feet, and with off-street parking for a minimum of five (5) cars, or one space for each fifty (50) square feet of structure, whichever is greater. Sales shall be limited to products grown or produced on the premises and branded products bearing the name/logo of the farm, or farm-related business, on which the roadside stand is located.
13. Stable, private.
14. Transmission and distribution lines and pipelines of public utility companies within existing public rights-of-way.
15. Tree, sod farms.

C. Special Land Uses and Developments:

1. The following uses of land and structures may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article 9, Special Procedures:
 - a. Adult-Use Cannabis Craft Grower, subject to the conditions contained in Section 5.13.A.
 - b. Adult-Use Cannabis Cultivation Center, subject to the conditions contained in Section 5.13.B
 - c. Agribusiness, when the petitioner has proven that the business activity is directly and primarily used by those actively engaged in the pursuit of agricultural activities; that, at the time of the hearing, all local, state, and federal regulations will be complied with; and that the proposed agribusiness must be located in unincorporated DeKalb County.
 - d. Aircraft hangar/tiedown.
 - e. Aircraft service and repair.
 - f. Airstrip/runway, and heliport.
 - g. Animal foster home, provided that the animal foster home is located on a lot of not less than two acres in size.
 - h. Animal hospital.
 - i. Animal shelter.
 - j. Asphalt or concrete batch mix plant.
 - k. Church.
 - l. Cemetery.
 - m. Day care home.
 - n. Earth removal, quarrying, aggregate processing, mining and related mineral extraction business.
 - o. Essential service structure including, but not limited to: any new rights-of-way across farm land, telephone exchange or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.
 - p. Fairgrounds.
 - q. Government building.
 - r. Gun club.
 - s. Home occupation.
 - t. Kennel.
 - u. Landscaping business, provided that all vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of a Special Use Permit.

- v. Medical Cannabis Cultivation Center, subject to the conditions contained in Section 5.13.G.
 - w. Production of sweet cider, hard cider, beer, spirits, and wine (with regard to the above containing alcoholic content, not less than fifty percent (50%) of the primary source ingredients shall come from crops grown on the same property where such production may take place), and the tasting and/or consumption, and sale thereof at wholesale or retail. In the event of conditions of catastrophic crop loss or necessity, holders of such a special use permit may seek exemption by petition of the fifty percent (50%) requirement referred above, with the approval of the Community Development Director.
 - x. Radio, television and communication transmitting or relay towers, antennae and other such facility, not to exceed two hundred (200) feet above the average finished ground elevation at the perimeter of such structure, provided, however, that an FCC-approved tower that is determined to be no hazard to air navigation by the FAA may be constructed to a maximum height of 399 feet above the finished ground elevation at the base of the structure, and further provided that the base of the structure shall be located at a distance from a public road equal to at least ninety percent (90%) of the height of the tower.
 - y. Recreational camp.
 - z. Retail and service use conducted within and immediately adjacent to existing agricultural structures that are no longer used for agricultural purposes, provided such uses are clearly compatible with and subordinate to agricultural uses in the surrounding area, and further provided such uses have the effect of preserving the agricultural buildings in and around which they are conducted.
 - aa. Roadside stand and large-scale agritainment, including but not limited to: “u-pick” orchards and gardens, corn mazes, hay rides, hobby farms and other activities intended to attract paying customers to a farm, set back from the right-of-way at least fifty (50) feet, with off-street parking for a minimum of five (5) cars or one (1) space for each fifty (50) square feet of structure, whichever is greater.
 - bb. Sanitary landfill, and other means of solid waste management.
 - cc. Shooting ranges
 - dd. Solar farms and solar gardens
 - ee. Stable, public, which may include riding lessons.
 - ff. Tree service and firewood sales.
 - gg. Wind Energy Conversion Systems
2. Standards Applicable to All Special Use Permits:
- a. The proposed use shall be sited upon lands which are less suitable for commercial agriculture than other agricultural lands within the district, or on lands designated for non-agricultural use by the County Comprehensive Plan.
 - b. The proposed use shall be sited on a lot in a manner which minimizes the amount of productive agriculture land which is converted to the proposed use.
 - c. The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of agribusinesses into agricultural service centers shall be encouraged and accomplished by special use permit.
3. Interim Special Use:
- a. Interim Special Uses may be granted for the following purposes:
 - 1. To temporarily utilize land, structures and facilities which represent a valuable economic base but would not otherwise be permitted;
 - 2. To provide living quarters for financially or physically dependent persons, pursuant to paragraph b. below.
 - 3. To provide living quarters for agricultural laborers, pursuant to paragraph c. below

- b. Interim Special Uses may include one manufactured home per lot, intended as living quarters for financially or physically dependent relatives of the occupant of the primary structure, provided the applicant establishes that a hardship exists.
- c. Interim Special Uses may include agricultural labor housing, accessory to a farm dwelling located on a farm of at least 80 acres in size, provided that such housing is located in close proximity to the farm residence. The total number of housing units on a farm, including the farm dwelling and all agricultural labor housing units, shall not exceed a gross density of one unit per forty (40) acres. The applicant for such an Interim Special Use must provide evidence that the agricultural labor housing will be occupied only by employees, and the families of employees, actively engaged in working on the farm where the housing will be located.
- d. Procedures for consideration and approval shall be in accordance with the requirements set forth in Article 9.01, "Special Uses," of this Ordinance. In its recommendation to the County Board, the Hearing Officer shall specify time limitations and any other conditions he/she may deem appropriate for the protection of the area.

D. Lot Area Requirements:

- 1. The minimum lot area for a farm residence shall be forty (40) acres. The minimum lot width at the minimum front setback line for a lot including a farm residence shall be 500 feet.
- 2. Subdivisions, for the purpose of the sale or transfer of ownership of a lot(s) containing an existing residential structure(s) constructed prior to August 15, 1979, said lot(s) being not less than two (2) acres in area and containing not more than one such residence, may be approved by the Plat Officer. This provision is intended to allow for the division of one or more existing farm residences from the fields used for agricultural activities. Such subdivision, if approved by the Plat Officer, is not a violation of this Ordinance. The zoning lots that result from such subdivisions shall be a legal, nonconforming residential lots in the A-1 district, and the balance of the property from which each such lot is divided shall not be buildable for future residences. For the purposes of review, a plat of survey shall be required for said division depicting both the lot containing the residential structure and the property from which it is divided. The Plat Officer's signature of approval shall be required on the survey prior to recording. (See 4.02.D.2 diagram in the Appendix)
- 3. Special Use: The lot size and lot width for a special use shall be designated in the permit granting the special use. The minimum lot width at the minimum required front setback line for all divisions made in accordance with this Section 4.02.D.2 shall be 200 feet.

E. Accessory Land Uses and Developments: Subject to compliance with the procedures of this section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a special land use or development when such accessory building, structures or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:

- 1. Private sustainable energy generators, such as private solar energy systems, small wind energy systems, and similar devices.
- 2. Uses customarily accessory to farm operations.

F. Setback Requirements:

- 1. Building Setback: Every building hereafter erected or enlarged shall provide and maintain a minimum setback of fifty (50) feet from the right-of-way of any street.
- 2. Side and Rear Setbacks: All buildings shall be set back not less than twenty (20) feet from all side or rear lot lines. Where a side or rear lot line adjoins a street, the minimum side or rear setback for all buildings shall not be less than that established above for front setbacks.

G. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Article 6, Off-Street Parking, Loading, and Landscape Requirements.

H. Sign Regulations: Sign Regulations are set forth in Article 7, Sign Regulations.

(Ord. No. 2007-07, § 2, 2-21-07; Ord. No. 2010-12, 2, 6-16-10; Ord. No. 2011-10, § 2(Exh. A), 9-21-11; Ord. No. 2015-04, § 2, 6-17-15; Ord. No. 2017-21, 9-20-2017; Ord. No. 2018-09, 5-16-2018 [PDF](#) ; Ord. No. 2018-50, 11-21-2018 [PDF](#) ; Ord. No. 2020-06, 2-19-2020 [PDF](#))

53-D-3 RC-1, Residential Conservation District

- A. *Purpose and intent:* This district is intended to help implement the goal of the County unified comprehensive plan that new development should occur only on properties that are immediately adjacent to a municipality so that such properties may be annexed, rather than development occurring in unincorporated DeKalb County. Recognizing that there are existing residential uses, lots (generally in the range of one acre in size) and buildings in unincorporated DeKalb County that developed, or were designated for development, under significantly different regulations than those set forth in this Ordinance, this district is established to allow the conservation of such as legal, conforming uses, lots and buildings, to the extent such comply with the various regulations set forth herein. This district shall apply only to those properties so designated on the zoning district maps as of the effective date of this Ordinance, and shall not be subsequently applied to any other properties. This district is not intended to permit greater residential densities within the areas designated with this classification, nor to serve as a precedent for additional residential development in areas zoned A-1, Agricultural District. The map symbol and short name for this district shall be "RC-1."
- B. *Permitted land uses and developments:* The following uses of land are permitted in this district:
1. Detached single-family dwelling.
 2. Publicly owned and operated parks and forest preserves.
 3. Uses customarily accessory to single family dwellings.
- C. *Special land uses and developments:* The following uses of land and structures may be permitted upon issuance of a special use permit in accordance with the procedures and standards contained in Article 9, special procedures.
1. Animal foster home, provided that the animal foster home is located on a lot of not less than two acres in size.
 2. Bed and breakfast.
 3. Boarding house.
 4. Church.
 5. Day care center and day care home.
 6. Essential service structures including, but not limited to: any new right-of-way, telephone exchange or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services or utilities.
 7. Group home.
 8. Home occupation.
 9. School, public or private.
 10. Government building.
- D. *Lot area requirements:*
1. The minimum lot area for all permitted and special uses shall be one acre unless a larger parcel is required by the zoning administrator to accommodate a drain field for a septic system or adequate separation between septic wastes and well water.
 2. The minimum lot width, at the minimum front setback line, shall be 150 feet.

E. *Setback requirements:*

1. *Front setback requirements:* Every building hereafter erected or enlarged shall provide and maintain a minimum setback of 40 feet from the right-of-way of all streets.
2. *Side and rear setback requirements:*
 - a. The minimum side setback shall be 20 feet, except where a side lot line adjoins a street, in which case the side setback shall not be less than that required in paragraph E.1. above.
 - b. The minimum rear setback shall be 50 feet.

F. *Lot coverage:* Lot coverage shall not exceed 20 percent.

G. *Off-street parking and loading requirements:* Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in article 6, off-street parking, loading, and landscape requirements.

H. *Sign regulations:* Sign regulations are set forth in article 7, sign regulations.

53-D-4 RC-2, Residential Conservation District

A. *Purpose and intent:* This district is intended to help implement the goal of the County unified comprehensive plan that new development should occur only on properties that are immediately adjacent to a municipality so that such properties may be annexed, rather than development occurring in unincorporated DeKalb County. Recognizing that there are existing residential uses, lots (generally in the range of one-half an acre in size) and buildings in unincorporated DeKalb County that developed, or were designated for development, under significantly different regulations than those set forth in this Ordinance, this district is established to allow the conservation of such as legal, conforming uses, lots and buildings, to the extent such comply with the various regulations set forth herein. This district shall apply only to those properties so designated on the zoning district maps as of the effective date of this Ordinance, and shall not be subsequently applied to any other properties. This district is not intended to permit greater residential densities within the areas designated with this classification, nor to serve as a precedent for additional residential development in areas zoned A-1, Agricultural District. The map symbol and short name for this district shall be "RC-2."

B. *Permitted land uses and developments:* The following land uses and developments are permitted in this district:

1. Detached single-family dwelling.
2. Publicly owned and operated park and forest preserve.
3. Uses customarily accessory to single family dwellings.

C. *Special land uses and developments:* The following uses of land and structures may be permitted upon issuance of a special use permit in accordance with the procedures and standards contained in Article 9, special procedures:

1. Church.
2. Day care center and day care home.
3. Essential service structures including, but not limited to: any new right-of-way, telephone exchange or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services or utilities.
4. Group home.
5. Home occupation.
6. Nursing home, hospital, hospice, handicapped or infirm institution, and halfway house.
7. School, public or private.
8. Government building.

D. *Lot area requirements:*

1. The minimum lot area provided for permitted and special land uses in the "R-2" residential district shall be as follows:

- a. *Minimum lot area requirements:*

Use	Minimum Lot Area
Church	1 acre
Day care center	1 acre
Dwelling, single-family	22,000 square feet
Nursing homes, hospitals, hospices, handicapped or infirm institutions and halfway houses	3 acres
Government buildings	1 acre
Public service facilities/utilities	10,000 square feet

- b. The minimum lot width, at the minimum front setback line, shall be 100 feet.

2. *Creation of new lots:* No new lots shall be created of less than 22,000 square feet in area except for public service facilities/utilities. Lots of less than 22,000 square feet created for the above use shall not be used for any other use, and in the event the use terminates, the lot shall be combined with an adjacent parcel or parcels by means of a boundary adjustment.

E. *Setback requirements:*

1. *Front setback requirements:* Every building hereafter erected or enlarged shall provide and maintain a minimum setback of 30 feet from the right-of-way of all streets.
2. *Side and rear setbacks:* The minimum side setback shall be ten feet, except where a side lot line adjoins a street, in which case the minimum side setback shall not be less than that established in paragraph E.1 above.
3. The minimum rear setback provided shall be 35 feet.

F. *Lot coverage:* Lot coverage not to exceed 30 percent.G. *Off-street parking and loading requirements:* Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives area set forth in article 6, off-street parking, loading, and landscape requirements.H. *Sign regulations:* Sign regulations are set forth in article 7, sign regulations.**53-D-5 BC, Business Conservation District**

- A. *Purpose and intent:* This district is intended to help implement the goal of the County unified comprehensive plan that new development should occur only on properties that are immediately adjacent to a municipality so that such properties may be annexed, rather than development occurring in unincorporated DeKalb County. Recognizing that there are existing business uses, lots and buildings in unincorporated DeKalb County that developed, or were designated for development, under significantly different regulations than those set forth in this Ordinance, this district is established to allow the conservation of such as legal, conforming uses, lots and buildings, to the extent such comply with the various regulations set forth herein. This district shall apply only to those properties so designated on the zoning district maps as of the effective date of this Ordinance, and shall not be subsequently applied to any other properties. This district is not intended to permit greater densities within the areas designated with this classification, nor to serve as a precedent for additional business development in areas zoned A-1, Agricultural District. The map symbol and short name for this district shall be "BC."

B. *Permitted land uses and developments:* The following uses of land are permitted in this district:

1. Amusement arcade.
2. Bank and financial institution, not including drive-through facilities.
3. Banquet hall.
4. Commercial recreation, but not including drive-in theaters, golf practice driving ranges, and outdoor swimming pools.
5. Church.
6. Club, lodge, and meeting room.
7. Convenience store not including motor fuel sales.
8. Daycare center.
9. Food store.
10. Health club.
11. Health and welfare facility.
12. Home improvement center.
13. Library and reading rooms.
14. Liquor store.
15. Medical and dental clinic.
16. Mortuary.
17. Motion picture theater, not including drive-in theaters.
18. Office and office building.
19. Parking area, including public garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of 72 hours.
20. Radio and television broadcasting studio, excluding transmission towers which exceed 30 feet in height.
21. Restaurant, including fast food restaurants that do not include drive-through service and do not constitute the only use in a freestanding building, but not including outdoor eating areas.
22. School, commercial, excluding outdoor areas for driving or heavy equipment training.
23. Self-service storage facility.
24. Store, shop, market, office, service facility, and automatic vending facility in which goods or services of any kind, except those specified in the lists of permitted and special uses in the BC and MC Districts, are offered for sale or rental on the premises to the general public.

C. *Special land uses and developments:* The following uses of land and structures may be permitted upon issuance of a special use permit in accordance with the procedures and standards contained in Article 9, "special procedures."

1. Adult-Use Cannabis Infuser Organization, subject to the conditions contained in Section 5.13.D.
2. All permitted land uses and developments set forth in subsection B of this section, which exceed two stories or 40 feet in height, whichever is less, including rooftop mechanical equipment attached to a structure.
3. Animal hospital, including open kennel and exercise yard.
4. Apartment hotel.
5. Automobile Service Station or filling station for vehicles of one and one-half tons in weight or less.

6. Automobile, motorbike, and recreational vehicle sale, lease and rental. Outdoor display of said products, new or used, is permitted but not more than 50 percent of the zoning lot shall be used for such purpose and the front setback requirement shall be complied with.
 7. Automobile repair, minor.
 8. Bank and financial institution with drive-through facilities.
 9. Car wash for automobiles.
 10. Cocktail lounge.
 11. Crematory, as part of a mortuary.
 12. Exterior storage or display of agricultural or lawn maintenance equipment, outdoor furniture, lawn ornaments, waste receptacles and other material customarily intended for outdoor use. Such storage and display is permitted provided that not more than 75 percent of the zoning lot shall be for such purpose and the front setback requirement shall be complied with.
 13. Garden center.
 14. Government building.
 15. Hospital, hospice and nursing home.
 16. Hotel/motel.
 17. Kennel.
 18. Local public utility facility, provided that any installation, other than towers and equipment attached to the towers, shall be:
 - a. Adequately screened with landscaping, fencing or walls, or any combination thereof, or
 - b. Placed underground, or
 - c. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
 19. Mall, retail.
 20. Medical Cannabis Dispensing Organization, subject to the conditions contained in Section 5.13.H.
 21. Nightclub.
 22. Outdoor swimming pool, golf driving range, drive-in theater, auditorium and arena.
 23. Restaurant, fast food, that includes drive-through facilities, or that constitute the only use in a freestanding building.
 24. Restaurant with outdoor eating area(s).
 25. School, private or public, and commercial school including outdoor areas for driving or heavy equipment training.
 26. Self-service storage facility.
 27. Sewage treatment facility, not including individual sewage treatment facilities permitted as an accessory use.
 28. Tavern.
- D. *Accessory land uses and developments*: Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a special land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:
1. Associated work and storage areas required by any business, firm, or service to carry on business operations.

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2. Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 3. Dwelling or lodging units, only for watchmen, caretakers, or other personnel whose residence on the premises is essential to the operation of a permitted or special use or uses.
 4. Individual sewage treatment facilities serving an individual building or use, as approved by the appropriate regulatory agency. The sewage treatment facility shall not exceed 5,000 gallons flow per day.
- E. *Height limitations for structures:* The maximum height of structures in this district shall be as follows:
1. The total height of any structure, including rooftop mechanical equipment attached to such structure, shall not exceed two stories or 40 feet in height, whichever is less, above the average finished ground elevation at the perimeter of such structure unless authorized by special use permit.
 2. Total height of any structure authorized by special use permit shall be authorized by specific conditions of the permit.
- F. *Minimum lot area requirements:*
1. Every lot or tract of land shall have an area comprising not less than 32,000 square feet.
 2. Churches shall be situated on tracts of land at least one acre in area.
 3. Hospitals shall be situated on tracts of land at least five acres in area.
- G. *Development limitations:*
1. The total gross floor area devoted to any one business, firm, or service shall not exceed 20,000 square feet.
 2. The capacity of auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly shall not exceed 500 persons.
 3. The landscaped surface area ratio shall be no less than 0.35, said ratio to be calculated as follows: $LSR = 1 - [(ba + pa + oa)/s]$, where:
 - LSR = landscaped surface ratio
 - ba = building area: the area of building(s) footprints from the maximum outside dimensions
 - pa = parking area(s): all areas used for parking or loading, or access to those areas, that is not otherwise landscaped
 - oa = other area: all other paved areas, including patios, walks, entryways, etc.
 - s = site area: the actual area of the site, minus all area of floodplain (see section 4.01) and existing road right-of-way.
- H. *Width and setback requirements:*
1. *Minimum lot width:* 150 feet at the minimum front setback line.
 2. *Setback requirements:*
 - a. *Minimum front setback:* Not less than 30 feet, including all signs, pump islands, and canopies of gasoline service stations.
 - b. *Minimum side setback:* There shall be a side setback on each side of the building of not less than five feet. Side setback requirements shall be 50 feet where abutting any residential district.
 - c. *Minimum rear setback:* There shall be a rear setback of not less than 25 feet. Rear setbacks shall be 50 feet where abutting any residential district, and screening according to the requirements of section 6.04, is required, even if no parking is contained in the rear yard.
 - d. Corner lots shall have a side setback and a rear setback adhering to the requirements specified above. In addition, the front setback requirement shall apply to all lot lines adjoining street rights-of-way.
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- I. *Off-street parking and loading requirements:* Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in article 6, off-street parking, loading, and landscape requirements.
- J. *Sign regulations:* Sign regulations are set forth in article 7, sign regulations.
- K. *Performance standards:* Unless as excepted above, outdoor storage or display of merchandise, materials, or equipment is prohibited.

53-D-6 MC, Manufacturing Conservation District

- A. Purpose and Intent: This district is intended to help implement the goal of the DeKalb County Unified Comprehensive Plan that new development should occur only on properties that are immediately adjacent to a municipality so that such properties may be annexed, rather than development occurring in unincorporated DeKalb County. Recognizing that there are existing manufacturing uses, lots and buildings in unincorporated DeKalb County that developed, or were designated for development, under significantly different regulations than those set forth in this Ordinance, this district is established to allow the conservation of such as legal, conforming uses, lots and buildings, to the extent such comply with the various regulations set forth herein. This district shall apply only to those properties so designated on the Zoning District Maps as of the effective date of this Ordinance, and shall not be subsequently applied to any other properties. This district is not intended to permit greater densities within the areas designated with this classification, nor to serve as a precedent for additional manufacturing development in areas zoned A-1, Agricultural District. The map symbol and short name for this district shall be "MC".
- B. Permitted Land Uses and Developments: The following land uses and developments are permitted in this District:
 - 1. Adult Business, provided that such use is not located within one thousand (1,000) feet of a residential zoning district, or within one thousand (1,000) feet of any other adult business, or within one thousand (1,000) feet of the property boundaries of any single family dwelling, school, day care center, cemetery, public park, public housing, nursing home, rest home, sheltered care facility or place of religious worship.
 - 2. Business, professional, and technical training schools.
 - 3. Laundry and dry-cleaning plant, not including personal and individual drop-off and pick-up service.
 - 4. Laboratory.
 - 5. Manufacturing, fabrication, assembly, processing, packaging and bottling of agricultural produce and any commodity from semi-finished materials, except explosives or flammable gases or liquids.
 - 6. Office and office building.
 - 7. Parking area, including garages.
 - 8. Printing and duplicating service.
 - 9. Public or private utility facility.
 - 10. Radio, television, and communication studios, transmitting or relay tower, antenna, and other such facility no greater in height than 30 feet above the average finished ground elevation at the perimeter of such structure.
 - 11. Railroad switching yard.
 - 12. Recreational vehicle sales and rental, including major and minor repair.
 - 13. Research laboratory and facility.
 - 14. Sale and rental of equipment, supplies and vehicles used by business, industry, contractors and agriculture, excluding retail automobile sales.
 - 15. Self-service storage facility.

16. Standard Outdoor Advertising Structure (billboard).
 17. Terminal for trucks, buses, and railroads.
 18. Union hall and hiring hall.
 19. Warehouse and distribution center, including wholesaling, warehousing and distribution of manufactured commodities except live animals, explosives, or flammable gases.
 20. Wholesale establishment.
 21. Yard for storage of contractors' and builders' equipment, materials, and supplies, excluding junkyards and salvage yards.
- C. Special Land Uses and Developments: The following uses of land and structures may be permitted upon issuance of a Special Use Permit in accordance with the procedures and standards contained in Article 9, Special Procedures.
1. Adult-Use Cannabis Craft Grower, subject to the conditions contained in Section 5.13.A.
 2. Adult-Use Cannabis Cultivation Center, subject to the conditions contained in Section 5.13.B
 3. Adult-Use Cannabis Infuser Organization, subject to the conditions contained in Section 5.13.D.
 4. Adult-Use Cannabis Processing Organization, subject to the conditions contained in Section 5.13.E.
 5. Adult-Use Cannabis Transporting Organization, subject to the conditions contained in Section 5.13.F.
 6. Aircraft hangar/tiedown.
 7. Aircraft service and repair.
 8. Airstrip/runway and heliport.
 9. Asphalt and concrete batch mix plants.
 10. Automobile repair, major.
 11. Automobile service station and filling stations for vehicles over one and one-half tons, including emergency towing and repair services.
 12. All permitted uses which exceed two (2) stories or forty (40) feet in height.
 13. Business service establishment.
 14. Government building.
 15. Incinerator.
 16. Junkyard.
 17. Lumber yard.
 18. Manufacturing, fabrication, assembly, processing, or packaging of agricultural produce and any commodity from unfinished materials and of explosives and flammable gases and liquids.
 19. Medical Cannabis Cultivation Center, subject to the conditions contained in Section 5.13.G.
 20. Radio, television, and communication transmitting or relay tower, antenna, and other such facility exceeding 30 feet in height but no greater in height than 200 feet above the average finished ground elevation at the perimeter of such structure.
 21. Recycling center and recycling collection center.
 22. Sanitary landfill or solid waste management facility.
 23. Sewage treatment plant/facility.
 24. Slaughterhouse, packing plant and rendering plant.

25. Towed vehicle storage yard, wherein no individual vehicle may be stored for a period exceeding ninety (90) days, and involving no auto repair and no salvage or sale of automobile parts. A ten (10) foot high sight-proof fence shall be provided along all limits of the property.
26. Reconditioning, reprocessing, repair and cleaning of business equipment, empty containers, batteries and vehicles, not including passenger vehicles.
27. Recreational vehicle storage.
28. Shooting ranges, indoor
29. Solar gardens
30. Warehousing, wholesaling and distribution of live animals, explosives, or flammable gases and liquids.

D. Accessory Land Uses and Developments: Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a special land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Private sustainable energy generators, such as private solar energy systems, small wind energy systems, and similar devices.
2. A dwelling or lodging unit, only for watchmen, caretakers, or other personnel whose residence is essential to the operation of a permitted or special use or uses. In no case shall there be more than one such unit per established manufacturing use.
3. Individual sewage treatment facilities serving an individual building or use, as approved by the appropriate regulatory agency. The sewage treatment facility shall not exceed 5,000 gallons flow per day.
4. Signs (business, directional, and information).

E. Other Limitations on Uses:

1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the standards set forth herein.
2. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred fifty (150) feet of a residential district, all storage shall be in completely enclosed buildings or structures and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least ten (10) feet high, but in no case lower in height than the enclosed storage, and suitably landscaped.
3. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half (1-1/2) tons capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required.
4. Uses established on the effective date of this Ordinance and by its provisions that are rendered nonconforming shall be permitted to continue, subject to the regulations of Article 8, Non-Conforming Uses.

5. The landscaped surface area ratio shall be no less than 0.2, said ratio to be calculated as follows:

$LSR = 1 - [(ba + pa + oa)/s]$, where:

LSR = landscaped surface ratio

ba = building area: the area of building(s) footprints from the maximum outside dimensions

pa = parking area(s): all areas used for parking or loading, or access to those areas, that is not otherwise landscaped

oa = other area: all other paved areas, including patios, walks, entryways, etc.

s = site area: the actual area of the site, minus all area of floodplain (see Section 4.01) and existing road right-of-way.

F. Height Limitations for Structures:

1. The total height of any structure, including rooftop mechanical equipment attached to such structure, shall not exceed two (2) stories or forty (40) feet in height, whichever is less, above the average finished ground elevation at the perimeter of such structure unless authorized by Special Use Permit.
2. Total height of any structure authorized by Special Use Permit shall be authorized by specific conditions of the permit.

G. Lot Area: Every lot or tract of land shall have an area of land comprising not less than one (1) acre.

H. Setback Requirements: No building or structure shall hereafter be erected or structurally altered unless the following setbacks are provided and maintained in connection with such building.

1. Minimum Front Setback. On every lot a front setback of not less than forty (40) feet shall be provided.
2. Minimum Side Setbacks. On every lot a side setback shall be provided along each side lot line. Each side setback shall measure not less than ten (10) percent of the lot width, but need not exceed twenty (20) feet in width.
3. Minimum Rear Setback. On every lot a rear setback of not less than thirty (30) feet shall be provided. Rear setbacks shall be fifty (50) feet where abutting any residential district, and screening according to the requirements of Section 6.04, is required, even if no parking is contained in the rear yard.
4. Corner lots shall have a minimum side setback and a minimum rear setback adhering to the requirements specified above. In addition, the front setback requirement shall apply to all areas adjoining street rights-of-way.

I. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Article 6, Off-Street Parking, Loading, and Landscape Requirements.

J. Sign Regulations: Sign regulations are set forth in Article 7.

K. Performance Standards: Any use established in the MC district after the effective date of this Ordinance shall be so operated as to comply with the performance standards set forth below. No use lawfully established on the effective date of this Ordinance shall be so altered or modified as to conflict with, or further conflict with, these performance standards. These performance standards shall apply only to uses within the MC District.

1. Purpose. The purpose of this sub-section is to establish regulations and standards for the installation and operation of non-residential uses based upon consideration of the objectionable characteristics of such uses. This section is also intended to prescribe the procedures and methods of measurement of the installation and operation characteristics of non-residential uses subject to such standards.
2. Hazardous Substances. Hazardous substances are defined by the U.S. Department of Transportation (USDOT) in the Code of Federal Regulations (CFR), Title 49, Parts 100 to 177 (October, 1983). Specific hazardous substances are assigned to categories in the Hazardous Materials Table, 49 CFR, Part 172.101. Hazardous substances that are not listed in the Hazardous Material Table are assigned to categories based on the definitions of the categories.
 - a. Prohibited Uses Involving Hazardous Substances. Certain substances pose a high risk to public health and safety and to the air, surface and groundwater resources of the County. Potential harm from exposure to these substances can be reduced by prohibiting large quantities of hazardous materials and hazardous materials and hazardous wastes from occurring in the County. The following uses shall be prohibited in the County, except as part of a County Board-approved Planned Development:
 1. Uses that use hazardous substances at the bulk-plant quantity level;

2. Waste collection and transfer facilities that involve hazardous substances;
 3. Uses involving:
 - i. Asphaltic and petroleum-based coating and preserving materials;
 - ii. Formulations of Chrome-Copper-Arsenate (CCC), pentachlorophenols (PENTA), creosote, and related chemicals;
 - iii. Oils containing PCB's;
 - iv. Used batteries, for recycling or processing; and,
 - v. Petroleum storage tanks, excluding retail gas stations and truck stops, and petroleum storage tanks for the exclusive use of on-site fleet vehicles;
 4. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals, but excluding uses which roll, draw, extrude, cast, forge, heat treat, electroplate, plate, anodize, or color ferrous and non-ferrous metals.
 5. Agricultural application of halogenated volatile liquid organic pesticides, such as ethylene dibromide (EDB) and dibromo chloropropane (DBCP), related chemicals and their commercial formulations. Other fertilizers, plant growth retardants and pesticides are allowed if applied in accordance with State and Federal standards for accepted farming and horticultural practices.
 6. Uses involving nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
- b. Nonconforming Uses That Involve Hazardous Substances. Non-conforming uses are prohibited from increasing the quantities of hazardous substances produced for off-site use.
- c. Other Uses Involving Hazardous Substances. It is the intention of these regulations to allow hazardous substances in a manner consistent with the recommendations of the County Comprehensive Plan and the purpose of the zoning districts in the County while maintaining the safety and welfare of the general public and protecting the environment. Hazardous substances shall be permitted by on-site quality characteristics as defined herein and in Section 5.4.2(D).
- d. On-Site Quantity Characteristics of Hazardous Substances.
1. Bulk Plant. Hazardous substances at the bulk plant level are manufactured, collected, repackaged, stored, or distributed, but are generally not used on the site. Materials are stored in large, permanent tanks. Bulk plant quantities are larger than amounts transported in or any single shipment. Processors of hazardous substances will generally be at this level. Uses which produce hazardous substances as a by-product or accessory to another product are not in this category.
 2. Bulk Use. Hazardous substances at the bulk use level are used or sold on site. The hazardous substances are incidental to the primary product or service of the use. Hazardous substances are transported to the site in an unpackaged form and are then transferred to the use's storage tank by hose, pipeline, conveyor belt, etc. On-site use of a portable tank such as rail car, tanker truck, or similar vehicle is considered to be at this quantity level. Use of containers over sixty (60) gallons in size is classified at this level.
 3. Package Use. Hazardous substances at the package use level are stored in discrete containers of sixty (60) gallons or less which are handled individually or on pallets for purposes of transportation. Package materials are used or sold on site. Packages may include cylinders, drums, boxes, glass jars, etc.
 4. Consumer Commodities. Consumer commodities are packaged and distributed in a form intended or suitable for sale through retail sale outlets for consumption by individuals for purposes of personal care or household use.
 5. Fire Protection Districts Standards. In addition to these regulations, all storage or use of hazardous substances must be reviewed by the Fire Protection District in whose district the use is located, and must conform with all appropriate fire and building codes.

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3. Fire and Explosion Hazards.
 - a. The storage, utilization or manufacture of materials or products ranging from free or active burning to intense burning (as determined for liquids by a closed cup flash point of less than one hundred eighty-seven degrees Fahrenheit (187°F), but not less than one hundred five degrees Fahrenheit (105°F)) is permitted, providing the following conditions are met:
 1. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having exterior walls of non-combustible construction, in accordance with the building code of the County.
 2. Buildings in which such materials or products are stored, utilized or produced shall be set back at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an appropriate fire suppression system for products and materials stored in accordance with the (Municipality) Building Code and standards prescribed by the National Fire Protection Association (NFPA).
 - b. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning (as determined for liquids by a closed cup flash point of not less than one hundred eighty-seven degrees Fahrenheit (187°F)) is permitted.
 - c. The utilization in manufacturing processes of materials which produce flammable or explosive vapors or gases (as determined for liquids by a closed cup flash point of less than one hundred five degrees Fahrenheit (105°F)) shall be permitted in an Industrial District, provided that;
 1. The final manufactured product does not itself have a closed cup flash point of less than one hundred eighty-seven degrees (187°F) Fahrenheit.
 2. The use and storage of such materials shall be in conformity with standards prescribed by the NFPA and with requirements of other ordinances of the County.
 3. The storage of said materials shall be prohibited above ground.
 - d. Detonable materials shall not be stored within two hundred (200) feet of a lot line in any Industrial District, and not within one thousand (1,000) feet of any residential district.
 4. Smoke and Particulate Matter. The emission of particulate matter from all sources within any lot containing more than five percent (5%) by weight of particles having a particle diameter larger than forty-four (44) microns is prohibited. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means. Emission of particulate matter from such sources in excess of weight limitations specified herein is prohibited. The emission of smoke or particulate matter of a density equal to or greater than No. 3 on the Ringlemann Chart is prohibited at all times, except as otherwise provided herein.
 - a. Smoke Emissions. In all districts the emission or more than twelve (12) smoke units per stack in any one hour period is prohibited. However, once during any six (6) hour period each stack shall be permitted up to twelve (12) additional units in a fifteen (15) minute period for soot blowing and fire cleaning. Only during fifteen (15) minute periods shall smoke of a density equal to, but not exceeding, No. 3 on the Ringlemann Chart be permitted, and then only for fire cleaning and for not more than four (4) minutes per period.
 - b. Particulate Matter Emission. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed 1.00 pounds per hour per acre in all Districts.
 - c. Method of Measurement.
 1. Smoke: For the purpose of grading the density of emission of smoke, the Ringlemann Chart, published and used by the United States Bureau of Mines, shall be employed. For the purposes of determining smoke units, the Ringlemann density readings shall be made at least every minute during the period of observation. Each reading (Ringlemann number) shall be multiplied by the time in minutes for which it is observed, and the products added together to determine the total number of smoke units observed during the total period of observation.
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2. Particulate Matter: The total net rate of emission of particulate matter within the boundaries of any lot shall be determined as follows: Determine the maximum emission in pounds per hours from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the hourly rate of emission in pounds per acre. Add together the individual rates of emission from all sources of emission within the boundaries of the lot. It is this total that shall not exceed the rate established in Section 5.4.4(B).
5. Odors. No continuous, frequent, or repetitive emission of odors or odor-causing substances that would be offensive beyond any property line of any industrial use shall be permitted. An odor emitted no more than fifteen (15) minutes in any one day shall not be deemed as continuous, frequent, or repetitive within the meaning of these regulations. The existence of an odor shall be presumed when analysis by a competent technician demonstrates that a discernible odor is being emitted. Any process involving the creation or emission of any odors shall be provided with a primary and a secondary safeguard system so that control will be maintained if the primary safeguard system fails. All land uses shall comply with the rules and regulations of the Illinois Pollution Control Board
6. Radiation Hazards. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with applicable regulations of the Atomic Energy Commission, and the applicable regulations of any instrumentality of the State of Illinois.
7. Vibration. Steady-state vibrations, for the purpose of this Article, are vibrations that are continuous or vibrations in discrete pulses more frequent than one hundred (100) per minute. Discrete pulses that do not exceed one hundred (100) impulses per minute shall not cause displacement in excess of twice the values established in Table 5.4.7(A)1 below. Impact vibrations shall mean vibrations occurring in discrete pulses separated by an interval of at least one minute and numbering no more than eight (8) per each twenty-four (24) hour period.
 - a. Permitted Vibration Displacements. At no point on or beyond the boundary of any lot shall the ground-transmitted steady-state or impact vibration caused by any use or activity (except those not directly under the control of the property user) exceed the limits as established in Tables g(1)a and g(1)b below for the various industrial zones and for any industrial zone boundary abutting a residential zone.

TABLE G(1)A. MAXIMUM PERMITTED STEADY-STATE VIBRATION DISPLACEMENT (INCHES)

Frequency (Cyles per Second)	Commercial Districts	Industrial District	Abutting Any Residential District
Less than 10	.0008	.0020	.0004
10—19	.0005	.0010	.0002
20—29	.0003	.0006	.0001
30—39	.0002	.0004	.0001
40—49	.0001	.0003	.0001
50 and over	.0001	.0002	.0001

TABLE G(1)B. MAXIMUM PERMITTED IMPACT VIBRATION DISPLACEMENT (INCHES)

Frequency (Cyles per Second)	Commercial Districts	Industrial Districts	Abutting any Residential District
Less than 10	.0016	.0100	.0006
10—19	.0010	.0050	.0003
20—29	.0006	.0030	.0002
30—39	.0004	.0020	.0001
40—49	.0002	.0015	.0001
50 and over	.0002	.0010	.0001

- b. *Method of measurement.* For the purpose of measuring vibrations, a three-component measuring system shall be used. A three-component measuring system denotes instrumentation that can measure earth-borne vibrations in three directions each of which occurs at right angles to the other two.
8. *Glare and heat.* Every use and activity shall be so operated that it does not emit heat or heated air beyond the boundary of the lot on which it is located. No direct or sky-reflected glare shall emanate beyond the boundary of the lot on which such use or activity is located. This restriction shall not apply to signs otherwise permitted by the provisions of this chapter or applicable Ordinances, nor to activities of a temporary or of any emergency nature. Night lighting necessary for safety and the protection of property is excluded from this provision.
9. *Electromagnetic interference.* There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or than does not conform to the regulations of the Federal Communications Commission.
10. *Sources of illumination.* Sources of illumination and their standards or fixtures shall be governed by height or by shielding so that any direct or reflected light source shall not be permitted to cause light beams to fall beyond any lot line of the lot on which the light source is located.
11. *Industrial wastewater disposal.* Industrial wastewater is herein defined as the wastewater resulting from production, or resulting from the washing of equipment and vehicles, or resulting from similar activities. All industrial wastewater disposal must be approved by the County engineer prior to issuance of a zoning certificate. Industrial wastewater shall be disposed into a sanitary sewer unless an alternative disposal is approved by the County engineer. The engineer may require pretreatment. A sampling manhole and industrial wastewater discharge permit may be required. Sanitary and industrial wastewater quality must meet requirements of the County engineer.
12. *Storm water disposal.* All storm water, groundwater, and run-off from the watering of landscaping must be discharged into an adequate watercourse, water body, storm sewer or into an approved on-site disposal system. Storm water and groundwater disposal methods and the determination of the adequacy of the receiving systems require the approval of the County Engineer prior to issuance of a zoning certification.
13. *Noise.* The maximum permissible sound pressure levels at specified points of measurements for noise radiated continuously from any use in the following zoning districts shall not exceed the level provided in Table M(1).

TABLE M(1). MAXIMUM SOUND PRESSURE LEVELS (DECIBELS)

Octave Band Center Frequency (Hertz)	All Residential Districts		Commercial Districts		Industrial Districts	
	Night	Day	Night	Day	Night	Day
31.5	63	68	72	77	79	84
63	61	66	71	76	78	83
125	55	60	65	70	72	77
250	47	52	57	62	64	69
500	40	45	51	56	58	63
1000	35	40	45	50	52	57
2000	30	35	39	44	46	51
4000	25	30	34	30	41	46
8000	25	30	32	37	39	44
A-wt. level (db), for monitoring purposes only	45	50	55	60	62	67

- a. Corrections. If the noise is not smooth and continuous, one or more of the following corrections shall be added or subtracted from each of the decibel levels given above:

Type of operation or character of noise	Correction (db)
Noise source operates less than 20 percent of time	+5*
Noise source operates less than five percent of time	+10*
Noise source operates less than one percent of time	+15*
Noise of impulsive character (hammering, etc.)	-5
Noise of periodic character (hum, screech, etc.)	-5

*apply one of these corrections only

- b. Noise of intermittent nature that cannot be measured shall be controlled so as not to become a nuisance to adjacent uses. Night is defined as the period between 9:00 p.m. and the following 7:00 a.m., and shall apply during all hours on Sundays.
- c. Method of measurement. Measurement is to be made at the nearest lot line of any adjacent lot within the same use district or at the nearest boundary other than the use district within which the noise source is located, or at any point along such lot lines or district boundaries where the noise level may be higher. The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American Standards Association.
- d. Nothing in this section is intended to restrict the temporary use of equipment during the construction or maintenance of buildings, grounds, or utilities within any zoning district, nor shall they apply to noises not directly under the control of the property user, such as noise from warning signals and devices, noises of railroads and trucking equipment, aircraft, refuse collection, and domestic power tools.

14. *Certificate of compliance.*

- a. No use permitted in any manufacturing district shall be issued a zoning certificate until a certified statement has been signed by a qualified professional engineer and a responsible agent for the proposed use stating that all provisions of the performance standards set forth in this article will be met.
- b. No use permitted in any manufacturing district shall be issued a certificate of compliance until all provisions of this Ordinance have been complied with and tests on operating equipment made under normal operating conditions have been performed indicating full compliance with all performance standards. Such statement shall be certified and signed by a qualified professional engineer and a responsible agent for the operating use.

15. *Enforcement.* The zoning administrator shall enforce the provisions of this section. Upon confirmation of a violation, enforcement and penalty provisions of article 2.7 shall prevail. In addition, the development administrator may require of the offending business or industry the installation, maintenance, and operation of continuous measuring or recording instruments to demonstrate the operation and to ensure continuous compliance with the prescribed standards.

16. Violations. Established uses found to be in noncompliance will be liable for inspection fees and costs as well as penalties imposed by a court. In the event no due cause is found, the challenger will be liable for the fees and costs.

(Ord. No. 2011-10, § 2 (Exh. A), 9-21-2011; Ord. No. 2018-09, 5-16-2018 [PDF](#) ; Ord. No. 2020-06, 2-19-2020 [PDF](#))

53-D-7 PD, Planned Development District

- A. *Purpose and intent:* The planned development district regulations set forth herein are intended to: provide an opportunity for unique, well-planned development on property in unincorporated DeKalb County that cannot be annexed to a municipality but is otherwise in accordance with the recommendations of the County unified comprehensive plan and considered desirable by the County Board; provide a means of achieving greater flexibility in new development of land in a manner not generally possible in the other zoning districts; encourage a more imaginative and innovative design of projects; promote a more desirable community environment; retain maximum control over both the structure and future operation of the development; and create the possibility of non-agricultural uses occurring only in appropriate locations as designated by the County unified comprehensive plan. The planned development regulations are intended to encourage imaginative site planning that integrates the development proposal with existing topography and other natural environmental assets of the land while conserving the County's rural character. Clustering of units is encouraged to provide common open space. Under this procedure, well planned residential, industrial, commercial and other types of land use, individually or in combination, may be developed in accordance with the standards contained herein. The County Board, upon recommendation by the hearing officer, may, by Ordinance adopted in the same manner as other zoning map amendments are approved, authorize a planned development only in locations that are designated on the unified future land use plan of the County unified comprehensive plan as appropriate for a use other than agriculture. However, it should be noted that the regulations for planned developments 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, nor are they intended to accommodate the expansion of pre-existing, non-agricultural uses that are not in accordance with the recommendations of the unified comprehensive plan. The standards contained in the following provisions must be strictly adhered to by the applicant. The 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:
1. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
 2. 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.
 3. Functional and beneficial uses of open space areas.
 4. Preservation of natural features of a development site.
 5. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
 6. Rational and economic development in relation to public services.
 7. Efficient and effective traffic circulation, both within and adjacent to the development site.
- B. *Planned development zoning district:*
1. A planned development shall constitute a separate zoning district, and the designation of a planned development district shall be subject to the review and approval process for a zoning map amendment, as set forth in article 10 of this Ordinance, and subject to the standards and procedures set forth in this article.
 2. The Ordinance approving the preliminary development plan for the planned development shall establish regulations governing uses, densities, minimum lot area, bulk regulations, parking and signs, 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 section. 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 55 percent of the developed land area devoted to residential uses; planned development - commercial projects must consist of at least 55 percent of the developed land area devoted to commercial uses; and planned development - industrial projects must consist of at least 55 percent of the developed land area devoted to manufacturing uses. Mixed use development projects may consist of any mixture of uses.

3. Planned developments shall not be approved that result in:
 - a. Development of non-agricultural uses in an area designated to remain in agricultural use by the County comprehensive plan, or that would be incompatible with the purpose and intent of this section or the goals and objectives of the unified comprehensive plan.
 - b. Inconvenient or unsafe access to the planned development.
 - c. Traffic congestion in the streets which adjoin the planned development.
 - d. An undue or disproportionate burden on public parks, recreational areas, fire and police protection, schools, and other public facilities which serve or are proposed to serve the planned development.
 - e. Alteration, destruction, or diminution of natural landscape features such as floodplains, wetlands, fens, woodlands, prairie, rock outcroppings, seeps, springs, or steep slopes, unless compensation for such is an element of the project; and
 - f. Alteration, destruction of archeological and historic features.

C. *Types of planned developments:* Two types of planned developments may be approved by the County Board:

1. Minor planned developments, generally consisting of one primary land use on one lot. Minor planned developments shall be subject to the application requirements set forth for special use permits in article 9 of this Ordinance, provided, however, that the application shall include a final development plan, and further provided that the zoning administrator may require as part of the application for a minor planned development any or all of the items and information required for preliminary development plans and improvements plans if deemed necessary for a thorough review of the proposal, and shall be subject to the review and approval procedure for amendments as set forth in article 10 of this Ordinance;
2. Major planned developments, consisting of more than one primary land use on a single lot, or the creation of two or more lots. Major planned developments shall be subject to the procedures set forth below;
3. It shall be the authority of the zoning administrator to determine whether a proposed planned development is a minor or major planned development, provided, however, that the applicant for a planned development may appeal to the planning and zoning committee for such a determination.

D. *Procedures for major planned development approval:*

1. *Pre-application conference:* Prior to filing any application for major planned development approval the prospective applicant shall request a pre-application conference with the zoning administrator. Such request shall include a brief and general narrative description of the nature, location and extent of the proposed planned development; a concept plan showing general lot configuration, land use(s), 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 promptly schedule such a conference.

The purpose of the pre-application conference is to provide information to help a prospective applicant appraise the feasibility of a proposed planned development in relationship to the County comprehensive plan and the applicable zoning regulations. The pre-application conference encourages the discussion of basic problems and questions related to the development proposal prior to the expenditure of funds for detailed plans.

2. *Concept plan:*

- a. An applicant shall submit a concept plan in accordance with the provisions of this section to the County for tentative review and approval prior to incurring the expenses associated with formal site plan submission in order to discover whether the County will accept, or under what circumstances the County will accept, a major planned development of the type proposed at the site. The following items shall be required:
 1. Maps which are part of the concept plan may be in general form but shall be at a scale not to exceed 1" = 100', and shall contain the proposed land uses, general lot configuration, natural features of the site, the character and approximate density of buildings, and the approximate location of proposed thoroughfares and water, sewage and drainage systems, total acreage and acreage of each proposed use.
 2. The written statement shall contain a general explanation of the size and character of the planned development, including a statement of the present ownership of all the land within the planned development, proposed uses, and expected schedule of construction.
 3. At the time of concept plan review, the applicant for approval of a major planned development may request the project be subject to the minor planned development review and approval process and requirements as set forth in subsection 2.a. above, in lieu of the requirements of this subsection 4. A decision on the request shall be subject to a recommendation by the zoning administrator and a decision by the planning and zoning committee.
 - b. The zoning administrator shall review the concept plan within 30 days after receipt of such plan, and shall prepare a written report containing its recommendations to the planning and zoning committee and the applicant.
 - c. The planning and zoning committee shall review the comments and recommendation of the zoning administrator within 30 days of receipt of said recommendations, and issue a non-binding vote by motion on the concept plan proposal. Approval of the concept plan by the committee does not imply nor guarantee approval of the preliminary development plan.
3. *Preliminary development plan:* A preliminary development plan shall be submitted for a proposed planned development, containing the following information:
- a. *Site and landscape plan:* One or a series of maps shall be submitted indicating:
 1. A boundary survey plat and legal description of the property;
 2. Aerial photo showing site and surrounding area and demarcation of all taxing bodies;
 3. The location, size and height of all existing and proposed structures on the site;
 4. The location and general design (dimensions and materials) of all driveways, curb cuts and sidewalks including connections to building entrances;
 5. The location, area and number of proposed parking spaces;
 6. Existing and proposed grades at an interval of two feet or less, extended beyond the project site to include adjacent properties and structures;
 7. The location and general type of all existing trees over six-inch caliper and, in addition, an indication of those to be retained;
 8. 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.);
 9. Soils information. The zoning administrator may require specific soil information based on on-site investigation, to include soil borings at a 200-foot grid or slit trench analyses;
 10. Drain tile information;
 11. The location and approximate size of all proposed plant material by type, such as hardwood/deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included;
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12. The location and details of all retaining walls, fences (including privacy fences, etc.) and earth berms;
13. The description and location of all refuse collection facilities including screening to be provided;
14. Provisions for both on- and off-site stormwater drainage and detention related to the proposed development; and
15. The location and approximate size of all utilities, where applicable.
16. Proposed top of foundation for all proposed buildings.

The scale of the drawing or drawings indicating the above shall be reasonably related to the site size and the complexity of the proposed development, and the scale shall in no event be smaller than 1" = 100'. 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 or further detail of the site plan, as deemed necessary by the zoning administrator or hearing officer.

- b. *Site and building sections:* Schematic or illustrative sections shall be drawn to a scale of 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.
- c. *Typical elevations:* Typical elevations of proposed buildings shall be provided at a reasonable scale.
- d. *Project data on the site plan:*
 1. Site area (square feet and acres);
 2. Area, in square feet and acres, of all wetlands, detention areas, woodlands, and areas with slope greater than 15 percent;
 3. 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;
 4. Total dwelling units and floor area distributed by general type (one-bedroom, two-bedroom, etc.); and total floor area ratio and residential density distribution;
 5. Floor area in non-residential use by category and total floor area ratio;
 6. Calculations of parking spaces and area in relation to dwelling units and commercial floor area.
- e. *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 hearing officer, 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.
- f. *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:
 1. The approximate date when construction of the project can be expected to begin;
 2. The order in which the phases of the project will be built;
 3. The minimum area and the approximate location of common open space and public improvements that will be required at each stage;
 4. If any stage or unit as proposed contains a share of open space or other public or private recreation or service facility less than that which its size, number of units or density would otherwise require, a statement shall be submitted setting forth what bond, credit, escrow or other assurance the applicant proposes in order to ensure that the difference between that which would otherwise be required and that which the applicant proposes to provide in the instant stage or unit is ultimately provided; and

5. Placement of all temporary structures utilized during construction, i.e., construction offices, siltation control devices, etc.
 - g. *Natural resources report*: An application for preliminary development plan approval must include a natural resources report from the County soil and water conservation district for any land to be changed from an agricultural use to a nonagricultural use. All data generated by the natural resources report and the land evaluation and site assessment review will become part of the public record, and selected portions may be forwarded to the hearing officer and the County Board as a part of the planning department's land use review.
4. *Review procedure for preliminary development plan*:
- a. The application for preliminary development plan approval shall be considered at a public hearing, but not sooner than 30 days after acceptance of the completed application. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County not less than 15 days before such hearing. A copy of such notice shall be mailed to the clerk of each municipality, the corporate limits of which lie within 1½ miles of land proposed to be reclassified. Supplemental or additional notices may be published or distributed as the hearing officer may, by rule, prescribe from time to time. Additionally, copies of such notice shall be sent to owners of record of all adjacent properties of the lot(s) included in this application.
 - b. *Staff review*: The zoning administrator shall coordinate a review of the application by appropriate County departments. A written report documenting the review and staff recommendations shall be prepared by the zoning administrator and submitted to the hearing officer at the meeting at which he first considers the application.
 - c. After consideration of the application and staff report, the hearing officer shall make a containing finding and a recommendation. The report of the hearing officer shall be transmitted to the planning and zoning committee. The hearing officer may recommend approval, approval with amendments, conditions or restrictions with respect to the preliminary development plan, or denial of the plan. In deliberating on the proposed planned development, the hearing officer shall consider the following:
 1. The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the County comprehensive plan.
 2. The proposed development can be substantially completed within the period for time specified in the schedule of development submitted by the applicant.
 3. The entire lot to be occupied by the proposed development is held in a single ownership, or if there are two or more owners, the application for such proposed development is filed jointly by all such owners.
 4. The development plan contains such proposed covenants, easements and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary for the welfare of the planned development and are not inconsistent with the best interests of the County. Such covenants, easements and other provisions, when part of the approved final development, may be modified, removed or released only with the consent of the County Board after a public hearing before, and recommendation by the hearing officer as provided in this section.
 5. Sanitary sewers, storm sewers and water supply to service the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing developments, or overload local facilities beyond design capacity.
 6. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities is compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or access ways, is landscaped or otherwise improved.

7. The project area is adaptable to unified development and has within or through the area no physical features that will tend to destroy the neighborhood or community cohesiveness;
 8. The uses permitted in the development are necessary or desirable and the need for such uses is clearly demonstrated by the applicant;
 9. The dominant land use of the proposed planned development is consistent with the recommendations of the County comprehensive plan for the area containing the project;
 10. Any modifications of the standards and specifications of this Ordinance or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan, and the amenities incorporated in it, and are not inconsistent with the public general welfare.
 11. Exceptional landscaping features such as larger caliper, varied species and reduce spacing of trees and additional sod is provided.
 12. All proposed streets and driveways are adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned development. Entrance points or locations of streets and driveways upon previously existing public roadways are approved by the County engineer and, if necessary, the state department of transportation. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, the County Board may require, as a condition of approval of a proposed planned development, such devices to be provided at the developer's cost.
 13. Off-street parking is conveniently accessible to all dwelling units and other uses in the planned development. Where appropriate, common driveways, parking areas, walks, and steps to parking and service areas are screened through ample use of trees, shrubs, hedges, land forms and walls.
 14. A pedestrian circulation network is provided.
 15. The planned development provides for underground installation of utilities (including electricity and telecommunications) in public ways and private extensions thereof. Provisions are made for acceptable design and construction of storm sewer facilities including grading, gutter, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Utilities and maintenance of facilities are in accordance with the requirements and regulations of the County as set forth in this Ordinance.
 16. The proposed planned development satisfies the applicable objectives as provided in this section.
 17. Existing ponds, creeks, rivers, lakes, wetlands or fens on or adjacent the planned development are enhanced and protected from development.
- d. The planning and zoning committee may recommend to the County Board approval, approval with amendments, conditions or restrictions with respect to the preliminary development plan, or denial of the plan.
 - e. The County Board shall approve, approve with conditions, or deny the preliminary development plan within 90 days after it receives the findings and recommendations of the hearing officer.
 - f. If the preliminary development plan is approved by the board, it shall adopt an Ordinance approving said preliminary development plan with conditions as specified therein and authorizing the preparation of the final development plan.
5. *Improvement plans:*
- a. Intent: The improvement plan stage is for the purpose of accurately showing how the improvements will be constructed in order to conform to the layout and design objectives of the preliminary development plan. As such, the improvement plan process is an extension of the preliminary development plan process. Where conditions so warrant, the zoning administrator may require that portions of Improvement plans be submitted during the preliminary development plan review process in order to determine the land's suitability for

- the preliminary development plan design. Any required off-site improvements and engineering studies shall be provided upon request. Where the development is to be constructed in phases, and where soil or topographical conditions so warrant, the zoning administrator may require that improvement plans for the entire preliminary development plan area be submitted prior to the construction of improvements.
- b. Filing: Prior to the submittal of the final development plan, the applicant shall submit five complete sets of improvement plans (plans and specifications for project construction).
 - c. The plans detailing the construction and types of materials to be used in conjunction with the development of the site shall be prepared by a registered professional engineer. Any alterations of the common land or improvement within the common land will require the submission of detailed improvement plans and will be considered a required improvement.
 - d. Improvement plans shall be prepared on an exhibit not to exceed 24 inches by 36 inches and shall contain the following information:
 1. Title page, which shall include key map showing the relationship of the site to the surrounding area. In addition, the name, address, and telephone number of the developer and engineering firm, as well as a registered professional engineer's seal, should be indicated.
 2. North arrow and graphic scale shall be indicated on each plan sheet.
 3. One or more benchmarks, in or near the development, to which the development is referenced. The identity and elevation shall be based on U.S.G.S. datum.
 4. List of the standards and specifications followed, citing volume, section, page, or other references;
 5. Typical cross sections of any proposed roads.
 6. Grading and paving details conforming to County specifications and requirements.
 7. Summary of quantities of all items necessary to construct all streets (roads) shown on the plan.
 8. Details of streets including location and width of all proposed public or private rights-of-way and private roadway easements, existing and proposed drainage channels, scales, storm sewers, including adequate natural discharge points, detention facilities, silt control measures and, where applicable, sanitary sewer and water distribution systems.
 9. Plans and profiles of streets and sewers, scale not less than 1" = 50' horizontal and 1" = 5' vertical.
 10. Proposed top of foundation for all proposed buildings.
 11. Topographical and profile studies must have on their face the signed statement of a registered professional engineer, and the owner of the land or his duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of the proposed planned development, or, that if such surface water drainage will be changed, reasonable provision will be made for collection and diversion of such surface waters into public areas, or drains which the developer has the right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjacent property because of the construction of the planned development.
 - e. Approval of the improvement plans by the respective agencies described above shall be valid for a period of two years from the date of approval, or for such longer period as the zoning administrator may determine to be advisable if after review by the department such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. If the construction of the improvements shall not have been completed within the two-year period or such longer period as the zoning administrator may permit, a re-submission of the improvement plans to the appropriate agencies may be required by the department.

- f. After applicable sanitary sewers, storm sewers, sidewalks, and pavement have been constructed and installed, but before the inspecting agencies recommend final approval or acceptance, the developer shall submit the required number of as-built drawings of the above improvements;
- g. Guarantee for completion of improvements:
 - 1. In lieu of constructing the improvements prior to approval of the zoning administrator, a construction guarantee in the amount of 120 percent of the cost of the improvements is required. The cost for each improvement shall be itemized in a list prepared, signed and sealed by the design engineer on his letterhead stationery and approved by the zoning administrator. Such guarantee is to:
 - a. Assure the satisfactory installation of said improvements in accordance with the approved plans and specifications and according to good engineering and construction practices;
 - b. Assure the satisfactory completion of said improvements within the prescribed time limit.
 - 2. Such guarantee shall be in one of the following formats and the form, amount and conditions, subject to approval by the zoning administrator:
 - a. A certificate of deposit with or an escrow account at a federally insured bank or savings and loan association;
 - b. An undertaking by the developer guaranteeing completion of the land improvements remaining to be completed, as secured by an irrevocable letter of credit certifying that adequate funds are and will be available at a sound and reputable banking or financial institution authorized to do business in the state. Such irrevocable letter of credit shall be in effect for a period of 2½ years from the date of recording of the final plat, shall run in favor of the County and shall indicate that there are sufficient funds available for 120 percent of the estimated cost of all the land improvements remaining to be completed, and that such funds are held for such purpose only and for no other purposes. Such undertaking and irrevocable letter of credit shall be in a form to allow the County to procure the funds to complete the land improvements if construction of said improvements is not completed in accordance with the provisions hereof, and shall otherwise be in a form acceptable to the County;
 - c. Other good and sufficient security as approved by the appropriate legal authority of the County to guarantee the proper installation of land improvements.
 - 3. A construction guarantee shall be reduced only by authorization of the zoning administrator upon:
 - a. Application for payout by the developer in amounts such that funds remaining will always equal 120 percent of the value of the uncompleted work, as determined by the zoning administrator after consultation with the County engineer and other staff. No more than 90 percent of the construction guarantee shall be released prior to one year after the satisfactory completion of the required improvements; or
 - b. When it is determined that there has occurred unsatisfactory installation of the required improvements. Where the required improvements have not been installed in accordance with the approved improvement plans, the County may then declare the construction guarantee to be in default and may draw from the guarantee amount for use in matters related to insuring the satisfactory construction of said improvement, including attorney's fees and court costs encumbered in the enforcement of the provisions of this section.
 - 4. The zoning administrator shall not release a construction guarantee prior to the satisfactory installation of all required improvements, as determined:
 - a. One year after the completion of all improvements required for the approved final development plan;

- b. After the submission of the project engineer's certification that the project installation has been observed in the field and completed in substantial compliance with the plans and specification and with all applicable Ordinances and laws;
 - c. After the submission of one reproducible print and four copies of record drawings which shall be drawings prepared by the project engineer who shall show improvements, and shall clearly designate any and all changes from the approved plans and specifications;
 5. After the acceptance of the improvements, the applicant shall be responsible for the maintenance of all improvements until the release of the construction guarantee. Where a development has been improved in phases, the applicant shall be responsible for the proper functioning of drainage improvements for the entire development site. The applicant shall be responsible for the plowing of snow on roads until the final acceptance of the completed road improvements.
6. *Final development plan.*
 - a. School land dedication: No final development plan shall be recorded until requirements set forth in Article VI, School Land Dedication, DeKalb County Land Subdivision Regulations are met.
 - b. Within nine months following approval of the preliminary development plan, but at least 30 days before the next regularly scheduled meeting of the planning and zoning committee, the petitioner shall submit a final development plan to the planning and zoning committee for its review and consideration to determine if said final development plan is in conformance with the approved preliminary development plan and with the imposed conditions of approval. The final development plan shall reflect the entire planned development if it is to be completed in one phase, or a phase of the planned development if it consists of more than one phase.
 - c. Failure of the applicant to submit a final development plan within nine months after approval of the preliminary development plan, and failure to submit subsequent final development plans for a phased planned development in accordance with the approved schedule of phases, shall result in the termination of the planned development approval, unless an extension of said nine month period or alteration to the approved phasing schedule is granted by the planning and zoning committee following a request for said extension by the applicant.
 - d. The final development plan, in addition to the matters shown on the preliminary development plan, shall include the following:
 1. The landscape plan with the specific location of all plant material, specifying size, species and location (both as to the buffer area around the perimeter as well as that in the parking lot);
 2. Nature of use, including special uses permitted;
 3. All present and future structures except single family residences, specifying location, size, and architectural elevation, none of which may deviate substantially from the approved preliminary development plan. For single family residences, building pad locations with top of foundations indicated, design guidelines, and representative facade elevations shall be required;
 4. Sidewalks;
 5. Parking spaces, including underground parking and traffic aisles;
 6. Ingress and egress facilities;
 7. Parking facilities for visitors;
 8. Plan for the provision of water and sanitary and stormwater drainage facilities;
 9. All easements and dedications;
 10. Any signs, location and size;
 11. Details of lighting of parking lots and outside of buildings, including location, type and intensity;
 12. All other information that the zoning administrator or committee may require.

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- e. Review procedure for final development plan:
1. An application with a complete final development plan, meeting all requirements of the Ordinance and in conformance with the preliminary plan as determined by the zoning administrator, shall be considered at the first regularly scheduled planning and zoning committee meeting, but no sooner than 30 days from the filing of the completed application.
 2. Staff review: During the time between the filing of the complete final development plan and the next regularly scheduled meeting of the planning and zoning committee, the zoning administrator, or his representative, shall review the final development plan for compliance with the approved preliminary development plan and conditions contained in the Ordinance rezoning the site and shall report to the planning and zoning committee the findings of his review. The zoning administrator may, at his discretion, retain outside consulting services for the review of plans, all cost for said outside services shall be borne by the developer.
 3. After consideration of the application and staff report, the planning and zoning committee shall recommend approval, or disapproval, of the final development plan. The final development plan shall conform to the preliminary development plan and applicable Ordinances. If the final development plan does not conform to the preliminary development plan, or if the conditions of the preliminary development plan approval are not adequately met, the final development plan shall not be approved.
 4. Upon recommendation for approval of the final development plan by the planning and zoning committee, the final development plan shall be submitted to the zoning administrator for his signature.
7. *Period of validity and amendments to approved final development plan:*
- a. No approval of a final development plan shall be valid for a period longer than 12 months from the date of approval unless within such period required permits are obtained and construction is commenced.
 - b. The board may grant extensions not exceeding six months each upon written request of the original applicant if the application submitted is substantially the same as the initially-approved application. However, the board has the power in such cases to attach new conditions to approval. At such time as the period of validity of an approved final development plan lapses, the final 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 requirements of subparagraph 4. above.
8. *Amendments to approved final development plan:*
- a. *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 final 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 paragraph may cause any of the following:
 1. A change in the use or character of the development;
 2. An increase by more than five percent in the lot coverage of structures;
 3. An increase in the density or intensity of use;
 4. A reduction of more than one percent in approved open space area;
 5. A reduction in the number of off-street parking and loading spaces.
 - b. *Major amendments:* Changes to the final development plan that exceed the limitations in subparagraph 8.a. above 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 subject to all the procedures contained in this section.
- E. Any vacant parcel(s) located in a PD District that is proposed for development shall be subject to the review and approval procedures set forth above for a new planned development following a determination of the appropriate type of planned development per subsection 4.07.C.
- (Ord. No. 2011-10, § 2(Exh. A), 9-21-2011)*
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Sec. 53-E SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 53-E-1 Purpose

Unless otherwise stated, the regulations hereafter established shall apply within all districts established by this Ordinance. These general regulations supplement and qualify the district regulations appearing elsewhere in this Ordinance.

Sec. 53-E-2 Height exceptions.

A. *Structural projections:*

1. Chimneys, cooling towers, elevator headhouses, monuments, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio, television or microwave towers, satellite dishes or necessary mechanical appurtenances usually required to be placed above the roof level are not subject to the height limitations contained in the district regulations, except that such structural projections shall not exceed the height regulations of the district in which the structure is situated by more than 15 percent, except as indicated below.
2. Structural projections exceeding the above height limitations shall be considered as special uses and shall be processed in accordance with article 9, special use procedures, of this Ordinance; provided further that any such structural projections shall have setbacks which shall be increased one foot on all sides for each additional foot that such structures exceed the specified height limit as established by the regulations of the district in which such buildings are situated.

- B. *Height of dwellings:* Single-family residential structures may be increased in height by not more than ten feet when the side and rear setbacks are increased over the setback requirements of the regulations to which they are subject by not less than ten feet, but they shall not exceed three stories in height.

Sec. 53-E-3 Setback Exceptions

- A. *Front setback:* There shall be a front setback having a depth of not less than 30 feet, unless 40 percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have observed a front setback line with a variation in depth of not more than ten feet, in which case no building shall project beyond the average front setback so established. Front setbacks shall be measured according to future street and highway widening as provided for in city, County, or state street and highway widening plans and shall comply with the setback lines herein provided for. Where lots have a double frontage, a required front setback shall be provided for on both streets, except that the buildable depth of such lot shall not be reduced to less than 40 feet, in which latter event the zoning administrator may waive this requirement as to the street which will least affect surrounding property values.
- B. *Structural projections:* Every part of the area within the required setback or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, chimneys, buttresses, ornamental features, and eaves, provided however, that none of the above projections shall extend into a minimum setback more than 30 inches; and provided further that canopies or open porches may project a maximum of ten feet into the required front or rear setback, and existing open porches extending into the required setback shall not be enclosed. Slab type porches or paved terraces having a maximum height of not more than 12 inches above ground elevation at any point may project into any setback, except that the projection into the front setback shall not exceed ten feet. For the purposes of this provision, mechanical units are not considered to be structures.
- C. *Fire escapes/balconies:* An open fire escape may project into a required side setback not more than half the width of such setback, but not more than five feet from the building. Fire escapes, solid floored balconies, and enclosed outside stairways may project not more than four feet into a required rear setback.

- D. *Sight distance triangle*: On a corner lot in any district, development shall conform to the requirements of the sight distance triangle in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and eight feet above the grades at the back of the curb of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points 40 feet from their point of intersection or at equivalent points on private streets, except that the site distance triangle may be increased when deemed necessary for traffic safety by the zoning administrator.
- E. *Fences*: A fence not more than six feet in height is permitted, except when located in a manufacturing district where the maximum height of any fence shall be ten feet; however, any fence proposed for placement in front of any point on the primary structure that is closest to a lot line along a street will be so situated only by permission of the zoning administrator.
- F. *Through lots*: A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.

(Ord. No. 2011-10, § 2 (Exh. A), 9-21-2011)

Sec. 53-E-4 Area Regulations

- A. *Maximum lot coverage calculation*: In computing the amount of lot coverage, the amount of coverage shall include the total area of all primary and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three feet of a roof overhang. Roads, driveways, parking lots and swimming pools shall not be included in maximum lot coverage requirements.
- B. *Calculating area of zoning lot*: In the A-1, Agricultural District, if the land beneath a public right-of-way is owned by the adjacent property owner, the land beneath the right-of-way shall count in calculating total lot area and determining compliance with the required minimum lot area, up to one-half of the right-of-way width.

Sec. 53-E-5 Access Regulations

- A. *Access to business and manufacturing uses*: No land which was developed primarily for residential uses shall be used for a major access route to any land which is devoted to any business or manufacturing use; provided, however, that this section shall not prohibit pedestrian walks and driveway connections between residential districts and neighborhood shops when incorporated as a part of a planned unit development.
- B. *Street access*: All zoning lots shall front on a street.
- C. *Reverse frontage*: When a subdivision lot occurs between two non-intersecting streets, one of which is a parkway, thoroughfare, or collector and the other is a minor residential street, the lot will front on the minor residential street with vehicular access prohibited from the parkway, thoroughfare, or collector.

Sec. 53-E-6 Accessory Buildings and Structures

No accessory building or structure shall be constructed or used prior to the primary building or use. Accessory buildings shall be permitted on any portion of a lot that is behind the primary building per its orientation to the front lot line and must conform to all provisions of this Ordinance. Accessory structures such as decorative walls, landscaping structures, flag poles and customary yard accessories, ornaments and furniture shall be permitted in any yard, subject to the requirements of Section 5.03.D. of this Ordinance, and subparagraph B. below. Detached garages, recreational vehicle pads and typical residential accessory buildings, and small wind energy systems subject to the regulations set forth in subparagraph E. below, may be placed on any other portion of the lot that is not closer to a street than the closest point of the primary building to the street at the Zoning Administrator's discretion.

- A. Attached Accessory Buildings: Any accessory building or structure which is structurally attached to the primary building on a zoning lot shall be considered part of the primary building and shall comply with all provisions of this Ordinance pertaining thereto.
- B. Accessory Buildings and Structures, Height:
 - 1. Within residential zoning districts, on properties of less than two (2) acres in area, no detached accessory building or structure shall exceed twenty-one (21) feet in height.
 - 2. Within residential zoning districts, on properties of two (2) acres or greater, no detached accessory building or structure shall exceed thirty (30) feet in building height.
 - 3. Within agricultural zoning districts, there is no height limitation on accessory buildings and structures, unless said buildings and structures are governed by a Special Use Permit.
 - 4. Within all other zoning districts, the height of an accessory building or structure shall be subject to the height regulations of that district.
 - 5. The height of accessory buildings and structures on properties covered by a Special Use Permit, including planned unit developments, shall be set by the ordinance approving the Special Use Permit.
- C. Flagpoles: The maximum height of a flagpole shall not exceed the maximum height allowed for primary structures in the zoning district in which it is erected.
- D. Other:
 - 1. Yard and Area Requirements: Unless excepted by state or federal law, no detached accessory building shall be erected between the primary building and a street, provided, however, that accessory buildings may be constructed on through lots between the rear of the primary building and the adjacent street but not closer to a street than the minimum required front yard setback of the zoning district in which the lot is located. Detached accessory buildings shall not occupy more than thirty (30) percent of the yard in which they are located. The minimum setback for a detached building or structure, other than fences, shall not be less than five (5) feet to any lot line, provided however, that accessory buildings in the A-1 District are subject to the bulk and setback regulations of that district.
 - 2. Erection and Use: No accessory building shall be constructed upon a lot until the construction of the primary building has been commenced. No accessory building shall be used for dwelling purposes, but such accessory building may be temporarily used for storage purposes.
 - 3. Mailboxes: Mailboxes shall be permitted in public rights-of-way, provided that mail box supports shall be of the Abreak-away@ type equivalent to a 4" x 4" wooden post, such equivalency subject to approval by the road authority with jurisdiction over the right-of-way.
- E. Small Wind Energy Systems: Small wind energy systems shall be permitted in all zoning districts except RC-2, on lots of one (1) acre or more in area, and no more than one such system shall be permitted per zoning lot. No small wind energy system shall exceed 100 feet in height as measured from the ground at the base of the tower to the tip of a turbine blade at its highest point, provided, however, a lower height may be required by FAA regulations. Small wind towers shall be set back from all property lines a minimum distance equal to the height of the tower plus 10%, and no guy wire anchor for a wind tower shall be closer than 10 feet to any property line. Small wind energy system equipment shall conform to applicable industry standards, including the American Wind Energy Association standards for wind turbine design and related standards adopted by the American Standards Institute (ANSI). Applicants for building permits for small wind energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.
- F. Non-Commercial Shooting and Private Shooting Ranges: Private shooting ranges and the non-commercial discharging of firearms shall be permitted as an accessory use in all agricultural and residential zoning districts, except as limited by applicable State and Federal regulations. The construction of a private shooting range shall be subject to the regulations for accessory uses.

(Ord. No. 2006-02, § 2, 12-21-2005; Ord. No. 2007-18, § 2, 11-21-2007; Ord. No. 2008-20, § 2, 11-19-2008; Ord. No. 2009-19, 11-18-2009; Ord. No. 2011-10, § 2 (Exh. A), 9-21-2011; Ord. No. 2018-07, 4-18-2018 [PDF](#) ; Ord. No. 2018-09, 5-16-2018 [PDF](#))

Sec. 53-E-7 Temporary Uses

- A. Temporary Use Permit: 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 shall 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.
- B. Temporary Uses Permitted:
1. Christmas Tree Sales: Christmas tree sales for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the applicable setback requirements, provided that no display will encroach within the required setback for any district by more than fifty (50%) percent and no display or equipment shall be located within the sight distance triangle of a street intersection as defined in this Ordinance.
 2. Contractor's Offices: Temporary buildings or trailers may be used as construction offices, field offices or for storage of materials to be used in connection with the development of a lot, or remodeling, reconstruction, or replacement of an existing structure(s), provided, however, that such buildings and trailers shall not be placed on a property prior to approval of the development project by County Board action and issuance of a building permit, and further provided that said temporary structures are removed from said lot within thirty (30) days after completion of the project development. Temporary buildings or trailers must also be removed from said lot within thirty (30) days after voluntary suspension of work on the project or development or after revocation of building permits, or on order by the Zoning Administrator upon a finding by him that said temporary structure is deemed hazardous to the public health and welfare. A bond in the amount of one thousand (\$1,000) dollars for their removal shall be posted with the County.
 3. Real Estate Offices: Temporary real estate offices or sales offices may be established in a display dwelling unit.
 4. Amusement Activities: The Zoning Administrator is authorized to issue a permit for the operation or conducting of an amusement activity on a temporary basis within any zoning district. The Zoning Administrator may request a report be submitted with respect to any public health aspect of the proposal and with respect to any traffic or public safety aspect of the proposal if appropriate. For the purpose of this paragraph, "amusement activity" includes a circus, carnival, fair, fireworks display, turkey shoot, art display, trade or animal show, concert, dance, rally, parade, athletic competition, corn maze, and any similar activity not involving the erection of any permanent structure or facility. The permit shall be issued for a specific period of time not exceeding ten (10) days, whether those days are consecutive or spread over a period of weeks in one and two-day increments. The permit shall contain such conditions as are necessary for protection of public health, safety, and traffic, and the Zoning Administrator may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. This permit is in addition to any building permit, air pollution device, construction or operating permit, or other permit or license required by law for any proposed activity or facility. No more than two (2) temporary amusement activity permits shall be issued in any calendar year with regard to any particular property; provided, however, that this limitation with respect to the number of temporary amusement activity permits shall not apply to public property, nor to property not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies. Turkey shoots held on Saturdays and Sundays during the months of October, November and December shall be exempt from maximum period of time and maximum number of permits issued in a given calendar year as set forth in provisions above.

5. Temporary Conceal Carry Range: A facility in the A-1 District used as a temporary shooting range for the qualifying shooting portion of a concealed carry class. No more than twelve (12) Temporary Conceal Carry Range Permits shall be issued in any calendar year with regard to any particular property. For purposes of this definition, property is defined as a zoning lot(s) of record.

(Ord. No. 2011-10, § 2 (Exh. A), 9-21-2011; Ord. No. 2018-09, 5-16-2018 )

Sec. 53-E-8 Home Occupations

- A. A home occupation that is granted special use approval shall comply with the following:
 1. The home occupation shall be conducted entirely within the dwelling, unless a "cottage office" is permitted by the Ordinance granting the special use permit, by a member or members of the family residing in the dwelling, and such home occupation shall be clearly incidental and secondary to the use of the dwelling as a residence.
 2. No signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling shall be permitted.
 3. No stock in trade or commodity shall be sold upon the premises.
 4. No stock in trade shall be kept or displayed on the premises unless such stock is clearly secondary and necessary to the performance of the services provided by the home occupation and at no time shall exterior storage of materials be permitted.
 5. No person shall be employed other than a member of the family residing on the premises.
 6. The number of off-street parking spaces for that use is provided as required by the off-street parking, loading, and landscape requirements of this Ordinance.
 7. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines.
 8. All receipt and delivery of merchandise, goods, or equipment shall be made by either carrier service or passenger automobile owned by the resident and no such receipt, delivery or any other transacting of business within the residence, except emergency service, shall be made between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Saturday or any time on Sunday.
- B. For purposes of this Ordinance, a home business that involves no employees other than members of the family residing on the premises, consists only of phone calls, record-keeping and other clerical activities, does not involve any services or goods provided, stored on the property and delivered to and from the property, does not include visits to the property by customers or clients, does not include any exterior signage, and where 25 percent or less of the floor area of the residence is devoted to the business, shall be considered a permitted use and shall not require a home occupation special use permit. The zoning administrator may require the operator of such a home business to obtain a zoning permit setting forth the details of the specific home business and acknowledging these restrictions.

Sec. 53-E-9 Land and Buildings

- A. *Use of zoning lots:* Unless otherwise permitted by the Ordinance governing a special use permit, only one principle use shall take place on each zoning lot.
- B. *Number of buildings permitted per lot:*
 1. Every primary structure hereafter erected or structurally altered shall be located on a separate zoning lot. At the discretion of the zoning administrator, a survey may be required to prove dimensions and area of said zoning lot before a building permit may be issued. In no case shall there be more than one structure on one zoning lot except for the following:
 - a. Accessory buildings or uses, as defined herein,

- b. Any structure authorized as part of a special procedure requiring submission to the board of any type of site development plan for review and approval,
 - c. Planned developments, approved according to the provisions of Section 4.07.
2. Notwithstanding the above, the owner of an existing farm dwelling or single-family detached residence may construct a new residence on the same zoning lot while continuing to occupy the existing building, provided the property owner signs a contract with the County in which the owner agrees to demolish the old residential structure within 30 calendar days following the final inspection of or issuance of an occupancy permit for the new house. Such 30-day period may be extended up to an additional 120 days at the discretion of the zoning administrator. The contract shall also include an irrevocable license to the County, its employees, agents and independent contractors, to enter onto the premises and demolish the old residential building if the owner fails to comply with the contract. The new residence shall meet all applicable bulk regulations of the zoning district in which it is located. Further, the owner shall deposit with the planning, zoning and building department a bond or letter of credit in an amount and form determined by the zoning administrator to be sufficient to cover the cost of demolishing the old residential building. The amount of such bond or letter of credit shall not be less than \$10,000.00. In the event that the old residence is not demolished by the owner by the end of the 30-day period, the County shall have the right to draw on the bond or letter of credit and enter onto the subject property to cause the demolition of the old residential building. In the event that the bond or letter of credit is insufficient to cover the demolition costs, the owner shall be liable for any remaining costs.

C. *Reserved.*

D. *Farm animals:* Farm animals shall be permitted on any residential or agricultural zoning lot that is two or more acres in area, but shall be prohibited on lots of less than two acres in area from which \$1,000.00 or less of agricultural products were sold in any calendar year.

(Ord. No. 2011-10, § 2 (Exh. A), 9-21-2011)

Sec. 53-E-10 Division of Zoning Lots

- A. Any lot, unless otherwise excepted herein, shall not hereafter be divided unless all resulting lots from such division conform with all applicable setback, lot size and other bulk regulations of the zoning district in which the tract is located and, therefore, by definition, constitute individual zoning lots themselves. Where such division occurs on or after the effective date of this Ordinance, the following shall apply:
- 1. Person or persons responsible for such action shall be subject to article 11 of this Ordinance.
 - 2. Any nonconforming lot will be considered such as the result of action by the property owner or other controlling interests and development thereon will be restricted in accordance with this Ordinance; and
 - 3. No permit for the construction of a new residential (including farm dwelling), commercial, manufacturing or other nonagricultural building shall be issued for any lot, whether conforming or nonconforming as described above, created as a result of such division.
- B. The zoning enforcement officer may cause to be recorded with the County recorder of deeds, at such time when a building permit for the construction of a farm residence is issued for an A-1 Agricultural zoning lot, a document indicating that the geographic boundaries of such zoning lot have been defined by said permit and that any division of such zoning lot shall conform with this Ordinance.

Sec. 53-E-11 Existing Lot Rezoned or Otherwise Affected by this Ordinance

Any lot legally recorded and existing on the effective date of this Ordinance, which by this Ordinance and official County zoning map is rezoned or otherwise affected, shall be subsequently considered a legal non-conforming lot, subject to all the regulations regarding nonconformities set forth in article 8 of this Ordinance.

Sec. 53-E-12 Sustainable Energy Systems

A. Solar Energy Systems (SES)

1. **Purpose:** The purpose of this Section is to provide regulations for the construction, installation, and operation Solar Energy Systems (SES) in unincorporated DeKalb County, while ensuring the health, safety, and welfare of the residents of DeKalb County by promoting the safe, effective, and efficient use of solar energy to reduce on-site consumption of fossil fuels or utility-supplied electrical energy. Also, to avoid adverse impact to important areas such as agricultural land, endangered species habitats, conservation land, and other sensitive lands. DeKalb County encourages the development of commercial or utility scale SES where such systems present few land use conflicts with current and future development patterns. This ordinance shall not be deemed to nullify any provision of local, state, or federal law. The contents of this Section shall apply to all solar energy installations in unincorporated DeKalb County.
2. **Definitions:** The following words, terms, and phrases, when uses in this Section, shall have the meanings ascribed to this Section except when the context clearly indicates a different meaning:

Active Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Building-integrated Solar Energy Systems: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Grid-intertie Solar Energy System: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Ground Mount: A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

Off-grid Solar Energy System: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.
Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Roof Mount: A solar energy system that is mounted on a rack that is fastened onto a building roof.

Solar Access: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Collector: An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

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

Solar Energy System Addition: A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

Solar Energy System, Private: A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

Solar Farm: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Garden: A commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.

Solar Heat Exchanger: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Air System: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air.

Solar Hot Water System: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

3. Types

- a. Private SES: A single ground mount, roof mount or building integrated private solar energy system for residential/business use is permitted as an Accessory Use in ALL Zoning Districts where there is a principal structure, and shall be subject to the regulations for accessory uses.
- b. Solar Gardens: Solar Gardens are allowed in ALL Zoning Districts, and shall require a Special Use Permit whether the accessory or principal use of the property. Except as otherwise noted in this Section, solar gardens must comply with all required standards for structures in the district in which the system is located.
 1. The requirement for a Special Use Permit may be waived, provided the solar garden's owner/lessee obtains, and records with the DeKalb County Recorder, signed and notarized affidavits, agreeing that the need for a Special Use Permit be waived, from all property owners adjoining the zoning lot on which the solar garden is to be located (as determined by DeKalb County Community Development Department).
 2. Rooftop Solar Gardens are permitted in all zoning districts where buildings are permitted.
 3. Ground-mount solar gardens must be less than twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms.
 4. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

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- c. Solar Farms: Solar Farms are ground-mounted SES that are the primary use on the lot(s) on which it is located, designed for providing energy to off-site uses or export to the wholesale market. Solar farms are allowed as Special Use in the A-1 Zoning District, and shall require a Special Use Permit. Except as otherwise noted in this Section, solar farms must comply with all required standards for structures in the district in which the system is located.
1. Ground Cover and Buffer Areas. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Soil Water Conservation District and paid for by the developer. DeKalb County has a Noxious Weed Ordinance which is to be followed. Due to potential county liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually, and paid for by the developer.
 2. Foundations. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
 3. Power and Communication Lines. Power and communication lines running between banks of solar panels and to on-site electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by DeKalb County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Director of Community Development. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.
4. Content of an SES Special Use Permit Application: In addition to those requirements listed under Article 9: Special Use Permit Procedures, a Special Use Permit application shall also require the following:
- a. The application shall include three (3) printed copies and one electronic copy of the entire application (including: the application forms and any attachments or other submittals included therein).
 - b. Site Plan. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by DeKalb County. The site plan should also show all zoning districts, and overlay districts.
 - c. Endangered Species and Wetlands. An SES developer shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online, EcoCat program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer.
5. Design and Installation Requirements:
- a. Setback Requirements
 1. Set back requirements for all SES shall meet the structure minimum set back requirements when the SES is oriented at any & all positions.
 2. No SES shall be allowed in the front yard of any residentially used or zoned property.
 3. Roof mounted SES shall not extend beyond the exterior perimeter of the building on which the system is mounted.
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4. The solar array and all components of the solar collector system in a Solar Farm shall be kept at least one hundred (100) feet from a property line or right-of-way. However, this requirement may be waived, provided the solar farm's owner/lessee obtains, and records with the DeKalb County Recorder, signed and notarized affidavits, agreeing that the required minimum setback be waived, from all property owners and affected road authorities adjoining the zoning lot on which the solar farm is to be located (as determined by DeKalb County Community Development Department). However, in no instance shall any part of a solar farm, be located within fifty (50) feet of any of the aforementioned items.
- b. Height Requirements
 1. Building or roof mounted SES shall not exceed the maximum allowed height in any Zoning District, as stated in Section 5.02 of this Article.
 2. Ground or pole mounted SES shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located.
 - c. Stormwater and NPDES. Solar gardens and solar farms are subject to DeKalb County's Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.
 - d. Aviation Protection. For SES located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
 - e. Standards and Codes: All solar gardens and solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including, but not limited to: the State of Illinois Plumbing Code; The State of Illinois Electric Code; The State of Illinois Energy Code; the State of Illinois Uniform Building Code, as amended; the National Electric Code, as amended; and, all DeKalb County Health Department requirements.
 - f. In all undeveloped areas, the Solar Energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the DeKalb County Zoning Dept. before a permit or Special Use Permit will be issued.
 - g. Fencing. No fencing is required however if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.
 - h. Lighting. Any lighting for SES shall be installed for security and safety purposes only. Except for lightening that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
 - i. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
 - j. Approved SES Components. Electric SES components must have a UL listing, or approved equivalent, and must be designed with anti-reflective properties. Solar hot water systems must have an SRCC rating.
 - k. Utility Notification: All grid-intertie SES shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
 - l. Design Standards: Active SES shall be designed to conform to the DeKalb County Comprehensive Plan and to blend into the architecture of the building or may be require to be screened from routine view from public right-of-ways other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials
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1. *Building Integrated Photovoltaic Systems.* Building integrated photovoltaic SES shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
 2. *SES with Mounting Devices.* SES using roof mounting devices or ground-mount SES shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.
 3. *Reflectors.* All SES using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
- m. Coverage: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
 - n. Plan Approval Required: All solar energy systems shall require administrative plan approval by the DeKalb County Building official via the review of the application for a building permit
 1. Plan Applications. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
 - a. Pitched Roof Mounted Solar Energy Systems. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - b. Flat Roof Mounted Solar Energy Systems. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
 2. Plan Approvals. Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the Director of Community Development and shall not require Planning and Zoning Committee review. Plan approval does not indicate compliance with Building Code or Electric Code.
6. Operation and Maintenance
 - a. Upon request from the DeKalb County Community Development Department, an owner of a commercial SES must provide documentation, within thirty (30) days, that the SES is still in use. If it is not, the owner of the System will have 180 days, after notification from the Zoning Department, to remove the SES from the property.
 - b. Upon request from the DeKalb County Community Development Department, the owner or operator of a Solar Farm or a Solar Garden must submit, within 14 days, a current operation and maintenance report to the Department.
 - c. All active SES shall meet approval of county building code officials, consistent with the State of Illinois Building Code and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Any county adopted building codes will apply and take precedence where applicable
 7. Decommissioning or Abandonment of The SES
 - a. A decommissioning plan shall be required to be submitted when applying for all Solar Farms

- and Solar Gardens, to ensure that facilities are properly removed after their useful life.
- b. Decommissioning of solar panels must occur in the event they are not in use for 90 consecutive days.
 - c. The owner or operator will have 6 months to complete the decommissioning plan after operation of a Solar Farm or Solar Garden stops being operational.
 - d. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site.
 - e. The DeKalb County Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.
 - f. In the event that the State of Illinois enacts a law with regards to the decommissioning of a Solar Farm, the strictest requirements shall prevail.
8. Liability Insurance and Indemnification
- a. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$3 million per occurrence and \$5 million in the aggregate. Such insurance may be provided pursuant to a plan of self- insurance, by a party with a net worth of \$20 million or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.
 - b. For Private / Individual SES(s), commencing with the issuance of building permits, the Applicant or Owner shall maintain a current liability policy covering bodily injuries and any damage that may occur, on their home owner's policy or other applicable policy as approved by the Director of Community Development.
 - c. Any SES(s), Applicant, Owner, or Operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant, Owner, or Operators selection, construction, operation, and removal of the SES(S) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the county's other indemnification rights available under the law.

(Ord. No. 2018-06, 3-21-2018 )

Sec. 53-E-12B Wind Energy Conversion Systems

1. Purpose
 - a. It is the purpose of this section to:
 1. Assure the protection of health, safety, welfare, and property values for all DeKalb County residents and landowners.
 2. Assure that any development and production of wind-generated electricity in DeKalb County is safe and effective.
 3. Facilitate economic opportunities for local residents.
 4. Promote the supply of wind energy in support of Illinois' statutory goal of increasing energy production from renewable energy sources.

2. **Applicability:** This ordinance governs the siting of wind energy conversion systems (WECS) and substations that generate electricity to be sold to wholesale or retail markets.
3. **Prohibition:** No WECS or substation governed by this ordinance shall be constructed, erected, installed, or located within DeKalb County unless prior siting approval (approved Special Use, Site Development, and Building Permit issuance) has been obtained for each individual WECS and substation pursuant to this ordinance.
4. **Special Use Requirements:** In addition to the standards and criteria established herein, no Special Use Permit shall be granted for the use(s) listed below unless evidence is presented to establish that the standards and criteria set forth herein have been met.
5. **Definitions:** The following words and terms when used in the interpretation and administration of this section shall have the meaning set forth herein except where otherwise specifically indicated:

Applicant: Shall mean the entity or person who submits to the County an application for the siting of any WECS or substation.

Financial Assurance: Shall mean reasonable assurance from a credit-worthy party; examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.

Operator: Shall mean the entity responsible for the day-to-day operation and maintenance of the WECS and substations, including any third-party subcontractors.

Non-participating Property: Any property within the WECS project other than participating property.

Owner: Shall mean the entity or entities with an equity interest in the WECS, including their respective successors and assignees. Owner does not mean (1) the property owner from whom the land is leased for locating the WECS, unless the property owner has an equity interest in the WECS, or (2) any person holding a security interest in the WECS 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 at the earliest practicable date.

Participating Landowner: A landowner whose property (or portion thereof) is currently leased or proposed to be leased for the production, siting, or development of an WECS and all landowners who have waived their rights to the setbacks provided in this section.

Participating Property: A property where a WECS is located or proposed to be located pursuant to an agreement with the owner/operator.

Professional Engineer: Shall mean a qualified individual who is licensed as a professional structural engineer in the State of Illinois.

Primary Structure: Shall mean, for each property, the structure that one or more persons occupy the majority of the time on that property for either business or personal reasons. Primary structure includes structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structure excludes such structures as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Substation: shall mean the apparatus that connects the electrical collection system of the WECS and increases the voltage for connection with the utility's transmission lines.

Waiver: The waiver document shall be notarized, recorded, run with the parcel(s) of record and terminate at the termination of the wind energy project as part of the decommissioning plan. For purposes of a Municipal Waiver a signed and recorded resolution will suffice to meet the waiver requirements.

Wind Energy Conversion Systems (WECS): Shall mean all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower to the substation.

WECS Project: Shall mean the collection of WECS(s) and substations specified in the siting approval application pursuant to this ordinance.

WECS Tower: Shall mean the support structure to which the nacelle and rotor are attached.

WECS Tower Height: Shall mean the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

6. Special Use Application Requirements: In addition to the Special Use Permit requirements per Section 9 of this Zoning Ordinance, a WECS applicant shall meet with County representatives in a pre-application meeting and submit to DeKalb County descriptions, site plans, studies, reports, certifications, and approvals demonstrating compliance with the Ordinance.
 - a. A pre-application meeting shall be held with representatives from the Community Development Departments, the County Highway Department, the impacted township(s), the DeKalb County Soil and Water Conservation District and all other applicable departments and agencies as determined by the Community Development Department.
 - b. In addition to a Special Use Permit application per Section 9 of this Zoning Ordinance, a WECS applicant shall submit to the DeKalb County Community Development Department a “WECS project Summary,” including, to the extent available:
 1. A general description of the project, including its approximate name plate generating capacity, the potential equipment manufacturer(s), type(s) of WECS, number of WECS and name plate generating capacity of each WECS, the maximum height of the WECS tower(s) and the maximum diameter of the WECS rotors.
 2. A description of the general location of the project.
 3. A description of the applicant, owner, and operator, including their respective business structures (business form).
 4. A general business plan outlining all major WECS related events that will take place over the useful life of the WECS project.
 5. The names, addresses, and phone numbers of the applicants, owners, operators, and all property owners included in the application.
 6. A site plan for the installation of the WECS showing the planned location of each WECS tower, guy lines, and anchor bases (if any), primary structure(s), property lines including identification of adjoining properties, setback lines, public access roads and turnout locations, substations, electrical cabling from the WECS tower to the substations, ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of the setback established in this Ordinance.
 7. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance (including but not limited to: natural resource areas; bird and bat migration paths; shadow flicker; noise levels; and vibration levels).
 8. A visual simulation including scale elevations of the proposed WECS and perspective drawings or photographic representations showing the WECS spatially accurate to the landscape and surrounding land uses.
 9. The applicant shall notify the Community Development Department of any changes to this information that occur while the Special Use Permit application is pending.
 - c. For Special Use Permit applications involving multiple WECS towers, only one application is required. Although processed as one Special Use, each tower within a WECS Special Use shall be charged the established Special Use fee.
7. Design and Installation
 - a. Design Safety Certification:
 1. WECS shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third-party.

2. Following the granting of siting approval and a Special Use Permit under this Ordinance, a professional structural engineer shall certify, as part of the Building Permit application that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- b. Controls and Brakes: All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a failsafe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.
- c. Electrical Components: All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards e.g., ANSI and International Electrical Commission.
- d. Color: Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color. No advertisement or signs shall be allowed.
- e. Compliance with the Federal Aviation Administration (FAA): The applicant for the WECS shall comply with all applicable FAA requirements. Evidence of compliance shall be submitted with the siting request.
- f. Warnings
 1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.
- g. Climb Prevention: All WECS towers must be un-climbable by design or protected by anti-climbing devices including, but not limited to:
 1. Fences with locking portals at least six (6) feet in height, but no greater than seven (7) feet in height; or
 2. Anti-climbing devices twelve (12) feet vertically from the base of the WECS tower.
- h. Setbacks: All WECS towers shall provide the following minimum Setbacks:
 1. All WECS towers shall be setback a distance of not less than six (6) times the height of the WECS tower from all property lines. A participating landowner may waive this setback requirement, but in no case shall a WECS be located closer to a primary structure than one and one-tenth (1.1) times the height of the WECS tower.
 2. All WECS towers shall be setback a distance of not less than two (2) times the height of the WECS tower from all roadways, third-party transmission lines, and communication towers.
 3. All WECS towers shall be setback a distance of not less than three (3) miles from a municipality. A municipality may waive this setback requirement through the issuance of a formal statement from the municipality approving such a waiver. The applicant shall then submit a copy of the statement as part of their application. Additionally, a site plan specifically identifying: the location of the three (3) mile base setback; the locations of all WECS towers proposed to be within the this (3) mile area; and, the distance each proposed WECS tower within this three (3) mile area will be from the municipal boundaries.
 4. All WECS towers shall be setback a distance of not less than one and one-half (1.5) miles from a forest preserve.
 5. 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 setbacks shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

- i. Height Restriction: No WECS tower shall be greater than five hundred (500) feet in height.
 - j. FAA Obstruction Marking and Lighting Requirements: All WECS towers shall be fitted with Aircraft Detection Lighting Systems (ADLS), or a comparable technology, suitable for meeting the FAA obstruction marking and lighting requirements.
 - k. Compliance with Additional Regulations: Nothing in this ordinance is intended to preempt other applicable state or federal laws and regulations.
 - l. Use of Public Roads:
 - 1. Road Agreement: A road agreement that includes all effected jurisdictions (municipal, township, county, state, etc.) must be agreed upon by all parties and recorded with the DeKalb County Recorder's Office. A signed agreement must be recorded prior to the issuance of the first Building Permit. The agreement shall include, but not be limited to:
 - a. An applicant, owner, or operator proposing to use any DeKalb County roads for the purpose of transporting WECS or substation parts and/or equipment for construction, operation, or maintenance of the WECS or substations, shall:
 - i. Identify all such public roads; and
 - ii. Obtain applicable weight and size permits from the relevant government agencies prior to construction.
 - b. To the extent an applicant, owner, or operator must obtain a weight or size permit from the County, the applicant, owner, or operator shall:
 - i. Bring all roads used up to at least an 80,000 lbs. load limit by the end of construction; and
 - ii. 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.
8. Operation
- a. Maintenance:
 - 1. The owner or operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the Community Development Director. In addition to the above annual summary, the owner or operator must furnish such operation and maintenance reports as the County reasonably requests.
 - 2. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require recertification under Section 7 of this ordinance. Like-kind replacements shall not require recertification. Prior to making any physical modification (other than like-kind replacements) the owner or operator shall confer with a third-party certifying entity identified in Section 7 to determine whether the physical modification requires recertification.
 - b. Interference:
 - 1. Prior to the construction of any wind turbines, the owner or operator shall conduct a study to establish the baseline status of all RF/EMF transmissions in the area of the turbines, with copies of the study to be supplied to the County.
 - 2. The applicant shall provide the applicable microwave transmission providers and local emergency service providers (e.g.: 911 operators) copies of the project summary and site plan, as set forth in Section 6 of this ordinance. The applicant shall provide evidence that any potential interference has been resolved to the satisfaction of the providers.
 - 3. If, after construction of the WECS, the County receives a written complaint related to the abovementioned interference, the County shall have the right to draw upon the Enforcement Fund to investigate and mitigate the complaint.

- c. Flicker: Zero flicker/shadow flicker shall occur beyond the property line of any participating property.
 - d. Coordination with Local Fire Departments:
 - 1. The applicant, owner, or operator shall submit to the local fire department(s) a copy of the project site plan.
 - 2. Upon request by the fire department(s), the owner or operator shall cooperate with the fire department(s) to develop the fire department's emergency response plan.
 - 3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.
 - e. Materials Handling, Storage, and Disposal:
 - 1. All solid wastes related to the construction, operation, and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
 - 2. All hazardous materials related to the construction, operation, and maintenance of the WECS shall be handled, stored, transported, and disposed of in accordance with all federal, state, and local laws.
9. Sound Limits:
- a. Audible Sound Limits
 - 1. No WECS shall be located so as to cause an exceedance of the pre-construction/operation background sound levels by more than 5 dBA. The background sound levels shall be the L90A sound descriptor measured during a pre-construction noise study during the quietest time of the evening or night. All data recording shall be a series of contiguous ten (10) minute measurements. Measurements shall cover a minimum of 30 minutes. The ten (10) minute period with the lowest L90A levels shall be used for this test. L90A results are valid only when L10A results are no more than 15 dBA above L90A for the same time period. Noise sensitive sites are to be selected based on predicted worst-case sound emissions (in LEQA and LEQC) which are to be provided by developer.
 - 2. Test sites are to be located along the property line(s) of the receiving non-participating property(s).
 - 3. A 5dB penalty is applied for tones or when the sound emissions fluctuate in amplitude or frequency over time in reasonable synchronicity with the blade revolution.
 - b. Low Frequency Sound Limit
 - 1. The sound levels from the wind turbine at the receiving property shall not exceed the lower of either:
 - a. LEQA- L90A greater than 20 dB outside or inside any occupied structure, or
 - b. A maximum not-to-exceed sound level of 50 dBC.
 - 2. These limits shall be assessed using the same nighttime and wind/weather conditions required in Section 9.a.1.
 - 3. Turbine operating sound immissions (dBA and dBC) shall represent worst case sound immissions for the stable nighttime conditions with low winds at ground level and winds sufficient for full operating capacity at the hub.
 - c. Requirements:
 - 1. All instruments must meet ANSI or IEC Type 1 Precision sound level meter performance specifications.
 - 2. Procedures must meet ANSI S12.9, Part 3, ANSI S12.100 and other applicable ANSI standards.

3. Measurements must be made when ground level winds are 2m/s (4.5 mph) or less. Leaf rustle, insect, bird, and other sounds not properly considered as part of the steady background sound shall be excluded. Wind shear in the evening and night often result in low ground level wind speed and nominal operating speeds at wind turbine hub heights.
4. IEC 61400 procedures are not suitable for enforcement of these requirements. ANSI standards shall be followed for testing and modeling procedures.

10. Enforcement:

a. Enforcement Fund

1. The applicant shall provide proof that the necessary amount and form of financial security has been received by the County in the form of an escrow account that names DeKalb County as the Beneficiary.
2. The applicant shall also provide identification of and procedures for DeKalb County to access the financial security.
3. This security shall maintain an amount of at least \$10,000.
4. The County shall have access to the Enforcement Fund secured by the escrow account in a bank of the County's choosing if:
 - a. The DeKalb County Sheriff's Office accrues costs due to the acquisition of equipment and/or training necessary to verify that a WECS Tower is operating within the standards of this ordinance, or
 - b. DeKalb County, or any of its offices and officials, accrues costs in the investigation, prosecution, and/or enforcement of a violation of these standards.
5. Whenever this security is accessed by County, or its offices and officials, the owner/operator must recapitalize this security within three (3) months of the date it was accessed. Failure to recapitalize the security shall be considered a cessation of the operation.
6. The applicant and/or WECS owner shall grant perfected security in the escrow account by use of a control agreement establishing the County as an owner of record pursuant to the Secured Transit Article of the Uniform Commercial Code, 810 ILSS 9/101 et seq.
7. The escrow agent shall release the Enforcement Funds when the WECS owner or operator has demonstrated and DeKalb County concurs that decommissioning has been satisfactorily completed, or upon written approval of the County to implement the decommissioning plan.
8. Any interest accrued on the escrow account that is over and above \$10,000 shall go to the WECS owner.
9. The County shall be listed as a debtor but shall not be responsible for any claims against the WECS owner and/or operator.
10. Upon establishment of the Enforcement Fund, the DeKalb County Sheriff's Office shall acquire the necessary equipment and training to be able to verify whether a WECS tower is in violation of these operational standards. The costs accrued by the Sheriff's Office in acquiring this equipment and training shall be recovered from the Enforcement Fund.
 - a. No building permit shall be issued for a WECS tower approved by a Special Use until such time as the Sheriff's Office has established that they deputies trained and equipped to verify that the WECS towers are operating within the standards of this ordinance.
 - b. The Sheriff's Office may also draw upon the Enforcement Fund to recover the costs to replace damaged or outdated equipment, and for the continued training of officers.

b. Procedures:

1. Complaints alleging that a WECS tower is operating in violation of the standards of this ordinance shall be forwarded to the DeKalb County Sheriff's Office.
2. The Sheriff's Office shall have access to the site of any WECS to investigate any reported violation(s) of the operational standards of this Section.
3. Upon report of an alleged violation, the DeKalb County Sheriff's Office shall investigate the complaint. If upon investigation, the Deputies find that the tower to be in apparent violation, a report containing the findings of the investigation shall be forwarded to the Community Development Department for the scheduling of a Code Violation Hearing.
 - a. The use of third-party consultants may be called upon in the determination of whether a particular tower is in violation. Any costs accrued through the use of said third-party consultant shall be recovered from the Enforcement Fund.
 - b. The Deputies will log the hours spent, fuel used, etc., which will then be used to determine the costs to investigate the complaint. Any costs accrued by the Sheriff's Office in the investigation, prosecution, and enforcement of the operational standards of this Section shall be recovered from the Enforcement Fund.
4. Code Hearing:
 - a. Upon receipt of the report from the DeKalb County Sheriff's Office, the Community Development Department shall schedule a Code Violation Hearing regarding the apparent violation(s).
 - b. Notice of the Code Violation Hearing shall be sent to the property owner, and the owners and operators of the WECS.
 - c. If the Code Violation Hearing Officer finds the WECS tower to be in violation of the operational standards of this ordinance:
 - i. The owner/operator of the WECS shall have fifteen (15) days to bring the WECS tower into compliance to the satisfaction of the County.
 - ii. A fine per violation per incident shall be assessed upon the property owner by the Code Violation Hearing Officer.
 - iii. The property owner shall also be liable for the Hearing Officer Fee.
 - d. If the tower has not been brought into compliance within fifteen (15) days of being found in violation, then the tower must be shut down until such time as the tower can be brought into compliance. A shut down tower is still subject to the requirements of the Decommissioning portion of this ordinance.
 - e. If the WECS tower continues to operate after the fifteen (15) day time period without having been brought into compliance, the sixteenth (16th) day shall constitute the beginning of an additional separate violation, and shall constitute a default under this ordinance.
 - f. If a WECS tower has been shut down as a result of a finding of violation, and is subsequently restarted without first having been brought into compliance, this shall constitute the beginning of an additional separate violation, and shall constitute a default under this ordinance.

11. Birds: A qualified professional, such as an ornithologist or wildlife biologist shall conduct an avian habitat study, as part of the Special Use Permit application approval process to determine if the installation of WECSs will have a substantial adverse impact on birds. The applicant must take reasonable action to mitigate such adverse impacts on habitat and migration.

- a. All WECS towers must be setback at least one and one-half (1.5) miles from any identified eagles nest.
- b. All WECS projects must be equipped with an Identiflight Aerial Detection System, or an equivalent system thereto.

12. Public Participation: Nothing in the ordinance is meant to augment or diminish existing opportunities for public participation such as public hearings and open meetings.
13. Liability Insurance: The owner or operator of the WECS shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1,000,000 per occurrence and \$1,000,000 in the aggregate.
14. Decommissioning and Site Reclamation Plan Requirement: At the time of the Special Use application, the County and the applicant, owner, and/or operator must formulate a decommissioning and site reclamation plan to ensure that the WECS project is properly decommissioned. The decommissioning and site reclamation plan shall be binding upon all successors of title to the land. A signed decommissioning and site reclamation plan must be submitted to the Community Development Director prior to the granting of the Special Use Permit.

The applicant or subsequent project operator shall ensure that the WECS facilities are properly decommissioned within 12 months of the end of the project life or the facility abandonment. The applicant or subsequent project operator's obligations shall include removal of all equipment and physical materials (concrete, rebar, etc., but excluding fill), negotiable by the landowner with a minimum equal to the amount set in the signed AIMA agreement, and the restoration of the area as near as practicable to the same condition prior to construction.

- a. A decommissioning and site reclamation plan shall be prepared by an independent Illinois Certified Professional Engineer and shall include:
 1. Provisions describing the triggering events for decommissioning the WECS project;
 2. A description of the methodology and cost to remove all above ground and below ground WECS facilities of the approved Special Use Permit;
 3. Provisions for the removal of all above ground and below ground WECS facilities of the approved Special Use Permit;
 4. Methodology and cost to restore all areas used for construction, operation, and access to a condition equivalent to the land prior to the WECS construction;
 5. A work schedule and a permit list necessary to accomplish the required work;
 6. Methodology to identify and manage any hazardous or special materials;
 7. Proof that the necessary amount and form of financial security has been received by the County in the form of an escrow account that names DeKalb County as the Beneficiary. The amount of security shall be equal to the positive difference between the total cost of all decommissioning and restoration work and the net salvage value of all removed WECS equipment or materials, plus a twenty-percent contingency. To determine that amount, the WECS owner and the DeKalb County Board shall:
 - a. Obtain bid specifications provided by a professional structural engineer;
 - b. Request estimates from construction/demolition companies capable of completing the decommissioning of the WECS project; the DeKalb County Engineer, and an independent engineer of the County's choosing, the Director of Community Development will review all estimates and make a recommendation to the DeKalb County Board for an acceptable estimate. DeKalb County reserves the right to pursue other estimates;
 - c. Certification of the selected estimate by a professional structural engineer. All costs to secure the estimates will be funded by the WECS owner.
 8. A provision that the terms of the decommissioning plan shall be binding upon the WECS owner or operator and any of their successors, assigns, or heirs;
 9. Confirmation by affidavit that the obligation to decommission the WECS facilities is included in the lease agreement for every parcel included in the Special Use application. A list of all landowners should be kept current and affidavits shall be secured from future WECS owners and landowners stating their financial understanding;

10. A provision that allows the County to have legal right to transfer applicable WECS material to salvage firms;
 11. Identification of and procedures for DeKalb County to access the financial assurances; and
 12. A provision that DeKalb County shall have access to the site, pursuant to reasonable notice to affect or complete decommissioning. A portion of the escrow account will be required to be held for one year past the decommissioning to settle any potential disputes.
- b. Provisions triggering the decommissioning of any portion of the WECS project due to abandonment:
1. Inactive construction for twelve (12) consecutive months or if there is a delay in obtaining electrical certification for twelve (12) consecutive months, unless a signed document is provided by the utility company claiming responsibility for the delay.
 2. If no electricity is generated by an individual turbine or the entire project for twelve (12) consecutive months after electricity is initially generated, unless proof is provided that new parts have been ordered and will be received within six (6) months. The DeKalb County Community Development Director or his/her designee shall have access to records in order to determine the electric generation of every turbine.
 3. The company dissolves or chooses to walk away from the project.
 4. The principal company dissolves or chooses to walk into disrepair, is in threat of collapsing or any other health and safety issue.
- c. Provisions for the removal of structures, debris, and cabling; both above and below the soil surface:
1. Items required to be removed include, but are not limited to: turbines; transformers; foundation pads; electrical collection systems and transporters; underground cables; fencing; access roads and culverts. A landowner must sign an agreement if they wish for the access roads or culverts to remain.
- d. Provisions for the restoration of soil and vegetation:
1. All affected areas shall be inspected, thoroughly cleaned, and all construction related debris shall be removed.
 2. Items required to be restored include but are not limited to: windbreaks; waterways; site grading; drainage tile systems; and, topsoil to former productive levels.
 - a. In work areas involving decommission from expansion of turbine crane pads, widening access roads, or any other work areas, the topsoil must be first removed, identified, and stored separate from other excavated material for later replacement as applicable.
 - b. The below-surface excavation area shall be filled with clean sub-grade material of similar quality to that in the immediate surrounding area.
 - c. All sub-grade material will be compacted to a density similar to surrounding grade material.
 - d. All unexcavated areas compacted by equipment used in decommissioning shall be de-compacted in a manner that adequately restores the topsoil and sub-grade material to the proper density consistent and comparable with the surrounding area.
 - e. Where possible, the topsoil shall be replaced to its original depth and surface contours.
 - f. Any topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of the effective site.

3. Disturbed areas shall be reseeded to promote re-vegetation of the area to a condition reasonably similar to the original condition. A reasonable amount of wear and tear is acceptable.
 4. Restoration measurements shall include: leveling, terracing, mulching, and other necessary steps to prevent soil erosion; to ensure establishment of suitable grasses and forbs; and to control noxious weeds and pests.
 5. Items required to be repaired after decommissioning include but are not limited to: roads; bridges; and culverts.
 6. An independent drainage engineer shall be present to insure drainage tiles, waterways, culverts, etc. are repaired as work progresses.
 7. A soil erosion control plan shall be approved by the County Engineer and the DeKalb County Soil and Water Conservation District.
 8. All stormwater management, floodplain, and other surface water codes and ordinances shall be followed.
- e. Estimating the Costs of Decommissioning:
1. Costs shall include but not be limited to engineering fees, legal fees, accounting fees, insurance costs, decommissioning and site restoration.
 2. When factoring the WECS salvage value into decommissioning costs, the authorized salvage value may be deducted from decommissioning costs if the following standards are met:
 - a. The net salvage value shall be based on the average salvage price of the past five (5) consecutive years, this includes any devaluation costs.
 - b. The maximum allowable credit for the salvage value of any WECS shall be no more than the estimated decommissioning costs of removal of the above ground portions of that individual WECS or up to seventy percent (70%) of the total estimated decommissioning costs, whichever is greater.
 3. Adjustments to the financial assurance amount that reflect changes in the decommissioning costs and salvage values shall be resubmitted every five (5) years and shall be adjusted for inflation and other factors. The escrow account shall be adjusted accordingly within six (6) months of receiving the updated information as determined by an Illinois professional engineer. Failure to provide financial assurance as outlined herein shall be considered a cessation of operation.
 4. When determining salvage values – demolition costs, transportation costs, and road permits shall be a consideration.
 5. If salvage value items are removed prior to decommissioning, then the escrow account must be credited.
- f. Financial Assurance:
1. The County shall have access to the decommissioning fund secured by the escrow account in a bank of the County's choosing if:
 - a. The WECS operator fails to address a health and safety issue in a timely manner; or
 - b. The WECS operator fails to decommission the abandoned turbine(s) or the entire WECS project in accordance with the decommissioning and site reclamation plan.
 2. The applicant and/or WECS owner shall grant perfected security in the escrow account by use of a control agreement establishing the County as an owner of record pursuant to the Secured Transit Article of the Uniform Commercial Code, 810 ILCS 9/101 et seq.

3. The escrow agent shall release the decommissioning funds when the WECS owner or operator has demonstrated and DeKalb County concurs that decommissioning has been satisfactorily completed, or upon written approval of the County to implement the decommissioning plan. Ten percent of the fund shall be retained one (1) year past the decommissioning date to settle any outstanding concerns.
 4. Any interest accrued on the escrow account that is over and above the total value as determined by the Illinois professional structural engineer shall go to the WECS owner.
 5. The applicant shall identify procedures for DeKalb County to assess the financial assurances, particularly if it is determined that there is a health and/or safety issue with the WECS and the principal company fails to adequately respond as determined by the County Board.
 6. The County shall be listed as a debtor but shall not be responsible for any claims against the WECS owner and/or operator.
 7. The applicant shall agree that the sale, assignment in fact or at law, or other transfer of the applicant's financial interest in the WECS shall in no way effect or change the applicant's obligation to continue to comply with the terms, covenants, and obligations of this agreement and agrees to assume all reclamation liability and responsibility.
 8. DeKalb County and its authorized representatives have the right of entry onto the WECS premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.
- g. 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 ordinance.
 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(s) within the good faith negotiation period, the existing county ordinance provisions addressing the resolution of such default(s) shall govern.
- h. Future Operators: Future operators, successors, assignees, or heirs shall agree in writing to accept and to conform to all provisions of the Special Use Permit. Prior notice to the County of the intent to sell or transfer ownership shall be done in a timely manner. Such agreement shall be filed with and accepted by the County before the transfer to a new operator, successor, assignees, or heirs shall be effective.

([Ord. No. 2018-50, 11-21-2018](#) )

Sec. 53-E-13 Adult-Use Cannabis and Medical Cannabis Uses

- A. Adult-Use Cannabis Craft Grower subject to the following conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
 2. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing property zoned or used for residential purposes, unless the residential use is owned by the same owner as the Adult-Use Cannabis Craft Grower. The measurement shall be from the cannabis use.

3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application
6. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
7. This use shall be in a stand-alone building.
8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

B. Adult-Use Cannabis Cultivation Center subject to the following conditions:

1. Facility may not be located within two thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
2. Facility may not be located within two thousand five hundred feet (1,500') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within two thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

- b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
6. No outdoor storage is allowed.
 7. Electronic message boards and temporary signs are not allowed.
 8. Fences must be a minimum of eight feet (8') tall, and no greater than ten feet (10') tall.
 9. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
 10. This use shall be in a stand-alone building.
 11. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
 12. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
- C. Adult-Use Cannabis Dispensing Organization subject to the following conditions:
1. Adult-use cannabis dispensing organizations shall not be allowed in the unincorporated portions of DeKalb County.
- D. Adult-Use Cannabis Infuser Organization or Infuser subject to the following conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Cannabis Regulation and Tax Act.
 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 6. At the time of application, the Petitioner shall submit the following information:

- a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
7. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
 8. This use shall be in a stand-alone building.
 9. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
 10. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
- E. Adult-Use Cannabis Processing Organization or Processor subject to the following conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Cannabis Regulation and Tax Act.
 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
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- c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
7. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
 8. This use shall be in a stand-alone building.
 9. On properties zoned MC, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Craft Growers or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
 10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
 11. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
- F. Adult-Use Cannabis Transporting Organization or Transporter subject to the following conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 4. The transporting organization shall be the sole use of the tenant space in which it is located and shall not transport any other products beside cannabis, unless specifically allowed by the Special Use Permit.
 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
 - c. Hours of operation.

- d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
7. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
 8. This use shall be in a stand-alone building.
 9. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
 10. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
- G. Medical Cannabis Cultivation Center or Cultivation Center subject to the following conditions:
1. Facility may not be located within two thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
 2. Facility may not be located within two thousand five hundred feet (1,500') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
 3. Facility may not be located within two thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Compassionate Use of Medical Cannabis Program Act.
 5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.

6. No outdoor storage is allowed.
 7. Electronic message boards and temporary signs are not allowed.
 8. Fences must be a minimum of eight feet (8') tall, and no greater than ten feet (10') tall.
 9. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
 10. This use shall be in a stand-alone building.
 11. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
 12. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.
- H. Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary subject to the following conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Article. The measurement shall be from the cannabis use.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 4. Onsite consumption of cannabis by the public shall not be allowed at Medical Cannabis Dispensing Organizations.
 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by State law.
 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.

7. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
 8. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
 9. Hours of operation are 6:00 a.m. until 10:00 p.m.
 10. The Operator of the business allowed by the special use permit shall provide the DeKalb County Sheriff's Office access to security system and security plans upon request by the DeKalb County Sheriff's Office.
 11. This use shall be in a stand-alone building.
 12. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the DeKalb County Zoning Ordinance.
 13. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.
- I. Onsite consumption of cannabis by the public shall not be allowed at any of the above mentions Adult or Medical cannabis uses.

([Ord. No. 2020-06, 2-19-2020](#) )

Sec. 53-F OFF-STREET PARKING, LOADING AND LANDSCAPE REQUIREMENTS**53-F-1 Applicability**

For every use, activity or structure permitted by this Ordinance and for all buildings or structures erected in accordance therewith, there shall be provided sufficient space for access and off-street standing, parking, circulation, unloading and loading of motor vehicles that may be expected to transport its occupants, whether as patrons, residents, customers, employees, guests or otherwise, to an establishment, activity or place of residence at any time under normal conditions for any purpose. When a use is expanded, accessory off-street parking and loading shall be provided in accordance with the regulations herein for the area or capacity of such expansion, and including that which would be required for the previously existing uses, structure or activity.

53-F-2 Site Plan Required

Every building permit application for a new, enlarged, or remodeled building, structure, or use other than a single family residence shall include therewith a parking site and landscape plan. In addition, such parking site and landscape plan requirements shall also apply to new, enlarged, or remodeled parking facilities serving existing buildings, structures, or uses. Approval of such a plan shall include, for review and approval by the zoning administrator, any and all existing parking facilities currently serving said buildings, structures and uses for conformity with these regulations as well. The plan shall specifically include the following:

- A. Delineation of individual parking and loading spaces.
- B. Circulation area necessary to serve spaces.
- C. Delineation of fire lanes.
- D. Access to streets and property to be served.
- E. Driveway and traffic aisle width, location of all curbs and curbing materials.
- F. Dimensions, continuity, and substance of required screening.
- G. Grading, drainage, surfacing, and subgrading details.
- H. Delineation of obstacles to parking and circulation in finished parking area.
- I. Specification as to signs and bumper guards.
- J. Landscaping and screening details (see section 6.04 for landscaping requirements for parking lots).
- K. Lighting, including fixture cuts, light spread characteristics, light levels, etc.; and
- L. Dimensions indicating setback and parking lot design layout.

Sec. 53-F-3 Design Requirements

- A. *Surface material:* Areas used for standing and maneuvering of vehicles shall have concrete or asphaltic concrete surfaces, and shall be maintained adequately for all-weather use. Agricultural uses and single-family residential uses are exempt from this provision, provided, however, that residential uses must provide a paved driveway apron from the street right-of-way line to the street surface if the street is paved.
- B. *Access to parking areas:* All off-street parking spaces, except for single-family residential uses, that make it necessary to back out directly onto a public road are prohibited. Also, no driveway or parking areas for a manufacturing, commercial, or multiple-family use that will lie adjacent to a one- or two-family use shall be located closer than ten feet to the common property line.

- C. *Access near street corners:* No entrance or exit for any off-street parking area with over four parking spaces or any loading berth shall be located within 75 feet of the intersection of any two street right-of-way lines.
- D. *Drainage:* All off-street parking areas shall be drained so as to prevent drainage onto abutting properties or across sidewalks.
- E. *Lighting:* Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot, institutional premises, or adjacent streets.
- F. *Screening:* Any off-street parking area providing space for five or more vehicles shall be effectively screened on any side which adjoins or faces a lot with residential zoning by an unpierced wall or screen, or compact evergreen planting not less than four feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property (see section 6.04 for additional landscaping requirements).
- G. *Setback:* Except for single-family residential use, all required parking spaces may be located in a front yard, side yard, or rear yard provided that a five-foot setback be maintained between the parking space(s) and any property line. However, in no instance shall a parking lot be located in a required transition strip (see section 6.04, screening and landscaping).

Exception: Where the proposed parking area will be located within the side yard or front yard adjacent to a similarly zoned property and where internal access will be provided between the two properties, the five-foot setback requirement shall not apply.

- H. *Curb requirement:* Barrier curbs shall be employed for parking area perimeters and around islands within parking lots, as well as for all service drives, loading dock areas, and the equivalent, for all but agricultural and residential uses. Depressed curbs for all driveway and sidewalk intersections shall be provided by the pour-in-place method and shall not be saw-cut.
- I. *Minimum off-street parking space dimensions:* The regulations of this subsection shall govern the dimensions of off-street parking spaces, including those in developments approved via planned unit development or other special use procedure. Except as otherwise provided for in this subsection, all uses, except for single-family residential, shall comply with the following parking requirements:

1. Parking table:

A	B	C	D	E	F	G
45°	9.0'	19.7'	12.5'	12.7'	51.9'	45.6'
60°	9.0'	21.0'	17.5'	10.5'	59.5'	55.0'
90°	9.0'	19.0'	22.0'	9.0'	60.0'	—

- A Parking angle
- B Stall width
- C Minimum stall length to curb
- D* Drive aisle width
- E Curb width per car
- F Curb to curb width of double row with aisle between
- G Center to center width of double row with aisle between

* Additional width may be required where the aisle serves as the principal means of access to on-site buildings or structures.

- 2. In the event that the desired parking angle is not specified by the above table, the zoning administrator may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table.
- 3. A stall dimension of 8½' × 18' or equivalent may be utilized for off-street parking stalls provided in excess of the minimum requirements as set forth in this Section when designated for compact car use.

4. On-site parallel parking stalls shall be 9.0' × 22.0' adjacent to a 22' two-way lane or 15' one-way lane.
5. Loading spaces shall have a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.
6. Accessible parking:
 - a. Accessible parking spaces for mobility impaired persons shall be at least 16 feet wide including an eight-foot wide access aisle, and adjacent parking spaces shall not share a common access aisle. All access aisles shall be diagonally striped and shall be provided with a gradual transition to an accessible route to the on-site destination. Such spaces shall measure 19 feet in length.
 - b. In shopping centers, ramps from parking areas or drive aisles for the physically handicapped shall be provided along the sidewalks abutting building frontages at intervals of not more than 60 feet.
 - c. The number of spaces that shall be reserved for the physically handicapped shall comply with the standards contained in "Accessibility Standards Illustrated" published by the Capital Development Board, State of Illinois.
7. Curbed islands are required at ends of aisles where necessary for traffic control or drainage.
- J. Exceptions to the requirements of subparagraphs A., F. and H. above may be granted by the zoning administrator upon a written request and positive findings of unique circumstances, particular hardship, and effect on the character of the general area.

(Ord. No. 2011-10, § 2 (Exh. A), 9-21-2011)

Sec. 53-F-4 Screening and Landscaping

All parking and loading areas shall be properly screened and landscaped as hereinafter set forth. It is the purpose and intent of this section to require adequate protection for adjacent property against undesirable effects from the creation and operation of parking or loading areas and to protect and preserve the appearance and character of the surrounding neighborhoods through the screening effects and aesthetic qualities of such landscaping.

- A. The landscaping shall include, to the extent necessary to further the intent of this section, shrubs, bushes, hedges, trees, decorative walls or fencing as set forth below.
- B. The frontage along the entire parking or loading area adjacent to any public or private street shall be landscaped and protected so as to separate and screen any parking area from the adjacent streets, including the provision of deciduous, hardwood street trees at not more than 35 feet on center located either within the right-of-way if approved by the appropriate public agency, or parallel to the right-of-way on the subject property.
- C. In addition to any landscaped front, back or side yard areas required by this or any other section for any parking area containing more than five spaces, a minimum of ten square feet of interior landscaped area shall be provided within the parking lot for each parking space. The landscaping shall be in one or more areas so as to minimize and reduce the apparent size of parking areas.
- D. All interior landscaped areas provided in accordance with the preceding paragraph shall be raised and curbed and shall have a minimum area of 50 square feet and a minimum width of five feet. Each separate interior landscaped area shall include at least one deciduous shade tree of a type and size required herein, and there shall be a minimum of two trees, within and up to, every 100 linear feet of parking for each parking row. Such trees shall be spaced evenly wherever possible and the ends of parking rows abutting a circulation aisle shall be defined by interior landscaped areas whenever feasible.

- E. Deciduous shade trees shall have a minimum caliper of three inches in the trunk measured one foot above the ground with a clear trunk of at least five feet where provided for screening, buffering or aesthetic effect. Evergreen trees shall be a minimum of six feet in height at planting. All trees shall be properly planted and staked. The number of such trees shall be determined by the application of the above-mentioned landscape standards; provided, however, that in no instance shall there be less than two such trees in conjunction with the development of any parking facility or lot.
- F. No landscaped hedge shall be less than two feet in height, and three feet in spread; however, no hedge, wall or berm shall exceed three feet in height within ten feet of any driveway opening. The individual plants used in the development of such a hedge shall be placed so as to be not more than 24 inches on center.
- G. The use of earth sculpting or berms may be required, provided these are designed in any area of enough size so as to avoid erosion, drainage or maintenance problems.
- H. Interior planting bed areas, which are used for the planting of trees, or which are used for landscaping treatment generally, may be treated with either grass and/or other types of ground cover or paver block on a sand and gravel base located beneath and surrounding trees and shrubs.
- I. All landscaping shall be permanently maintained in good condition, satisfactory to the County, with at least the same quality and quantity of landscaping as initially approved. In the event that landscaping should die, the property owner shall replace same in a timely fashion, taking into consideration the season of the year.
- J. A perimeter landscaped buffer strip shall be provided and maintained at a width of not less than five feet between a parking lot or driveway and the abutting property line at a side or rear yard. Other, more restrictive standards for yards or buffering shall govern where required by this Ordinance.
- K. All landscaped areas in parking areas or adjacent to parking or loading areas, or that can be encroached upon by a motor vehicle, shall be provided with an adequate, permanent curb to restrict the destruction of the landscaped areas by vehicles.
- L. The zoning administrator shall have the authority to waive or reduce the provisions and requirements of this section upon receipt of a written request for such waiver. Said request shall set forth the applicant's reasons for the waiver(s). The zoning administrator shall only waive or reduce the standards of this section upon finding that there exist unique circumstances, a particular hardship, and that granting the relief will not have the effect of changing the character of the general area.

Sec. 53-F-5 Administrative Requirements

- A. *Determination of required number of spaces:*
 - 1. *Fractional spaces:* When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one parking space.
 - 2. *Floor area:* When used as a measurement for determining the number of parking spaces, shall mean the gross floor area, except for areas used for storage areas, stairwells, and mechanical equipment rooms.
 - 3. *Employees:* When used as a measurement for determining the number of parking spaces for a new or established business expanding, shall be based on the number of employees in the largest shift.
- B. *Parking exception for churches:* Off-street parking facilities required for churches may be reduced by 50 percent, if approved by the zoning administrator, where churches are within 300 feet of usable public or private off-street parking areas.

- C. *Parking for multiple use buildings*: The number of parking spaces required for land or buildings used for two or more purposes, shall be the sum of the requirements for the various uses, computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- D. *Use of required parking spaces*: Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes or materials or for the parking of trucks used in conducting the business or use.
- E. *Parking in agricultural and residential areas*:
1. In residential neighborhoods, overnight parking shall be limited to: passenger vehicles; recreational vehicles; and not more than one commercial vehicle of the light delivery type, not to exceed one ton in manufacturer's rated hauling capacity per dwelling unit.
 2. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance. Required off-street parking spaces stipulated in this Ordinance may not overlap sidewalks or the street right-of-way.
 3. The total number of operable, currently licensed nonagricultural motor vehicles parked on an individual parcel or lot of land located in the A-1, Agricultural District shall not exceed two for the first occupant of the property and two additional operable, currently licensed motor vehicles per each additional occupant with a valid driver's license.
 4. The total number of operable, currently licensed motor vehicles parked on an individual parcel or lot of land in a residential zoning district shall not exceed two for the first occupant of the property and two additional operable, currently licensed motor vehicles per each additional occupant with a valid driver's license.
- F. *Accessory parking lots*: All required off-street parking or loading spaces shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant; provided, however, that where there are, in the judgment of the board, practical difficulties in satisfying the requirement for parking space or if the public safety or convenience would be better served by another location, the board may authorize an alternate location for any portion of the required parking for a nonresidential use which will adequately serve the public interest, subject to the following conditions.
1. Required accessory off-street parking facilities may be provided elsewhere than on the lot on which the principal use served is located, provided that the property occupied as parking is in the same possession, either by deed, by easement, or by long-term lease which has a term equal to or exceeding the projected life or term of lease of the facility occupied by the principal use, and further provided that the owner shall be bound by covenants filed on record in the office of the County recorder, requiring the owners, heirs or assigns, to maintain the required number of off-street parking spaces during the existence of such principal use.
 2. Pedestrian access shall be available within a walking distance of not more than 300 feet measured from the nearest point of public access to the building to the nearest point of the accessory parking area.
 3. Such separated parking space shall be usable without causing unreasonable traffic congestion, detriment to any residential neighborhood or hazard to pedestrians or vehicular traffic.
 4. All accessory parking lots shall be located on property zoned within the same zoning district.
- G. *Changes in use*: No off-street parking space required under this Ordinance shall be used for any other purpose. Where a change in use creates greater parking requirements than the amount being provided, an occupancy permit shall not be issued until provision is made for the increased amount of required off-street parking.
- H. *Additions to structures, buildings or uses*: Where an addition is made to an existing structure, building, or use which does not comply with the parking requirements cited for such structure, building, or use, the parking requirements supplied for the addition shall include those spaces necessary to bring the structure, building, or use as a whole into conformance with the requirements of this Ordinance.

- I. *Existing parking:* No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- J. *Maintenance of parking facilities:* Any person operating or owning a parking lot shall keep it free, as may be practical, of dust and loose particles and shall promptly remove the snow and ice from the surface of the parking lot. Such persons shall also keep all adjacent sidewalks free from dirt, ice, sleet and snow and shall keep the sidewalks in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise any walls, landscaping, including trees and shrubbery, as well as surfacing and curbing of the parking lot, shall be maintained in good condition throughout its use for parking purposes, and the board shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed, including the replacement of any landscaping material which may die from time to time, or the failure of the surface drainage system within the parking area.

Sec. 53-F-6 Schedule of Required Parking and Loading Spaces

- A. The minimum number of required parking and loading spaces shall be determined according to Table A:

Table A

Use	Minimum Required Parking Spaces	Minimum Required Loading Spaces
Residential and Lodging Uses		
Dwellings (one-family, two-family, multi-family)	Two parking spaces per dwelling unit.	No loading spaces required.
Manufactured home park	Two spaces per manufactured home space.	No loading spaces required.
Motel/hotel/bed and breakfasts	One parking space per guest room plus one space per every two employees.	See table C for loading space requirement.
Nursing homes	One parking space for every five beds, one space for every self-care unit, and one space for every two employees on the maximum shift.	See table C for loading spaces requirement.
Commercial Uses		
Automobile, truck, recreational vehicle, and equipment sales and service, and rental	One parking space per 3,000 square feet of open sales lot area devoted to the sale, display, or rental of said vehicles or equipment; or four spaces for every 1,000 square feet of interior showroom, whichever is greater; plus three spaces for every service bay in garage repair areas, plus one for each employee.	See table B for loading space requirement.
Automobile service facility	One parking space located at each fuel dispenser, plus three spaces for each service bay, or similar facility plus one space for each vehicle used directly in conduct of the business or stored on the premises, and one space for each employee. Required space marking shall not apply to spaces associated with fuel dispensers.	No loading spaces required.
Car wash—Mechanical	Stacking area five times the capacity of the car wash, plus one parking space per employee.	No loading spaces required.

Car wash—Self service	Five stacking spaces for each car washing stall and two drying spaces for each car washing stall.	No loading spaces required.
Clubs, lodges	Parking and loading spaces equivalent to the combined requirements of the uses being conducted, such as restaurant, auditorium, etc.	
Financial institutions	Four parking spaces per 1,000 square feet of floor area, plus one space for each electronic teller, plus five stacking spaces for each drive-through teller position.	No loading spaces required.
Food markets and convenience stores under 5,000 square feet in floor area	Four parking spaces for every 1,000 square feet of floor area.	See table C for loading spaces requirement.
Food markets over 5,000 square feet in floor area	Seven parking spaces for every 1,000 square feet of floor area.	See table B for loading spaces requirement.
Funeral homes, mortuaries	One parking space for every four seats (one seat represents two feet of bench length) in the parlor(s) or chapel with a minimum of ten total spaces provided, or one space for every 50 square feet gross floor area when there is no fixed seating.	No loading spaces required.
General contracting services	Four parking spaces for every 1,000 square feet of floor area, plus two spaces for every three employees on the maximum shift, plus one space for every vehicle customarily used in operation of the use or stored upon the property.	No loading spaces required.
General offices	Four parking spaces per 1,000 square feet of floor area.	See table C for loading space requirement.
Indoor retail uses	Five parking spaces for each 1,000 square feet of floor area, except as otherwise herein noted.	See table C for loading space requirement.
Medical and dental offices and clinics	5½ spaces for every 1,000 square feet gross floor area, or four spaces for every doctor and one space for every additional employee, whichever is greater.	See table C for loading spaces requirement.
Nursery, plant	One space per 300 square feet of total sales area.	No loading spaces required.
Office/warehouse	Parking and loading spaces shall be calculated based upon the use of 37½ percent of the total square footage of building or buildings for office use and the remaining 62½ percent based on warehouse use.	
Personal service uses	Five parking spaces per 1,000 square feet except as otherwise herein noted.	See table C for loading space requirement.
Research facilities and laboratories	Four parking spaces for every 1,000 square feet of floor area up to 50,000 square feet, plus two spaces for every 1,000 square feet of floor area over 50,000 square feet.	See table C for loading spaces requirement.

Restaurants without drive-through facilities, bars, taverns	15 parking spaces per 1,000 square feet of seating floor area, plus two spaces for every three employees on the maximum shift.	No loading spaces required.
Restaurants with drive-through or carry-out facilities	12 parking spaces for every 1,000 square feet of seating area, plus two spaces for every three employees on the maximum shift, plus ten stacking spaces for each drive-through window or lane.	No loading spaces required.
Vehicle storage lots	Two parking spaces for every three employees on the maximum shift, plus one space for every vehicle customarily used in the conduct of the business or stored upon the premises.	No loading spaces required.
Veterinary clinics, animal hospitals, kennels	Four parking spaces for every doctor, plus one for every additional employee.	No loading spaces required.
Wholesale and Storage Uses	0.65 spaces per employee based on the greatest number of employees present during a work shift, plus one space per each 500 square feet of floor area open to the public, for customer parking.	See table B for loading spaces requirement.
Industrial and Transportation Related Uses		
Manufacturing uses	One parking space for every employee on the maximum shift, plus one space for every vehicle used in the operation of the use or stored on the premises.	See table B for loading spaces requirement.
Storage of sand, gravel and similar materials	Two parking spaces for every three employees on the maximum shift, plus one space for every vehicle used in the operation of the use, or stored on the premises.	No loading spaces required.
Terminal (air, bus, railroad, truck, and watercraft)	One parking space for every 200 square feet of lobby area, plus two spaces for every three employees on the maximum shift, plus one space for every vehicle used in the operation of the use or stored on the premises.	See table B for loading spaces requirement.
Warehouses	One parking space for every 1,000 square feet of floor area within the warehouse, plus four spaces for every 1,000 square feet of floor area in office use, plus one space for vehicle used in the operation of the use or stored on the premises.	See table B for loading spaces requirement.
Cultural and Recreational Uses		
Athletic fields	20 spaces for every diamond or athletic field, or one space for every four seats, whichever is greater. (One seat is equal to two feet of bench length).	No loading spaces required.
Auditoriums, theaters, meeting rooms and places for public assembly	One parking space for every 2.5 seats based on maximum seating capacity.	See table C for loading spaces requirement.
Bowling alleys	Five parking spaces for every lane.	No loading spaces required.
Community centers and private, not-for-profit recreation centers, including gymnasiums and indoor swimming pools	Four parking spaces for every 1,000 square feet gross floor area.	No loading spaces required.
Gymnasium without bleachers or fixed seating (except as noted herein)	One parking space for every 100 square feet of gross floor area	No loading spaces required.

Handball, Racquetball Courts	Three parking spaces for every court.	No loading spaces required.
Ice and roller rinks	One parking space for every 100 square feet of skating area or playing surface.	No loading spaces required.
Indoor soccer facilities	50 parking spaces for every playing field, plus one space for every three seats of spectator seating (one seat equals two feet of bench length), plus two spaces for every three employees on the maximum shift, but in no case less than 100 spaces.	No loading spaces required.
Parks, playgrounds, picnic grounds	Parking space equivalent to one percent of the total land area. Parking area available along park roads or private drives may be used to fulfill this requirement.	No loading spaces required.
Recreation centers	Four parking spaces for every 1,000 square feet gross floor area.	No loading spaces required.
Stadiums, sports arenas, and gymnasiums with spectator facilities	One parking space for every 2.5 seats (one seat is equal to two feet of bench length), plus two spaces for every employee on the maximum shift.	See table B for loading spaces requirement.
Stable, private or public	One space per each two stalls.	See table B for loading spaces requirement.
Swimming pools	Two parking spaces for every 100 square feet of water area.	No loading spaces required.
Tennis courts	Three parking spaces for every court.	No loading spaces required.
Institutional Uses		
Cemeteries	Two parking spaces for every three employees on the maximum shift, plus one space for every vehicle customarily used in operation of the use, or stored on the premises, plus one space for every four seats in auditorium or chapel.	No loading spaces required.
Churches	One parking space for every four seats (one seat equals two feet of bench length), plus one space for every vehicle customarily used in operation of the use or stored on the premises.	No loading spaces required.
Hospitals	One parking space for every two beds, plus one space for every staff doctor and employee on the maximum shift.	See table C for loading spaces requirement.
Libraries, reading rooms	Five parking spaces for every 1,000 square feet gross floor area, one space for every six seats in an accessory auditorium, and two spaces for every three employees on the maximum shift.	See table C for loading spaces requirement.
Postal stations	Four parking spaces for every customer service station, two spaces for every three employees on the maximum shift, plus one space for every vehicle customarily used in operation of the use or stored on the premises.	See table B for loading spaces requirement.
Schools, public and private, all grades and vocational	One parking space for every classroom and office, and one space for every two students over 16 years of age, plus one space for every two employees on maximum shift.	See table C for loading spaces requirement.

Schools, nursery/pre-primary	Two spaces plus one space for every employee on the maximum shift; a paved unobstructed pick-up space with adequate stacking area (as determined by the zoning administrator) shall be provided in addition to standard driveway and parking requirements, or one space for every six children; a safe pedestrian walkway system as approved by the zoning administrator shall be provided through parking areas to the building entrance, with a safety zone a minimum of 15 feet in width between parking spaces in front of the building entrance, shall be provided in addition to standard driveway parking requirements.	See table C for loading space requirement.
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Table B

Gross Floor Area (square feet)	Number of Minimum 10' x 40' Loading Spaces*
5,000 - 24,000	1
24,000 - 60,000	2
60,000 - 96,000	3
96,000 - 144,000	4
144,000 - 192,000	5
192,000 - 240,000	6
240,000 - 294,000	7
294,000 - 348,000	8
For each additional 54,000	1 additional loading space

Table C

Gross Floor Area (square feet)	Number of Loading Spaces	
	10' x 25' Min.	10' x 40' Min.*
2,000 - 10,000	1	
10,000 - 25,000	2	
25,000 - 100,000	3	1
For each additional 100,000	1 additional	

*Each 10' x 40' loading space shall have a height clear of obstruction of not less than 14 feet.

- B. For uses not listed in Table A, parking spaces shall be provided on the same basis as required for the most similar listed use, as determined by the zoning administrator.

Sec. 53-G SIGN REGULATIONS

Sec. 53-G-1 Purpose

It is the purpose and intent of this article to regulate and control the location, height, area, construction, number and maintenance of signs and matters related thereto within unincorporated DeKalb County in order to promote and protect public safety, health, and general welfare of the community; provide for uniform regulation and orderly construction of signs in harmony with the purpose and intent of the established zoning districts; prohibit hazardous and dangerous signs; provide a desirable and attractive living environment through harmonious and uniform signs; and prohibit the construction and maintenance of signs that negatively impact the common use and enjoyment of adjacent properties.

(Ord. No. 2007-13, § 2, 9-19-2007)

Sec. 53-G-2 Scope

- A. 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.
- B. 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 of the state, County or city;
 - 4. Non-illuminated directional signs and signs identifying public uses and facilities;
 - 5. Residential garage or patio sale signs not to exceed six square feet and located upon premises where the sale is taking place;
 - 6. Real estate signs not exceeding six square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are located only. These signs shall be removed within five days following the sale or lease of the property being advertised for sale or lease;
 - 7. Bulletin boards not over 32 square feet in area, for public, charitable, or religious institutions which are located on the premises of said institutions;
 - 8. 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;
 - 9. Identification/occupational signs not exceeding one square foot in size.
 - 10. Signs erected inside a building not visible through windows.
- C. Signs containing noncommercial speech are permitted anywhere that commercial or business signs are permitted, subject to the same regulations applicable to such signs.

(Ord. No. 2007-13, § 2, 9-19-2007)

Sec. 53-G-3 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section except when the context clearly indicates a different meaning:

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.

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

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

Building face or wall: All window and wall areas of a building in one plane or elevation.

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.

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.

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.

Copy: The wording or graphics on a sign surface.

Erect: To build, construct, re-construct, attach, hang, re-hang, alter, place, affix, enlarge, move or relocate and includes the painting and repainting of existing sign structures.

Facade: The front or main part of a building facing a street; for purposes of this section, the facade is defined as measured from the ground elevation to the head beam.

Flashing sign: 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.

Frontage: The length of the lot along the street side. The front of a lot bordering more than one street is considered separate for each street.

Filling station (service station): Any business which dispenses, or is designed to dispense gasoline and/or oil for use in motor vehicles or boats.

Governmental Sign: a permanent, off-premise sign whose content includes the name and other descriptive information of a municipality. Such signs must be located within 1,000 feet of the named municipality.

Ground level: Immediate surrounding grade.

Height of sign: The vertical distance measured from the surrounding grade to the highest point of a sign.

Illegal signs: A sign which contravenes this Ordinance, or a nonconforming sign for which a permit required under a previous Ordinance was not obtained.

Interchange: The system of interconnecting ramps between two 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.

Intersection: The point at which two or more guideways or roadways meet.

Logo: A letter, character, or symbol used to represent a person, corporation or business enterprise.

Owner: 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.

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.

Roof line: The highest point of the coping on a flat roof, false mansard, or parapet wall; the decline of a true mansard roof; the ridge line 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.

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.

Shopping center: A building containing four 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 of the glass surface of any fixed window (glazing) visible from a public right-of-way.

Sign: Any name, identification, description, illustration or device illuminated or non-illuminated 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 section, this definition shall include those signs painted directly upon a building or other structure.

Sign area: The area of the sign face. The sign area of a multi-faced sign is the sum of the sign areas of each face, including structural trim which can be seen from a single location on an adjacent street. If a sign is attached to a building or suspended in any manner whereby there is no apparent trim or confining border, the sign area shall be computed by drawing an imaginary straight line around a generally rectangular margin and measuring the area so encompassed upon a building or other structure.

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 roof line.

Sign, commercial directory: A permanent pole 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, 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, 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, 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, nonconforming: A sign legally erected prior to this Ordinance, but which does not conform to the provisions of this code.

Sign, occupational 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, political: A temporary sign advocating or opposing any political proposition or candidate for public office.

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 30 feet 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, 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, or street names within the project.

Sign, projecting: Any sign which projects more than 12 inches beyond the plane of the wall on which the sign is erected or attached.

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, structure: The sign and all parts associated with its construction.

Sign, subdivision, identification: A permanent ground sign identifying a subdivision entry, subdivision name, 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.

Special displays: Signs not exceeding 32 square feet, used for holidays, public demonstrations, or promotion of civil welfare or charitable purposes.

Standard outdoor advertising structure 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 or supported by uprights or braces on the ground. Real estate signs and political signs are excluded from this definition.

(Ord. No. 2007-13, § 2, 9-19-2007; Ord. No. 2017-21, 9-20-2017)

Sec. 53-G-4 Administration and Enforcement

- A. *Sign permit:* Except where herein otherwise stated, no sign subject to the regulations of this code shall be erected or maintained without obtaining a sign permit. A sign for which no permit has been issued in accordance with this paragraph shall be removed immediately by the person or entity that erected the sign, by the owner of the property, or by any person or entity occupying the property if such person or entity have been ordered to remove such sign by the zoning administrator or County engineer or their designees. The zoning administrator shall grant such person, upon receipt of a properly completed and submitted application thereto, and payment of applicable fees, if any, if such application has been submitted on an approved form which sets forth:
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, the locator number, 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. One blueprint or ink drawing of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color, and weight.
 5. If required by the zoning administrator, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer licensed by the state showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable regulations.
 6. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.
 7. Such other information as the zoning administrator may require to determine full compliance with this and other applicable Ordinances of the County.
- B. *Compliance with building and electrical codes:* The provisions of the building code and electrical code of the County shall govern the construction, alteration, and maintenance of all signs and outdoor display signs, with their permanent and auxiliary devices, so far as they do not conflict with the provisions of this article. The zoning administrator shall enforce all provisions of these codes.
- C. *Removal of signs:*
1. Unsafe signs shall be removed as provided in the building code.
 2. The zoning administrator may cause the removal of any sign that is an immediate peril to persons or property summarily and without notice.
 3. If any sign is erected without a permit, the zoning administrator shall order it removed.
 4. 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.
 5. The zoning administrator may order removal of any sign that is erected or maintained in violation of this Ordinance and any person or entity responsible for such sign that fails to remove it within ten days of an order of the zoning administrator shall be deemed guilty of an offense.

Sec. 53-G-5 Prohibited Signs

The following signs and advertising devices are hereby prohibited:

- A. Animated signs.
- 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 on-premises sign other than a standard outdoor advertising structure or billboard advertising an article or product not manufactured, assembled, processed, repaired or sold or a service not rendered upon the premises upon which the sign is located.
- G. 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 constructions or techniques.

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- H. Signs placed or affixed to vehicles 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.
 - I. Off-premises signs except as provided in this article.
 - J. Flashing signs and signs with changeable copy or changeable sign face by electronic or mechanical means; including time and temperature signs; provided, however, that such signs may be permitted for educational institutions with an annual enrollment greater than 5,000.
 - K. Portable signs.
 - L. Project identification or real estate signs promoting the sale of lots prior to the approval of a final plat.
 - M. Signs which contain characters, cartoons, statements, works or pictures that constitute public indecency as prohibited under 720 ILCS 5/11-9, or that are obscene as defined in 720 ILCS 5/11-20(b).

(Ord. No. 2007-13, § 2, 9-19-2007; Ord. No. 2012-16, 9-19-2012)

Sec. 53-G-6 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:
 - 1. *Enlargement*: Nonconforming signs shall not be enlarged, expanded, or extended to occupy a greater square footage or height than was occupied on the date of adoption or amendment of this article.
 - 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 180 calendar days, the nonconforming sign shall be classified as an abandoned sign and removed.
 - 4. *Destruction*: Should any nonconforming sign be destroyed by any means to an extent of up to 50 percent of its surface area or structure, it shall not be reconstructed, except in conformance with the requirements of this code.
- 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 be considered a new sign. However, the repainting or replacement of panels on a billboard 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. Any standard outdoor advertising structure or billboard legally existing prior to the enactment of this article but which violates any provision of this article is hereby considered legal, nonconforming and will be so considered for a period of not longer than five years from the enactment date of this article. Thenceforth, such outdoor advertising structure or billboard will be considered illegal, in violation of this article and must be removed under penalty of law.
- D. 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 hearing officer.

Sec. 53-G-7 Agricultural District Signs

The following regulations shall apply to lots within agricultural zoning districts.

A. *Allowable signs:*

1. Construction signs associated with approved permitted and special uses, not exceeding 32 square feet in gross surface area. One such sign shall be permitted on each frontage. Such signs shall be removed on the issuance of an occupancy permit for the associated building or commencement of operation of the use on the subject property.
2. Crop identification sign, not exceeding 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.
3. Identification signs associated with permitted uses, not exceeding 32 square feet in gross surface area. One such sign shall be permitted on each frontage.
4. Identification and advertisement signs associated with permitted seasonal uses and with seasonal uses regulated by special use permit, not exceeding 32 square feet in gross surface area. Such signs shall be temporary and shall not remain in place for a period of more than nine months in any calendar year, as regulated by a temporary sign permit that shall be limited to a period not to exceed nine consecutive months. Such temporary signs may be approved in addition to signage permitted under subsections 2. and 3. above. The number and locations of such signs associated with any given seasonal use shall be set forth in an application for a temporary sign permit, subject to review and approval by the zoning administrator. Where conflicts exist between this regulation and the provisions of an Ordinance approving a special use permit for a seasonal use, the special use Ordinance shall prevail.
5. Commercial identification sign associated with permitted uses as regulated by relevant special use permit or permits, not exceeding 32 square feet in gross surface area. Each property shall be allowed two signs, which may be either attached, ground mounted or pole signs, but the total number shall not include more than one (1) sign of each of these types.
6. Noncommercial signs, not exceeding 32 square feet in gross surface area, unlimited in number and message on private property.
7. *Memorial or tablet signs:* One sign not exceeding six square feet in size per face unless such signs are installed by the federal, state, County or city government agencies thereof.
8. *Property real estate signs:* One sign per lot frontage and not exceeding 32 square feet in gross surface area. Such sign shall be removed within five days following the date of closing or lease initiation.
9. *Governmental signs:* One (1) sign not exceeding thirty-two (32) square feet in gross surface area.

B. *Location and height:*

1. No sign placed upon the ground shall be located closer than ten feet to any property line and all signs shall meet the sight triangle requirements of section 5.03, paragraph D, of this code.
2. No sign attached to the wall of a building or other structure shall extend above the roofline of that building or structure.
3. For free-standing signs in subsection A of this section, no sign shall exceed eight feet in height from the surrounding grade to the highest point of the sign.
4. Memorial or tablet signs: No sign shall exceed six feet in height from the surrounding grade to the highest point on the sign.
5. *Property real estate signs:* No sign shall exceed six feet in height from the surrounding grade to the highest point on the sign.

(Ord. No. 2006-19, § 2, 9-20-06; Ord. No. 2007-10, § 2, 2-21-07; Ord. No. 2007-13, § 2, 9-19-07; Ord. No. 2011-10, § 2(Exh. A), 9-21-11; Ord. No. 2017-21, 9-20-2017)

Sec. 53-G-8 Residential District Signs

The following regulations shall apply to lots within residential zoning districts.

A. Allowable signs:

1. *Subdivision identification signs:* Two permanent subdivision signs not exceeding 50 square feet in size per face inclusive of any logo, shall be allowed per development. Where the development has access on two or more streets, or has more than one entrance on one street, identification shall be allowed at each entrance.
2. *Public or semi-public buildings, or public park identification sign:* Not more than one sign per street frontage not exceeding 32 square feet in size per face inclusive of any logo.
3. *Residential project construction signs:*
 - a. *Promotional signs:* One sign not exceeding 120 square feet per face.
 - b. *Directional signs:* Any number of signs not exceeding 16 square feet per face. Such signs may include directions to the development and pertinent information concerning the developer, but shall exclude promotional information.
4. *Churches:* One permanent sign shall be allowed on the same premises provided that said sign does not exceed 50 square feet in area per facing on each roadway.
5. *Noncommercial signs:* The maximum area for any one sign shall be eight square feet, with a total of 16 square feet permitted for each lot or unit. These signs shall be erected only on private property no more than 30 days prior to election and shall be removed within seven days after election for which they were made.
6. *Directional signs:* Two signs per entry/exit not exceeding ten square feet in size per face.
7. *Memorial or tablet signs:* One sign not exceeding six square feet in size per face unless such signs are installed by the federal, state, County, or city government agencies thereof.
8. *Property real estate signs:* One sign per lot frontage not exceeding six square feet in size per face.
9. *Special displays and other temporary signs:* See section 7.09B.
10. *Trespassing or privacy signs:* Signs not exceeding two square feet in size per side nor a height of four feet from the ground which prohibit trespassing, or indicate privacy of premises, driveways, or streets.
11. *Project identification sign:* One sign not more than 32 square feet in size per face shall be allowed per multi-family project except where the project fronts on two or more streets. One sign shall be permitted on each frontage, provided that the project has a major traffic entrance on the street where the sign is to be erected.
12. *Governmental signs:* One (1) sign not exceeding thirty-two (32) square feet in gross surface area.

B. Location and height:

1. No sign placed upon the ground shall be located closer than ten feet to any property line and all signs shall meet the sight triangle requirements of Section 5.03, Paragraph D, of this code.
2. No sign attached to the wall of a building or other structure shall extend above the roof line of that building or structure.
3. For free-standing signs in subsection A. of this section, no sign shall exceed eight feet in height from the surrounding grade to the highest point of the sign.
4. Direction signs: No sign shall exceed 3.5 feet above the elevation of the adjacent driveway at the point which it meets the street right-of-way.
5. Memorial or tablet signs: No sign shall exceed six feet in height from the surrounding grade to the highest point on the sign.
6. Property real estate signs: No sign shall exceed six feet in height from the surrounding grade to the highest point on the sign.

7. Project identification sign: No sign shall be more than six feet in height from the surrounding grade to the highest point of the sign.
8. Church signs: No sign shall extend more than 15 feet above the surrounding grade.

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 to the street.

All such signs shall be removed within two 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 years from the date of issuance of the sign permit, or when 80 percent of the lots or dwelling units have been sold, whichever circumstance occurs first.
3. *Property real estate signs:* Shall be removed within five 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 50 percent of the sign area is used for this purpose.

(Ord. No. 2006-19, § 2, 9-20-2006; Ord. No. 2007-13, § 2, 9-19-2007; Ord. No. 2011-10, § 2 (Exh. A), 9-21-2011; Ord. No. 2017-21, 9-20-2017)

Sec. 53-G-9 Commercial and Manufacturing District Signs

The following regulations shall apply to lots within commercial and manufacturing zoning districts.

A. *Allowable signs:*

1. All signs permitted in section 7.08.
2. Attached signs: One attached sign not exceeding five percent of the total square footage of the building face upon which it is placed. Such signs shall be limited to identifying the occupant(s) of the building. In the instance of corner lots, an additional attached sign will be permitted on each street frontage of the building not exceeding five percent of the total square footage of the respective building face upon which it is placed. For buildings with multiple tenants, see other requirements below.
3. Ground mounted signs: One ground mounted sign per lot not exceeding 50 square feet per face may be substituted for the allowable pole sign.
4. Pole signs: One pole sign per lot not exceeding 32 square feet per face.
5. Property real estate signs: One sign per lot frontage not exceeding 32 square feet in size per face.
6. Occupational/identification signs: One attached, non-illuminated sign not exceeding two square feet in size displaying the name, occupation and/or service located upon the premises, and the address.
7. Window signs: Shall not cover more than 20 percent of the total window area or door to which they are applied.
8. Directories: For buildings with multiple tenants, a directory sign may be substituted in lieu of the allowable pole sign or ground mounted sign subject to review and approval by the planning committee as to height and overall square footage.
9. Construction signs associated with approved permitted and special uses, not exceeding 120 square feet in gross surface area. One such sign shall be permitted on each frontage. Such signs shall be removed on the issuance of an occupancy permit for the associated building or commencement of operation of the use on the subject property.

B. Location and height:

1. No sign placed upon the ground shall be located closer than two feet to any property line and all signs shall meet the sight triangle requirements of section 5.03, paragraph D of this code.
2. Attached signs: Shall be face mounted on the building wall, projecting not more than 12 inches from the face of the building. Such signs shall not project above the parapet wall, mansard, or other roof line, shall maintain a clearance of ten feet above the ground or pavement, and shall be recessed where involving a pitched roof location.
3. Ground mounted signs: Such signs shall not exceed six feet in height from the surrounding grade to the highest point on the sign and shall be located no closer than ten feet to any property line. Such signs shall meet the sight triangle requirements of section 5.03, paragraph D of this code and shall not be located so as to obstruct vision at a vehicular entry or exit from the property.
4. Pole signs: Such signs shall not exceed 30 feet in height from the surrounding grade to the highest point on the sign. Pole signs shall be set back from the property line a distance equal to the height of the sign, as measured from the elevation of the adjacent road centerline, but in no case shall be closer than ten feet to any property line. The bottom of the sign shall be at least ten feet above surrounding grade.
5. Occupational/identification signs: Such signs shall conform to the location requirements of item 2 of this paragraph, attached signs.
6. Window signs: Such signs may only be attached to the interior of a window or glass door and shall be maintained in good repair.

C. Other requirements:

1. Construction signs as permitted by section 7.08C.
2. 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 (1) sign of each of these types. Window signs, governmental signs, and occupational/directional signs as regulated by this section are excluded from this maximum of two (2) signs.
3. Buildings with multiple occupancy: For buildings or property containing more than one business or tenant, each business or tenant may have one attached sign conforming to the requirements of this section. For the purposes of determining the total square footage of the attached 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. 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. No. 2006-19, § 2, 9-20-06; Ord. No. 2007-10, § 2, 2-21-07; Ord. No. 2017-21, 9-20-2017)

Sec. 53-G-10 Other Signage**A. Automobile and truck services stations/convenience stores with gasoline pumps:**

1. *Allowable signs:*
 - a. Brand identification signs:
 1. One pole mounted sign not exceeding 30 square feet per face.
 2. One ground mounted sign, in lieu of a pole-mounted sign, not exceeding 50 square feet in size per face.
 3. One attached sign not exceeding five percent 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 of the total square footage of the respective building face upon which it is placed.
 4. One attached company logo not exceeding 32 square feet per street frontage.
 - b. Price signs:
 1. One price sign per pump island not exceeding two square feet per face per sign.
 2. One price sign as a component of the permitted pole sign not exceeding ten 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 or full-service signs: Two self-service signs per pump island not exceeding five square feet per face per sign.
 - d. 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 section 7.08.
 2. Ground mounted signs: As regulated by section 7.08.
 3. Attached signs: As regulated by section 7.08.
 - b. Company logos: As regulated by section 7.08, attached signs.
 - c. Price signs and self-service or full-service signs: Shall be located at the ends of pump islands 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:** The following temporary signs may be approved by the zoning administrator:
1. Banners and pennants.
 2. Signs announcing openings.
 3. Seasonal or special occasion signs such as special events and special business hours.

These signs may be permitted for up to a 30-day time period. Such signs may be extended beyond the 30-day time period, but only upon review and approval by the planning and zoning committee. The use of such devices for special promotions shall be limited to three such events for each business in a calendar year with a maximum time period of 14 days for each event. These events may be consecutive.

4. Temporary off-premises signs for listed permitted and special uses in the agricultural district, for temporary uses and amusement activities whether occurring in the unincorporated County or within the boundaries of a municipality, and for temporary off-premises noncommercial signs. Such signs may be permitted by sign permit on private properties in any zoning district for a period not to exceed nine months in any calendar year. Temporary off-premises signs and noncommercial signs shall not exceed eight feet in height and 16 square feet in area. Such signs shall not be located within the 40-foot sight triangle and shall be set back a minimum of ten feet from any property line. No temporary off-premises sign or noncommercial sign shall be located within 500 feet of any other off-premises sign, and such signs shall not be illuminated. Not more than one off-premises sign or noncommercial sign shall be permitted per property frontage.
5. Political and election signs, not exceeding 32 square feet per sign face in the agricultural, commercial and manufacturing districts and not exceeding eight square feet in the residential district, shall be permitted, unlimited in number and message, on any parcel of land. Such signs shall be erected, however, only on private property, and shall be subject to the location and height restrictions applicable to signs in the zoning district in which they are erected.

C. *Standard outdoor advertising structures (billboards):*

1. *Where permitted:* Advertising signs complying with all the requirements of this Ordinance shall be permitted upon all property that was previously located in the MC, Manufacturing Conservation District (see article 8). On property subject to an approved special use permit, such advertising signs shall only be permitted when specifically authorized upon the Ordinance granting such special use permit.
2. *Area and height:*
 - a. The maximum area for any one sign shall not exceed 672 square feet in size per face excluding extensions and embellishments, with a maximum height of 14 feet and a maximum length of 48 feet 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 96 square feet in total area or extend more than 5.5 feet in height above the top of said sign. Other extensions are permitted as follows:
 1. Side extensions: Two feet on each side.
 2. Bottom extensions: One foot.
 - c. Embellishments to advertising signs shall not exceed one foot out from the facing of said sign.
 - d. The maximum height shall not exceed 50 feet 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 side-by-side displays to each facing, but such sign structures shall be considered as one sign. A group of not more than two 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 located within 1,000 lineal feet of an existing billboard in any direction.
 - b. No such sign shall be located within 1,000 lineal feet of a previous residential zoning district (see article 8).

- 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 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet 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 setback for such signs shall be 50 feet from any public right-of-way 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 lineal 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 set of plans, to scale, approved and sealed by a licensed engineer, providing all necessary construction and electrical details of the sign and sign structure, including height.
 - b. 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. Other information deemed necessary by the zoning administrator.
 - c. A representation of the proposed sign, to scale, including the width and length of the sign faces, and height from surrounding grade.
5. *Construction specifications:* Henceforth, any such sign erected under this Ordinance shall be a single pedestal type, constructed of wood or of non-flammable materials. The prohibition against flashing signs and signs with changeable copy or changeable sign face by electronic or mechanical means, set forth in section 7.05.J., shall apply to standard outdoor advertising structures. Construction of such signs and material specifications shall meet the structural requirements of the County building codes.

(Ord. No. 2007-10, § 2, 2-21-2007; Ord. No. 2007-13, § 2, 9-19-2007; Ord. No. 2008-19, § 2, 11-19-2008; Ord. No. 2011-10, § 2 (Exh. A), 9-21-2011)

Sec. 53-H NONCONFORMING USES, BUILDINGS AND LOTS

Sec. 53-H-1 Scope of Provisions

The provisions of this section shall apply to all nonconforming uses, lands, and structures. A nonconforming land use or structure is one which existed lawfully whether by variation or otherwise, on the date this Zoning Ordinance or any amendment thereto became effective, and which fails to conform to one or more of the applicable regulations of the Zoning Ordinance or such amendment thereto.

Such nonconformities may be incompatible with and detrimental to permitted land uses and structures in the zoning districts in which they are situated; they inhibit present and future development of nearby properties; and they confer upon their owners and users a position of unfair advantage.

It is the intent of this article to permit pre-existing, lawful nonconforming uses and buildings to continue only until they are discontinued, removed or made to conform through rezoning or special use permit, except as otherwise permitted herein, and not to encourage their survival or allow their renewal once they have been discontinued or removed. It is further the intent of this article that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district, except as otherwise specifically permitted herein.

For the purpose of these regulations, uses which exist as the consequence of an active, unexpired special use permit granted by the County Board shall be considered conforming uses, subject to the terms, conditions or restrictions set forth in the County Ordinance which approved said special use permit, and subject to the rules for special uses set forth in article 9 of this Ordinance.

Sec. 53-H-2 Authority to Continue Nonconformities

Any nonconforming building, structure or use which existed lawfully at the time of the adoption of this Ordinance and which remains nonconforming, and any such building, structure or use which shall become nonconforming upon the adoption of this Ordinance or of any subsequent amendment thereto, may be continued subject to the regulations of this article.

Sec. 53-H-3 Nonconforming Uses

A. *Existence:* A use of land, buildings or structures shall be considered nonconforming if such use is not included in the list of permitted uses in the zoning district in which said land, building or structure is located. A nonconforming use shall not be deemed to have existed on the date this Zoning Ordinance or any amendment thereto became effective unless it was being used on a continuous basis and to its fullest extent on such date. In cases of doubt, and on specific questions raised, whether a nonconforming use exists shall be a question of fact and shall be decided by the board after notice, a public hearing, and receipt of a report and recommendation of the hearing officer.

B. *Expansion:*

1. No nonconforming use shall be expanded, extended or enlarged, either by addition to the land on which the use is located or addition to the buildings and structures associated with said nonconforming use, except where such expansion would decrease the nonconformity of the use.
2. Exception for residential and church uses:
 - a. A nonconforming residential or church use, where such nonconformity was created by government action and not action(s) of the current or previous property owner(s), may be enlarged, expanded, extended or altered only on the piece of property on which it is currently located and in compliance with the applicable bulk regulations of the zoning district in which it is located, provided, however, that if such use can be made conforming by approval of a special use permit, such expansion shall only be permitted following approval of a special use permit by the County Board in accordance with the regulations for special uses set forth in this Ordinance.

- b. A nonconforming residential or church use, where such nonconformity was created by action(s) of the current or previous property owner(s) and not by government action shall not be enlarged, expanded, extended or altered.

C. *Damage:*

- 1. A building or structure containing a nonconforming use, where such nonconformity was created by action of the government and not by action(s) of the current or previous property owner(s), which is damaged by any means and to any extent where the cost of repair exceeds 50 percent or more of the value of the building or structure prior to the damage, as determined by the zoning administrator, shall not be reconstructed except to accommodate a conforming use.
- 2. A building or structure containing a nonconforming use, where such nonconformity was created by action(s) of the current or previous property owner(s) and not by government action, which is damaged by any means and to any extent, shall not be reconstructed except to accommodate a conforming use.
- 3. Exception for residential and church uses:
 - a. A building or structure containing a nonconforming residential or church use, where such nonconformity was created by government action and not action(s) of the current or previous property owner(s), which is damaged to any extent and by any means may be rebuilt, provided an application for a building permit is submitted within 180 days from damage date.
 - b. A building or structure containing a nonconforming residential or church use, where such nonconformity was created by action(s) of the current or previous property owner(s) and not by government action, which is damaged to any extent where the cost of repair exceeds 50 percent or more of the value of the building or structure prior to the damage, as determined by the zoning administrator, shall not be reconstructed except to accommodate a conforming use.

- D. *Discontinuation:* If a nonconforming use of a parcel, lot, building or structure ceases for any reason for a period of one year, except where government action causes such cessation, the subsequent use of such parcel, lot, building or structure shall conform to the regulations and provisions set by this Ordinance for the district in which such parcel, lot or building is located. If the one-year discontinuation period is interrupted by the reestablishment of such nonconforming use, such reestablishment must be for no less than 30 continuous days in order for such parcel, lot, building or structure to be excepted from this provision.

Sec. 53-H-4 Nonconforming Buildings

- A. *Existence:* A building or structure shall be considered nonconforming if it does not comply with one or more of the minimum bulk regulations of the zoning district in which it is located.

B. *Expansion:*

- 1. A nonconforming building or structure may be enlarged, expanded, extended or altered only if the nonconformity is removed.
- 2. Exception for residential and church buildings:
 - a. A nonconforming residential or church building or structure where such nonconformity was created by government action and not action(s) of the current or previous property owner(s), may be expanded, enlarged, extended or altered, provided such activity does not increase a dimensional nonconformity.
 - b. A nonconforming residential or church building or structure, where such nonconformity was created by action(s) of the current or previous property owner(s) and not by government action, may be expanded, enlarged, extended or altered only if the nonconformity is removed.

C. *Damage:*

- 1. A nonconforming building or structure that is damaged by any means and to any extent shall be repaired or replaced only if the nonconformity is removed.

2. Exception for residential and church buildings:
 - a. A nonconforming residential or church building or structure, where such nonconformity was created by government action and not action(s) of the current or previous property owner(s), which is damaged to any extent and by any means, may be repaired or replaced, provided such activity does not increase a dimensional nonconformity and provided an application for a building permit is made within 180 days of the date of damage.
 - b. A nonconforming residential or church building or structure, where such nonconformity was created by action(s) of the current or previous property owner(s) and not by government action, which is damaged to any extent and by any means, may be repaired or replaced only if the nonconformity is removed.

Sec. 53-H-5 Nonconforming Lots

- A. *Pre-existing nonconforming lots:* A legally-recorded lot which met or exceeded the minimum lot area, lot width, and other dimension requirements of the zoning district in which it was located at the time such lot was recorded or which pre-dates zoning in the County, but which does not now meet the minimum standards of the current zoning district in which it is located, shall be considered a legal nonconforming lot, and shall be subject to the requirements of this article. Existing buildings and structures on such lots shall be considered legal, nonconforming buildings.
- B. *Use of nonconforming residential lots:*
 1. Legal nonconforming residential lots as defined above shall be buildable for the originally-intended purpose, provided, however, that all buildings and structures constructed thereon shall meet or exceed the applicable minimum standards of the current zoning district, except minimum lot area, and provided further that no dwelling shall be constructed on a lot, or combination of lots, of less than 22,000 square-feet in area unless authorized through a planned development Ordinance.
 2. Further, any lot that was granted residential zoning by adoption of an Ordinance of the County Board following a petition by the current or previous property owner(s) to rezone the subject property for residential purposes shall be considered a legal nonconforming lot and shall be buildable for the originally-intended purpose. Development of the property shall comply with the minimum lot area and lot width requirements of the approved zoning district, but otherwise shall comply with all other applicable regulations of the current zoning district.
 3. If a property so zoned is large enough to constitute two or more conforming lots under the originally-approved zoning district, any division of the property shall be in accordance with the County's subdivision regulations. It shall be the responsibility of the current or previous property owner(s) to show proof of the subject property's prior zoning district classification.
- C. *Lots rezoned:* Any property zoned Planned Development-Residential (PD-R) as a consequence of the elimination of the zoning district under which it was previously zoned, and any residential lot in a planned development district which does not have specific use and bulk regulations established per a County Ordinance for said planned development district, shall be subject to the RC-2, Residential District regulations set forth herein for the purpose of future use, development, and bulk regulations.
- D. *Illegal nonconforming lots:* A nonconforming lot where such nonconformity was created subsequent to December of 1997 by action or actions of the current or previous property owner(s) and not by government action(s), is declared an illegal nonconforming lot. New uses, buildings and structures, and additions to existing uses, buildings and structures, including those intended for agricultural purposes, shall not be permitted on such lots, and repair of existing buildings and structures which are damaged by any means, if the cost of such repair exceeds 50 percent of the value of the building or structure, shall not be permitted.
- E. *Lots rendered nonconforming:* Any lot, or combination of lots, under common ownership and on one side of a street, the area of which is less than the minimum lot size required by the zoning district in which said lot(s) is located, that is further reduced in area through the sale of any portion of the combined lot area, shall be deemed an illegal, nonconforming lot and shall be subject to the regulations set forth in this article. However, if the area of a conforming or legal, nonconforming zoning lot is decreased below the minimum area required in the applicable zoning district as a result

of the dedication of street right-of-way or the acquisition by government of a portion of the lot for right-of-way, development rights shall not be denied.

(Ord. No. 2006-07, § 2, 2-15-2006; Ord. No. 2011-10, § 2(Exh. A), 9-21-2011)

Sec. 53-H-6 Repairs and Maintenance

When a structure is determined to be in violation of any applicable health or safety code by the building department or health department, under any applicable Ordinance of the County, and the cost of placing the structure in condition to satisfy the standards under such Ordinance shall exceed 50 percent of the reconstruction cost of the entire structure, such nonconforming structure shall not be restored for the purpose of continuing a nonconforming use.

None of the restrictions contained in this section shall limit the authority of the County Board or its designee to grant relief for reconstruction of a nonconforming structure.

Sec. 53-H-7 Change of Tenancy or Ownership

Provided there is no change in the nature or character, extent or intensity of a nonconforming use, building or structure, other than signage, there may be a change of tenancy, ownership, or management of an existing nonconforming use, building or structure.

Sec. 53-H-8 Completion of Pending Construction and Building Permits

To avoid undue hardships, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Nothing herein contained shall require any change in the site plan or designated use of a building for which a building permit had been heretofore issued, or plans or final subdivision plats which have been approved by the County at the time of the passage of this Ordinance or amendment provided that actual construction is begun within 180 days of such permit issuance of approval thereto.

Sec. 53-H-9 Special Uses

Any use existing at the time of adoption or amendment to this Ordinance and which is permitted as a special use in the zoning district in which it is located under the terms of this Ordinance or amendment, but which does not have an active, approved special use permit, shall be deemed a legal nonconforming use in such district. Expansions or additions to the land area, buildings or structures, or new buildings or structures associated with the use, shall only be permitted following approval of a special use permit by the County Board in accordance with the requirements for special uses set forth in this Ordinance. Further, any special use specifically approved by the County Board shall remain valid and in effect even if the underlying zoning district is changed as a consequence of the adoption of this Ordinance. Such special uses shall be subject to the regulations for special uses set forth herein and in the County Board Ordinance approving such special use.

Sec. 53-H-10 Joint Use of Buildings, Structures, or Land

Where a nonconforming use exists, and a conforming use is proposed, the nonconforming use must cease upon initiation of the conforming use. No joint use of either buildings, structures, and or land shall be permitted.

Sec. 53-H-11 Variations

Variations may be granted by the County Board from any provision of this article, following a public hearing before the hearing officer in accordance with the requirements of sections 10.01.B, 10.01.C. and 10.01.E. of this Ordinance. The existence of any present nonconformity anywhere in the County shall not itself be considered grounds for the issuance of a variation or rezoning for other property.

Sec. 53-I SPECIAL USE PERMIT PROCEDURES

Sec. 53-I-1 Purpose

In order to provide for uses that require particular consideration in each case because of the nature of the use and its effect on its surroundings or the County, the following procedures are established.

Sec. 53-I-2 Special Use Permit Procedure

- A. *Purpose:* Special uses are those types of uses which are considered by the County to be essentially desirable, necessary, or convenient to the community, but which by their nature or in their operation, have:
1. A tendency to generate excessive traffic;
 2. A potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants;
 3. A detrimental effect upon the value or potential development of surrounding properties; or
 4. A potential for creating an otherwise public nuisance.
- B. *Procedures:* A special use permit may be initiated by an application of one (1) or more of the owners of record or owners under contract of a lot or tract of land, or their authorized representatives, or by the hearing officer or by the board. Procedures for application, review, and approval of a special use permit shall be as follows:
1. *Preapplication conference:* Prior to filing any application for a special use permit, the prospective applicant shall request a pre-application conference with the zoning administrator. The prospective applicant shall be prepared to discuss the general nature, location and potential impact of the proposed land use on the surrounding area.
 2. *Application:* Application for a special use permit for a specific tract of land shall be filed with the zoning administrator. The application shall be filed on forms prescribed for that purpose and be accompanied by the following:
 - a. Filing fee per requirements of the County.
 - b. Legal description of the property.
 - c. Outboundary plat of the property.
 - d. Site plan: Any of the following may be required:
 1. Approximate location and designated uses of buildings and other structures as well as parking and open areas shall be indicated.
 2. Existing and proposed contours at vertical intervals of not more than five feet referred to sea level datum.
 3. Flood plain areas shall be delineated.
 4. Approximate location of all isolated trees having a trunk diameter of six inches or more, all tree masses and proposed landscaping.
 5. Two cross section profiles through the site showing preliminary building form, existing natural grade and proposed final grade.
 6. Proposed ingress and egress to the site, including adjacent streets.
 7. Preliminary plan for provision of sanitation and drainage facilities.
 8. Other such pertinent information as may be required by the zoning administrator.

3. *Burden of proof:* In presenting any application for a special use permit, the burden of proof shall rest with the applicant to clearly establish that the proposed special use shall meet the following criteria:
 - a. The proposed special use complies with all applicable provisions of the applicable district regulations.
 - b. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public welfare at large.
 - c. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
 1. The location, nature and height of buildings, structures, walls, and fences on the site; and
 2. The nature and extent of proposed landscaping and screening on the proposed site.
 - d. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.
 - e. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
 - f. The proposed uses, where such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the County.
4. *Review procedures:*
 - a. Upon receipt of a completed application, the zoning administrator shall institute an administrative review of the application and site plan by all affected County departments. The results of this review shall be reported to the hearing officer for his consideration. The hearing officer shall hold a public hearing on the application after all required documents are filed. The hearing officer shall recommend approval with specified conditions or denial of the application and shall file its report and recommendation with the board.
 - b. An application must also be made to the County soil and water conservation district for a natural resources report and a land evaluation and site assessment review for any land to be converted from an agricultural use to a nonagricultural use. These applications shall be filed no less than 30 days prior to the date of the zoning hearing. All data generated by the natural resources report and the land evaluation and site assessment review will become part of the public record, and selected portions will be forwarded to the hearing officer and the County Board as a part of the planning department's land use review.
 - c. The hearing officer shall hold a public hearing on the application after all required documents are filed. The hearing officer shall recommend approval with specified conditions or denial of the application and shall file its report and recommendation with the planning and zoning committee.
 - d. The County may, at the discretion of the zoning administrator, retain outside consulting services for the review of plans, all costs for said services to be paid by the applicant for a special use permit.
 - e. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County not less than 15 days before such hearing. A copy of such notice shall be mailed to the clerk of each municipality, the corporate limits of which lie within 1½ miles of the land proposed to be reclassified. Supplemental or additional notices may be published or distributed as the hearing officer may, by rule, prescribe from time to time. Additionally, a copy of such notice shall be mailed to owner(s) of record of all properties

- adjacent to the parcel(s) included in the application. Should a public hearing be re-opened, notice shall be provided to the public of the re-opened hearing in accordance with the requirements in this section.
5. *Decisions:* The County Board decides special use permit applications. After consideration by the planning and zoning committee, the recommendation and findings of the hearing officer shall be forwarded to the County Board. The County Board, without further public hearing, may then grant, grant with conditions, or deny any proposed special use permit, or the County Board or committee of the County Board may refer the application for special use permit back to the hearing officer for further consideration. Such referral back to the hearing officer shall entail re-opening the public hearing, and the re-opened hearing shall be considered a continuation of the original public hearing, and all testimony and exhibits previously accepted by the hearing officer shall remain part of the record.
 6. *Permit effective:* The permit shall become effective upon approval by the board. In the event that a special use permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of the Ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.
 7. *Time limit of special use permits:* Special use permits shall be valid for an unlimited period subject to the requirements of article 9, section 9.01.B.8. unless a lesser period shall be provided in a particular permit. Prior to the expiration of the time limit specified in a particular permit, the property owner may request that the special use permit be reviewed by the board, which may extend it for an unlimited period or for a specified additional period of years.
 8. *Failure to commence construction or operation:* Unless otherwise stated in the conditions of a particular special use permit, substantial work, construction, or operation of the special use where construction is not required, shall commence within one year of the effective date of the permit unless such time period is extended through appeal to and approval by the committee. 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. Failure to complete construction of improvements that are part of a special use permit within one year of the commencement of construction shall, unless a longer period for construction is established by an Ordinance granting a special use permit, result in termination of the special use permit, unless an extension of the time to complete construction of improvements is granted by the planning and zoning committee of the County Board.
 9. *Discontinuance of activity:* Upon a determination of the zoning administrator that all activities as permitted pursuant to an approved special use permit have ceased for a period of one year or more, the permit shall be considered to be expired. In the event that the County Board did not approve a special use by adoption of an Ordinance, the special use permit shall automatically terminate upon a determination of the zoning administrator that the activity(s) has ceased for a period of one (1) year or more. Further, a special use permit shall terminate upon receipt by the County of a letter or affidavit from the entity to who a special use permit has been granted or who operates a special use, asserting that the use will not be commenced or will halt.
 10. *Revocation of special use permit:* Upon a determination of the zoning administrator that an approved special use permit will or has become unsuitable or incompatible in its location as a result of any nuisance or activity generated by the use, the board shall have the authority to revoke the permit after affording the permittee the right to be heard.
 11. *Transferability:* All special use permits shall be approved for a specific location, and may not be transferred to any other location by the applicant or successor property owners.
 12. *Special change on property governed by a special use permit:* Whenever a property owner or authorized occupant of property which contains a use of the type that requires a special use permit desires to make a change to a building or structures located on the property or to expand the use by addition to the land or improvements associated with the use, then such change may be acted on by the zoning administrator by means of an application for a zoning clearance and without the necessity of obtaining a modification of the special use permit for the property, provided the proposed change complies with all of the following:

- a. The result of the proposed change shall be that the property will still be in substantial compliance with the previously approved plot plan, and none of the conditions previously imposed at the time of approval of the special use permit by County Board will be negated or changed.
- b. The proposed change will, in the opinion of the zoning officer, result in a better utilization of the property or a more efficient and desirable use of the land.
- c. The proposed addition, enlargement, or change of any building or structure on the property will not infringe upon or extend into any required building setback, off-street parking or loading space, or distance between building area.
- d. The amount of land to be covered by the proposed addition, enlargement, or change will not be more than ten percent of the amount of land covered by all existing buildings or structures on the property; and the floor area added because of the proposed addition, enlargement, or change shall be not more than ten percent of the total floor area of all existing buildings on the property.
- e. If the proposed addition, enlargement, or change will result in a requirement for additional off-street parking or loading spaces, then such spaces shall be provided as required by the applicable Zoning Ordinance provisions.
- f. The proposed addition, enlargement, or change shall not result in a violation of any previously imposed condition, nor shall it result in an enlargement or increase of any previously approved variation.
- g. The type of land use shall remain the same as was approved by means of the special use permit approved for the property.
- h. Any change that would exceed the standards above shall only be permitted after approval of an amendment to the special use permit by the County Board in the case of uses that operated under an approved special use Ordinance, or by approval of a new permit by the County Board for uses of a type that require a special use permit but for which no permit has yet been issued.

(Ord. No. 2011-10, § 2 (Exh. A), 9-21-2011)

Sec. 53-J VARIATIONS, APPEALS, AMENDMENTS AND FEES

Sec. 53-J-1 Variations

- A. Purpose: The hearing officer shall have the authority to determine and vary the bulk regulations of the zoning districts set forth in this Ordinance, and other regulations of a dimensional or spatial nature, in harmony with the general purpose and intent of said districts. The hearing officer shall make a finding of fact based upon the standards hereinafter prescribed. No variation shall authorize a change or waiver of a definition, regulation or requirement of this Ordinance that is not of a dimensional or spatial nature.
- B. Application for variations: An application for a variation shall be filed with the zoning administrator on a prescribed form. A hearing shall be held on the application, no more than 90 days after the filing of such application. Notice of such hearing shall be published at least once, not more than 30 days or less than 15 days before the hearing, in a newspaper of general circulation in the County. The County may also provide notice of such hearing by erection of a sign on the subject property, posted in a conspicuous place on the subject property allowing unobstructed public viewing.
- C. Standards of variations: The hearing officer shall not vary the bulk regulations of this Ordinance, as authorized herein, unless he shall make findings based upon the evidence presented to him in each specific case that all of the following are true:
 - 1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - 2. The plight of the owner is due to unique circumstances.
 - 3. The variation, if granted, will not alter the essential character of the locality.
 - 4. For the purpose of implementing the above rules, the hearing officer shall also, in making his determination whether there are practical difficulties or particular hardships, find that the following facts have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - b. The conditions upon which the petition for a variation is based would not be 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 has not been created by the owner of the property.
 - e. The granting of the variation 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 in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood or adversely affect the health, morals, or general welfare of the public.
- D. The hearing officer shall not grant a variation from minimum required lot size.
- E. The hearing officer may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to better carry out the general intent of this Ordinance.

Sec. 53-J-2 Use Variations

- A. The authority to approve or deny a request for a use variance shall be solely that of the County Board.
- B. Use variations are only authorized to permit the construction of one single family detached dwelling on any lot less than 40 acres in size, which was legally recorded and existing prior to October 20, 1976 and the legal description of which has not been altered since that date by the addition or subtraction of land, had agricultural district zoning prior to September 18, 1991, and where no dwelling unit existed thereon on said date.
- C. The hearing officer shall hold a public hearing to hear an application for a use variation, as permitted above, and within a reasonable time after the close of such public hearing, the hearing officer shall make a written finding of fact and recommendation and shall submit the same to the planning and zoning committee of the County Board. In addition to considering the standards set forth in section 10.1.1.C above in making such written findings of fact and recommendation, the hearing officer shall consider the following findings of fact:
 - 1. The petitioner must have purchased the property prior to December 31, 1993, or acquired the property prior to October 20, 1976;
 - 2. The petitioner must demonstrate that the property was buildable under the applicable zoning regulations at the time it was purchased.
The hearing officer shall also consider such factors as:
 - 3. If the property was purchased after October 20, 1976, did the petitioner pay a premium price for the property because it was buildable (for example, substantially more than agricultural land was selling for at that time); and
 - 4. Whether the property is viable for agriculture or any other reasonable use.
- D. After considering the application and findings and recommendation of the hearing officer, the planning and zoning committee shall forward the same to the County Board, who thereafter shall grant or deny any proposed variation, or refer it back to the hearing officer for further consideration. A use variation request receiving an unfavorable recommendation from the hearing officer shall not be passed except by the favorable vote of $\frac{3}{4}$ of all the members of the County Board.

(Ord. No. 2006-23, § 2, 10-18-2006)

Sec. 53-J-3 Appeals

- A. *Scope of appeals:* An appeal to the hearing officer may be made by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the zoning administrator under this Ordinance in accordance with Illinois Statutes and the following:
- B. *Application:* An application for an appeal shall be filed with the County clerk within 20 days of the date of the action from which the appeal is being filed, and thereafter the County clerk shall forward such application to the hearing officer for processing. The County clerk shall forward to the zoning administrator a notice of appeal specifying the grounds thereof, and he shall forthwith transmit to the hearing officer, all the papers constituting the record upon which the action appealed from was taken.
- C. *Effect:* The appeal stays all the proceedings in furtherance of the action appealed from, unless the officer from whom the appeal was taken certifies to the hearing officer after the notice of appeal has been filed with him, that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent 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 hearing officer or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- D. *Decision:* The hearing officer shall fix a reasonable time for the hearing of appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The hearing officer may affirm or may reverse wholly or partly, or may modify the order, requirement, decision, or determination as in his opinion ought to be done or made on the premises, and to that end shall have all the powers of the office from whom the appeal was taken.

Sec. 53-J-4 Amendments

- A. *Authority:* The regulations imposed and the districts created under the authority of this Ordinance may be amended, from time to time, by Ordinance in accordance with applicable Illinois Statutes. An amendment shall be granted or denied by the County Board only after a public hearing before the hearing officer, and a report of his findings and recommendations has thereafter been submitted to the County Board.
- B. *Initiation of amendments:* Zoning district map and Zoning Ordinance text amendments may be proposed by the County Board, the hearing officer, and by any person, firm, or corporation having a possessory interest entitled to exclusive possession, a contractual interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for an amendment. Zoning district map amendments shall be restricted to requests to change the zoning of any lot(s) from the current district in which said lot(s) is located to another zoning district established by this Ordinance.
- C. *Application for amendment:* An application for map or text amendments shall be filed with the zoning administrator and shall be accompanied by the following information:
1. Present zoning and use.
 2. Requested zoning and intended use.
 3. Legal and common description of subject property.
 4. Map showing location of subject property.
 5. A concept plan, as defined in the County subdivision regulations, may be required at the discretion of the zoning administrator.
 6. An application must also be made to the County soil and water conservation district for a natural resources report and a land evaluation and site assessment review for any land to be rezoned from an agricultural use to a nonagricultural use. These applications shall be filed no less than 30 days prior to the date of the zoning hearing. All data generated by the natural resources report and the land evaluation and site assessment review will become part of the public record, and selected portions will be forwarded to the hearing officer and the County Board as a part of the planning department's land use review.
 7. Applications for a change of zoning to a planned development shall comply with the provisions of Chapter 4, Section 4.07.
- D. *Hearing on application:* The hearing officer shall hold a public hearing on each application for an amendment and on each proceeding initiated by the hearing officer of his motion. The hearing shall be conducted in such a manner as the hearing officer shall, by rule, prescribe from time to time.
- E. *Notice of public hearing:* Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County not less than 15 days before such hearing. A copy of such notice shall be mailed to the clerk of each municipality, the corporate limits of which lie within 1½ miles of the land proposed to be reclassified. Supplemental or additional notices may be published or distributed as the hearing officer may, by rule, prescribe from time to time. Additionally, a copy of such notice shall be mailed to owner(s) of record of all properties adjacent to the parcel(s) included in the application. The County may also cause notice of such hearing by erection of a sign on the subject property. The sign required hereby shall be posted in a conspicuous place allowing unobstructed public viewing.
- F. *Findings of fact and recommendation of the hearing officer:* Within a reasonable time after the close of the hearing on a proposed amendment, the hearing officer shall make written findings of fact and shall submit same together with his recommendation to the County Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the hearing officer shall make findings based upon the evidence presented to him in each specific case with respect to the following matters:
1. The planned land use for the subject property as shown on the County comprehensive land use plan map.
 2. Existing uses of property within the general area of the property in question.

3. The zoning classification of property within the general area of the property in question.
4. The suitability of the property in question for the uses permitted under the existing zoning classification.
5. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was placed in its present zoning classification.
6. The extent to which property values would be diminished by the proposed amendment.
7. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the subject property.
8. The effect of the proposed change upon the public health, safety, and welfare.

The hearing officer shall not recommend the adoption of a proposed amendment unless he finds that the adoption of such an amendment is not detrimental to the public interest and is not solely for the interest of the applicant. The hearing officer may recommend the adoption of an amendment changing the zoning classification of the property in question to any lesser intense classification than that requested by the applicant. For the purpose of this paragraph, the A-1 District shall be considered the least intense classification.

G. *Decisions:*

1. The County Board, upon request of the hearing officer and without further public hearing, may grant or deny any proposed amendment, or may refer it back to the hearing officer for further consideration.
2. Except as provided in subsection 3., text amendments may be passed at a County Board meeting by a simple majority of the elected County Board members, unless written protests against the proposed text amendment are signed by 50 percent of the land owners of the County, in which case such amendment shall not be passed except by the favorable vote of $\frac{3}{4}$ of all members of the County Board. Except as provided in subsection 3., map amendments may be passed at a County Board meeting by a simple majority of the elected County Board members, except that in case of written protest against any proposed map amendment that is either:
 - A. Signed by the owner or owners of at least 20 percent 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 20 percent of the perimeter of the land to be rezoned, or
 - C. In cases where the land affected lies within $1\frac{1}{2}$ miles of the limits of a zoned municipality, or in the case of a proposed text amendment to the Zoning Ordinance, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the County clerk, such amendment shall not be passed except by the favorable vote of $\frac{3}{4}$ of all members of the County Board. 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.
3. In any township having a township plan commission and such 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 30 days after the hearing before the hearing officer, 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 $\frac{3}{4}$ of all the members of the County Board.

Sec. 53-J-5 Reapplication

At least six months shall elapse between the date of an adverse decision and the reapplication or repetition for a variation, amendment, or special use on the same zoning lot by the same applicant for the same or similar zoning classification.

Sec. 53-J-6 Fees

In the administration of this Ordinance, the zoning administrator and the County engineer shall collect fees as established in County Ordinance 2003-14, adopted May 21, 2003, and any subsequent amendments thereto.

During the review process of any application for a variation, special use permit, planned development, zoning text amendment, zoning map amendment or appeal, and during the implementation of any condition of approval associated with any of the above, the zoning administrator may engage professional assistance other than County staff. The applicant shall be notified in writing that such professional assistance will be engaged. Prior to such use of professional assistance, the applicant may meet with the zoning administrator in order to discuss the activity. The applicant shall reimburse the County for the full costs associated with such professional assistance within 30 business days of the costs being forwarded to the applicant by the County. Failure to reimburse the County for the costs of professional assistance may result in a suspension of activity associated with the applicant's project and the County Board shall have the right to revoke approval of the project after affording the applicant the right to be heard by a committee of the board.

Sec. 53-K ADMINISTRATION AND ENFORCEMENT

Sec. 53-K-1 Purpose

The purpose of this chapter is to establish the decision-making, administration and enforcement responsibilities connected with the unified development Ordinance. The administration of this Ordinance is hereby vested in the following:

- A. The zoning administrator;
- B. The plat officer;
- C. The County Engineer;
- D. The hearing officer; and
- E. The County Board.

Sec. 53-K-2 Zoning Administrator

- A. *Appointment:* The duly-appointed planning director for the County shall serve as the zoning administrator.
- B. *Duties of the zoning administrator:* The zoning administrator or his duly appointed and acting assistant shall administer and enforce this Ordinance. It shall be the duty of the zoning administrator to:
 - 1. Interpret, construe and apply the provisions of this Ordinance;
 - 2. Conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance, and, in cases of any violation, notify in writing the person or person responsible, specifying the nature of the violation and ordering corrective action;
 - 3. Order discontinuance of uses of land, buildings or structures; order removal of buildings or structures and alterations or structural changes thereof; order discontinuance of work being done; or take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions;
 - 4. Serve as the building official for the County for the interpretation, administration and enforcement of the adopted building codes, including overseeing the issuance of all building permits and occupancy permits and the creation and maintenance of records thereof;
 - 5. Enforce all regulations contained in special use permits;
 - 6. Maintain in current status the official zoning district maps;
 - 7. Maintain records required by this Ordinance, including, but not limited to, records related to inspections, violations, subdivisions, building permits, and all official action on appeals, variations, zoning map amendments, zoning text amendments, special uses and planned developments;
 - 8. Prepare and submit an annual report to the County Board or its designee on the administration of this Ordinance, setting forth such statistical data and information as may be of interest of value in advancing and furthering the purposes of this Ordinance;
 - 9. Provide to the public, as requested, copies of the zoning district maps, the compiled text of this Ordinance, and the rules and application forms for seeking zoning actions. Fees for the production may be charged to persons requesting said copies;
 - 10. Act as custodian of the records of the hearing officer;
 - 11. Receive on behalf of the hearing officer all such zoning application forms, when completed and executed by the appellant or applicant, or his agent or attorney;
 - 12. Discharge such other duties as may be placed upon the zoning administrator by this Ordinance;

13. Refer any unabated violation of this Ordinance to the code hearing unit for adjudication or other appropriate action when deemed necessary;
 14. Delegate responsibilities to other personnel within the planning, zoning and building department, as necessary, to properly administer and enforce the provisions of this Ordinance;
 15. Provide clerical and technical services to the County Board or its designee on issues related to this Ordinance, including maintaining records thereof, including review, analysis, reports and recommendations on:
 - a. Petitions for rezoning;
 - b. Text amendments to this Ordinance;
 - c. Special use permit applications;
 - d. Planned developments;
 - e. Subdivision of property;
 - f. Variations;
 - g. Appeals of decisions by the zoning administrator; and
 16. Require the provision of additional pertinent information, submissions and review processes, or waive the provision of otherwise required information, submissions and reviews, for applications for variations, appeals, special use permits, map amendments, text amendments and planned developments.
- C. *Entry and inspection of land and buildings:* The zoning administrator or his authorized representatives are hereby empowered in the performance of their function to enter upon any land in the unincorporated area of the County for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs or placards to effectuate the purpose and provisions of this Ordinance. The above-authorized persons shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Ordinance. The sheriff's department shall aid in enforcing this Ordinance including posting stop-work or stop-use notices when requested by the zoning administrator.

Sec. 53-K-3 Plat Officer

- A. *Appointment:* The duly-appointed planning director for the County shall serve as the plat officer for the County.
- B. *Duties of the plat officer:* It shall be the duty of the plat officer, or his designee, to:
 1. Review and sign all final plats of subdivision that are prepared and approved in accordance with the provisions of this Ordinance;
 2. Review and sign all final development plans for planned developments that are prepared and approved in accordance with the provisions of this Ordinance;
 3. Review, approve and sign all plats of survey prepared in accordance with section 4.02.D.2 of this Ordinance.

Sec. 53-K-4 County Engineer

- A. *Appointment:* The County engineer shall be appointed by the County Board.
- B. *Duties of the County engineer:* The County engineer shall have the following responsibilities with regard to this Ordinance:
 1. Review preliminary and final subdivision plats for compliance with engineering design standards for streets, sidewalks, water distribution and other public improvements, as applicable. The same engineering design review shall be provided on plans submitted under "planned development" procedures;

2. Review of final subdivision plats for land survey documentation requirements of this Ordinance and of applicable state statutes;
3. Review all permit applications for compliance with the requirements of article 6.15, "Floodways, Floodplains, Storm drainage and Erosion." of this Ordinance;
4. Monitor construction of public improvements approved as part of subdivision, and determine compliance with the instrument to guarantee improvements (escrow agreement or land subdivision bond);
5. Conduct traffic impact analysis or review the same prepared by others as may review other studies prepared by the applicant as may be required;
6. The County engineer may delegate these responsibilities to other personnel within the department, as necessary.

Sec. 53-K-5 Hearing Officer

- A. *Establishment:* The position of County hearing officer is hereby created in accordance with chapter 55, paragraph 5/5-12015 of the Illinois Revised Statutes.
- B. *Appointment and term of office:* The hearing officer shall be appointed by the County Board following a recommendation by the designated committee of the County Board. Such appointment shall be confirmed by a majority vote of the members of the County Board present and voting thereon. The hearing officer and alternate hearing officer(s) shall serve at the pleasure of the board. Alternate hearing officers shall serve when the hearing officer is not available. Vacancies in the position of hearing officer shall be filled expeditiously and in the manner herein provided for the appointment of such officer.
- C. *Duties of the hearing officer:* The hearing officer shall have the following responsibilities with regard to this Ordinance:
 1. To hear and decide appeals in which it is alleged there is an error in any order, requirement, decision, interpretation or determination (hereinafter referred to collectively as "decision") made by the zoning administrator;
 2. To hear and decide all applications for variations from the bulk regulations and other dimensional requirements imposed by this Ordinance in accordance with the criteria set forth herein;
 3. To hear and recommend by written report to the County Board on applications for special uses, zoning map amendments, zoning text amendments, planned developments, use variations, and variations from the regulations applicable to nonconformities, in accordance with the provisions and criteria set forth in this Ordinance.
- D. *Meetings and rules:* All hearings conducted by the hearing officer shall be held at the call of the hearing officer and at such times as he may determine. All hearings required by this Ordinance to be conducted by the hearing officer shall be open to the public. At hearings of the hearing officer, any interested person may appear in person or by duly authorized agent or attorney. All testimony before the hearing officer shall be given under oath. The hearing officer shall administer oaths and may compel the attendance of witnesses. The hearing officer shall keep minutes of his proceedings and shall also keep records of his hearings and other official actions. Every rule, regulation, decision or determination of the hearing officer shall immediately be filed with the zoning administrator and shall be of public record. The hearing officer shall adopt his own rules and procedures, not in conflict with this Ordinance or applicable Illinois Compiled Statutes.

Sec. 53-K-6 County Board

- A. *Authority:* Without limiting any authority granted to the County Board by state law or by other Ordinances of the County, the County Board shall have the following powers and duties with respect to this Ordinance, to be carried out in accordance with the terms of this Ordinance:

1. To determine whether or not to adopt amendments to the text of this Ordinance and amendments to the zoning district maps after receiving recommendations from the hearing officer and designated committee of the County Board;
2. To determine whether or not to approve (with or without conditions) or deny applications for special uses, amendments to special uses, subdivisions, planned developments and amendments to planned developments, as identified and established in this Ordinance, after receiving recommendations from the hearing officer and designated committee of the County Board; and
3. To determine whether or not to adopt amendments to and updates of the County comprehensive plan after receiving recommendations from the hearing officer and designated committee of the County Board.

Sec. 53-K-7 Enforcement

A. Complaints regarding violations.

1. Any property owner or tenant of real property may notify the zoning administrator in writing of an alleged violation of any provision of this Ordinance. Upon receipt of such notice, the zoning administrator shall take whatever action is warranted and inform the complainant what actions have been or will be taken;
2. The zoning administrator or his authorized representative(s) are hereby empowered in the performance of his duties to enter upon any land in the unincorporated area of County for the purpose of making inspections, examinations and surveys, or to place and maintain thereon monuments, markers, notices, signs or placards to effectuate the purpose and provisions of this Ordinance. The above authorized persons shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this article or other provision of this Ordinance;
3. The sheriff's department shall aid in enforcing this Ordinance including posting stop-work or stop-use notices when requested by the zoning administrator.

B. Code hearing unit: The zoning administrator may refer any unabated violation of this Ordinance to the code hearing unit, as established in Chapter 42, Article III, of the County Board.

C. Penalties for violation of Zoning Ordinance:

1. Any person, persons, firm, association or corporation violating any provision of this Ordinance or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in a violation of any provision of this Ordinance may be prosecuted as provided by law for the violation of Ordinances of the County and upon conviction shall be punished by a fine not exceeding \$500.00 for any one offense. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense.
2. In addition to the penalties hereinabove authorized and established, the state's attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violations of this Ordinance.

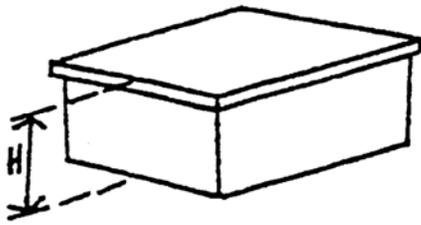
Lot and Bulk Regulations

Summary Table

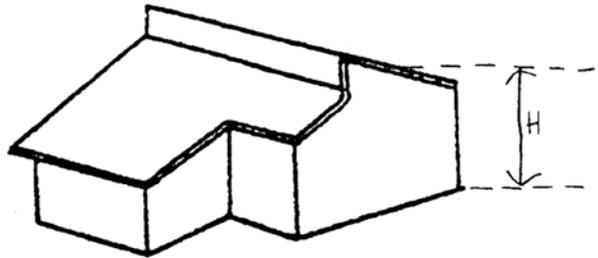
	FP/C Flood Plain/Conservation	A1 Agricultural	RC-1 Residential	RC-2 Residential	BC Business	MC Manufacturing
Minimum Lot Area	Not less than the minimum lot area established by underlying zoning	40 acres for farm residence	1 acre unless a larger parcel is required to accommodate a drain field	Church: 1 acre Day care center: 1 acre Dwelling, single-family: 22,000 square feet Nursing homes, hospitals, hospices, handicapped or infirm institutions and halfway houses: 3 acres Government buildings: 1 acre Public service facilities/utilities: 10,000 square feet	32,000 square feet Church: 1 acre Hospital: 5 acres	1 acre
Minimum lot width		500 feet for parcel including a farm residence	150'	100'	150'	
Minimum front setback	50'	50'	40'	30'	30'	40'
Minimum side setback		20'	20'	10'	5' or 50' where abutting a residential district	10% of lot width but not more than 20'
Minimum corner yard setback		50'	40'	30'	30'	40'
Minimum rear setback		20'	50'	35'	25' or 50' where abutting a residential district	30' or 50' where abutting a residential district
Maximum lot coverage			20%	30%		
Maximum building	Same as underlying zoning					2 stories or 40'

height	district					
Maximum gross floor area devoted to any one business, firm, or service					20,000 square feet	
Minimum landscape surface area ratio					0.35	0.40
Capacity					500 persons	

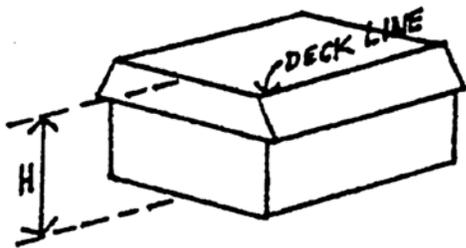
BUILDING HEIGHT



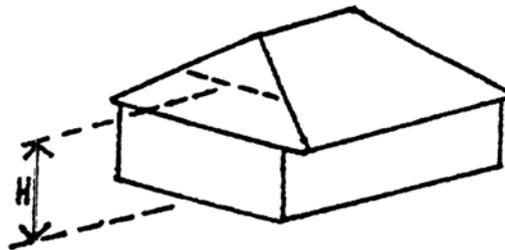
FLAT ROOF



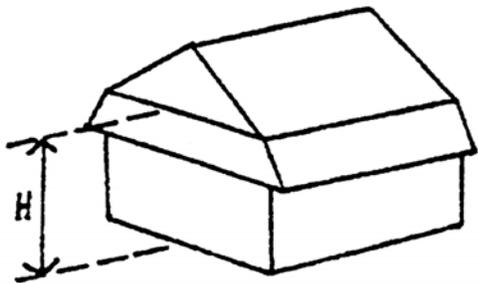
SHED ROOF



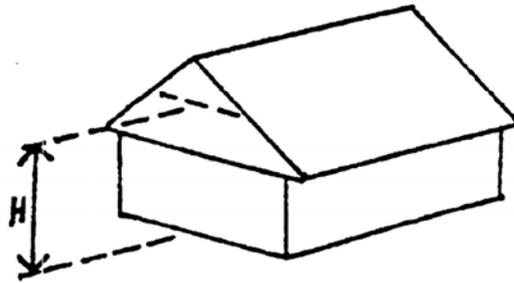
MANSARD ROOF



HIP ROOF



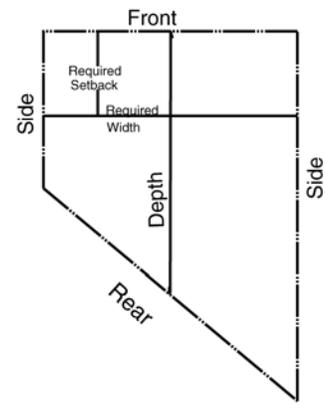
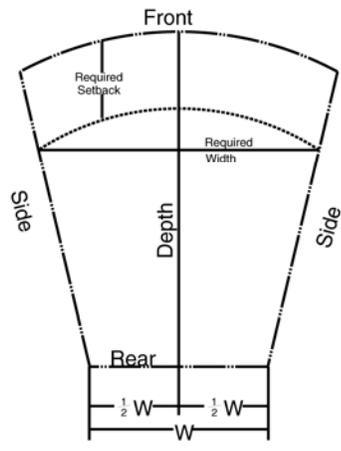
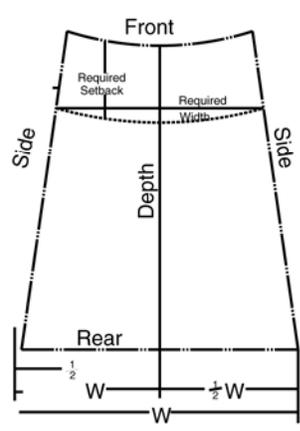
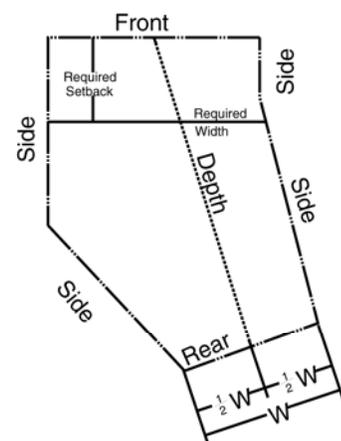
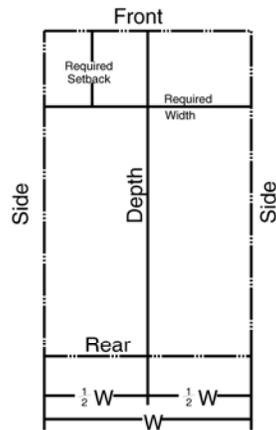
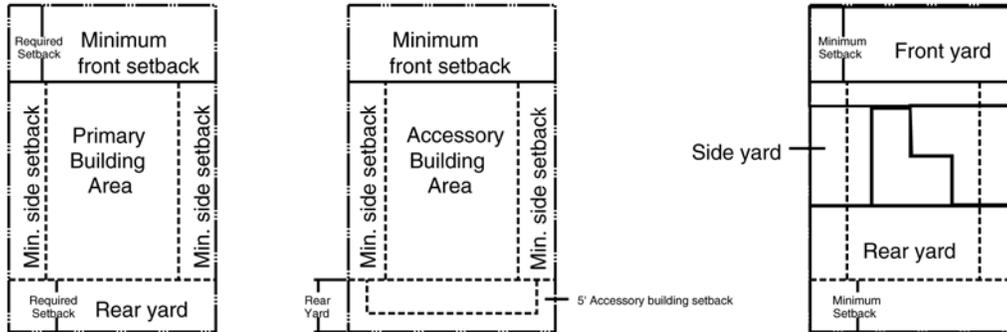
GAMBREL ROOF



GABLE ROOF

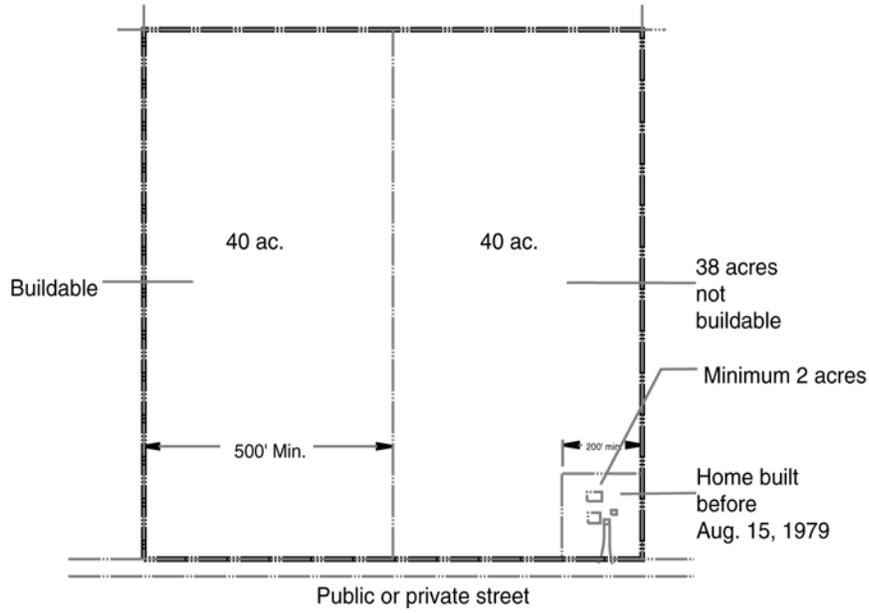
Building Height

YARD & LOT STANDARDS



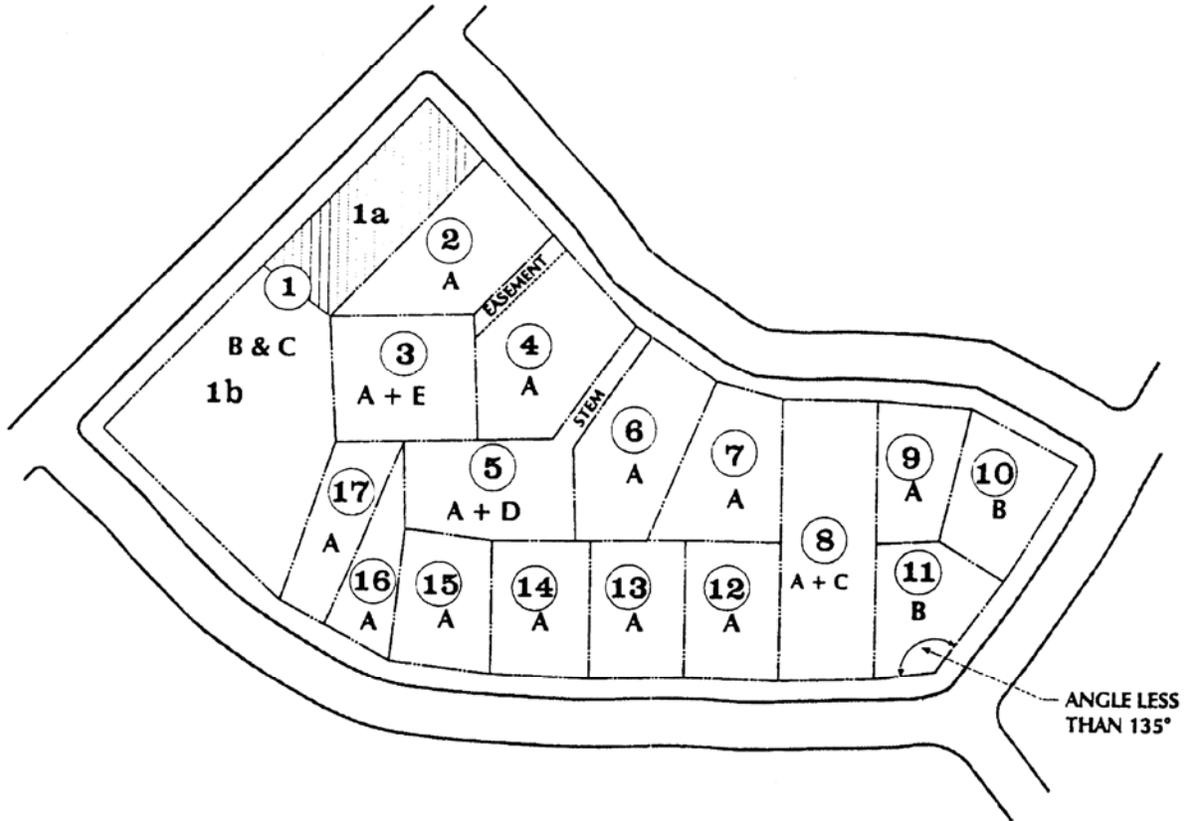
Yard and Lot Standards

AGRICULTURAL EXISTING RESIDENTIAL
LOT AREA REQUIREMENTS
(Sec. 4.02.D.2)



Agricultural Existing Residential Lot Area Requirements (Sec. 4.02.D.2)

TYPES OF LOTS



- A INTERIOR LOT
- B CORNER LOT
- C THROUGH LOT
- D FLAG LOT
- E LOT WITHOUT FRONTAGE

- ① - ⑱ LOTS OF RECORD
- 1a & 1b ZONING LOTS
- ⑱ + ⑲ = ONE ZONING LOT

Types of Lots