McLean County, Illinois

Zoning Ordinance

As Adopted August 15, 2000

And Amendments through February 21, 2012

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ARTICLE 1
GENERAL PROVISIONS

101 **TITLE**. The regulations of this Title shall be officially known and cited as the "Zoning Ordinance of McLean County, Illinois," although it may be referred to hereafter as the "zoning ordinance," or "this ordinance."

102 **AUTHORITY.** This zoning ordinance is enacted pursuant to the powers granted and limitations imposed by the Constitution and laws of the State of Illinois, including the statutory authority granted in Chapter 55 ILCS, as amended.

103 **PURPOSE AND INTENT.** This zoning ordinance is adopted to promote the public safety, health and general welfare of residents and visitors to McLean County. More specifically, the regulations are intended to:

1. Preserve and protect property rights throughout the county;

2. Regulate the location, height and size of all structures, the amount of lot coverage, the size of setback areas and the density of population;

3. Divide the unincorporated area of the County into zones and districts;

4. Regulate and restrict the development and use of buildings and land within each zoning district;

5. Provide for orderly growth and harmonious development of McLean County consistent with established policies of the County;

6. Secure proper arrangement of streets for efficient traffic circulation through the coordination of existing and planned streets, comprehensive plan, public facilities, and adjoining developed land;

7. Secure adequate provisions for water, drainage, sanitary sewer facilities based upon County, State, and Federal requirements;

8. Provide for agricultural uses in rural areas of the County while providing for more intense land uses near the incorporated places;

9. Provide for urban uses outside incorporated places in response to market demand, provided development standards do not create a burden for the public;

10. Secure safety from fire, flooding, panic, and other dangers;

11. Provide adequate light, air, sanitation, and drainage;

12. Further the appropriate use of land and conservation of natural resources;

13. Obtain the wise use, conservation, development, and protection of the County's water, soil, wetland, woodland, and wildlife resources, and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses;

14. Stabilize and protect wooded, flood prone, and wetland areas and to encourage the restoration of native prairie in open areas; (6-17-08)

15. Encourage orderly growth while integrating new urban areas into the fabric of the community, maintaining a high quality environment, and promoting fiscal responsibility;

16. Bring about the gradual conformity of uses of land to the comprehensive plan and zoning regulations set forth in the Ordinance, and minimize the conflicts among uses of land and buildings; and

17. Preserve, protect and encourage the development and improvement of agricultural lands for the production of food and other agricultural products. (6-17-08)

104 APPLICABILITY AND JURISDICTION. The provisions of this zoning ordinance shall apply to the development of all structures and land within the unincorporated area of McLean County and shall be in conjunction with the provisions of the Land Subdivision Ordinance of McLean County. It shall be unlawful to conduct development on any parcel or the construction of any structure on a parcel until (1) all applicable development review and approval processes have been followed; (2) all applicable approvals have been obtained; and (3) all required permits or authorization to proceed have been issued.

105 RULES OF CONSTRUCTION.

1. Meanings and Intent - All provisions, terms, phrases and expressions contained in this zoning ordinance shall be construed according to the stated purpose and intent of the zoning ordinance.

2. Text - In case of any difference of meaning or implication between the text of this and any heading, drawing, table or figure, the text shall control.

3. Computation of Time - The time within which an act is to be completed shall be computed by including the first day and excluding the last day. In the computation of time for public hearing notice, the day of the advertisement shall be counted and the day of the hearing shall be excluded.

4. Delegation of Authority - Whenever a provision appears requiring the head of a department or another office or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

5. Technical and Non-Technical Words - Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

6. Public Officials and Agencies - All public officials, bodies, and agencies to which references are made are those of McLean County, unless otherwise indicated.

106 CONFLICTING PROVISIONS.

1. Conflict with Other Regulations - When the provisions of this zoning ordinance are inconsistent with one another or when the provisions of this zoning ordinance conflict with provisions found in other adopted ordinances or regulations, the more restrictive provision shall govern.

2. Conflict with Private Agreements - The regulations of this zoning ordinance are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship, provided that when the provisions of this zoning ordinance impose a greater restriction than imposed by such private agreement, the provisions of this zoning ordinance shall control.

107 INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for promotion of the public health, safety, morals, need, and welfare.

1. 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 provision of this ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

2. No building, structure, or use which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any manner that said unlawful building, structure, or use is in conflict with the requirements of this ordinance, said building, structure, or use remains unlawful hereunder.

3. Nothing contained in this ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.

4. The provisions in this ordinance are additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this ordinance.

108 SEPARABILITY. It is hereby declared to be the intention of the County Board of McLean County that the provisions of this ordinance are separable, in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this ordinance or amendments thereto to be invalid, such judgment shall not affect any other provisions of this ordinance or amendment thereto, not specifically included in said judgment.

2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance or amendments thereto to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

109 SCOPE OF REGULATIONS.

1. All buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alteration, relocation, or substantial improvement of existing buildings, or structures occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such building, structure, use, or land shall be located; except in a Residence District and the Agriculture District, a single-family detached dwelling may be erected on a lot of record existing on or before February 11, 1974 even though such lot does not conform with width and area requirements for the district in which it is located and provided that there is compliance with all other regulations contained in this ordinance and other applicable McLean County ordinances, regulations and codes.

2. Where a building permit for a building or structure has been issued in accordance with this ordinance, construction shall be diligently pursued to completion. In this case, “diligently pursued” shall mean that construction shall not cease for a period longer than eight months. (6-17-08)

3. Where the Director of Building and Zoning of McLean County has issued a building or use permit for a permitted use or special use, such permit shall become null and void unless work thereon is substantially under way within 180 days of the date of the issuance of such permit, or within the period of time beyond 180 days

granted by the County Board. In this case, "substantially under way" shall mean the foundation / base / poles are installed. (6-17-08)

4. Manufactured homes / mobile homes or other trailers, and/or portable buildings and structures shall not be permitted in any district as a principal or accessory building or structure except as follows:

   A. Trailers or portable buildings and structures when used by a contractor for an office or for the storage of materials and/or equipment in the ordinary course of construction activities; provided that such trailer or portable building or structure contains no cooking or sleeping facilities and is removed from the premises at the end of the construction contract;

   B. Recreational vehicles licensed for travel on the highway when lawfully located in a recreational vehicle park, institutional camp or recreational camp as provided in this ordinance; or when unoccupied and unused, and lawfully stored or parked as otherwise provided in this ordinance;

   C. Manufactured home / mobile home homes when located in an approved manufactured home park as provided in this ordinance.

   D. Manufactured home / mobile home homes when used as a provisional accessory residential use as permitted in the following section. (2-20-01)

5. One manufactured home / mobile home shall be permitted as a provisional accessory residential use on a lot where a single family dwelling lawfully located thereon has been either destroyed or so damaged as to be uninhabitable by fire, explosion or natural disaster, subject to the following conditions and stipulations:

   A. Such manufactured home / mobile home shall not be placed on the lot, nor shall it be occupied until the Director of Building and Zoning has issued a Provisional Occupancy Permit for such use. Application for such permit shall be made by the owner of the lot and shall be accompanied by a sworn affidavit certifying intent to rebuild the destroyed or damaged dwelling and agreeing to the conditions and stipulations of this section, certification of approval of the required sewage disposal system and potable water supply by the McLean County Health Department, evidence that posting of surety required herein has been accomplished, as listed in Appendix A and such other information as the Director of Building and Zoning may require to determine compliance with this ordinance: (6-17-08)

   B. Such manufactured home / mobile home shall be occupied only by the person(s) who were residing in the destroyed or damaged dwelling when the destruction or damage occurred.

C. Such manufactured home / mobile home shall have a floor area of at least 400 square feet, shall contain a built-in toilet and bathing facilities, shall be connected to a potable water supply and a sewage disposal system both approved by the McLean County Health Department and shall be located on the lot in compliance with requirements of this ordinance for the location of an accessory building.

D. Such manufactured home / mobile home may be placed on the lot only if it is so placed and residential occupancy begun within the first 30 days immediately following the occurrence of the destruction or damage.

E. Such manufactured home / mobile home shall not remain on the lot:

(1) More than 30 days following its placement thereon unless a valid construction permit as required by this ordinance has been acquired for the repair or replacement of the damaged or destroyed dwelling on the same lot;

(2) More than 120 days after the issuance of such construction permit unless the repair or construction authorized by such permit is substantially underway; and

(3) More than one year after the occurrence of the destruction or damage, or beyond the time the repair or reconstruction of the dwelling is at a stage where the dwelling can reasonably be occupied, whichever comes first.

If such manufactured home / mobile home remains on the lot beyond any of the times specified in (1), (2), or (3) above, the surety shall be forfeited in addition to other remedies provided by law.

F. A surety deposit in the amount of $1,500 in cash money or certified check shall be deposited with the treasurer of McLean County by the owner of the lot where such manufactured home / mobile home is proposed to be located. The Treasurer shall place such deposit in the Zoning Surety Deposit Fund. The surety deposit shall be forfeited and placed in the McLean County General Corporate Fund upon certification by the Director of Building and Zoning that such manufactured home / mobile home has remained on the lot beyond any of the times specified in Paragraph E above. In the event that removal of the manufactured home / mobile home from the lot in compliance with said paragraph E is accomplished, the surety deposit shall be returned to the lot owner no sooner than 10 days and no longer than 30 days after such removal has been certified by the Director of Building and Zoning. (2-20-01)

6. Whenever any trustee of a land trust makes application to the County of McLean under the regulations of the McLean County Zoning Ordinance relating to the land which is the subject of such trust, such application shall identify each beneficiary of such land trust by name and address and define his or her interest therein. All such applications shall be verified by the applicant in his capacity as a trustee, or by the beneficiary as a beneficial owner of interest in such land trust. If a body politic or other corporate entity files such application, a duly authorized officer of such body politic or other corporate entity for whom such application is made shall verify it. (6-18-02)

110 APPLICATION OF REGULATIONS. No building shall hereafter be erected unless it is on at least one lot, as herein defined, except in industrial districts where a lot may contain more than one principal building.

111 OTHER NUISANCE CONDITIONS. Any condition conducive to the breeding of rodents or insects or any other dangerous, noxious, injurious or objectionable condition, substance or element which would create any hazard to public health, peace or comfort, or hinder the appropriate use of land, shall be prohibited.

112 SEWAGE TREATMENT AND WATER SUPPLY SYSTEM. Both sewerage and water systems shall be required to serve single-family detached dwellings hereafter established on lots, parcels, or tracts having less than 22,500 square feet in area. Such lots shall be served by public or community sewer and water systems.

1. Greater lot areas may be required in specific instances in order to conform with the required standards for installation of individual sewage treatment and water systems as set forth in Illinois Statutes and other applicable McLean County ordinances or codes.

2. A single-family dwelling may be hereafter established in a Residence or Agriculture District on a parcel or tract of land or a lot in a subdivision which in each case was of record on February 11, 1974 even though such parcel, tract or lot does not have the lot area as required in Article 5, provided such parcel, tract or lot has sufficient area to conform with the required standards for installation of individual sewage treatment and water systems as set forth in Illinois Statutes and other applicable McLean County ordinance or codes.

3. Parcels, tracts or lots where other than single-family dwellings are to be established shall be of sufficient area to provide adequate areas on the lot and adjacent lots that are not covered by buildings, structures or pavements, for the installation thereon of individual sewage treatment and water systems in accordance with standards for such installations as set forth in Illinois Statutes and other applicable McLean County ordinances or codes.

113 EXEMPTIONS. The following structures and uses shall be exempt from the provisions of these regulations:

1. Poles, towers (except for telecommunication towers), wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers or to or by wholesalers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water. (6-18-02)

4. Underground storage of natural gas by a public utility as defined in the applicable statutes of the State of Illinois;

3. Regional pollution control facilities as herein defined;

4. Railroad tracks, signals, signs, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment;

5. Agricultural uses as defined by these regulations or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures for such agricultural uses. Setback lines for buildings and structures for agricultural purposes which are exempted from other regulations of this ordinance shall be as follows: (2-20-01)

   A. Land adjoining a township road - sixty feet from centerline of such road if the road right-of-way is sixty feet or less in width, or thirty feet from the adjacent right-of-way line if the road right-of-way exceeds sixty feet in width.

   B. Land adjoining a collector street as designated in the Comprehensive Plan, a County, State or Federal Highway – seventy feet from the centerline of such highway if the highway right of way is eighty feet or less in width, or thirty feet from the adjacent right-of-way line if the highway right of way exceeds eighty feet in width.

   C. In addition, on the inside corner at an intersection of two roads or highways, or a deflection resulting in an interior angle of 120 degrees or less in a single road or highway, there shall be a setback extending between two points on the centerline of such roads or highways such points being 200 feet from the intersection of the two centerlines. (2-20-01)

   In the event that any structure or land ceases to be used only for agriculture, then such structure or land shall be subject to this ordinance; (2-20-01)

6. Animal feeding operations as defined by the Illinois Environmental Protection Act and the rules promulgated under that Act concerning agricultural related pollution;

7. Retaining walls; and (6-17-08)

8. The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction activities, except that such facilities shall be required to be located not less than 300 feet from any building used for residential purposes, and except that the period of such temporary use shall not exceed the duration of the construction contract. Types of facilities used by contractors in the ordinary course of construction activities shall include but not be limited to a contractor's office or equipment sheds. All such facilities used by contractors in the ordinary course of construction activities shall be located on the same lot where such construction is occurring or on a contiguous lot.

114 SETBACK LINES ALONG STREETS AND THOROUGHFARES. Setback lines shall be maintained on all lots abutting a street. Such setback lines on lots abutting streets shall be set back the distance required for a front yard or side yard abutting a street in the districts where such lots are located, except on one side of a street within the length of a block or a distance of not more than 1,800 feet within the block, whichever is less, where there are existing buildings, structures or uses occupying more than 30 percent of such street frontage, the setback lines for new buildings, structures, or uses may be set back a distance equivalent to not less than the average setback of such existing buildings, structures, or uses, but not less than 27 feet or need not be more than 50 feet. (2-20-01)

ARTICLE 2
ADMINISTRATION AND ENFORCEMENT

201 ORGANIZATION. The administration of this ordinance is hereby vested in two offices of the government of the County as follows:

1. Zoning Enforcement Office

2. Zoning Board of Appeals

202 ZONING ENFORCEMENT OFFICE. The Director of Building and Zoning shall enforce this ordinance and in furtherance of such authority shall:

1. Administer all procedures concerning permits when such permits are required by this ordinance, and in connection therewith shall:

   A. Review all applications for construction permits required herein; issue such permits for application conforming with the regulations of this ordinance; and make such periodic inspections during construction as may be necessary to insure compliance with this ordinance;

   B. Upon completion of construction, or upon application for an occupancy permit for a change of use, inspect the premises and issue an occupancy permit if such construction or change of use complies with the regulations of this ordinance;

   C. Review applications for temporary occupancy permits and issue such temporary occupancy permits for applications conforming to the regulations of this ordinance;

   D. Maintain records of all applications and permits;

2. Make such investigations, decisions, determinations and requirements; and issue such violation notices and compliance orders as are necessary to enforce this ordinance, and keep records of such notices and orders;

3. Decide or make recommendations on all other matters under this ordinance upon which the Director of Building and Zoning is required to act;

4. Receive petitions for variances, amendments, and special use permits that are to be referred to the Zoning Board of Appeals or other appropriate reviewing body; (6-18-02)

5. Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, special uses, variances, appeals and applications therefore; revise the Zoning District Map to show all amendments thereto; and maintain for public inspection a record, indexed by section, township and range, of all special uses granted indicating the nature of the special use and the file number of the hearing on such special use;

6. Provide and maintain a public information bureau relative to all matters arising out of this ordinance; and

7. Records. The Director of Building and Zoning shall maintain on file the following documents:

   A. At least three (3) copies of the Flood Insurance Rate Map and Flood Insurance Study;

   B. At least three (3) copies of the "General Provisions" and "Criteria for Land Management and Use" of the National Flood Insurance Program and related information provided by the Illinois Department of Natural Resources, Division of Water Resources;

   C. Copies of variance application papers and variances resolutions as they pertain to Special Flood Hazard Areas;

   D. Copies of elevation or flood proofing certificates and such other documents necessary to ensure that a project is constructed in compliance with a variance resolution; and

   E. Copies of annual reports and other correspondence with the Federal Emergency Management Agency.

203 ZONING BOARD OF APPEALS.

1. Creation: The Zoning Board of Appeals of McLean County ("Zoning Board") is hereby created in accordance with Illinois law, including 55 ILCS 5/5 - 12010.

2. Membership and Term of Office:

   A. Appointment/Confirmation of Zoning Board by County Board: The Chairperson of the County Board shall appoint the members of the Zoning Board, subject to confirmation by majority vote of the members of the County Board.

   B. Terms of Membership on Zoning Board: The Zoning Board shall consist of seven members to serve, respectively, for the following initial terms:

(1) one member for one year;
(2) one member for two years;
(3) one member for three years;
(4) one member for four years; and
(5) three members for five years.

Thereafter, each member of the zoning Board shall serve for a term of five years.

C. Membership on the Zoning Board: The Zoning Board shall include the following members:

(1) one member who resides in either the Town of Normal or the City of Bloomington;

(2) one member who resides in a town, city, or village other than Normal or Bloomington;

(3) three members who reside in unincorporated areas of McLean County; and

(4) two members who reside in any incorporated city or town or unincorporated area, provided that no two members may reside in the same congressional township.

D. Alternate Members of the Zoning Board: The Chairperson of the County Board may appoint two persons to the Zoning Board, subject to confirmation by majority vote of the members of the County Board, who shall serve as alternates for the other seven members of the board. Such alternates shall serve respectively, for the following initial terms:

(1) One alternate for four years;

(2) One alternate for five years.

Thereafter each alternate member of the Zoning Board shall serve a term of five years.

Alternate members of the Zoning Board may reside in any incorporated city or town or unincorporated area, provided that they do not reside in the same congressional township as any other member. (6-18-02)

3. Jurisdiction and Authority: The Zoning Board is hereby vested with the following jurisdiction and authority.

A. Appeals of an Administrative Decision Interpreting/Enforcing the Ordinance: To hear and decide, after public hearing, appeals from a decision of the Director of Building and Zoning under this ordinance, and in accordance with Illinois law, including 55 ILCS 5/5 - 12010. The Zoning Board shall interpret this ordinance, and particular regulations at issue in such an appeal, in harmony with their general purpose and intent.

B. Variance: To hear and decide, after public hearing, variances from strict application of this ordinance, in accordance with Illinois law, including 55 ILCS 5/5 - 12010. On a particular appeal for a variance from strict application of this ordinance, the Zoning Board shall determine whether the requested variance would be in harmony with the general purpose and intent of the ordinance, and whether there are practical difficulties or particular hardship in the way of carrying out the strict letter of any such regulations relating to the use, construction or alteration of buildings or structures or the use of land.

C. Special Use Permits: To hear applications for special use permits in the manner set forth and under the standard established in Article 8 herein and, after public hearing, report its finding(s) and make its recommendation(s) to The County Board. The County Board may accept or reject, in whole or in part, the finding(s) and/or recommendation(s) of the Zoning Board on such applications for special use permit(s), and may refer any such application back to the Zoning Board for further hearing(s), finding(s), and/or recommendations(s).

D. Amendments: To hear applications for amendment(s) to this ordinance, in the manner set forth and under the standards established in Section 207 herein and, after the public hearing, report its finding(s) and make its recommendation(s) to the County Board. The County Board may accept or reject, in whole or in part, the finding(s) and/or recommendation(s) of the Zoning Board on such applications for amendment(s), and may refer any such application back to the Zoning Board for further hearing(s), finding(s), and/or recommendation(s).

E. Other Matters: To hear and decide, or to hear and make recommendations to the County Board, all matters referred to it or upon which it is required to pass under this ordinance, and in accordance with Illinois law, including 55 ILCS 5/5-12010.

4. Administrative Variance as to Location or Bulk of Structures: If an application is made for a variance of ten percent (10%) or less of the regulating of this ordinance governing the location or bulk of structures, such variance may be granted by the Zoning Enforcement officer without a public hearing, provided that, before such

variance is granted, a Notice of Intent to grant such variance is sent by certified mail to all adjoining landowners, and no adjoining landowner files a written objection with the Zoning Enforcement officer within fifteen (15) days of receipt of such Notice of Intent.

If within fifteen (15) days after receiving such Notice of Intent, an adjoining landowner files a written objection to such variance with the Director of Building and Zoning, then the requested variance shall be heard and decided, after a public hearing, by the Zoning Board in accordance with this Article.

Time limit- No administrative variance shall be valid for a period longer than one year from the date of approval of such variance unless a permit is obtained for such structure within such period and the erection or alteration of a building, structure or land improvement is started or the use is commenced within such period. (6-17-08)

5. Meetings and Rules:

   A. All meeting of the Zoning Board shall be held at the call of the Chairperson, and at such times and places within the County as the Zoning Board may determine.

   B. All meetings of the Zoning Board shall be open to the public.

   C. The Zoning Board shall keep an audio recording of its proceedings showing the vote of each member upon each and every question. (6-17-08)

   D. The Zoning Board shall keep records of its examinations and of its official actions.

   E. Every action, rule, regulation, amendment or repeal thereof, order, requirement, decision or determination, findings or report of the Zoning Board shall be filed in the Department of Building and Zoning on or before the next business day following such action, rule, etc.

   F. The Zoning Board may, in the performance of its duties, incur such expenditures as shall be authorized by the County Board.

6. Procedure for Variances:

   A. Except as otherwise set forth in this Article, all variances shall be made in a specific case only after public hearing, and only by ordinance, resolution, or findings of fact and conclusions of law based upon the standards for variances in this Section. (2-20-01)

Applications for Variances – An application for a variance shall be filed with the Department of Building and Zoning in such form and accompanied by such information as required by the County Board. Such application shall be forwarded to the Zoning Board of Appeals with a request to hold a public hearing. (6-18-02)

Public Hearing - The Zoning Board of Appeals shall hold a public hearing on each application for a variance at such time and place as shall be established by the Zoning Board of Appeals. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Zoning Board of Appeals shall, by rule, prescribe from time to time in accordance with state statutes. (6-18-02)

Standards for Variances - The Zoning Board of Appeals shall approve findings of fact based upon the evidence presented to it with respect to the following standards:

1. The physical surroundings, shape, or topographical conditions of the specific property will cause a particular hardship to the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

2. The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property within the same zoning classification.

3. The purpose of the variance is not based exclusively upon a desire to make more money out of the property.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by persons presently having an interest in the property.

5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

6. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

7. The variance requested is the minimum variance that will make possible the reasonable use of the land or structure. (2-20-01)

B. There shall be at least fifteen (15) days notice of the date, time, and place of such public hearing published in a newspaper of general circulation in the township or road district in which the subject property is located. If no newspaper is published in such township or road district, such notice shall be published in a newspaper of general circulation in McLean County or having circulation where such property is located. Costs or charges for publication of such notice shall be paid by the petitioner or applicant.

C. The Notice of Public Hearing shall contain:

(1) the particular location of the real estate for which the variance is requested by street address, and if not street address then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection;

(2) whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual and true principal;

(3) whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation;

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

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

(6) a brief statement of what the proposed variance consists.

D. The Chairperson, or in his absence the acting Chairperson, or the Zoning Board, may compel the attendance of witnesses.

E. The Chairperson, or in his absence the acting Chairperson, shall administer oaths to witnesses testifying before the Zoning Board.

F. Each variance shall be accompanied by findings of fact specifying the reason(s) for granting or denying such variance.

G. Time limit- No variance shall be valid for a period longer than one year from the date of approval of such variance unless a permit is obtained for such structure within such period and the erection or alteration of a building, structure or land improvement is started or the use is commenced within such period. (6-17-08)

204 **APPEALS.** An appeal from a final decision of the Zoning Board of Appeals must be filed within 35 days of the date of the decision. (6-18-02)

205 **CONSTRUCTION PERMITS AND FEES.** A construction permit shall be required for the improvement of, or addition to a building, structure, or land improvement or part thereof; for the relocation of a building, structure or part thereof and such building shall not be dilapidated; whether relocated on the same lot or onto any lot under the jurisdiction of this ordinance; or, for any structural alteration which will result in changing the use of all or any part of a building or structure. Exempted from such permit requirements shall be buildings, structures and uses excepted from the regulations of this ordinance or by Illinois Statutes; driveways serving off-street parking areas of eight (8) spaces or less; open fences not more than four (4) feet in height; sidewalks; and light standards, birdhouses, flag poles and similar accessory structures, berms and or retaining walls that do not affect the drainage on adjacent properties less than 36 inches in height, the location of which are not restricted by this ordinance. (6-17-08)

1. Such construction permits shall be acquired by the owner of the property or by the authorized agent of such owner before physically undertaking, including excavation, or such construction, erection extension, addition, relocation or alteration, or substantial improvement.

2. Application for such construction permit shall be made to the Department of Building and Zoning, accompanied by plans, specifications and other supplementary information necessary to determine compliance with this ordinance, including when applicable, a certification that performance standards as required by this ordinance will be complied with and certification that a road access permit has been granted by the appropriate road authority. When applicable laws or regulations of the State of Illinois or McLean County require sewage disposal facilities to serve the proposed use, the application shall be accompanied by a certification from the McLean County Health Department approving the sewage disposal facilities proposed for such use. The application shall be accompanied by such elevation and other data necessary to determine compliance with any applicable flood hazard regulations of this ordinance.

   New public/commercial buildings shall be designed and built in accordance with the requirements of the Americans With Disabilities Act and with the current version of the Illinois Accessibility Code including the provision of accessible/handicap parking spaces as specified in Article 9, Section 906.7 of this

ordinance. Plans for such public buildings shall contain the seal of a registered architect or engineer. The architect or engineer shall also certify in writing that the building design is in accordance with the Americans With Disabilities Act and the current version of the Illinois Accessibility Code. Before occupancy permits are issued for public/commercial buildings, the architect/engineer shall certify that the site and building as built meet the requirements of the Americans With Disabilities Act and the Illinois Accessibility Code. (6-18-02)

Erosion and Sediment Control: Erosion is the process whereby soil or earth is moved by rainfall, flowing water, wind or wave action. Erosion and sediment control measures shall be installed at the time of construction and maintained during both the construction season and any construction shutdown periods where more than 5,000 square feet of land are disturbed or by the time of the stake out inspection when a permit is obtained for a residence, a detached building or a building addition, or within 14 days after final grade is reached or when disturbed areas are left idle for more than 21 days. If installed erosion and sediment control measures prove inadequate as determined by the Director of Building and Zoning, additional erosion control measures shall be installed. Final stabilization with permanent vegetative cover or equivalent permanent stabilization measures shall be in place before erosion and sediment control devices such as silt fences and straw bales may be removed. Standards for control measures for soil erosion shall be at least as protective as the requirements contained in the IEPA's Illinois Urban Manual, 2002 or as amended. Erosion and sediment control measures shall be provided for stockpiles of soil that remain in place for more than three days. All waste generated as a result of site development (including discarded building materials, concrete truck washout, chemicals, litter, sanitary waste or any other waste) shall be properly disposed of and be prevented from being carried off the site by either wind or water. Winter shutdown shall be addressed early in the fall growing season so that slopes and other bare soil areas may be stabilized with temporary and/or permanent vegetative cover for proper erosion and sediment control. Agricultural uses are exempt from this section. (6-17-08)

Storm Water Control Measures: Storm water control measures shall be required for permits on lots greater than one acre in area, not to include residences or buildings accessory to residential uses. Evaluation of plans shall be based on storm water design requirements of retention and detention facilities in Chapter 6 of the McLean County Subdivision Ordinance. (6-17-08)

3. When a construction permit is required by this ordinance the Director of Building and Zoning, or his/her authorized assistants or deputies, shall examine the application for such permit, and if such application and supporting documents show that the proposed project is in compliance with the regulations of this ordinance, shall issue a construction permit. Such permit shall not be issued until the applicable certifications required in Section 205 above are received.

4. The fee for the above specified construction permit shall be found in Appendix A. (6-17-08)

206 OCCUPANCY PERMITS. No land shall be occupied or used; no building or structure hereafter erected shall be occupied or used in whole or in part; no building or structure hereafter relocated shall be occupied or used in whole or in part; no addition to a building, structure or land improvement shall be occupied or used in whole or in part; nor shall any building or structure upon which structural alterations have been made be changed in use until an occupancy permit shall have been made be changed in use until an occupancy permit shall have been issued by the Director of Building and Zoning. Such occupancy permit shall certify that the building, structure, land improvement or part thereof complied with all the regulations of this ordinance. No change of use shall be made in any land, building, structure or land improvement or part thereof without an occupancy permit having been issued by the Director of Building and Zoning, and no occupancy permit shall be issued to make such change unless such change is in conformity with the provisions of this ordinance and amendments thereto. Nothing in this section shall prevent the continuance of the occupancy or use to which any land, building or structure was lawfully devoted on the effective date of this ordinance or any amendment thereto.

1. An occupancy permit shall be applied for coincident with the application for a construction permit as set forth in Section 205 above, and shall be issued within 14 days after the completion of the project for which construction permit was issued, or within 14 days after application has been made for a change of use where no construction is involved. A record of all occupancy permits shall be kept on file in the office of the Director of Building and Zoning and copies shall be furnished, upon request, to any person having proprietary or tenancy interest in the property affected. No additional fees shall be charged for any occupancy permit unless it is sought for a change in use only, as governed by Section 205.1 above, refer to Appendix A for fee. (06-17-08)

2. Issuance of Occupancy Permit.

   A. No occupancy permit for a project for which a construction permit is required shall be issued until construction has been completed and the premises inspected and said project is certified by the Director of Building and Zoning to be in conformity with the plans and specifications upon which the construction permit as set forth in Section 205 above, was based. No occupancy permit for a change of use shall be issued until the premises have been inspected and such change in use is certified by the Director of Building and Zoning to be in compliance with applicable regulations of the zoning district in which it is located.

   B. Pending the issuance of a regular occupancy permit, a temporary occupancy permit may be issued during the completion of any building, structure or land improvement or during the partial occupancy thereof, except a temporary occupancy permit may not be issued for required transition

screens other than plantings. Application for a temporary occupancy permit shall include a statement covering the items of work to be completed, denoting the reasons for which the temporary occupancy permit is requested, and certifying that the work can and will be completed within the duration of the temporary occupancy permit. A temporary occupancy permit shall be valid for a period not to exceed eight consecutive months except when the only work to be completed is the surfacing of parking or loading areas or driveways, such temporary occupancy permit may be valid for a period of one year with the stipulations that such parking or loading area or driveway is maintained in a reasonably dust-free condition during the period of temporary occupancy. The fee for such temporary occupancy permit shall be found in Appendix A. (6-17-08)

207 AMENDMENTS.

1. For the purpose of promoting the public health, safety, comfort, morals, and general welfare, conserving the value of property throughout the County, and lessening or avoiding congestion in the public streets and highways, the County Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this ordinance, provided that in all amendatory ordinances adopted under the authority of this subsection, due allowance shall be made for existing conditions, the conservation of the property values, the directions of building development to the best advantages of the entire County, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

2. Amendments may be proposed by the County Board, Regional Planning Commission, Zoning Board of Appeals, any property owner, or a person or organization with a property interest in the subject property.

3. An application for an amendment shall be filed with the Building and Zoning Department in such form and accompanied by such information as required by the County Board. Such application shall be forwarded to the Zoning Board of Appeals with a request to hold a public hearing, and report its findings and recommendations to the County Board.

4. The Zoning Board of Appeals shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Zoning Board of Appeals. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Zoning Board of Appeals shall, by rule, prescribe from time to time in conformance with Illinois Statutes.

5. Notice of time and place of such hearing shall be published in a newspaper of general circulation in McLean County, published weekly or more frequently, not more than 60 days or less than 15 days before such hearing as prescribed by applicable Illinois Statutes. Courtesy notices may be sent to owners, as determined

from current real estate tax records of property located within 250' of the perimeter of the property included in the proposed amendment. Supplemental or additional notices may be published or distributed as the Zoning Board of Appeals may, by rule, prescribe from time to time. (6-17-08)

6. Within 30 days after the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make a recommendation and submit a written report to the County Board. When the purpose and effect of the proposed amendment is to change the zoning classification of particular property, no amendment shall be recommended by the Zoning Board of Appeals unless such board shall recommend to the County Board findings:

   A. That the proposed amendment is compatible with appropriate uses, appropriate zoning classifications and appropriate trends of development in the general area; giving due consideration to dominant uses.

   B. That the proposed zoning classification is appropriate as it relates to the physical characteristics of the subject property, giving due consideration to the uses permitted in both the existing and proposed zoning classifications.

   C. That adequate and safe accessibility to the subject property from a public road is available or can be reasonably supplied, giving due consideration to uses permitted in the proposed zoning classification.

   D. That adequate public roads connected to the arterial highway system are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.

   E. That the proposed amendment is consistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area.

   F. That adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.

   G. That the proposed amendment is consistent with the public interest, giving due consideration to the purpose and intent of this ordinance as set forth in Article 1 herein.

7. The County Board, upon receiving the written report and recommendation of the Zoning Board of Appeals, may, by majority vote, grant or deny any proposed

amendment or may refer it back to the Zoning Board of Appeals for further consideration.

If application for a proposed amendment is not acted upon finally by the County Board within six months of the date upon which such application is received by the County Board, it shall be deemed to have been denied.

In case of written protest against any proposed amendment, signed and acknowledged by the owners of at least 20 percent of the frontage proposed to be altered, by the owners of 20 percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20 percent of the frontage immediately adjoining or directly opposite the frontage proposed to be altered, each of said petitioners to give the legal description of the property owned by them, or in cases where the land affected lies within one and one half miles of the limits of a zoned municipality, by the City or Town Council or President and Board of Trustees 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 three-fourths of all members of the County Board.

208 VIOLATION AND PENALTY.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this ordinance, or other regulation under authority conferred hereby, the proper authorities of the county or of the township in which the building, structure or land is located, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may withhold permits on such land and may institute any appropriate action or proceedings in the circuit court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business, or use in or about such premises. Any person who violates the terms of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed $500, with each week the violation remains uncorrected constituting a separate offense. (6-18-02) (6-17-08)

Inoperable Motor Vehicles: Parking or storage of inoperable or unlicensed motor vehicles or parts thereof shall not be permitted unless in a lawfully established junk yard or salvage yard. (6-18-02)

All inoperable motor vehicles, whether on public or private property, are a nuisance. Any person who fails to obey a notice received from the County which states that such person is to dispose of any inoperable motor vehicles under his or her control shall be fined not less than $100 and not more than $500. Each week a violation continues shall constitute a separate offense. (6-18-02)

Any inoperable motor vehicle or parts thereof will be removed by the County Sheriff after 7 days from the issuance of a county notice. However, nothing in this Section shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. (6-17-08)

As used in this Section, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least 7 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations 55 ILCS 5/5 – 1092. (6-17-08)

ARTICLE 3
RULES AND DEFINITIONS

301 RULES. Words and terms used in this zoning ordinance shall be given the meanings in this article. All words not defined in this article or in other articles herein shall be given their common, ordinary meanings as the context may reasonably suggest. In case of a dispute over the meaning of a term not defined in the zoning ordinance or over the application of a definition that is set forth, the Director of Building and Zoning shall give a written interpretation in accordance with Article 2.

1. 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:

2. The word "shall" is mandatory and not discretionary;

3. The word "may" is permissive.

4. The word "lot" shall include the words "piece", "parcel" and "tract"; and the phrase "used for", shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for";

5. All measured differences shall be to the nearest integral foot. (If a fraction is 6 inches or less, the integral foot next below shall be taken;

6. Any words not defined as follows shall be construed in their generally accepted meanings as defined in the most recent publication of Merriam Webster's Dictionary; and

7. The words and terms, set forth herein under "Definitions" wherever they occur in this ordinance, shall be interpreted as herein defined.

302 GENERAL TERMS AND USES. This section contains definitions of general terms, use types and sign terminology used throughout the text of this zoning ordinance. The use definitions are mutually exclusive, which means that uses that are specifically defined shall not also be considered to be a part of a more general definition of a use type. An "Adult Bookstore," for example, shall not be considered a "Retail Sales and Service" use, since "Adult Bookstore" is a more specific definition of the use.

303 DEFINITIONS.

Abutting (Contiguous, Adjacent).	Having one or more common boundary lines or district lines.
Adult	A person 18 years and older.

Adult Bookstore	An establishment having 10 percent or more portion of its stock in trade, books, photographs, magazines, films for sale or viewing on the premises by use of motion picture devices, or other coin-operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as said term is defined herein.
Adult Entertainment Establishments	A "Modeling Studio," "Adult Bookstore," "Adult Entertainment Facility," "Bathhouse" or "Massage Parlor" as defined herein.
Adult Entertainment Facility	Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for presenting live presentations, video tapes or films predominantly distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities, as said term is defined herein, and exotic dance facilities (regardless of whether the theater or facility provides a live presentation, video tape or film presentation), where the patrons either: (1) engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or (2) observe any live presentation, video tape or film presentation of persons wholly or partially nude with their genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities as said term is defined herein.
Agricultural Processing	The initial processing of crop-based agricultural products that is reasonably required to take place in close proximity to the site where such products are produced. Typical uses include grain elevators and grain mills.
Agricultural Sales and Service	An establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

Agriculture	The use of a tract of land the use of which is one of the following: . the growing, harvesting and storage of crops including but not limited to legumes, hay, grain, fruit, vegetables, flowers, trees, bushes; . the feeding, breeding and management of fish, livestock, poultry or fur bearing animals other than those uses which are defined as "Animal Feeding Operations"; . dairying; or . any other agricultural or horticultural use or combination thereof, including without limitation, bee keeping, aquaculture, silviculture, and any other activities customarily engaged in by persons engaged in business of farming. . Buildings for protecting or storing farm machinery or equipment, for housing and preparing livestock or poultry for market. Whenever a structure is being constructed as an agricultural building on parcels of less than 40 acres of tillable land the applicant shall submit to the Director of Building and Zoning a signed statement upon a form prescribed by the Director of Building and Zoning attesting to the authenticity of the agricultural use. The burden of proof that the parcel is a genuine agricultural operation is placed on the applicant. It shall be deemed a genuine agricultural use if substantial income is generated from agricultural activities on the parcel. (6-17-08)
Agriculture Tourism	Shall be accessory to a principle agriculture use that is already established on the farm and this use shall be operated by the person(s) farming the property. Typical uses include the following: corn maze, face painting, pumpkin carving, pony rides, display of farm animals, farm tours, hay rack rides, demonstrations and display of typical farm operations/activities: sale of milk and juice product refreshments, sold by the serving such as milk shakes, glasses of milk, dishes of ice cream; sale of products grown on the premises and products where value is added to such products: sale of locally grown produce by the producers of this locally grown produce: and sale of limited small accessory collectable gift merchandise with the a logo with the farm business name. (9-19-06)
Aircraft	Any contrivance, now known or hereafter invented, for use or designed for flight in air.
Airport or airstrip	Any public or privately owned or operated ground facility designed to accommodate landing and take-off operations of aircraft, including all taxi-ways, aircraft storage and tie-down areas, hangers and other buildings and open spaces.

Alley	A public right-of-way which is less than thirty (30) feet (9M) wide and affords a secondary means of access to abutting property. Frontage on an alley shall not be construed as satisfying the requirements related to frontage on a public street.
Alteration	A change in shape, location, character, occupancy or use of a building or structure.
Animal Care, General	A use providing animal care, veterinary services or boarding. See “Animal Care, Limited” and "Kennel."
Animal Care, Limited	A use providing animal care, boarding and veterinary services for household pets, with no outside animal runs. See “Animal Care, General” and "Kennel."
Applicant	The owner or duly designated representative of land for which a rezoning special use permit, amendment, variance, construction permit, or certificate of occupancy has been requested. If the applicant is a person other than the owner, consent in writing shall be required from the legal owner of the premises.
Arterial Road	A street that provides for through traffic movement between and around areas, with restricted access to abutting property and subject to necessary control of entrances and exits.
Asphalt or Concrete Plant	An establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products.
Assisted Living	Multi-family dwelling units used or designed to be used by older persons, persons with HIV, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including group homes, group residential, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities, and recreational and social activities are offered to residents.
Auditorium or Stadium	An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, meeting halls, sports arenas and amphitheaters.
Automated Teller Machine (ATM)	A mechanized consumer banking device operated by a bank or financial institution for the convenience of its customers, whether outside or in an access-controlled facility. ATMs located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.

Awning	A roof like mechanism, retractable in operation and covered with flexible a textured material which projects from the wall of a building.
Bank or Financial Institution	Establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions. "Banks and Financial Institutions" also include automated teller machines.
Bar or Tavern	An establishment in which the primary function is the sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as cocktail lounges and nightclubs but excluding those establishments that would otherwise be defined as an "Adult Entertainment Facility".
Basement	That portion of a building having one half or more of its floor to ceiling height below average grade of the ground immediately adjacent to its walls.
Basic Industry	An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials. Typical uses include distilleries, pulp processing and paper products manufacturing; glass manufacturing; brick manufacturing; steel works; tanneries; acid manufacturing; cement, lime, gypsum, or plaster of paris manufacturing; fertilizer or chemical manufacturing; and petroleum refineries.
Bathhouse	An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State.
Bed and Breakfast Establishment	An operator occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for no more than ten consecutive nights in a 12 month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.
Block	A block is a tract of land bounded by public streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, rivers and lakes and/or other lines of demarcation. A block may be located in part within an incorporated city or village.
Building	Any permanently fixed structure used or intended for supporting or sheltering any use or occupancy. Except in the Flood Plain Overlay District, the terms building or structure do not include recreational vehicles or trailers. (2-20-01)

Building, Accessory	A structure that: 1. is subordinate in area, extent and purpose to the principal use; 2. contributes to the comfort, convenience or necessity of the principal use; and 3. is located on the same lot and in the same zoning district as the principal use.
Building, Completely Enclosed	A building separated on all sides from the adjacent open space, or from other or other structures, by a permanent roof and by exterior or party walls, pierced only by windows and normal entrance or exit doors.
Building Coverage	The area of a lot covered by buildings or roofed areas, as measured along the outside wall at ground level, and including all projections, other than open porches, fire escapes, canopies and the first three feet of a roof overhang. Ground-level parking, open recreation areas, patios and plazas shall not be counted as building coverage.
Building, Detached	A building which is not connected to any other building or structure.
Building, Height	The vertical distance from the curb level to the highest point of the underside of the ceiling beams in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the top of the ceiling joists and the ridge of a gable, hip or gambrel roof. Chimneys, spires, towers, elevator or other accessory equipment, penthouses, tanks or other similar projections shall not be included in calculating the height. Freestanding chimney towers, poles and tanks, when function is related to height, shall also not be included in calculating building height.
Building Line	An imaginary line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site.
Building, Principal	A building in which a principal use is conducted.
Building, Residential	A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers.
Building, Temporary	Any building not designed to be permanently affixed to any given location.

Bulk	the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another and lot lines. This term includes regulations dealing with the following: 1. Lot area; 2. Lot area per dwelling unit; 3. Lot frontage; 4. Lot width; 5. Height; 6. Required yards; 7. Open space; 8. Gross floor area of buildings in relation to total lot area (floor area ratio);
Business	Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials or where services are offered for compensation.
Camp, Institutional	A camp operated by a service club, an educational organization or a religious organization.
Camp, Recreational	A tract of land, the principal use of which is to provide outdoor recreational camping facilities for three or more tents and/or recreational vehicles for persons having a bonafide permanent place of abode.
Camp, Tourist	A tract of land containing facilities for locating three or more tents or recreational vehicles for use only by travelers remaining not more than 15 days whether or not a charge is made.
Car Wash	An establishment primarily engaged in cleaning or detailing motor vehicles, whether by self-service, automatic or by hand.
Carport	A roofed automobile shelter having at least two open sides.
Catering	An establishment engaged in the preparation of food and beverages for consumption at another location. Catering shall not include the manufacturing of food as defined in "Food/Bakery Product Manufacturing."
Cemetery	Land used or intended to be used for burial or cremation of the dead, whether human or animal, including a mausoleum or columbarium.
Central Sanitary Sewer System	A sanitary sewer system that is designed to provide treatment of sanitary sewage from multiple uses.
Child	Any person under 18 years of age. For purposes of admission to and residence in child care institutions and maternity centers, the term also means any person under 21 years of age who is referred by a parent or

Child (continued)	guardian, including any agency having responsibility for a person pursuant to Act 405 Juvenile Court Act of 1987 (705 ILCS 405/I-1).
Child Care Facility	Any person, group of persons, agency, association or organization, whether established for gain or otherwise who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from parents, with or without the transfer of the right to custody in any facility as defined in the Child Care Act of 1969, (Chapter 23, 2211 et seq to 225 ILCS 10/1 et seq) established and maintained for the care of children.
Child Care Institution	A child care facility where more than five children are received and maintained for the purpose of providing them with care or training or both. The term "child care institution" includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include such facilities excluded from the definition of "Child Care Institution" as cited in the Illinois Child care Act of 1969 (Chapter 23, 2211 et seq to 225 ILCS 10/1 et seq).
Churches, Chapels, Temples & Synagogues	A site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship or retreat site. This definition shall not include church camps or other types of camps as are defined by "camp, institutional" herein.
Closed Cup Flash Point	The lowest temperature at which a combustible liquid, under prescribed conditions will give off a flammable vapor which will burn immediately.
Club, Private	A use providing meeting, recreational, or social facilities for a private association, primarily for use by members and guests. Typical uses include private social club, lodges, and fraternal organizations.
Collector Road	A street that provides for traffic movement between arterial roads and local streets, with direct access to abutting property.
College or University	An institution of higher education offering undergraduate or graduate degrees.
Commercial District	The C - Commercial District as identified in Article 4.
Committee	The Land Use and Development Committee of the County Board of McLean County, Illinois.
Composting	The biological treatment process by which microorganisms decompose the organic fraction of waste, process of composting.
Comprehensive Plan	Includes the composite of the functional and geographic elements of the Comprehensive Plan of McLean County, Illinois, or any future

Comprehensive Plan (continued)	version thereof, or any segment thereof in the form of plans, maps, charts, and textual materials, as adopted by the County Board.
Construction Sales and Service	An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, and the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction contractors' storage yards and construction equipment rental establishments.
Contractor Shop and Office	A building and/or property where materials and equipment used by construction contractors are stored and repaired. The contractor's office may also be located within the building or on the same property.
Correctional Facility	A facility providing housing and care for individuals confined for violations of law.
County	Means McLean County, Illinois.
County Board	The County Board of McLean County, Illinois.
County Engineer	The Registered Professional Engineer as appointed by the County Board as head of the Highway Department of McLean County or his designated representative.
Crematory	A furnace, including any building or structure housing such a furnace, for the burning of dead bodies.
Cultural Service	A facility providing cultural and educational services to the public. Typical uses include museums, art museums, observatories, planetariums, botanical gardens, arboretums, zoos and aquariums.
Day Care Center	Any child care facility which regularly provides care for less than 24 hours per day for: 1. more than 8 children in a family home, or 2. more than three children in a facility other than a family home which is licensed by the Illinois Department of Children and Family Services under the Illinois Child Care Act of 19692 (225 ILCS 10/1 et seq).
Day Care Homes	Family homes which receive more than three, up to a maximum of eight children for less than 24 hours a day. The number includes the natural or adopted children and all persons under the age of 12. Such day care homes shall be licensed by the Illinois Department of Children and Family Services under the Illinois Child Care Act of 1969 (225 ILCS 10/1 et seq) and allowed as a home occupation.

Decibel	A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound calibrated in decibels.
Decision-Maker or Decision-Making Body	The entity (County Board, County department head or board) that is authorized to grant final approval or denial of an application or permit required under this zoning ordinance.
Dedicate, Dedication	Transfer of ownership of right-of-way or other parcel of land or improvement to a public or private entity without compensation.
Development	Any subdivision of land; any consolidation or accumulation of tracts of land; any material change in the use or appearance of any parcel of land; any activity that affects lot lines, easement locations, number of lots, setbacks, locations of structures, dedications of streets or utilities; or the act of building structures or improvements on land.
Director of Building and Zoning	The Director of Building and Zoning of McLean County, Illinois or his/her designated representative.
Director of Environmental Health	Shall mean the Director of Environmental Health of the McLean County Health Department or his/her designated representative.
District	A section or part of the unincorporated portion of the County within which certain uniform regulations and requirements or various combinations of the thereof apply under the provision of this ordinance.
Drainageway, Improved	A portion of a right-of-way or easement used or intended principally for storm, surface or subsurface drainage which meets or exceeds the design and construction standards for public drainageways.
Drainageway, Unimproved	A portion of a right-of-way or easement whose use or intended principal use is storm, surface or subsurface drainage which does not meet or exceed the design and construction standards for public drainageways.
Drive in Establishment	An establishment which accommodates patrons in motor vehicles from which the occupants may watch, purchase, etc.
Driveway	A private access way for motor vehicles between a public or private street and one or more structures or off-street parking areas.
Duplex	The use of a single lot for two dwelling units within a single building.
Dwelling	A building designed or used principally for residential occupancy, but not including hotels, motels, boarding or rooming houses, tourist homes, mobile homes or trailers.

Dwelling, Farm	A dwelling unit located on a tract of land the principal use of which is the pursuit of agriculture as defined herein with the dwelling unit being clearly accessory and subordinate to such agricultural use, subject to the limitation that such dwelling unit is occupied by or intended for occupancy by the owner of such tract or by a person or persons whose principal occupation is the pursuit of agriculture on such land. A manufactured home / mobile home may be used as a farm dwelling but shall not be set aside on a separate tract as a residential use. (2-20-01)
Dwelling, Multiple-Family	A residential building containing three or more dwelling units.
Dwelling, Single-Family	A residential building containing one dwelling unit.
Dwelling Unit	A building or portion of a building that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation. A dwelling unit, as defined herein, shall not include rooms or suites customarily associated with hotels, motels, tourist cabins and other places providing temporary overnight lodging.
Easement	That portion or quantity of land set aside in which a liberty, privilege or advantage in land without profit is dedicated and is distinct from fee ownership of the land, is granted either to the public, a particular person or a combination of both.
Engineer	A Professional Engineer licensed in the State of Illinois.
Erect	The act of placing or affixing a component of a structure upon the ground or upon another such component.
Escrow Agent	A title company, bank, savings and loan association, trust company, attorney or other person, company, or agency approved by the County Board to act as escrow agent.
Excavation	Any act by which organic matter, earth, sand, or other similar material is cut into, quarried, uncovered removed displaced, relocated or bulldozed and shall include the conditions resulting from said act.
Erosion Control Plan	A plan showing a functional means of controlling runoff to prevent sediments from leaving the project site and causing siltation in sewers, lakes, streams or adjacent properties.
Existing Building	Any building erected prior to the adoption of the Ordinance or for which a legal building permit has been issued.

Existing grade	The vertical location of the existing ground surface prior to excavating or filling.
Family	One or more persons related by blood, marriage or adoption or a group of not more than four persons not so related, together with their domestic servants or gratuitous guests, maintain a common household in a dwelling unit. A family may include not more than two roomer or boarders whether or not gratuitous or not gratuitous. A family may include the occupants of a foster family or a group home as defined by this ordinance.
Farm	A tract of land that is 40 acres or more in size and is used for agricultural uses as defined herein.
Fence	An enclosure or barrier such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.
Fence, Agricultural	A fence used in conjunction with an agricultural use as defined herein.
Fence Height	The vertical distance measured from the side of the fence that is exterior to the property or from the lowest adjacent ground level to the top of the fence material. Fence material shall include the support posts and any material attached to said posts. In the case of wire fencing, height shall be measured by the width of the material used, providing that when installed, the material is directly adjacent to the ground level.
Fence, Open	A fence, including entrance and exit gates where each one foot wide segment for the full length and height of the fence contains at least 70 percent open space which affords a direct view through the fence or if said fence has a height of not more than four feet tall may contain not less than 50 percent open space.
Fence, Privacy	A solid fence a minimum of six feet in height.
Fence, Sharp Pointed	A barbed fence, a fence with spikes, other sharp points or a razor blade fence.
Fence, Solid	A fence, including solid entrance and exit gates, where each one foot segment for the full length and height of the fence contains less than 70 percent open spaces or if said fence has a height of not more than four feet, contains less than 50 percent open space.
Fence, Wire	A fence whose principal material is wire. This includes, but is not limited to, chain link fences.

Fertilizer Distribution Plant	Premises or buildings where agricultural fertilizer products are stored, mixed and blended and sold at retail or wholesale, but not including the manufacture of such products.
Fill	Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled transported or moved by mechanical means to a new location and shall include the conditions resulting therefrom.
Final Grade, Finish Grade	The vertical location of the ground or paving surface after the grading work is completed in accordance with the site development plan.
Floor Area	For nonresidential buildings or buildings containing both residential and nonresidential uses, "floor area" means the sum of the gross horizontal area of all floors of the building measured from the exterior faces of the exterior walls. For residential buildings, "floor area" shall mean the gross horizontal area of all floors in a dwelling measured from the external faces of the exterior walls. Garages, basements and open porches shall be excluded when measuring residential floor area.
Floor Area Ratio	The numerical value obtained by dividing the gross floor area of a building or buildings by the total area of the parcel of land on which the building or buildings are located.
Food/Bakery Product Manufacturing	A use engaged in the manufacture of food and food products, including non-retail bakeries, canning facilities and creameries.
Food Store	An establishment where food and prepackaged beverages are sold on-site for consumption off-site. A limited amount of food preparation on-site may also be allowed, such as a delicatessen or bakery.
Foster Family Home	A facility for child care in residences of families who receive no more than five children unrelated to them, unless all of the children are of common parentage, for the purposes of providing family care and training for the children on a full time basis; except the Director of the Department of Children and Family Services, pursuant to Departmental regulations may waive the limit of five children unrelated to an adoptive family for good cause and only to facilitate an adoptive placement. The family's own children, under 18, shall be included in determining the maximum number of children served. The term "foster family home" includes homes receiving children from any state operated institution for child care or from any agency established by a municipality or other political subdivision of the State of Illinois authorized to provide care for children outside their homes. The types of foster family homes are as defined and cited in the Illinois Child Care Act of 1969 (225 ILCS 10/1 et seq).

Free Burning	Implies a rate of combustion described by a material which burns actively and easily supports combustion.
Freight Terminal	A building or area in which freight brought by truck, rail or air is processed for continued shipment by truck, rail or air.
Frequency	The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.
Frontage (of a block)	All of the property fronting on one side of a street. If the street is a dead end, the frontage is measured to the end of the street.
Frontage (of a lot)	The linear measure between lot lines along a street, roadway or other public way.
Frontage, Street	The length of a lot line that abuts public street right-of-way. The frontage of a lot abutting more than one street shall be calculated separately for each street.
Funeral Home	An establishment engaged in preparing the human deceased for burial, entombment or cremation and arranging and managing funerals.
Garage, Private	An accessory building or an accessory portion of the principal building which is intended and used to store private motor vehicles owned by members of the family or families residing upon the premises, and in which no business, service, or industry is carried on; provided that not more than one-half of the space may be rented for the storage of private motor vehicles of persons not residing on the premises, except that all the space in a garage of one or two-car capacity may be so rented. Such a garage may be used for the storage of not more than one commercial truck having a load capacity of 1½ tons or less. (2-20-01)
Gas and Fuel Sales/Storage	The use of a site for bulk storage, distribution and sales of flammable liquid, gas or solid fuel, excluding storage that is clearly ancillary to an allowed principal use on the site such as a automotive or truck stop service stations as defined herein.
Glare	To shine with a harsh uncomfortably brilliant light.
Golf Course	A public, semi-public or private grounds over which the game of golf is played including accessory buildings and land uses incidental to the game and consisting of at least 60 acres of land for each standard nine-hole course; and at least 25 acres of land for each nine-hole “par 3” course.

Government Service	Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and park and recreation services. Typical uses include administrative offices of government agencies, utility billing offices, township halls, and township road maintenance buildings and yards.
Grade	The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
Grading	The act of excavating or filling or combination thereof and shall include the conditions resulting from any excavation or fill.
Greenhouse, Nursery	An establishment where flowers, trees, and other products that are commonly used as landscaping in and around buildings are grown and sold.
Group Home	A child care facility which provides care for not more than five children placed by and under the supervision of a licensed child welfare agency with these homes being owned or rented, staffed, maintained and otherwise operated by the agency. Group homes also means a dwelling providing shelter to not more than five unrelated persons who are handicapped as defined by this ordinance.
Group Residential	The use of a site for occupancy by groups of more than five persons, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, and boarding or lodging houses. The term "group residential" does not include the term "group home."
Guest Room	For the purpose of enforcing the provisions of this ordinance regulating bed and breakfast establishments, “guest rooms” shall mean a sleeping room intended to serve not more than two transient guests per night.
Handicap	With respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment. This term does not include current, illegal use or an addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 902). An individual shall not be considered to have a handicap solely because that individual is a transvestite. As used in this definition: A. “Physical or mental impairment” includes: 1. Any physiological disorder or condition, cosmetic disfiguration, or anatomical loss affecting one or more of the following body systems: neurological; muscular skeletal;

Handicap (continued)	special sense organs; respiratory; genito/urinary; speech organs; cardiovascular; reproductive digestive, hemio and emphatic; skin; and endocrine; or 2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. The term "physical or mental impairment includes, but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal controlled substance) and alcoholism. B. "Major life activities" means taking care of oneself, performing manual tasks, walking, seeing, speaking, breathing, learning and working. C. "Has a records of such an impairment" means has a history of , or has been classified as having a mental or physical impairment that substantially limits one or more major life activities.
Hazardous Operation	Hazardous Operation activities that present the potential for serious hazards to human life and health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal and radioactive waste handling.
Hazardous Substances	Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or harmful to the health of any person handling or otherwise coming into contact with such material or substance.
Health Club	A facility where members or nonmembers use equipment or space for the purpose of physical exercise. Said facilities may be located both indoors and outdoors.
Hearing	Public hearing.
Heliport or Helipad	An area, either on the ground or on a building, used as a landing pad for helicopters to pick up or discharge passengers or cargo.

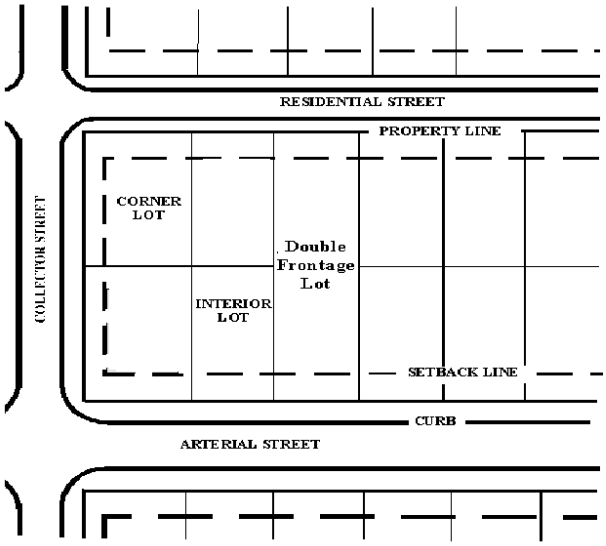
Home Occupation	Any occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes.
Home Office	An incidental and subordinate area in a residential dwelling unit used solely by the occupants of the dwelling unit for limited business activities including making and receiving phone calls; paper and electronic communications; word processing; data analysis and manipulation. The occupants of the dwelling unit may conduct these activities on behalf of an employer or as a self-employed proprietor.
Homeowners Association	An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner or home owner in a planned district or other described land area is automatically a member and each lot is automatically subject to a charge for a proportionate share of the expenses for the activities of the organization, such as maintaining common property.
Hospital	An institution that: (1) offers service more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.
Hotel or Motel	An establishment used, maintained or advertised as a place where sleeping accommodations, in rooms without individual kitchens, are supplied for short-term rent to transient guests. Such establishments provide customary hotel services such as a central desk, maid service and laundry of linens used in the lodging rooms.
Household Hazardous Waste	Waste that is considered hazardous because of the way if affects humans or reacts with other chemicals. Waste is usually grouped into the following five categories: caustic, explosive, infectious, toxic and radioactive.
Industrial Districts	The M-1 and M-2 Districts as identified in Article 4.
Incompatible Uses	A use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

Inoperable Vehicle	Any motor vehicle which does not have a current license sticker or which for a period of at least six months, the engine, wheels or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own power. Inoperable motor vehicle shall not include a motor vehicle, which has been rendered temporarily incapable of being driven under its own motor power for no more than 30 days in order to perform ordinary service or repair operations. Inoperable motor vehicle shall also include parts of motor vehicles that are scattered or stacked. (6-18-02)
Integrated Center	A use combining office and warehousing; office and light assembly; or office, warehousing and light assembly activities within the same building. Buildings within integrated centers typically have office storefronts on one side of the structure and loading docks or roll-up doors on the other side. Loading and service areas are screened from view of public rights-of-way, public recreation facilities (e.g., parks, golf courses, etc.,) and lower intensity zoning districts. Integrated centers may have more than one use within the same building and may include retail sales of merchandise as an accessory use.
Intense Burning	Implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.
Intensity	(of uses and districts) References to less restrictive or more restrictive zoning districts refer to the base zoning districts established by Article 4 and represent a progression from the "A" district as the least intensive zoning district to the "M-2" district as the most intensive zoning district. Overlay districts are not included in the zoning district hierarchy. References to less intensive or more intensive uses refer to the zoning districts in which such uses are first permitted. Use "X" is to be construed as more intensive than use "Y" if use "X" is first permitted by-right in a zoning district that is more intensive than the district in which use "Y" is first permitted by right.
Kennel	Boarding, breeding or training facilities for four or more dogs, cats or other household domestic animals that are more than four months of age, including dogs owned by the occupants of the property. For a lot or tract of land comprising more than two and one-half acres, the resident of the property may have one additional such animal for each additional one and one-half acre, up to a maximum of seven. See "Animal Care General" and "Animal Care Limited." (2-20-01) , (6-17-08)
Land Use Committee	The Land Use and Development Committee of the McLean County Board.

Landfill	A facility permitted by the Illinois Environmental Protection Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse of the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Illinois Pollution Control Board may provide by regulations.
Landscape and Nursery Contractor	A business engaged in installation of plant material stock, including wholesale and/or retail of such plant stock and other landscaping materials.
Landscape Waste	All accumulation of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.
Landscape Waste Composting and Mulching Facility	An establishment for the composting and mulching of waste materials accumulated as the result of the care of lawns, shrubbery, vines and trees and not accessory to general agriculture as set forth in Article 5.
Laundry Plant	An establishment that is primarily for cleaning of laundry, rugs and similar materials. This definition does not include Laundromats or dry cleaning pick-up stations.
Library	A publicly-operated establishment housing a collection of books, magazines, audio and video tapes, computers and other material for borrowing and use by the public.
Livestock	Animals kept for use on a farm or raised for sale and profit.
Loading Space	An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.
Local Street	A street that provides direct access to abutting land and local traffic movement.
Lot	A quantity of land described with such specificity that its location and boundaries may be established and which is designated by its owner or developer as land to be conveyed, used and developed as a unit including any easements.
Lot Area, Gross	The area of a horizontal plane bounded by the vertical planes through the front, side and rear lot lines.

Lot, Corner	A lot located at the intersection of two or more streets; or a lot abutting on a curved street or streets shall be considered a corner lot if strait lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an angle less than one hundred thirty five (135) degrees.

LOT TYPES

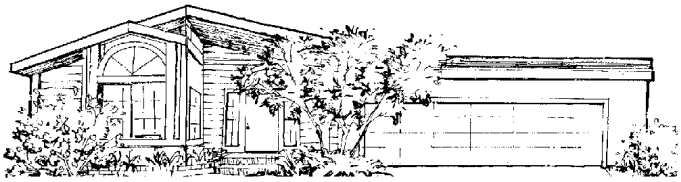


Lot Depth	The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front of the foremost points of the side lot lines in the rear.
Lot, Double Frontage (Through Lot)	A lot which has a pair of opposite lot lines along two substantially parallel streets.
Lot, Interior	A lot whose side lines do not abut upon any street.
Lot Line	A line dividing one lot from another or from the street right-of-way.
Lot Line, Front	That boundary of a lot which is along the existing or dedicated street or public way. The owner of a corner lot may select either street lot line as the front lot line.

Lot Line, Rear	That boundary of a lot which is most distant from and is, or is approximately parallel to the front lot line. If the rear lot line is less than 10 feet in length within the lot or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot, parallel to and at a maximum distance from the front lot line.
Lot Line, Side	Any boundary of a lot which is not a front or rear lot line.
Lot of Record	A lot which is part of a subdivision recorded in the office of the McLean County Recorder or a lot or parcel described by metes and bounds, the description of which has been recorded.
Lot, Trailer	The area of land assigned to a travel trailer or mobile home in a tourist park or a mobile home in a mobile home park.
Lot Width	The horizontal distance between side lot lines as measured along the required front setback line. In the case of a corner lot either side along a public street may be designated as the front yard.
Lot, Zoning	A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
Manufactured Home Park	An area or tract of land where two or more manufactured housing units, mobile homes or mobile home/manufactured housing spaces are rented or held out for rent.

Manufactured Home, Residential-Design	A manufactured home housing unit placed upon a permanent foundation and which contains exterior elements commonly found on other conventionally built single-family detached dwellings. **Residential Character:** Covered Entry, Front Porch, Landscaping, Pitched Roof **Manufactured Features:** Horizontal Lap Siding, Double-wide Trailer, Permanent Masonry Foundation **Architectural Details:** Window Elements
Manufactured Home Sales	An establishment primarily engaged in the display and sale of mobile homes or manufactured housing units.
Manufactured Home Space	A plot of ground within a manufactured home park that can accommodate one manufactured housing unit and that provides necessary utility services.
Manufactured Housing Unit	A transportable, factory-built structure that is manufactured in accordance with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401) and that is designed to be used as a single dwelling unit.
Manufacturing and Assembly	Establishment engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding "Basic Industry."
Marina	A facility for the storage (wet or dry), launching and mooring of boats.
Marquee	Any permanent, roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
Massage Parlor	An establishment which has a fixed place of business having a source of income or compensation 60% or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the

Massage Parlor (continued)	human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage. Under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity; provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Illinois. The Massage Licensing Act gives the state exclusive jurisdiction over massage therapists. Neither the county nor any city may regulate massage therapists after January 1, 2003, Section 57/55, 225 ILCS 57/1. (6-17-08)
Medical Service	An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, and the provision of medical testing and analysis services. Typical uses include clinics and offices for doctors of medicine, dentists, chiropractors, osteopaths, optometrists; blood banks and medical laboratories.
Micron	A unit of length, equal to one thousandth part of one millimeter.
Military Service	A facility used or intended to be used by a branch of the U.S. Armed Forces, including military reserves.
Mining or Quarrying	The extraction of metallic and nonmetallic minerals excluding oil or natural gas. Typical uses include sand and gravel pit operations, quarries and mines.
Mobile Home	A transportable, factory-built structure that was manufactured prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401) and that is designed to be used as a single dwelling unit.
Mobile Home Park	See the definition of "Manufactured Home Park."
Mobile Home Sales	See the definition of "Manufactured Home Sales."
Modeling Studio	A use or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools where persons are enrolled in a class.
Moderate Burning	Implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

Modular Home	A manufactured residential structure built to a nationally recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard.  **Residential Character**: **Architectural Details:** Pitched Roof Eave Projection Covered Entry Varying Depths Enclosed Garage Ornamental Windows **Permanent Features:** **Modular Features:** Walkway and Stairs Modules for on-site construction Formal Landscaping
Motor Vehicle	Any self-propelled vehicle designed primarily for transportation of people and goods along streets, alleys and other public ways.
Multi-Family Residential	The use of a site for three or more dwelling units within a single building. Typical uses include triplexes, four-plexes, apartments and residential condominiums.
Natural Drainage	Water courses formed in the topography of the earth prior to any manmade changes.
Nonconformity	A nonconforming lot, nonconforming use, nonconforming sign or nonconforming structure.
Noxious Matter	That which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects on the physical or economic well-being of human beings.
Nursing Home	A use providing bed care and inpatient services for persons needing medical attention but excluding facilities for the care and treatment of mental illness, alcoholism, narcotics addiction, emergency medical services and treatment of communicable diseases.

Octave Band	A term denoting all frequencies between any given frequency and double that frequency.
Octave Band Filter	An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound-level meter to take measurements in specific octave intervals.
Odorous Matter	Material, gas, liquid or solids that yield an odor.
Odor Threshold	The minimum concentration of odorous matter in the air that can be detected as an odor.
Office, General	An establishment providing executive, management, administrative or professional services, but not medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.
Oil or Gas Drilling/Refining	The subsurface extraction of oil or natural gas or the distillation of ethyl alcohol (ethanol) from agricultural crops and the processing of by-products from such distillation.
Open Space	An outdoor, unenclosed area, located on the ground or on a roof, balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel.
Open Space, Private	Open space within a development that is contained within individually owned lots and which is designed and intended primarily for the private uses of residents or occupants of the lot on which the private open space exists. Private open space shall also include land within a subdivision or development which is owned and maintained by a homeowners association. Private open space does not include areas utilized for streets, alleys, driveways, private roads, or off-street parking or loading areas. Private open space may include recreational areas such as swimming pools, tennis courts, shuffleboard courts, etc.
Open Space, Public	Any publicly-owned open area including but not limited to the following: parks, playgrounds, forest preserves, waterways, parkways and streets. Public open space does not include areas utilized for streets, alleys, driveways, private roads, or off-street parking or loading areas. Public open space may include recreational areas such as swimming pools, tennis courts, shuffleboard courts, etc.

Operator	For the purpose of enforcing the provisions of this ordinance regulating bed and breakfast establishments, "operator" shall mean the owner of a bed and breakfast establishment, or the owner's agent, who is required to reside in the bed and breakfast establishment, or on contiguous property.
Owner	Any person, firm, association, private corporation or quasi-public corporation or combination of any of these or other legal entity having sufficient proprietary interest in the land sought to be subdivided or developed to commence and maintain proceedings under the provisions of this ordinance.
Parcel	All contiguous land used or legally described as a single unit.
Parent Tract	A continuous tract of land in single ownership.
Parking Area, Off-street; Parking Lot	An area not on public right-of-way, exclusive of driveways, which is used for the parking of motor vehicles. For the purpose of computing the number of parking spaces in a lot, all areas used for parking under unified control the same or contiguous parcels of land shall be considered as one (1) lot.
Parking Lot, Commercial	An area used or intended to be used for the off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.
Parking Space	An area on a parking lot of sufficient size, according to the provisions of this ordinance to store one or passenger vehicle connected to a street or alley, drive or drive way and so arranged as to permit ingress and egress of vehicle at all times without maneuvering on a sidewalk and without moving other vehicles parking adjacent to the parking space.
Parks and Recreation Area	A publicly or privately owned park, playground or community facility, that provides opportunities for active or passive recreational activities.
Particulate Matter	Dust, smoke or any other form of airborne pollution in the form of minute separate particles.
Parkway	The unpaved land within a street right-of-way which is located between the back of the curb and the right-of-way.
Performance Standard	A criterion established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, glare, heat generated by or inherent in the uses of land or buildings.
Person	Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.
Planned Development	A parcel or tract of land, initially under one ownership, which contains one or more principal buildings and one or more principal uses, planned and constructed as a unified development and where certain regulations of this

PD (continued)	ordinance are modified.
Post Office	A facility used for the collection, sorting and distribution of U.S. mail among several zip code areas and having limited retail services for the public, such as the sale of stamps, postcards and postal insurance.
Printing and Publishing	The production of books, magazines, newspapers and other printed matter, and record pressing and publishing, engraving and photoengraving, but excluding businesses involved solely in retail photocopying, reproduction, photo developing or blueprinting services. Which would be included within the definition of "Retail Sales and Services" as contained herein.
Private Sewage Disposal System	An on-site sanitary sewage system that is designed to provide treatment of sanitary sewage from a single use and is maintained by a private individual or entity.
Property Line	The lines bounding a lot or parcel delineating the land in individual ownership.
Public Improvements	Include streets, sidewalks, public utilities and other structures, fixtures or land appurtenances which are or are intended to be dedicated to a public or private entity.
Racetracks	Establishments providing tracks for the racing of cars, motorcycles, bicycles, horses, dogs or similar types of motor vehicles and animals for viewing by the public.
Railroad Right-of-Way	A strip of land with tracks and auxiliary facilities for track operations, but not including freight depots or stations, loading platforms, train sheds, roundhouses, car or locomotive shops or car yards.
Recreation and Entertainment, Indoor	An establishment offering recreation, entertainment or games of skill to the public for a fee or charge and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors and video game arcades. Indoor recreational and entertainment facilities shall not include facilities that are considered to be park and recreational as defined herein.
Recreation and Entertainment, Outdoor	An establishment offering recreation, entertainment or games of skill to the public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters and miniature golf courses. Outdoor recreational and entertainment facilities shall not include facilities that are considered to be park and recreational as defined herein.
Recreational Area, Family	Picnic areas, ponds for fishing and/or swimming and camping areas for not more than two (2) tents or recreational vehicles, as herein defined. Such tents or vehicles shall be parked, placed or used on the premises for no more than

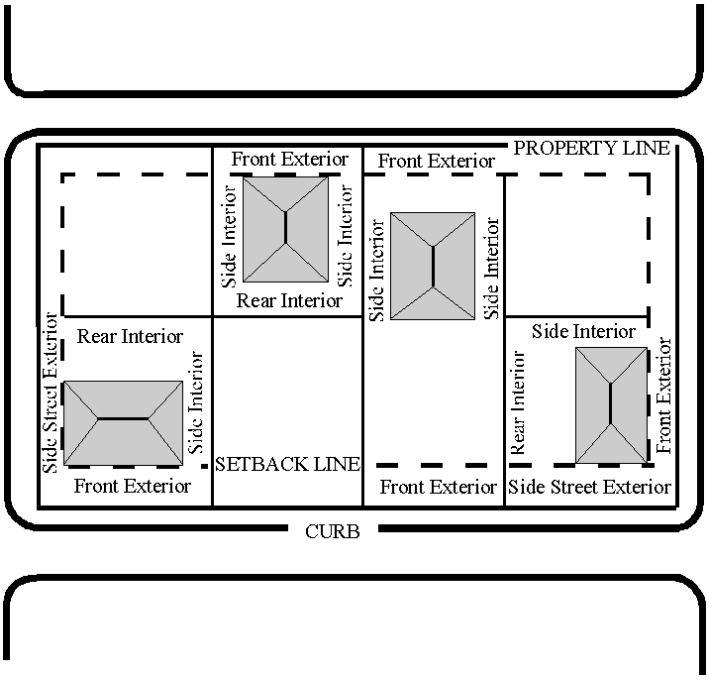
Recreational Area, Family (continued)	45 days in one calendar year with no period of occupancy to extend beyond 15 consecutive days. Mobile homes and / or permanent buildings are not permitted, except buildings used exclusively for shelters open on three (3) sides. Said buildings shall not occupy an area exceeding 600 square feet of land area. Such family recreation area may be used only by the owner, his family and occasional non-paying guests. (6-17-08)
Recreational Vehicle	Any of the following vehicles which are licensed for travel on the highway: travel trailer (a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation, or one permanently identified as a travel trailer by the manufacturer of the trailer); pick-up coach (a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation); motor-home (as a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle); and camping trailer (as a canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use).
Recreational Vehicle Park	Land used or intended to be used for occupancy by recreational vehicles for transient living purposes, including the use of camping spaces for tents.
Recycling	The return of municipal solid waste items, most notably, glass, paper, aluminum, steel, other metals, motor oil, yard waste and plastics, into a usable product.
Recycling Collection Center	A building and/or site, with more than 1,000 square feet in area, in which source separated recoverable materials, such as newspapers, glassware and metal cans are collected, stored, flattened, crushed or bundled prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market.
Recycling Collection Stations	An accessory use or structure that serves as a drop-off station or buy-back station, occupying no more than 1,000 square feet for the collection of recyclable materials.
Regional Pollution Control Facility	Any waste storage site, sanitary landfill, waste disposal, waste transfer station or waste incinerator that accepts waste from or that serves an area that exceeds or extends over the boundaries of any local general purpose government. This includes sewers, sewage treatment plants and any other facilities owned or operated by a sanitary district organized under "an act to create sanitary sewer districts and to remove obstructions in the Des Plaines and Illinois rivers", approved May 29, 1989 as now or hereafter amended. The following are not regional pollution control facilities: (1) sites or facilities located within the boundary of a local general purpose government and intended to serve only that entity. (2) Waste storage sites regulated under 40 CFR, Part 761.42; or

Regional Pollution Control Facility (continued)	(3) Sites of facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation or any combination thereof, for wastes generated by such persons own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person.
Repair Service	A use primarily engaged in the provision of repair services to individuals and households, but excluding "Vehicle Repair" services. Typical uses include appliance repair shops.
Reservoir Parking	Those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.
Residence	The act or condition of residing or dwelling in a place.
Restaurant, Fast-Food	An establishment primarily engaged in the sale of food and non-alcoholic beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle.
Restaurant, General	An establishment where the principal business is the sale of food and beverages in a ready-to-consume state.
Retail	Refers to the sale of commodities or services directly to customers, when such commodities and services are used or consumed by the customer and are not purchased primarily for the purpose of resale.
Retail Sales and Service	An establishment engaged in the sale or rental of goods and services, excluding uses more specifically defined.
Review Body	The entity (County department head, Board, or Committee) that is authorized to recommend approval or denial of an application or permit required under this zoning ordinance.
Right-of-Way	A strip of land dedicated or used by the public for vehicular traffic and/or storm, surface or groundwater drainage.
Ringelman Chart	A chart that is described in the U.S. Bureau Mines Circular 6888, and on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke.
Rural Home-Based Off-Premise Business	A home-based business that usually includes large equipment where business is conducted or operated primarily off premises from the place of residence of the owner of such business with business activity on the site of

(continued)	such owner's place of residence being limited to the routine maintenance and routine storage of equipment, materials and supplies used in the operation of such business and an accessory office within such owner's dwelling for the operation of such business. (2-20-01)
Ringelman Number	Designation of the area of the Ringelman Chart that coincides nearly with the visual density of emissions of light-obscuring capacity of smoke.
Safety Service	A facility for conduct of safety and emergency services, including fire and police protection services and emergency medical and ambulance services.
Salvage Yard	A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage or salvaging of machinery, equipment, scrap iron, other metals or inoperable vehicles; or for the sale of parts thereof, unless conducted entirely within enclosed buildings. Typical uses include automobile salvage yards and junkyards. (6-18-02) (2-21-2012)
School, Elementary, Middle or High	The use of a site for instructional purposes on an elementary or secondary level.
Seed Sales, Agriculture	Premises or buildings where agricultural seed products are stored and sold at retail or wholesale. (6-17-08)
Service Station, Automotive	A use primarily engaged in the retail sale of gasoline or other motor fuels primarily to automobiles and passenger vehicles, along with accessory activities such as the sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, and the minor adjustment or repair of passenger motor vehicles. Uses involved primarily in the sale of diesel fuel, gasoline or other fuels to tractor trucks and uses that feature parking, storage or servicing of tractor trucks or semi-trailers shall be classified as "Truck Stop Service Stations."
Service Station, Truck Stop	A use primarily engaged in the sale of diesel fuel, gasoline or other fuels to tractor trucks, along with accessory activities such as the sale of lubricants, accessories or supplies, or the servicing of tractor trucks or semi-trailers. A truck stop service station may include, as an accessory use, the parking and storage of tractor trucks and semi-trailers for a short period of time not exceeding five days.
Setback	The minimal longitudinal distance between the building or structure line and the related lot line abutting a street.
Setback, Exterior	An "Exterior Front Setback" or an "Exterior Street Side Setback."

Setback, Exterior Front	A setback that is to extend across the full width of a lot between the street right-of-way line and a line parallel thereto on the lot.
Setback, Exterior Street Side	A setback that is to extend from the street right-of-way line to the rear lot line along the side of a lot that is adjacent to a street or street right-of-way line, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.
Setback, Interior	An "Interior Side Setback" or an Interior Rear Setback."
Setback, Interior Rear	A setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot.
Setback, Interior Side	A setback that is to extend from the street right-of-way line to the rear lot line along the side of a lot that is adjacent to another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

SETBACK AREAS



Shooting Range, Public, Semi-Public or Private	A premise used for target shooting with rifles, muskets or pistols; or for skeet or trap shooting. Such shooting range may include as an accessory use a clubhouse, maintenance building, facilities for serving food and refreshments and the sale of shooting supplies for use on the

Shooting Range, Public, Semi-Public or Private (continued)	range. A shooting range does not include a premise used for such purposes by the individual owner, members of the household and non-paying guests when accompanied by the individual owner or a member of the household.
Sidewalk	A tract of land used or intended principally for pedestrian passage.
Single-Family, Accessory	A single-family dwelling unit located within a building containing a commercial use and which is accessory to the commercial use.
Single-Family, Attached	The use of a lot for one dwelling unit that is attached to at least one other dwelling unit by common or abutting walls and with each dwelling unit located on its own separate lot. Typical uses include duplexes, townhouses and condominiums. This definition shall exclude mobile homes.
Single-Family, Detached	The use of a lot for only one principal dwelling unit that is not connected to any other dwelling unit. This definition shall exclude mobiles homes.
Single-Family Detached Farm Dwelling	A single-family dwelling unit located on a tract of land whose principal use is the pursuit of an agricultural use as defined herein with the dwelling unit being clearly accessory and subordinate to such agricultural use subject to the limitation that such a dwelling unit is occupied by or intended for occupancy by the owner of such tract or by a person or persons whose principal occupation is the pursuit of agriculture on such land.
Single-Family Detached Non-Farm Dwelling	Any single-family dwelling unit which is not a single-family detached farm dwelling.
Single-Family Underground Dwelling	A single-family detached dwelling unit constructed below ground and which has earth cover over the underground portion of the dwelling.
Single-Family Zero Lot Line Dwelling	A single-family dwelling that does not adjoin any other dwelling and is located on a lot that does not extend beyond the exterior of the building in which the dwelling is located.
Slow-Burning or Incombustible	Implies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite or actively support combustion during an exposure for five minutes to a temperature of 1200 degrees F shall be designated combustible.
Smoke Units, Number	The number obtained by multiplying the smoke density in Ringelman Number by the time of emission in minutes. For the purpose of this calculation:

Smoke Units, Number (continued)	1. Ringelman density reading is made at least once every minute of the period of observation. 2. Each reading is then multiplied by the number of minutes during which it is observed; and 3. The various products are then added together to give the total number of smoke units observed during the total period under observation.
Solid Waste Collection/Processing	Recycling collection centers, incinerators, processing facilities, materials recovery facilities, solid waste transfer stations or any facility where municipal solid wastes are salvaged, sorted, processed or treated.
Solid Waste Transfer Station	A solid waste facility at which solid waste is transferred from collection vehicles (some sorting may occur) to long distance hauling vehicles for transportation to a central solid waste management facility for processing, disposal, incineration or resource recovery.
Sound Level	The intensity of sound, measured in decibels produced by an operation or use.
Sound Level Meter	An instrument standardized by the American Standards Association for the measuring the intensity of sound.
Source Separation	Materials that are separated from the municipal solid waste stream at the point of origin for the purpose of recycling. For example, household separating paper, glass and aluminum from the rest of the solid waste.
Specified Sexual Activities	1. Sexual conduct, being acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person is a female, her breast; 2. Sexual excitement, being the condition of human male or female genitals when in a state of sexual stimulation or arousal; or 3. Sadomasochistic abuse, being flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.
Stable, Private	A building, structure or area of land which is located on a lot on which a dwelling is located and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling unit but in no event for hire.
Stable, Public	A building where horses are kept for compensation, hire or sale.
Stand, Roadside	A structure for the display and sale of only farm products which are produced on the premises.

Stockyard	A non-farm-based facility used or intended to be used for selling or holding livestock but not including animal feeding operation as defined herein.
Story	That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above it and in the case of a split level story, the surface of the floors at different elevations and the ceilings next above such floors, provided that there is not more than four feet difference in elevation between the levels of the floors of such a story. A basement as herein defined shall not be considered a story for the purposes of this ordinance.
Story, Half	A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.
Street	That portion of a public right-of-way used and maintained by the public which affords the principal means of access to adjacent lots of record or premises and meets the design and construction standards for the classification it holds under this Ordinance.
Street Line	The dividing line between a lot and a contiguous street. If said contiguous street is established by easement rather than by dedicated right-of-way, the street line shall be established by measuring from the center line of said roadway half the right-of-way width if said roadway were dedicated.
Structural Alterations	Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. The following shall not be considered structural alterations: 1. attachment of a new exterior where structural supports are not changed; 2. addition of fire escapes where structural supports are not changed; 3. new windows where lintels and support walls are not materially changed; or 4. repair or replacement of non-structural members.
Structure	Anything that is built or constructed, including but not limited to, any usable, permanent, in place device or appliance within the lot making a projection of six (6) inches (15cm) or more above grade and having a base greater than twelve (12) square feet (1 square meter). This does not, however, exclude such underground or surface structures such as

Structure (continued)	tunnels, future foundations, or swimming pools in whole or in part below grade.
Studio, Radio, Television, Film or Music	An establishment primarily engaged in the provision of recording or broadcasting services accomplished through the use of electronic mechanisms.
Subdivision Plat	The configuration of lots of record, outlots, public rights-of-way and land improvements which result from subdividing land in accordance with the provisions of this ordinance
Surety Bond	A bond approved by the County Board posted with a surety company to guarantee a developer's performance of improvements.
Surety Company	A surety, title, or insurance company approved by the County Board to act as surety.
Temporary Use	A use which is only allowed for a specified period of time. Typical temporary uses include, but are not limited to Christmas tree sales, garage sales, roadside stands, etc.
Tent	A structure or enclosure, the roof of which and/or one-half or more of the sides are constructed of a silk, cotton, canvas, nylon fabric or a similar light material.
Three-Component Measuring System	Denotes instrumentation which can measure earth-borne vibrations in three directions (those occurring in a horizontal as well as vertical plane).
Through Lot	See definition of "Lot, Double Frontage" contained herein.
Tower, Competitive Communication	Commercial AM/FM radio, television and microwave transmission tower and accessory equipment and buildings. (6-17-08)
Tower, Meteorological	A tower which has equipment attached to it which is designed to assess wind and other atmospheric data and accessory equipment and buildings. (6-17-08)
Tower, Telecommunications	A tower used to hold facilities of a telecommunications carrier such as those of a cellular telephone provider and accessory equipment and buildings. (6-17-08)
Toxic Matter or Materials	Those which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.
Tract	See definition of "Parcel" contained herein.
Trailer	Any vehicle, or any portable or mobile vehicle on wheels, skids or rollers, or blocks, either self-propelled or propelled by any other

Trailer (continued)	means, which is used or designed to be used for dwelling, lodging, commercial, or agricultural purposes. For the purposes of this ordinance, such vehicle, or any portable or mobile vehicle shall be classified as a trailer whether or not it has been placed on a permanent foundation with its hitch and rolling equipment removed and whether or not an addition thereto has been built on the ground.
Transit Facility	A facility used or intended to be used as an area of loading, unloading and interchange of transit passengers. Typical uses include bus terminals, rail stations, park and ride facilities, and passenger-related mass transit facilities.
Transition Belt	An area which may be required along the rear lot line and interior side lot lines of lots which are immediately adjacent to a different zoning district or to a different use. Such transition belt, when required, shall consist of a strip of land lying immediately adjacent and parallel to the full length of a side or rear lot line, extending into the lot a specified width. In no case shall the transition belt encroach into the front yard. Such transition belt shall be unobstructed except by a required transition screen, and shall not contain driveways, parking or loading facilities.
Transition Screen	A screen located in a transition belt, such screen meeting the specifications set forth in Article 7.
Transitional Living Facility	A state licensed group care home for juvenile delinquents, halfway houses providing residence, rehabilitation and counseling to persons on release from a more restrictive custodial confinement, and residential rehabilitation treatment centers which also may provide outpatient rehabilitation for alcohol and other drug abuse.
Trucking Facility	The business office or the parking, repair or storage facility for vehicles and or equipment used for the business of transporting goods on trucks. Such use does not include the storage, processing, or loading and unloading of goods transported. (6-18-02)
Use	The purpose of activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the regulations of this zoning ordinance.
Use, Accessory	A use that: 1. is subordinate in area, extent and purpose to the principal use; 2. contributes to the comfort, convenience or necessity of the principal use; and 3. is located on the same lot and in the same zoning district as the principal use.

Use, Permitted	A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and performance standards, if any, of such districts.
Use, Principal	The primary use and chief purpose of a lot or structure.
Use, Special	A use, either public or private which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts.
Utility, Major	Generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service, wind power generating facilities including wholesale generators and or qualifying facilities. (6-18-02) The term "utility" shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities; or other uses defined herein. In addition, utilities that are exempt as specified in Article 1 of these regulations shall not be considered to be major utilities as defined herein.
Utility, Minor	Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines.
Vehicle and Equipment Sales	An establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance activities. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, moving trailer rental, and farm equipment and machinery sales and rental.
Vehicle/Equipment Storage Yard	An outdoor area used or intended to be used for long-term storage of vehicles or equipment, other than a "Commercial Parking Lot" or accessory parking to a principal use. (2-21-2012)
Vehicle Paint and Body Shop	An establishment primarily engaged in painting of or body work to motor vehicles or heavy equipment.
Vehicle Repair	A use providing vehicle or equipment repair or maintenance services within completely enclosed buildings. (2-21-2012)
Vibration	The periodic displacement, measured in inches, of earth.

Vocational School	A use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a "College or University" or "School."
Warehouse, Self Storage	An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for dead storage of their household goods or personal property.
Warehousing and Wholesale	An establishment primarily engaged in the storage or sales of materials, equipment, or products or sales to wholesalers or retailers. Typical uses include cold storage, warehousing and dead storage facilities, but excluding "Residential Storage Warehouses" and sales of goods to the general public.
Waste	Any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include, solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Clean Water Act or sources, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulations adopted by the State of Illinois pursuant thereto.
Welding or Machine Shop	A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.
Winery	A facility comprising of building or buildings used to convert fruit juices to wine, and to age, bottle, store, distribute and sell said wine. A winery includes crushing, fermenting, and refining, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions, and may include tasting and winery promotional events. (6-17-08)
Wind Energy System, Small	A wind energy conversion system consisting of a single wind turbine, single tower, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site consumption of utility power. (6-17-08)
Yard Waste	See definition of "Landscape Waste."

Zoning Board of Appeals	The McLean County Zoning Board of Appeals.
Zoning Enforcement Office	The Zoning Enforcement Office is the office of the Director of Building and Zoning of McLean County from which the Director of Building and Zoning, and such deputies or assistants as may be duly appointed by the County Board to administer and enforce the provisions of the zoning ordinance and make such determinations, interpretations and orders as are necessary therefore, and require such plats, plans, and other descriptive material in connection with applications for permits as are necessary for him/her to judge compliance with this ordinance in accordance with regulations set forth in this ordinance.
Zoning Map	The map adopted by the County Board in accordance with Chapter 55 of the Illinois Compiled Statutes or any other statute enacted in lieu thereof showing all zoning district boundaries in the unincorporated areas of McLean County, Illinois.
Zoning Ordinance	The Zoning Ordinance of McLean County, Illinois.

ARTICLE 4
NONCONFORMITIES

401 STATEMENT OF PURPOSE. The purpose of this article is to provide for the regulation of non-conforming lots of record, structures, and uses.

402 APPLICABILITY. Any lawfully existing lot, building, structure, or use which does not conform with the regulations of the district in which it is located shall be subject to the provisions of this article.

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

1. Nonconforming Lot of Record: A legally established lot which does not conform with the minimum lot size, lot width, or lot depth requirements of this ordinance.

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

3. Nonconforming Use: An existing use which does not comply with the use regulations of the zoning district in which it is located.

404 NONCONFORMING LOTS OF RECORD. The Director of Building and Zoning shall issue a building permit for a structure or building on a nonconforming lot of record, provided that:

1. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and

2. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that conformance of such lot has been in nonconformance, and

3. Said structure or building can meet all yard regulations for the district in which it is located, and

4. Said lot can meet the minimum standards for an on-site sewage treatment as required by the McLean County Health Department or can be served by a public sanitary sewerage system.

405 NONCONFORMING STRUCTURES.

1. Authority to Continue: Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which it is located may be occupied, so long as it remains otherwise lawful.

2. Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure; provided further, existing manufactured home parks not meeting the requirements of this ordinance shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of this ordinance. Ordinary repairs and alterations shall be determined by the Director of Building and Zoning and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.

3. Damage or Destruction: In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its appraised value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 50 percent or less of appraised value, it may be restored to its previous condition provided, however, that the degree of nonconformity does not increase. No repairs or restoration shall be made unless a construction permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

4. Moving: No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

5. Conforming Uses:

   A. A conforming use located in a nonconforming structure may be expanded within the nonconforming structure in which said use is presently located, but no changes or structural alterations shall be made unless such changes or structural alterations, conform to all the regulations of the district in which the non-conforming structure is located.

   B. A nonconforming use of a nonconforming structure may be changed to a conforming use in the district in which the nonconforming structure is located.

406 NONCONFORMING USES.

1. Authority to continue: Nonconforming uses will be discontinued under the following circumstances: (6-18-02)

   A. The legal nonconforming status of uses of unimproved lands or lot areas shall cease when the existing rights of the persons in possession are terminated or when the uses to which they are devoted are discontinued. Thereafter, any use of the property that does not conform to this ordinance shall constitute a violation of this ordinance. (6-18-02)

   B. The preexisting legal nonconforming status of uses to which buildings and structures are devoted may continue for five years from January 1, 2003. If these buildings and structures are adaptable to permitted uses they shall be so adapted. Thereafter, if any building which is adaptable to a permitted use is not so adapted the prior nonconforming use shall cease. Any continued use of a nonconforming building or structure that continues after December 31, 2007 shall constitute a violation of this ordinance. (6-18-02)

   C. The legal nonconforming status of nonconforming use of buildings and structures shall cease when they are destroyed or damaged in major part; Thereafter, any use of the property that does not conform to this ordinance shall constitute a violation of this ordinance. (6-18-02)

2. Ordinary Repair and Maintenance:

   A. Normal maintenance and incidental repair, or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.

   B. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

   C. Ordinary repairs and alterations shall be determined by the Director of Building and Zoning and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.

3. Extension: A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:
   A. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).

   B. Extension of such use within a structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming); provided, however, that such use may be extended throughout any part of such structure that was lawfully and manifestly designed or arranged for such use on such effective date.

4. Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

5. Structural Alterations: No structural alterations shall be made in or to such building or structure all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law.

6. Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50 percent of its appraised value, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 50 percent or less, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

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

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

9. Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned for a period of 6 consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.
10. Nonconforming Accessory Uses: No use which is accessory to a principal non-conforming use shall continue after such principal use shall cease or terminate.

11. Nonconforming Residential Uses: Notwithstanding the provisions of Sections 406.3 and 406.4 , any structure which is devoted to a residential use and which is located in a business or industrial district, may be remodeled, extended, expanded, and enlarged; provided that after any such remodeling, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

407 STATUS OF SPECIAL USES.

1. Status of Existing Special Uses: Where a use exists at the effective date of these regulations and is permitted by these regulations only as a special use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district. Such special use shall not be enlarged or expanded unless a special use permit application is approved as set out in Article 8 of these regulations.

2. Status of Future Special Uses: Any use for which a special use permit has been issued, as provided in these regulations, shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use.

ARTICLE 5
DISTRICT REGULATIONS

500 ZONING DISTRICTS.

1. Preamble: The various zoning districts and their boundaries as designated on the Zoning District Map are related to implementing the preservation and improvement of areas characterized by existing buildings and structures and uses conforming with the district regulations of the district in which they are located, and for the expansion of the various districts in order to secure a balanced distribution of the elements of land use comprising the County's physical structure. It is essential that areas for the various land use categories be designated in the proper location and proportion to encourage and accommodate economic and resultant population growth of the County and to preserve its natural resources. (2-20-01)

2. Districts: In order to accomplish the purposes and intent of this ordinance and the objectives set forth in the preamble of this Article, the unincorporated portions of McLean County, Illinois are hereby organized into the following districts:

   A. Agriculture District;

   B. R-1 Single Family Residence District;

   C. R-2 Two Family Residence District;

   D. Commercial District;

   E. M-1 Restricted Manufacturing District;

   F. M-2 General Manufacturing District; and

   G. "FP" Flood Plain Overlay District. (6-17-08)

3. Zoning Map: The location and boundaries of the districts established by this ordinance are set forth on the zoning map entitled "Zoning District Map" which is incorporated herein and hereby made a part of this ordinance. The said map together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein. The said map was filed with the County Clerk of McLean County, Illinois, and certified copies thereof with the Director of Building and Zoning of McLean County, Illinois, and shall be open to public reference at all times at the Department of Building and Zoning when the office is open.

The "Flood Insurance Rate Map" as prepared by the Federal Emergency Management Agency is also incorporated herein and is made a part of this ordinance. (2-20-01)

4. Boundaries of Districts: When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply.

   A. District boundary lines are one of the following: (1) the center lines of railroads, highways, streets, alleys, easements, or waterways; (2) the boundary lines of sections, quarter sections, and divisions of sections; (3) property lines of record on July 27, 1966 for tracts and lots; or (4) such lines extended unless otherwise indicated.

   B. Wherever a district is indicated as a strip adjacent to and paralleling a street or highway and the boundaries are not located as set forth in "4.A" above, the depth of such strips shall be in accordance with dimensions shown on the map measured at right angles from the center lines of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, division lines, or center lines of streets, highways, or railroad rights-of-way unless otherwise indicated.

   C. Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, in the owner's discretion, extend to the entire lot, but not more than 40 feet beyond the boundary line of the district.

   D. Any additions to the unincorporated area of the County, resulting from disconnection by municipalities or otherwise, shall be automatically classified in an Agriculture District and may be subsequently classified to another zoning district by amendment in accordance with procedures set forth herein. (2-20-01)

501 "A" AGRICULTURE DISTRICT.

1. Intent: Agricultural land is under urban pressure from expanding incorporated areas. This urban pressure takes the form of scattered development in wide belts around the incorporated communities of McLean County, brings conflicting land uses into juxtaposition, creates high costs for public services and stimulates land speculation. Certain agricultural land constitutes unique and irreplaceable land resources. It is the purpose of the Agricultural District to provide a means by which agricultural land may be protected and enhanced as an economic and environmental resource of major importance to the County. Therefore, the Agricultural District is intended to accomplish the following objectives:

A. Promote the use of agricultural land that is most suitable for farming activities.

B. Protect the value of agricultural land from indiscriminate incompatible and conflicting land uses.

C. Conserve and protect open space, wooded areas, streams, mineral deposits and other natural resources from incompatible land uses and provide for their timely utilization.

D. Provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are of such a nature that their location away from residential, commercial and industrial areas is most desirable.

E. Provide for the location and govern the establishment and use of residential uses that are accessory to and necessary for the conduct of agriculture.

F. Provide for the location and govern the establishment and use of limited non-farm dwellings.

2. Agricultural Nuisance Disclaimer. Properties within the agricultural district are located in an area where land is used for commercial agricultural production. Owners, residents, and other users of property in the Agricultural district or neighboring property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Therefore, owners, occupants, and users of property within the Agricultural district should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm Law may bar them from obtaining a legal judgment against such normal agricultural operations.

3. Permitted Uses. Generally, agricultural and accessory uses to agricultural activities are permitted. For a general listing of permitted uses, see Article 6 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 6.

Single family dwellings existing previous to February 11, 1974, including the conversion of buildings used as farm dwellings built previous to February 11, 1974 to non-farm single family dwellings, are permitted uses in the Agriculture District. Lot area shall be at least one acre and lot width shall be at least 200 feet.

Yard requirements, except for livestock shelters, shall be as set forth in this section. Yard requirements for livestock shelters shall be as allowed for other detached buildings in the Agriculture District. (2-20-01) Lots established after 2/11/1974 with single family residences as the principal use shall not be divided to establish additional residential lots. (6-18-02)

4. Special Use Permits. For a specific listing of special uses, see Article 6 of these regulations. Special uses are allowed upon approval of a special use permit issued in accordance with Article 8 of these regulations.

5. Intensity of Use Regulations:

   A. Lot Area:

      (1) Agriculture and farming uses as defined herein: Minimum of 1 acres.

      (2) Single-family detached non-farm dwelling: As specified below

      (3) Other uses: A minimum of one acre unless otherwise specified.

   B. Minimum Lot Width (This section shall not apply to electric and telephone substations and distribution centers, water wells and pumping stations, sewage pumping stations, gas regulator stations, compressor stations and equipment and facilities used in the underground storage or distribution of natural gas by public utilities): (2-20-01)

      (1) Single-family detached non-farm dwelling: 200 feet.

      (2) Other uses: 300 feet unless otherwise specified.

   C. Maximum Impervious Surface Coverage: 30 percent.

6. Total Accessory Structure Area (excluding attached garages, barns/livestock shelters constructed prior to July 27, 1966, corn cribs, etc.): (6-18-02)

   On lots 1-6 acres in areas containing 5 or more lots: 2400 square feet. (6-18-02)

   On lots less than 5 acres: 3600 square feet (excluding barns/livestock shelters less than 2000 square feet in area and area used for indoor riding arenas). (6-18-02) (6-17-08)

   On lots 5 acres or more: 4200 square feet (excluding barns/livestock shelters less than 2000 square feet in area built after July 27, 1966 and area used for indoor riding arenas). (6-18-02) (6-17-08)

Accessory buildings for the storage and repair of agricultural machinery and equipment owned and used by the occupant of a dwelling found to be necessary for the conduct of agriculture are not limited by this section. (2-20-01)

7. Limitations on the construction of new single family residences and the subdivision of parent tracts in the Agriculture Zoning District:

The following provisions shall apply in conjunction with the provisions of the Land Subdivision Ordinance of McLean County. Where residential uses are established by special use, the acreage of the residential tract may be reduced administratively provided compliance with other regulations. (6-17-08)

A. A single family dwelling unit on a lot of record existing on February 11, 1974 is a permitted use in the Agriculture Zoning District. (6-18-02)

B. A single family dwelling unit on land unsuitable for farming is a permitted use. The designation of land unsuitable for farming shall include:

(1) Former or existing farmsteads composed of mature trees, grasses, agricultural buildings or building foundations.

(2) Land that contains at least two of the following conditions:

a. Highly erodable soils as defined by Soil and Water Conservation District

b. Soils with a Productivity Index value of less than 120

c. Wooded areas containing at least a total of 60” of trunk diameter measured two feet above the ground of trees larger than 5” trunk diameter measured two feet above the ground.

d. Unusual size and/or configuration

e. Land with 50% of its area with slopes exceeding 5%

The required minimum lot area is one acre and the maximum permissible lot area is three acres. Lot areas in excess of this limit require the issuance of a Special Use Permit. No more than one Special Use Permit, per the original parcel as it existed on 2/11/1974, shall be allowed. (6-18-02)

The number of lots created on land unsuitable for farming shall not exceed one for every forty acres of the original parcel that existed on 2/11/1974. Lots established after 2/11/1974 and set aside from the original farm parcel

as non-farm single family dwelling lots shall count in the determination in the number of allowable non-farm dwelling lots. (6-18-02)

C. A single family dwelling unit for a farm operator is a permitted use in the Agriculture Zoning District. A person will be designated a farm operator by being listed on the farm operators list of the United States Farm Service Agency.
The required minimum lot area for a farm operator in the Agriculture Zoning District is one acre and the maximum permissible lot area is less than five acres. Lots in excess of this limit must get a Special Use Permit.

A farm operator will be allowed only one single family dwelling unit as a permitted use in the Agriculture Zoning District.

D. A single family dwelling unit for a farm owner is a permitted use in the Agriculture Zoning District.

The required minimum lot area for a farm owner is one acre and the maximum permissible area is three acres. Lots in excess of this limit must get a Special Use Permit. (6-18-02)

In the case of farms owned by corporations, partnerships, trusts or other forms of multiple person ownership the ownership entity shall be treated as one person.

The number of lots created by farm owners shall not exceed one for every eighty acres of the original parcel that existed on 2/11/1974. Special Use Permits granted for non-farm dwellings on the original parcel since 2/11/1974 shall count in the determination in the number of allowable non-farm dwelling lots.

E. A single family dwelling unit for the son, daughter, mother or father of a farm owner shall be permitted as a Special Use Permit in the A Agriculture Zoning District.

F. The right to build a non-farm residence in the Agriculture Zoning District not listed in the previous regulations of this article shall require a Special Use Permit. The purpose of this section is not to undermine the intent of the previous regulations. An applicant will need to demonstrate unique circumstances that merit the granting of a Special Use Permit.

8. Height Regulations:

A. Agriculture and farm structures: No restriction.

B. Single-family detached non-farm dwelling: Maximum structure height: 35 feet.

C. Other uses: 150 feet unless otherwise specified.

9. Yard Regulations:

A. Exterior Setback:

(1) A minimum of 30 feet for all residential dwellings and accessory structures

(2) A minimum of 50 feet for all other principal and accessory buildings; and

(3) A minimum of 50 feet for any building or structure sheltering livestock or poultry when the exterior lot line is located within 200 feet of an R-1 or R-2 district or any lot containing a dwelling as a principal use. Otherwise such buildings or structures shall be located in accordance with the applicable setback. (6-18-02)

B. Interior Setbacks:

(1) Interior Side Setback: A minimum of 20 feet on each side for residential structures and a minimum of 30 feet for all other structures. For any lot in existence on the effective date of this ordinance that is less than 100 feet in width and is used for a single-family dwelling, this may be reduced to five feet. (2-20-01)

(2) Interior Rear Setback: A minimum of 40 feet for residential structures and a minimum of 50 feet for all other structures.

(3) Any building or structure sheltering livestock or poultry shall be setback a minimum of 50 feet from any interior lot line when the interior lot line is located within 200 feet of an R-1 or R-2 District or any lot containing a dwelling as a principal use. Otherwise such buildings or structures shall be located in accordance with the applicable setback.

10. Off-Street Parking and Loading Regulations: See Article 9.

11. Sign Regulations: See Article 10.

502 "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT.

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

2. Permitted Uses. Generally, single-family dwellings, parks, educational and religious uses are permitted. For a general listing of permitted uses, see Article 6 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in the Article 6.

3. Special Uses: For a specific listing of special uses, see Article 6 of these regulations. Special uses are allowed upon approval of a special use permit issued in accordance with Article 8 of these regulations.

4. Intensity of Use Regulations: Except as modified by the provisions of Article 5:

   A. Minimum Lot Area:

      (1) Not less than 22,500 square feet for each dwelling unit served by individual sewage disposal system.

      (2) Not less than 12,000 square feet for each dwelling unit served by a public or community sanitary sewer and water system.

      (3) Maximum lot area of not more than three acres

   B. Minimum Lot Width:

      (1) 150 feet for lots greater than one acre in size.

      (2) 120 feet for lots between one acre and 22,500 square feet in size.

      (3) 100 feet for lots less than 22,500 square feet in size.

   C. Minimum Lot Depth: (1) Average depth of 150 feet for lots with area of 22,500 square feet or greater. (2) Average depth of 100 feet for lots with area of less than 22,500 square feet. (2-20-01)

D. Maximum Lot Coverage: 35 percent. Total area of accessory buildings, including attached garages, shall not exceed the following:

(1) On lots .74 acres or less: 1500 square feet;
(2) On lots .75 to .99 acres: 1725 square feet;
(3) On lots 1.00 to 1.49 acres: 1950 square feet;
(4) On lots 1.5 acres or more: 2400 square feet. (2-20-01) (6-17-08)

5. Height Regulations:

A. Principal Structure: Not more than two and one-half stories or 35 feet, whichever is less.

B. Accessory Structure: The side wall of an accessory structure shall not exceed 12 feet in height unless otherwise specified. (6-17-08)

6. Yard Regulations:

A. Exterior Setback: A minimum of 30 feet except a minimum of 150 feet for any building or structure sheltering livestock or poultry. (2-20-01)

B. Interior Setbacks:

(1) Interior Side Setback: 20 feet on each side. The interior side yard for any lot in existence on the effective date of this ordinance that is less than 100 feet in width and is used for a single-family dwelling may be reduced to five feet.

(2) Interior Rear Setback: 40 feet. Where a rear lot line is adjacent to a parcel of land the principal use of which a water impoundment is, and where such rear lot line is no more than 40 feet from the water line at full impoundment capacity, rear yards may be reduced to 20 feet.

(3) Any building or structure sheltering livestock or poultry shall be setback a minimum of 150 feet from any interior lot line. (2-20-01)

7. Off-Street Parking and Loading Regulations: See Article 9.

8. Sign Regulations: See Article 10.

503 "R-2" TWO-FAMILY RESIDENTIAL DISTRICT.

1. Intent: The intent of the R-2 Two-Family Residential district is to provide for moderate density residential development, including two-family and higher density single-family dwellings, in a manner which will encourage a strong residential neighborhood.

2. Permitted Uses: Generally, two-family dwellings, single-family dwellings, parks, educational and religious uses are permitted. For a general listing of permitted uses see Article 6 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 6.

3. Special Uses: For a specific listing of special uses, see Article 6 of these regulations. Special uses are allowed upon approval of a special use permit issued in accordance with Article 8 of these regulations.

4. Intensity of Use Regulations: Except as modified by the provisions of Article 6:

   A. Minimum Lot Area:

      (1) Not less than 22,500 square feet for each dwelling unit served by individual sewage disposal system.

      (2) Not less than 12,000 square feet for each dwelling unit served by a public or community sanitary sewer and water system.

      (3) Not less than 9,600 square feet for each dwelling unit served by both water and sewer service provided by public or community systems and where all lots are served by a fire hydrant system approved by the fire department having jurisdiction.

      (4) Not less than 5,500 square feet for each dwelling unit in a multi-family residential development.

   B. Minimum Lot Width:

      (1) 150 feet for lots greater than one acre in size.

      (2) 120 feet for lots between one acre and 22,500 square feet in size.

      (3) 100 feet for lots less than 22,500 square feet in size.

      (4) 80 feet for lots less than 12,000 square feet in size.

C. Minimum Lot Depth: (1) Average depth of 150 feet for lots with area of 22,500 square feet or greater. (2) Average depth of 100 feet for lots with area of less than 22,500 square feet. ((2-20-01)

D. Maximum Lot Coverage: 40 percent. Total area of accessory buildings, including attached garages, shall not exceed the following:

(1) On lots .74 acres or less: 1500 square feet;
(2) On lots .75 to .99 acres: 1725 square feet;
(3) On lots 1.00 to 1.49 acres: 1950 square feet;
(4) On lots 1.5 acres or more: 2400 square feet. (2-20-01) (6-17-08)

5. Height Regulations:

A. Principal Structures: Not more than two and one-half stories or 35 feet, whichever is less.

B. Accessory Structures: The side wall of an accessory structure shall not exceed 12 feet in height unless otherwise specified. (6-17-08)

6. Yard Regulations:

A. Exterior Setback: A minimum of 30 feet.

B. Interior Setbacks:

(1) Interior Side Setback: 20 feet on each side. The interior side yard for any lot in existence on the effective date of this ordinance which is less than 100 feet in width and is used for a single-family dwelling may be reduced to five feet.

(2) Interior Rear Setback: 40 feet. Where a rear lot line is adjacent to a parcel of land the principal use of which is a water impoundment, and where such rear lot line is no more than 40 feet from the water line at full impoundment capacity, rear yards may be reduced to 20 feet.

7. Off-Street Parking and Loading Regulations: See Article 9.

8. Sign Regulations: See Article 10.

504 "C" COMMERCIAL DISTRICT.

1. Intent: The Commercial District is intended to provide for the specialized types of service business and commercial establishments, which due to their function

and methods of operation are permitted uses only in this district. The Commercial District is intended to be located in areas fronting a segment of a highway providing convenient access and where the business establishments cater to highway traffic.

2. Permitted Uses: For a general listing of permitted and conditionally permitted uses see Article 6 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the Commercial District and with uses listed in Article 6.

3. Special Uses: For a specific listing of special uses, see Article 6 of these regulations. Special uses are allowed upon approval of a special use permit issued in accordance with Article 8 of these regulations.

4. Intensity of Use Regulations: Except as modified by the provisions of Article 5:

   A. Minimum Lot Area: The minimum lot area shall be in accordance with the following:

      (1) Bulk requirements of the district;

      (2) Off-street parking requirements of the district;

      (3) Driveway standards as specified in Section 907;

      (4) Sanitary Sewer requirements of the McLean County Health Department; and

      (5) Any provisions specifically required for a special use.

   B. Minimum Lot Width: 150 feet

   C. Floor Area Ratio (FAR): 0.35

5. Height Regulations: 35 feet.

6. Yard Regulations:

   A. Exterior Setback: A minimum of 40 feet, unless a corner lot of record, recorded prior to the effective date of this ordinance, has insufficient width to provide such a yard of 40 feet in width and still maintain a buildable width of 30 feet, in which case the side yard adjoining a street may be reduced by the distance necessary to maintain a 30 foot buildable width.

   B. Interior Setbacks:

(1) Interior Side Setback: A minimum of 5 feet.

(2) Interior Rear Setback: Minimum of 20 feet.

7. Use Limitations:

A. Transition Belts: A transition belt not less than 20 feet in width shall be provided along any interior rear or interior side lot line when such lot line is adjacent to a residential district or with any lot line adjacent to a lot containing a dwelling as a principal use.

B. Transition Screens: A transition screen shall be established in each required transition belt. Such transition screen shall meet the landscape specification contained in Article 7 of this ordinance.

C. All business, storage, servicing, or processing shall be conducted within completely enclosed buildings, except as follows:

(1) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles.

(2) Outdoor storage which does not occupy more than 20 percent of the gross lot area as an accessory use to the principal use provided such outdoor storage area has been specifically approved through a site plan review by the Director of Building and Zoning.

The parking of trucks as an accessory use, when used in the conduct of a permitted use shall be limited to vehicles of not over one and one-half ton capacity when located within 150 feet of an R-1 or R-2 district boundary line.

D. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any neighboring property and so that glare is not visible to traffic on any public street.

E. The Zoning Board of Appeals where it deems necessary, may place limits on the hours of operation of any use within a "C" District in order to promote and preserve the character of nearby residential neighborhoods.

F. A solid or semi-solid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high Having a density of not less than seventy (70) percent per square foot, shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the commercial development are separated by a street or alley right-of-way.

Said fence or wall shall be maintained in good condition by the owner(s) of the property in the "C" District.

G. All storage of materials, products or equipment, except those related to or used for agricultural research, testing and/or analysis purposes, shall be within a fully enclosed building or in an open yard so screened in accordance with a site plan approved by the Director of Building & Zoning that the materials stored are not clearly visible within one thousand (1,000) feet of the property line. Where topographic conditions make effective screening impractical, the Zoning Board of Appeals may make variances as they deem advisable. (6-17-08)

505 "M-1" RESTRICTED MANUFACTURING DISTRICT.

1. Intent: The intent of the Restricted Manufacturing District is to permit a mix of light industrial uses that are not obnoxious due to appearance, noise, emissions, or odor, as well as office and limited retail commercial uses in planned industrial park setting. Uses within this district shall not require intensive land coverage and shall be compatibly developed with adjacent districts through site plan review.

2. Permitted Uses: Generally, light manufacturing, wholesaling, trucking and warehousing uses, as well as office uses are permitted. In addition, limited retail and service uses are permitted. For a general listing of permitted and conditionally permitted uses see Article 6 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 6.

3. Special Uses: For a specific listing of special uses, see Article 6 of these regulations. Special uses are allowed upon approval of a special use permit issued in accordance with Article 8 of these regulations.

4. Intensity of Use Regulations: Except as modified by the provisions of Article 6:

A. Minimum Lot Area: The minimum lot area shall be in accordance with the following:

(1) Bulk requirements of the district;

(2) Off-street parking requirements of the district;

(3) Driveway standards as specified in Section 907;

(4) Sanitary Sewer requirements of the McLean County Health Department; and

(5) Any provisions specifically required for a special use.

B. Minimum Lot Width: 150 feet

C. Floor Area Ratio (FAR): 0.80.

5. Maximum Height Regulations: 35 feet.

6. Yard Regulations:

A. Exterior Setback: Minimum of 40 feet, except as required by applicable performance standards.

B. Interior Setbacks:

(1) Interior Side Setback: A minimum of 10 feet, except when adjoining an alley or railroad right-of-way in which case the setback may be measured from the center line of the alley or railroad right-of-way.

(2) Interior Rear Setback: Minimum of 20 feet, except when adjoining an alley or railroad right-of-way in which case the rear yard may be measured from the center line of the alley or railroad right-of-way.

7. Use Limitations:

A. Transition Belts: A transition belt not less than 30 feet in width shall be provided along any interior rear or interior side lot line when such lot line is adjacent to a residential district or with any lot line adjacent to a lot containing a dwelling as a principal use.

B. Transition Screens: A transition screen shall be established in each required transition belt. Such transition screen shall meet the landscape specifications contained in Article 7 of this ordinance.

C. The development of each M-1 District shall create a campus like environment and shall incorporate unified design standards for the entire development which shall be approved by the Zoning Board of Appeals at time of rezoning.

D. All storage of materials, products or equipment, except those related to or used for agricultural research, testing and/or analysis purposes, shall be within a fully enclosed building or in an open yard so screened in accordance with a site plan approved by the Director of Building & Zoning

that the materials stored are not clearly visible within one thousand (1,000) feet of the property line. Where topographic conditions make effective screening impractical, the Zoning Board of Appeals may make variances as they deem advisable. (6-17-08)

E. A solid or semi-solid fence at least six feet, but not more than eight feet, high and having a density of not less than 70 percent per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right-of-way. Said fence shall be maintained in good condition by the owner or owners of the property in the "M-1" District.

F. No structure shall be used for residential purposes except that a watchman may reside within a single-family dwelling unit as an accessory use on the premises.

G. All operations shall be conducted within a fully enclosed building.

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

I. A private street network shall be allowed where comprehensive control of a large industrial site is required for safety or security reasons and where no unsecured access to the site is afforded the public.

506 "M-2" GENERAL MANUFACTURING DISTRICT.

1. Intent: The General Manufacturing District is intended for the purpose of allowing basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain extremely obnoxious or hazardous uses will require special permission to locate in this district.

2. Permitted Uses: Generally, manufacturing, wholesaling, trucking and warehousing uses, with limited retail and service uses are permitted. For a general listing of permitted and conditionally permitted uses see Article 6 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 6.

3. Special Uses: For a specific listing of special uses, see Article 6 of these regulations. Special uses are allowed upon approval of a special use permit issued in accordance with Article 8 of these regulations.

4. Intensity of Use Regulations:

A. Minimum Lot Area: The minimum lot area shall be in accordance with the following:

(1) Bulk requirements of the district;

(2) Off-street parking requirements of the district;

(3) Driveway standards as specified in Section 907;

(4) Sanitary Sewer requirements of the McLean County Health Department; and

(5) Any provisions specifically required for a special use.

B. Minimum Lot Width: 150 feet.

C. Floor Area Ratio (FAR): 0.80.

5. Maximum Height Regulations: 35 feet.

6. Yard Regulations:

A. Exterior Setback: Minimum of 40 feet, except as required by applicable performance standards.

B. Interior Setbacks:

(1) Interior Side Setback: A minimum of 10 feet, except when adjoining an alley or railroad right-of-way in which case the setback may be measured from the center line of the alley or railroad right-of-way.

(2) Interior Rear Setback: Minimum of 20 feet, except when adjoining an alley or railroad right-of-way in which case the setback may be measured from the center line of the alley or railroad right-of-way.

7. Use Limitations:

A. Transition Belts: A transition belt not less than 30 feet in width shall be provided along any interior rear or interior side lot line when such lot line is adjacent to a residential district or with any lot line adjacent to a lot containing a dwelling as a principal use.

B. Transition Screens: A transition screen shall be established in each required transition belt. Such transition screen shall meet the landscape specifications contained in Article 7 of this ordinance.

C. All storage of materials, products or equipment, except those related to or used for agricultural research, testing and/or analysis purposes, shall be within a fully enclosed building or in an open yard so screened in accordance with a site plan approved by the Director of Building and Zoning that the materials stored are not clearly visible within one thousand (1,000) feet of the property line. Where topographic conditions make effective screening impractical, the Zoning Board of Appeals may make variances as they deem advisable. (6-17-08)

D. A solid or semi-solid fence at least six feet, but not more than eight feet, high and having a density of not less than 70 percent per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right-of-way. Said fence shall be maintained in good condition by the owner or owners of the property in the "M-2" District.

E. No structure shall be used for residential purposes except that a watchman may reside on the premises.

E. Facilities Used for Agricultural Research, Testing and/or Analysis: In agriculture-related research facilities, the following use limitations shall apply:

(1) Operations required to be conducted outside a fully enclosed building shall be conducted in controlled outdoor areas.

(2) A private street network shall be allowed where comprehensive control of a large industrial site is required for safety or security reasons and where no unsecured access to the site is afforded the public.

(3) Private roadways for certain agricultural related research and development activities may be improved with an all weather surface other than asphaltic concrete such as gravel or stone. They shall be designed to permit surface drainage without erosion of adjacent land.

507 "FP" FLOOD PLAIN OVERLAY DISTRICT - REGULATING DEVELOPMENT IN FLOODPLAIN AREAS. (6-17-08)

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Section 1. Purpose.

This ordinance is enacted pursuant to the police powers granted to McLean County, IL by the County Statutory Authority in 55 ILCS 5/5-1041 and 5/5-1063 in order to accomplish the following purposes:

A. To prevent unwise developments from increasing flood or drainage hazards to others;

B. protect new buildings and major improvements to buildings from flood damage;

C. to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, as well as flood rescue and relief operations;

D. to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

E. maintain property values and a stable tax base by minimizing the potential for creating blight areas;

F. make federally subsidized flood insurance available, and

G. to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Section 2. Definitions.

For the purposes of this ordinance, the following definitions are adopted:

Base Flood- The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.

Base Flood Elevation (BFE)- The elevation in relation to mean sea level of the crest of the base flood.

Basement- That portion of a building having its floor sub-grade (below ground level) on all sides.

Building- A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

Critical Facility- Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.
Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

Development- Any man-made change to real estate including, but not necessarily limited to:

1. Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;

2. substantial improvement of an existing building;

3. installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;

4. installation of utilities, construction of roads, bridges, culverts or similar projects;

5. construction or erection of levees, dams walls or fences;

6. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

7. storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

Existing Manufactured Home Park or Subdivision- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA- Federal Emergency Management Agency.

Flood- A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Fringe- That portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map- A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHS) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

Flood Insurance Study- An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain and Special Flood Hazard Area (SFHA)- These two terms are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the Big Slough, Brooks Creek, Buck Creek, Burlison Creek, Corn Valley Creek, Denman Creek, Eastbrook Drain, Funks Branch, Henline Creek, Kickapoo Creek, King Mill Creek, Kings Mill Creek, Little Crooked Creek, Little Kickapoo Creek, Little Mackinaw River, Lone Tree Creek, Loving Branch, Mackinaw River, Middle Branch Eastbrook Drain, Middle Fork Sugar Creek, Money Creek, Mud Creek, North Fork Salt Creek, Prairie Creek, Rock Creek, Salt Creek, Sangamon River, Short Point Creek, Six Mile Creek, Sugar Creek, Timber Creek Turkey Creek, West Branch Easterbrook Drain, West Fork Sugar Creek are generally identified on the countywide Flood Insurance Rate Map of McLean County prepared by the Federal Emergency Management Agency and dated July 16, 2008. Floodplain also includes those areas of known flooding as identified by the County.

Floodproofing- Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

Floodproofing Certificate- A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

Flood Protection Elevation (FPE)- The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

Floodway- That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of a portion of Little Kickapoo Creek, a portion of Sugar Creek, a portion of Goose Creek, Skunk Creek, and the West Branch of Sugar Creek and the Brookridge Branch of Little Kickapoo Creek shall be as delineated on the countywide Flood Insurance Rate

Map of McLean County prepared by FEMA and dated July 16, 2008. The floodways for each of the remaining floodplains of the McLean County shall be according to the best data available from the Federal, State, or other sources.

Freeboard- An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic Structure- Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
4. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR- Illinois Department of Natural Resources/Office of Water Resources.

Lowest Floor- The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 7 of this ordinance.

Manufactured Home- A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

Manufactured Home Park or Subdivision- A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

New Construction- Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

New Manufactured Home Park or Subdivision- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP- National Flood Insurance Program.

Recreational Vehicle or Travel Trailer- A vehicle which is:

1. built on a single chassis;

2. four hundred (400) square feet or less in size;

3. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Repetitive Loss- Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SFHA- See definition of floodplain.

Start of Construction- Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Structure (see "Building")

Substantial Damage- Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this ordinance equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings" (see definition).

Substantial Improvement- Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this ordinance in which the cumulative percentage of improvements:

1. Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or

2. increases the floor area by more than twenty percent (20%).

"Substantial improvement" 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. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.
The term does not include:

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 the Illinois Register of Historic Places.

Violation- The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

Section 3. Base Flood Elevation.

This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

A. The base flood elevation for the floodplains of a portion of Little Kickapoo Creek, a portion of Sugar Creek, a portion of Goose Creek, Skunk Creek, West Branch of Sugar Creek and the Brookridge Branch of Little Kickapoo Creek shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of McLean County prepared by the Federal Emergency Management Agency dated July 16, 2008.

B. The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of McLean County.

C. The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of McLean County shall be according to the best data available from federal, or state sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

Section 4. Duties of the Director of Building and Zoning.

The Director of Building and Zoning shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of McLean County meet the requirements of this ordinance. Specifically, the Director of Building and Zoning shall:

A. Process development permits in accordance with Section 5;

B. ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;

C. ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;

D. assure that all subdivisions and annexations meet the requirements of Section 8;

E. ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;

F. if a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted;

G. inspect all development projects and take any and all penalty actions outlined in Section 13 as a necessary to ensure compliance with this ordinance;

H. assure that applicants are aware of and obtain any and all other required local, state, and federal permits;

I. notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

J. provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

K. cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;

L. maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;

M. perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and

N. maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

Section 5. Development Permit.

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Director of Building and Zoning. The Director of Building and Zoning shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

A. The application for development permit shall be accompanied by:

1. drawings of the site, drawn to scale showing property line dimensions;

2. existing grade elevations and all changes in grade resulting from excavation or filling;

3. the location and dimensions of all buildings and additions to buildings;

4. the elevation of the lowest floor (including the basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance, and

5. cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

B. Upon receipt of an application for a development permit, the Director of Building and Zoning shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.

The Director of Building and Zoning shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.
The Director of Building and Zoning shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Director of Building and Zoning shall not issue a permit unless all other federal, state, and local permits have been obtained.

Section 6. Preventing Increased Flood Heights and Resulting Damages.

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

A. Except as provided in Section 6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any

increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

1. Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:

    a. The crossing will not result in an increase in water surface profile elevation in excess of 1.0 feet, and

    b. The crossing will not result in an increase in water surface profile elevation in excess of one half (0.5) feet at a point one thousand (1,000) feet upstream of the proposed structure.

    c. There are no buildings in the area impacted by the increases in water surface profile.

    d. The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel.

    e. The design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of an IDNR/OWR permit.

    f. The design must be certified by a second licensed professional engineer.

2. Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit Number 3:

    a. The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.

3. Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 4;

    a. The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.

    b. A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.

    c. No supporting towers or poles shall be located in a river, lake or stream.

    d. Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.

e. All disturbed areas shall be returned to pre-construction grades and re-vegetated.

f. All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.

4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:

a. The boat dock must not extend more than fifty (50) feet into a waterway and no more than one quarter (1/4) of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.

b. The width of the boat dock shall not be more than ten (10) feet.

c. For L-Shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage nor fifty (50) feet.

d. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10) feet of the projected property line.

e. Dock posts must be marked by reflective devices.

f. The boat dock must be securely anchored to prevent detachment during times of high wind or water.

g. Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.

h. This permit does not authorize any other related construction activity such as shore protection or fill.

i. Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.

j. At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers

5. Minor, non-obstructive activities meeting the following conditions of IDNR/OWR Statewide Permit Number 6:

a. The following activities (not involving fill or positive change in grade) are covered by this permit:

i. The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.

ii. The construction of light poles, sign posts, and similar structures.

iii. The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.

iv. The construction of properly anchored, un-walled, open structures such as playground equipment, pavilions, and carports.

v. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) square feet in any dimension. Only one such building on a property is authorized by this statewide permit.

vi. The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.

6. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:

a. Any outfall structure, including any headwall or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection.

b. The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.

c. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.

d. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.

7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:

a. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.

b. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.

c. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed.

d. If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.

8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:

a. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. (The Department should be consulted if there is a question of whether or not an area is considered urban).

b. In addition to the materials listed in Section 6(8)(a), other materials (e.g. tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.

c. The following materials shall **not** be used in any case: auto bodies, garbage of debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protections Act (415 ILCS 5).

d. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand (1000) feet.

e. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.

f. Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.

g. Materials shall not be placed higher than the existing top of the bank.

h. Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site.

For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten percent (10%) nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.

i. If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.

j. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.

k. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:

i. It is constructed in alignment with an existing seawall(s) or gabion structure(s), and

ii. The volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.

l. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.

9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:

a. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.

b. The principle structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).

c. The accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect floodwaters onto another property, and

d. must not involve the placement of any fill material.

e. No construction shall be undertaken in, or within fifty (50) feet of the bank of the stream channel.

f. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.

g. Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.

h. Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.

10. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:

a. The affected length of the stream shall not either singularly or cumulatively exceed one thousand (1000) feet.

b. The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel, and

c. the cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and down stream of the site.

d. Dredged or spoil material shall not be disposed of in a wetland and shall be either:

i. removed from the floodway;

ii. used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced by more than ten percent (10%), nor the volume of material placed exceed two (2) cubic yards per lineal foot of streambank;

iii. used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;

iv. used to stabilize and existing levee provided the height of the levee would not be increased nor its alignment changed;

v. placed in a disposal site previously approved by the Department in accordance with the conditions of the approval, or

vi. used for beach nourishment, provided the material meets all applicable water quality standards.

e. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.

11. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:

a. A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:

i. No buildings or structures have been impacted by the backwater induced by the existing structure, and

ii. there is no record of complaints of flood damages associated with the existing structure.

b. A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.

c. The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).

d. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, channel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).

e. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.

12. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:

    a. No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.

    b. The term "temporary" shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within one year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.

    c. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.

    d. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.

    e. No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.

    f. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.

    g. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.

    h. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).

13. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

B. Other development activities not listed in 6(A) may be permitted only if:

1. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or

2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

Section 7. Protecting Buildings.

A. In addition to the damage prevention requirements of Section 6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars ($1,000) or seventy (70) square feet.

2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially damaged the entire structure must meet the flood protection standards of this section.

4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).

5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.

6. Repetitive loss to an existing building as defined in Section 2(CC).

B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

1. The building may be constructed on permanent land fill in accordance with the following:

a. The lowest floor (including basement) shall be at or above the flood protection elevation.

b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.

c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.

d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and

e. shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.

2. The building may be elevated on solid walls in accordance with the following:

a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.

b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and

d. the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.

i. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.

ii. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.

iii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or

iv. in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

4. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

5. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.

6. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.

7. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.

8. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.

9. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and

10. utility systems within the crawlspace must be elevated above the flood protection elevation.

C. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.

3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

D. Manufactured homes or travel trailers to be permanently installed on site shall be:

1. Elevated to or above the flood protection elevation in accordance with Section 7(B), and

2. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7(D) unless the following conditions are met:

1. The vehicle must be either self-propelled or towable by a light duty truck.

2. The hitch must remain on the vehicle at all times.

3. The vehicle must not be attached to external structures such as decks and porches

4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.

5. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.

6. The vehicle's wheels must remain on axles and inflated.

7. Air conditioning units must be attached to the frame so as to be safe for movement from the floodplain.

8. Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.

9. The vehicle must be licensed and titled as a recreational vehicle or park model, and

10. must either:

a. entirely be supported by jacks, or

b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.

F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

1. The garage of shed must be non-habitable.

2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.

3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.

4. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.

5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.

6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.

7. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.

8. The garage or shed must be less than ten thousand dollars ($10,000) in market value or replacement cost whichever is greater or less than five hundred (500) square feet.

9. The structure shall be anchored to resist floatation and overturning.

10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.

11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

Section 8. Subdivision Requirements

The McLean County Zoning Board of Appeals shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the

damage prevention and building protections standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:

1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;

2. the boundary of the floodway when applicable, and

3. a signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

Section 9. Public Health and Other Standards

A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this ordinance the following standards apply:

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.

2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year

flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

Section 10. Carrying Capacity and Notification.

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.
In addition, McLean County shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

Section 11. Variances.

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the McLean County Zoning Board of Appeals for a variance. The McLean County Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the McLean County Board. The McLean County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

1. The development activity cannot be located outside the floodplain.

2. An exceptional hardship would result if the variance were not granted.

3. The relief requested is the minimum necessary.

4. There will be no additional threat to public health, safety or creation of a nuisance.

5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.

6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and

7. all other state and federal permits have been obtained.

B. The Director of Building and Zoning shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 that would lessen the degree of protection to a building will:

1. Result in increased premium rates for flood insurance up to twenty-five dollars ($25) per one hundred dollars ($100) of insurance coverage;

2. increase the risk to life and property, and

3. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

C. Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 6 and 7 of this ordinance subject to the conditions that:

1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

Section 12. Disclaimer of Liability.

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of McLean County or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

Section 13. Penalty.

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the McLean County State's Attorney may determine that a violation of the minimum standards of this ordinance exists. The McLean County State's Attorney shall notify the owner in writing of such violation.

A. If such owner fails after ten (10) days notice to correct the violation:

1. McLean County shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.

2. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars ($50) or more than seven hundred fifty ($750) for each offense.

3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and

4. McLean County shall record a notice of violation on the title of the property.

B. The McLean County State's Attorney shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The McLean County State's Attorney is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.
No site development permit shall be permanently suspended or revoked until a hearing is held by the McLean County Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

1. The grounds for the complaint, reasons for suspension or revocation, and

2. the time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the McLean County Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

C. Nothing herein shall prevent McLean County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Section 14. Abrogation and Greater Restrictions.

This ordinance repeals and replaces other ordinances adopted by the McLean County Board to fulfill the requirements of the National Flood Insurance Program including: February 9, 2001. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 15. Severabilility.

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 16. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.
Passed by the McLean County Board of McLean County, Illinois, this 17th day of June, 2008.

ARTICLE 6
USE REGULATIONS

601 **USE TABLE.** The use table provides a tabular summary of the land use types allowed within each base zoning district. The table is intended for reference and does not necessarily reflect all of the regulations that may apply to particular uses or districts. In the event of conflict between the use regulations listed within this Article and the zoning district regulations of Article 5, the text of the zoning district regulations shall prevail.

1. Permitted (by-Right): Uses identified in a zoning district column of the Use Table with a "P" are "permitted by-right" and shall be permitted in such zoning district. Permitted uses shall also be subject to the standards and regulations as may be indicated in the "use standards" column and all other requirements of this zoning ordinance.

2. Special Uses: Uses identified in a zoning district column of the Use Table with a "S" are "special uses" and shall be permitted in such zoning district if reviewed and approved in accordance with the standards of Article 8. Special uses shall be subject to the standards and regulations as may be indicated in the "use standards" column and all other requirements of this zoning ordinance.

3. Not Permitted: Uses not identified in a zoning district column of the Use Table as permitted by-right or by special use are not allowed in such zoning district unless otherwise expressly permitted by other regulations of this zoning ordinance.

4. Use Standards: A number in the "Use Standards" column of the Use Table refers to standards and regulations applicable to the particular use in one or more of the districts in which such use is allowed. The referenced standards appear in Section 602 of this Article.

USE TYPE	**ZONING DISTRICTS**						
	RESIDENTIAL			**NONRESIDENTIAL**			
	A	**R-1**	**R-2**	**C**	**M-1**	**M-2**	**Use Standards**
Accessory Uses	P	P	P	P	P	P	1
Home Occupations	P	P	P	P	P	P	18
Temporary Uses	P	P	P	P	P	P	39
Home Office	P	P	P	P	P	P	
RESIDENTIAL USES							
Assisted Living		S	P	P			
Duplex			P				22
Group Home	P	P	P				17, 22

USE TYPE	ZONING DISTRICTS						
	RESIDENTIAL			NONRESIDENTIAL			
	A	R-1	R-2	C	M-1	M-2	Use Standards
Group Residential				S			
Manufactured Home			P				21
Manufactured Home – Residential Design	P	P	P				22
Manufactured Home Park			S				23
Mobile Home			P				21
Modular Home	P	P	P				22
Multi-Family			S				25
Recreational Area, Family (6-17-08)	P						
Rural Home-Based Off-Premise Business (2-20-01)	S						44
Single-Family, Attached Dwelling			P				22, 33
Single-Family, Detached Farm Dwelling	P	P	P	P	P	P	22, 34
Single-Family, Detached Non-Farm Dwelling	P	P	P				22, 35
Single-Family, Underground Dwelling	P	P	P				36
Single-Family, Zero-Lot-Line Dwelling		P	P				37
Transitional Living Facility			P	S			40
Wind Energy System, Small (6-17-08)	P	P	P	P	P	P	50
COMMERCIAL USES							
Adult Entertainment Establishment					S	S	2
Agricultural Processing (2-20-01)	S			S	S	P	
Agricultural Tourism (9-19-06)	S						49
Agricultural Sales and Service (2-20-01)				P	P	P	
Animal Care, General	S			S	P	P	
Animal Care, Limited (2-20-01)	S			P	P	P	
Auction Rooms (2-20-01)				P			
Bank or Financial Institution				P			
Bar or Tavern				P			

USE TYPE	ZONING DISTRICTS						
	RESIDENTIAL			NONRESIDENTIAL			
	A	R-1	R-2	C	M-1	M-2	Use Standards
Bed and Breakfast	S	S	S	S			6
Car Wash				S	S	S	
Catering Establishment				P	P		
Child Care Facility				P			
Child Care Institution		S	S	S	S	S	
Construction Sales and Service				S	P	P	
Day Care Center		S	S	S	S	S	13
Day Care Home	S	S	S				13
Food Store				P			
Greenhouses	S			P	P	P	16
Health Club				P	P		
Hotel or Motel				P	P		
Kennel (6-17-08)	S			S	P	P	47
Manufactured Home Sales				P	P		
Office, General				P	P		
Paintball Establishments (2-20-01)	S						27
Parking Lot, Commercial	S			P	P		
Plant Nursery	S				S	S	16
Racetracks				S	S	S	28
Recreation and Entertainment, Indoor				P	P		
Recreation and Entertainment, Outdoor	S			S	S		29
Repair Service				P	P	P	
Research Service				S	P	P	
Restaurant, Fast-Food				P	P		
Restaurant, General				P	P		
Retail Sales and Service				P	P		
Service Station, Automotive				S	P	P	
Service Station, Truck Stop				S	P	P	
Studio (Radio, Television, Film, or Music)				P	P		
Vehicle and Equipment Sales				P	P	P	42
Vehicle/Equipment Storage Yard					P	P	42

USE TYPE	ZONING DISTRICTS						
	RESIDENTIAL			NONRESIDENTIAL			
	A	R-1	R-2	C	M-1	M-2	Use Standards
Vehicle Paint and Body Shop				S	S	P	42
Vehicle Repair				S	P	P	42
Warehouse, Self Storage				P	P	P	46
PUBLIC, QUASI-PUBLIC, AND INSTITUTIONAL							
Airport or Airstrip	S	S	S		S	S	4
Auditorium or Stadium				S	S	S	
Camp, Institutional	S						7
Camp, Recreational	S						8
Cemeteries, Mausoleums or Columbarium	S			S	S	S	9
Churches, Chapels, Temples or Synagogues	P	S	S	P			10
Club, Private				P	S		
College or University			P	P	P	P	
Competitive Communication or Meteorological Tower (6-17-08)	S			S	S	P	11
Correctional Facility					S	S	
Crematory				S	P	P	
Cultural Service (02-21-06)	S			P	P	S	
Funeral Home				P	P		
Golf Course	S	S	S	P			15
Government Service	P	S	S	P	P	P	
Heliport or Helipad	S			S	P	P	
Hospital				P	P		
Library		S	S	P	P		
Marina		S	S	P			24
Medical Service				P			
Military Service				S	S	S	
Nursing Home		S	P	S			
Parks and Recreation Area	S	S	S	S	S	S	
Post Office				P	P		
Recreational Vehicle Park	S			P	P		30
Safety Service	S	S	S	S	S	S	

USE TYPE	ZONING DISTRICTS						
	RESIDENTIAL			NONRESIDENTIAL			
	A	R-1	R-2	C	M-1	M-2	Use Standards
School (Elementary, Middle, High)	P	P	P	P			32
Shooting Range	S					S	
Stables, Public (6-17-08)	S						48
Telecommunications Tower (2-20-01)	P	S	S	P	P	P	43
Vocational School	S	S	S	S	P	P	
MANUFACTURING, INDUSTRIAL AND EXTRACTIVE USES							
Asphalt or Concrete Plant						P	5
Basic Industry					S	P	
Contractor Shop and office				P	P	P	12
Fertilizer Distribution Plant / Agriculture Seed Sales (6-17-08)	S				P	P	14
Food/Bakery Product Manufacturing					P	P	
Freight Terminal					S	S	45
Gas and Fuel Sales/Storage					S	P	
Hazardous Operation						S	
Integrated Center				S	S	S	
Landfill (if not a regional pollution control facility)						S	19
Landscape Waste Composting and Mulching Facility	S				S	S	20
Laundry Plant					P	P	
Manufacturing and Assembly					P	P	
Mining or Quarrying	S				S	S	19
Oil or Gas Drilling/Refining	S				S	P	26
Printing and Publishing					P	P	
Salvage Yard					S	P	31
Solid Waste Collection/Processing (if not a regional pollution control facility)					S	S	38
Solid Waste Transfer Station (if not a regional pollution control facility)					S	P	
Stockyard	S					S	

USE TYPE	ZONING DISTRICTS						
	RESIDENTIAL			NONRESIDENTIAL			
	A	R-1	R-2	C	M-1	M-2	Use Standards
Transit Facility				P	P	P	
Trucking Facility				S	P	P	45
Utility, Major (if not regional pollution control facility)	S	S	S	S	S	S	41
Utility, Minor	P	P	P	P	P	P	
Warehousing and Wholesale					P	P	
Welding or Machine Shop					S	P	
Winery (6-17-08)	P						51

602 USE STANDARDS. The use standards of this section shall apply to permitted uses, special uses and accessory uses as noted.

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

   Establishment of Accessory Uses - Accessory uses shall not be established prior to the principal use except that the Director of Building and Zoning may issue a temporary permit for the residential use, by one family, of any accessory building while the principal dwelling is under construction. Such temporary permit shall be valid until the date of the first occupancy of the principal building or 18 months after the issuance of the permit, whichever is the earlier date. Also, one accessory building may be established on a lot prior to the establishment of the principal use, provided that such building is used only for the storage of machinery and equipment necessary to maintain the otherwise vacant lot. The building shall be no larger than necessary for storage of the aforementioned machinery and equipment as determined by the Director of Building and Zoning. (6-18-02)

   A. Agricultural Accessory Uses: Any use that is accessory to an exempted agricultural use as determined by this zoning ordinance shall also be exempt from the regulations of this zoning ordinance. Agricultural accessory uses include, but shall not be limited to, the following activities and structures.

      (1) Fences and walls;

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

(3) Gardens;

(4) Gates and guard houses;

(5) Grain elevators for the storage of grains cultivated on the premises.

(6) Seasonal sale of farm produce grown on the premises as allowed as a temporary use in sub-section 39 of this section;

(7) Distillation of ethyl alcohol (ethanol) from agricultural crops and the processing of by-products from such distillation when such alcohol is utilized as fuel for agricultural purposes on the premises;

(8) Signs as specified in Article 10;

(9) Radio and television receiving antennas and support structures;

(10) Private Stables;

(11) Other necessary and customary uses determined by the Director of Zoning and Building to be appropriate, incidental and subordinate to the agricultural use on the lot.

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

(1) Fences and walls;

(2) Garages, carports and off-street parking areas, provided that a detached garage or carport shall not cover more lot area than allowed by the applicable zoning district;

(3) Gardens;

(4) Gates and guard houses;

(5) One guest household unit is allowed, which may include a kitchen facility that is separate from that of the principal household unit, subject to the following: (6-18-02)

a. The guest household unit is used only for the housing of guests of the family residing in the principal dwelling unit and not as a rental unit;

b The guest household unit is located within the same building as the principal dwelling unit.

c. The guest household unit should be accessible through the principal dwelling unit entrance. If a separate exterior entrance to the guest household unit is provided, it shall face either a side yard or the rear yard of the principle dwelling unit. (6-18-02)

d. Maximum allowable living space of a guest household unit shall be 900 square feet. (6-18-02)

(6) Home Office

(7) Home occupations, subject to the sub-section 18 of this section;

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

(9) Private radio and television receiving antennas and support structures;

(10) Recreational and play facilities for residents;

(11) Signs as specified in Article 10;

(12) Storage of recreational equipment such as boats, boat trailers, camping trailers, converted buses or trucks, provided that storage shall be limited to private garages, side or rear yards of private homes, and in the driveways of private homes if located behind the required front yard setback. No recreational vehicle shall be used for living or sleeping purposes for a period exceeding 14 days in a calendar year while stored on the premises; (2-20-01)

(13) Storm shelters and fallout shelters;

(14) Private Stables; and

(15) Other necessary and customary uses determined by the Director of Building and Zoning to be appropriate, incidental and subordinate to

the principal use on the lot, subject to compliance with any development and performance standards imposed by the Director of Building and Zoning to ensure land use compatibility.

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

(1) Automated Teller Machine (ATM);

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

(3) Dwelling units, other than mobile homes, when used or intended to be used for security or maintenance personnel;

(4) Fences and walls;

(5) Gates and guard houses;

(6) Offices for allowed business and industrial uses when the office is located on the same site as the principal use;

(7) Parking garages and off-street parking areas;

(8) Radio and television receiving antennas and support structures;

(9) Restaurants, news stands, gift shops, swimming pools, tennis courts, clubs and lounges when in a permitted hotel, motel or office building;

(10) Sales of goods produced as a part of allowed industrial activities when on the same site as the principal industrial use;

(11) Single-Family, Accessory Dwelling: In the C-Commercial district, a single-family dwelling unit may be allowed as an accessory use in the principal building subject to the following:

a. Said dwelling unit is occupied only by the proprietor of the principal use and his family; or

b. One employee of the proprietor which may include the family of the employee.

(12) Recycling Collection Stations, subject to the provisions of sub-section E of this sub-section;

(13) Signs as specified in Article 10;

(14) Storage of merchandise when located within the same building as the principal business;

(15) Playgrounds, play fields, athletic fields, auditoriums, gymnasiums, swimming pools, heating plants, administration and recreation buildings including the sale of food and non-alcoholic refreshments, in conjunction with educational and recreation facilities;

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

(17) Other necessary and customary uses determined by the Director of Building and Zoning to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standard imposed by the Director of Building and Zoning to ensure land use compatibility.

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

(1) Exterior Setback: No accessory structure shall be located within a required exterior setback.

(2) Interior (Rear) Setback: Accessory structures shall not be required to comply with the interior rear setback standard that applies to principal uses. Accessory structures, except for fences, shall, however, be set back at least three feet from rear lot lines and shall not be closer to the side lot line than the applicable minimum interior setback. Fences may be erected in the required interior rear setback area.

(3) Interior (Side) Setbacks: Except as follows, no accessory structure shall be located within a required interior side setback. Fences may be located within a required interior side setback area. A detached building or structure may be located in a rear yard provided that no part of such building or structure shall be nearer to the lot line along an interior side yard of an adjacent lot than the interior side

yard requirement of the zoning district in which such adjacent lot is located, nor nearer than three feet to any other lot line. (2-20-01)

(4) Setbacks from Easements: No accessory structure, other than a fence, shall be located within any platted or recorded easement unless all parties with an interest in the easement provide written permission for locating an accessory structure in the easement. No accessory structure, including fences, shall be located within a drainage easement. Any fence located within a platted easement, recorded easement, or over a known utility shall be constructed at the property owner's risk. Any utility company having to remove or relocate said fence shall not be required to replace or repair said fence.

(5) Height: No accessory structure shall exceed the maximum height standards of the underlying district unless specifically authorized.

(6) Building Separation: Unless attached to the principal structure, accessory structures shall be located at least five feet from any other structure.

(7) Building Coverage: No accessory structure shall exceed the maximum coverage allowed by the underlying district unless specifically authorized.

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

(1) Maximum Size and Approval Required: Recycling collection stations shall be allowed as an accessory use only if it does not exceed 1,000 square feet in area and only if shown on a Site Plan that has been reviewed and approved in accordance with Section Article 8.

(2) Screening: All collection stations shall be screened from public view of adjoining properties or any street right-of-way with a six foot tall, 100 percent opaque, solid screen or be wholly contained within a structure.

(3) Separation from Residential: Recycling collection station structures shall be located at least 150 feet from an R-1 or R-2 district

(4) Reverse Vending Machines: Reverse vending machines shall be located or sound proofed such that the noise of operation is

imperceptible from any property line of property zoned or used for residential purposes.

(5) Maintenance: An employee, business owner or property owner shall be responsible for keeping the recycling sites in a clean and safe condition and shall pick up any recycle materials that have blown around the site or adjacent area. All materials shall be stacked properly within a recycling bin and be monitored on a frequent basis.

(6) Hours of Operation: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Director of Building and Zoning.

(7) Signs: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted.

2. Adult Entertainment Establishment

A. Separation From Other Uses: No adult entertainment establishment shall be permitted within 2,650 feet of any R-1 or R-2 zoned lot or within 2,650 feet of any religious assembly, school or park and recreation use. This separation distance shall be measured as a straight line, without regard to intervening properties, from the nearest exterior wall of the adult entertainment establishment to the nearest lot line of a lot that is zoned R-1 or R-2 or a lot that contains a religious assembly, school or park and recreation use.

B. Separation From Other Adult Entertainment Establishments: No adult entertainment establishment shall be allowed to locate or expand within 2,650 feet of any other adult entertainment use or within 2,650 feet of any bar or tavern.

C. Access: All access to and from the adult entertainment establishment shall be provided from a thoroughfare street.

D. Windows and Doors: The building in which the adult entertainment establishment is located shall be designed in such a fashion that all openings, entries and windows prevent views into such establishments from any sidewalk, walkway, street or other public area. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building. No adult entertainment activity shall take place outside the building containing the adult entertainment establishment.

E. Signs: Adult entertainment establishments shall be limited to one wall-mounted sign no greater than one square foot of sign per linear foot of wall length, not to exceed a total of fifty square feet. The sign shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. No flashing lights or lighting that gives the impression of motion or movement shall be permitted.

F. Parking Area Lighting: Lighting of parking areas that serve an adult entertainment establishment shall provide a minimum light level of 0.25 foot candles over the entire parking area, but in no point shall the light level exceed 3.0 foot candles, nor shall any increase in light levels or visible glare be permitted at the lot line.

3. Standard for Agricultural Processing/Sales was deleted. (2-20-01)

4. Airport or Airstrip: Airports and airstrips shall be allowed in the A, R-1, R-2, M-1 and M-2 districts upon approval of a special use permit issued in accordance with the following provisions and the provisions of Article 8.

A. Airports and airstrips shall only be allowed in the R-1 and R-2 districts when said airport or airstrip is a part of a residential development.

B. The airport or airstrip within an R-1 or R-2 district shall only be for use by those residing within said residential development.

C. No aircraft shall take-off or land at an airport in an R-1 or R-2 district after dusk or before dawn.

5. Asphalt Plant:

A. Residential Separation: Asphalt plants shall not be located within 1,000 feet of an R-1 or R-2 district boundary line or property on which an existing residential dwelling is located. The separation distance shall be measured from the nearest property line on which the asphalt plant is or is intended to be located to the nearest boundary line of an R-1 or R-2 district or to the nearest property line on which an existing residential dwelling is located.

B. Access: Access to an asphalt plant shall only be from an arterial or collector road.

6. Bed and Breakfast Establishments: Bed and Breakfast establishments shall be allowed in the zoning districts as specified in Section 601 upon approval of a special use permit issued in accordance with the provisions of Article 8. When considering a special use permit application for a bed and breakfast establishment, the following requirements shall apply:

A. The establishment shall be located within a one- or two-family dwelling unit.

B. The establishment shall be located on a lot that is a minimum of one acre in size.

C. The yard and floor area requirements shall be as set forth in the R-1 Single-Family Dwelling District.

D. The establishment shall be located in a dwelling unit permanently occupied by the owner or manager, wherein as an accessory use to the residential use, rooms are rented to the public for no more than ten (10) consecutive nights in any twelve (12) month period.

E. Breakfast may be provided to guests of the bed and breakfast only.

F. Two (2) off-street parking spaces with one (1) additional off-street parking space per lodging room shall be provided. All off-street parking spaces for each lodging room shall be adequately screened from neighboring property.

G. No more than five guest rooms may be provided. The County Board may, however, further limit the number of lodging rooms allowed in order to maintain the character of the neighborhood in which the bed and breakfast facility is located.

H. No signs other than an identification sign as allowed by Article 10 of this ordinance shall be permitted.

I. The establishment shall comply with the requirements of the State Fire Marshal for one- and two-family dwellings.

J. The operator of the establishment shall obtain certification from the State Fire Marshall that the proposed bed and breakfast establishment meets the requirements of Section 6 of the State of Illinois "Bed and Breakfast Act."

K. In conjunction with the special use permit application, a floor plan of the proposed bed and breakfast establishment shall be submitted illustrating that the proposed establishment will comply with the requirements for bed and breakfast establishments as set forth by this ordinance.

L. The operator shall obtain all required licenses and permits for a bed and breakfast establishment as required by the McLean County Health Department prior to beginning the operation of the bed and breakfast establishment.

7. Camp, Institutional: Institutional camps may be allowed upon approval of a special use permit issued in accordance with Article 8 and the following provisions:

   A. The camp is located within a Growth Area as designated by the *Comprehensive Plan for the Development of the Community of McLean County*; or

   B. Is located outside of a designated Growth Area on soils that are not identified as "Prime" or "Important" in the Land Evaluation Soil Groups in Section 1106.

8. Camp, Recreational: Recreational camps may be allowed upon approval of a special use permit issued in accordance with Article 7 and the following provisions:

   A. The camp is located within a Growth Area as designated by the *Comprehensive Plan for the Development of the Community of McLean County*; or

   B. Is located outside of a designated Growth Area on soils that are not identified as "Prime" or "Important" in the Land Evaluation Soil Groups in Section 1106.

   C. Any accessory outdoor recreational facilities of a non-spectator nature shall be for use only by persons camping on the premises.

   D. Accessory buildings or structures shall be under the same ownership as the camp and shall not be leased to individuals or groups of individuals.

   E. A recreational camp shall not be designed or located so as to furnish lodging for persons utilizing recreational facilities on adjacent or nearby land.

   F. Incidental storage of such recreational vehicles shall be permitted provided such vehicles are not placed on permanent foundations or supports.

9. Cemeteries, Mausoleums or Columbarium: A 15 foot wide landscape buffer shall be provided along all property lines abutting any R-1 or R-2 zoned property.

10. Churches, Chapels, Temples or Synagogues

   A. Bus Parking: Any parking area used for the overnight parking of buses and vehicles shall be located at least 100 feet from the lot line of a lot zoned R-1 or R-2. Any such parking area shall be screened from view of adjacent R-1 or R-2 districts by a landscape buffer as approved by the Director of Building and Zoning.

B. Accessory Dwelling: A property on which a church, chapel, temple or synagogue is located may also contain an accessory residential dwelling to be used as a parsonage, rectory or parish house.

11. Competitive Communication or Meteorological Tower: Competitive telecommunications and meteorological towers shall conform with the following (these facilities may be permitted uses in the Agriculture and Commercial Districts when located at least 500 feet from the R-1 and R-2 Districts): (2-20-01) (6-17-08)

A. No building or tower that is part of a competitive telecommunication tower facility shall encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.

B. Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of a facility.

C. No facility shall encroach onto an existing septic field.

D. Any competitive telecommunication facility located in a special flood hazard area or wetland shall comply with the requirements of the "FP" Flood Plain Overlay District and Illinois Department of Water Resources.

E. Existing trees more than 3 inches in diameter shall be preserved if reasonably feasible during construction. If any tree more than 3 inches in diameter is removed during construction, a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement unless otherwise specified by the Zoning Board of Appeals. Tree diameter shall be measured at a point 3 feet above ground level.

F. If any elevation of a competitive telecommunication facility faces an existing, adjoining R-1 or R-2 zoning district, low maintenance landscaping shall be provided on or near the site of the facility in order to screen the facility. The quantity and type of landscaping shall be approved by the Director of Building and Zoning. Orange safety balls shall be installed on each side of towers where guy wires are used for towers over 100 feet in height. (6-17-08)

G. Fencing or walls shall be installed around the perimeter of each facility or the base of the tower shall not be climbable for a distance of eight (8) feet measured from the ground. (6-17-08)

H. Height and other design aspects of competitive communication towers shall be approved by a registered engineer, and FAA impact documentation shall be submitted to and approved by the Director of Building and Zoning. Orange safety balls shall be installed on each side of towers where guy wires are used for towers over 100 feet in height. (6-18-02) (6-17-08)

12. Contractor Shop and office: No outside storage shall be allowed within a C-Commercial district. Temporary use of land by contractors, as provided in Article 1 of this ordinance, shall be exempt.

13. Day Care (Center, Home)

A. Day Care Center:

(1) State Licensing: Each Day Care Centers shall be licensed by the licensed by the Illinois Department of Children and Family Services under the Illinois Child Care Act of 1969 (225 ILCS 10/1 et seq) and shall meet all County and state health department requirements pertaining to facilities, equipment, and other features.

(2) Vehicle Drop-Off Area: An off-street loading zone capable of holding one car per ten individuals cared for shall be provided, in addition to the required parking area, in order to provide for the safe pickup and discharge of passengers.

B. Day Care Home: Each Day Care Home shall be conducted in a single-family or two-family dwelling unit that is occupied as a permanent residence by the day care provider. The use will be considered a Home Occupation and shall be subject to the Home Occupation provisions of this Article.

14. Fertilizer Distribution Plants and Agricultural Seed Sales: Facilities shall provide approval from road authority. (6-17-08)

15. Golf Courses:

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

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

C. An 18 hole golf course shall require a minimum of 60 acres for each nine holes unless the golf course is a par three course in which case a minimum of 25 acres shall be required for each nine holes.

D. Par three golf course shall be not allowed in an R-1, R-2, M-1 or M-2 District.

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

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

B. Greenhouses and nurseries shall not be located within 150 feet of an existing R-1 or R-2 zoning district boundary line.

17. Group Home: Group Homes shall be subject to the following standards:

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

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

C. Neighborhood Character: A group home shall be constructed to be compatible with the architectural character of the neighborhood in which it is located.

18. Home Occupations: Home occupations shall be permitted in all districts permitting dwellings subject to the following provisions and the provisions for accessory uses as specified in subsection 602.1.

A. Restrictions and Limitations:

(1) The home occupation shall be incidental and subordinate to the principal residential use of the premises and shall not occupy more than 25 percent of the total floor area of the dwelling unit, exclusive of the basement. In addition, a home occupation shall not occupy more than 50 percent of the floor area of the basement. (2-20-01)

(2) No more than one employee who does not reside in the house may work the location of the Home Occupation. The number of employees that never visit or work at the Home Occupation location shall not be limited.

(3) Sales on the site of a home occupation shall be limited to goods made on the site. Off-premise sales, including sales made by telephone, fax or computer are not prohibited by this ordinance.

(4) No exterior display of merchandise sold or used in conjunction with the home occupation shall be allowed.

(5) No sign shall exceed two 2 feet in any direction, shall not be illuminated and shall be placed flat against the main wall of the principal residential structure.

(6) No materials or equipment used in conjunction with a home occupation shall be stored outside

(7) No equipment shall be utilized that creates a nuisance due to noise, vibration, smoke, dust, odor, heat, glare, emissions or electrical interference.

(8) No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling.

(9) No traffic shall be generated by the activity of the home occupation which is abnormal to a residential neighborhood. This provision shall also include the prohibition of regular delivery by trucks in excess of a two ton capacity.

(10) Particular Home Occupations Permitted:

a. Art, dancing, and music schools provided that instruction is limited to five pupils at one time.

b. Artists studios and conservatories

c. Barber shops, beauty shops and tanning salons.

d. Professional offices for chiropractors (secondary office only) (11-20-01), architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.

e. Offices for realtors, insurance agents, brokers, sales representatives, and manufacturing representatives.

f. Watch, clock, and jewelry repair services.

g. Radio, television, phonograph, recorder, compact disc player, computer and small appliance repair services.

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

i. Tailoring, alterations, and other sewing services.

j. Tool sharpening and filing.

(11) Particular Home Occupations Prohibited: Permitted home occupations shall not in any event include the following:

a. Antiques - retail.

b. Undertaking, Mortuary and Funeral services.

c. Grocery sales.

d. Second-hand merchandise – retail.

e. Equipment rental.

f. Automobile and other motor vehicle repair services.

g. Physician or Dental clinics.

h. Veterinary clinics, Kennels and Stables.

i. Adult entertainment establishments. (2-20-01)

19. Mining and quarrying operations shall be subject to the following standards. (9-15-09)

A. Development Plan and Minimum Site Area: A development plan shall include a map showing the following information: 1) the location of all property lines, existing roads/road centerlines, easements, utilities, waterways other significant features; 2) existing contours with an interval of no more than two feet; 3) uses of adjacent land 4) excavation lines in relation to property lines; 5) ingress and egress during operation; 6) truck

loading area and circulation route; 7) scale house, crusher, sorting/classifying equipment; 8) stockpiles of mined materials and overburden; and 9) berms containing overburden/top soil.

A minimum site area of 10 acres shall be required.

B. Entrances: There shall be no more than one entrance way from a public road. A traffic study shall be required if deemed necessary by the County Engineer. Entrances onto the site shall allow sufficient vehicle reservoir space so that vehicles waiting to enter the site are not located on the public right-of-way.

C. Hours of Operation: Uses shall only operate during daytime hours as stated in Part 900 of the regulations of the Illinois Pollution Control Board if located within 2,000 feet of the boundaries of a residence district or any existing dwelling.

D. Setback Distances: No digging or excavating shall occur within 50 feet of any perimeter, or 80 feet from the centerline of a township road, 90 feet from the centerline of a collector street or County Highway or 100 feet from the centerline of an arterial road or state highway, whichever is greater, unless such property abuts a railroad right-of-way.

E. Separation Distances from a Residence District, in the County or in a municipality including the R-1 and R-2 Districts, and Schools, Elementary, Middle or High:

(1) A mine involving the extraction of sand, gravel and top soil; which may include storage piles, washing, screening, crushing, loading and hauling as accessory uses shall require the following separations.

The separation requirement shall be ½ mile (2,640 feet) from a residence district or school lot to the nearest property line of the property containing the mine involving the extraction of sand, gravel and top soil; which may include storage piles, washing, screening, crushing, loading and hauling as accessory uses.

Operations shall comply with performance standards set forth herein for the M-1 Restricted Manufacturing District. A berm consisting of overburden/top soil with a side slope no steeper than three to one is exempt from the separation distance requirement if shown on the development plan.

(2) A quarry for the extraction, crushing, loading, hauling, storage, blasting, or cutting of stone shall be three miles from the nearest

residence district or school lot as measured to any part of the quarry operation. Operations shall comply with performance standards set forth herein for the M-2 General Manufacturing District.

(3) A shaft mine for the extraction, crushing, loading, hauling, storage, washing and sorting of coal and other minerals shall be three miles from the nearest residence district or school lot as measured to any part of the shaft mine operation. Operations shall comply with performance standards set forth herein for the M-2 General Manufacturing District.

F. Paving and Dust Control: All roads, driveways, parking lots and loading and unloading areas within 100 feet of any lot line shall be graded and paved with an approved concrete or asphalt/concrete surface so as to limit adjoining lots and public roads from the nuisance caused by wind-borne dust.

All roads, driveways, parking lots and loading and unloading areas not required to be paved shall be kept in as dust-free condition as possible, using application of dust-inhibitors, if necessary so as to limit the nuisance caused by wind-borne dust from adjoining lots and public roads. The operator is required to provide additional dust and noise control when requested to do so by the Director of Building and Zoning.

G. Slopes: The slope of material in any excavation shall not exceed the normal angle of repose or 55 degrees, whichever is less.

H. Buffers and Fences: Where adjacent to or across the road from a residence district or school lot when any open excavation will have a depth of ten feet or more and create a slope of more than 30 degrees, there shall be erected a fence of not less than six feet in height with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fences shall be located 50 feet or more from the outside edge of the excavation. Fences shall be adequate to prevent trespass.

A buffer of 50 feet in width shall be provided around the site on which no mining or accessory activity can occur. A berm may be located within the buffer if shown on the development plan.

I. Storm Water Management: A storm water management plan shall be required that complies with the provisions for storm water retention/detention basins in the McLean County Land Subdivision Ordinance.

J. Site Restoration: The following restoration requirements shall apply to all excavation uses.

(1) Restoration Plan: Before approval of a special use permit for an excavation use, the operation shall submit to the Director of Building and Zoning a detailed plan for restoration of the site, including information on the anticipated future use of the restored land, proposed final contours with an interval of no more than two feet. The plan shall include type and number per acre of trees or shrubs to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated. A residential or other development concept plan, as defined in Article 8, shall be provided if the proposed mining operation is in such a growth area as shown in the County or a municipal comprehensive plan. The final slope of the excavated areas above the water line shall not exceed a slope of three to one (3:1).

(2) The restoration plans shall be filed with and approved as part of the special use permit application before quarrying or removal operations begin. The plans shall be prepared by a soil or geological engineer.

(3) Bonds: Unless a reclamation bond is submitted to the Illinois Department of Mines and Minerals, before the issuance of any special use permit, the owner of the operation shall execute a bond sufficient to ensure restoration of the site in accordance with the approved restoration plan. Such bonds shall be a part of the special use application. Said bonds shall run for the same term as the term of the special use permit and any renewals.

(4) Water Quality: In restoration, no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or sub-surface water or into the atmosphere.

(5) Appearance: The restoration plan shall provide that all areas within any single development be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural or they shall be restored pursuant to an approved restoration plan.

(6) Top Soil and Fill: Where topsoil is removed, sufficient arable soil shall be set aside for reclamation of the premises and shall be re-

spread over the premises after the operation. The area shall be brought to final grade by a layer of earth of two feet or original thickness, whichever is less, capable of supporting vegetation. The area shall be seeded or sodded in a manner approved by the County Board. Fill shall be of a suitable material approved by the County Board as part of the special use permit application.

K. County, State and Federal Standards: All operations shall obtain all necessary licenses and permits from all County, state, and federal agencies that regulate such facilities, equipment and other features.

20. Landscape Waste Composting and Mulching Facility: The following standards shall apply to all landscape waste composting facilities:

A. Other regulations: An application for permission to construct and operate a landscape waste composting facility shall be accompanied by copies of all valid permits issued and required by the Illinois Environmental Protection Agency, and all other applicable local, state or federal agencies.

B. Minimum Site Area: All landscape waste composting and mulching facilities shall be located on a site containing at least five acres.

C. Separation Distance:

(1) The location of the portion of the site where active biological decomposition of the landscape waste is taking place shall not be located less than 500 feet from the following:

a. A lot line of any lot containing a residence;

b. A boundary line of an R-1 or R-2 district.

(2) The location of all operations of such landscape waste composting facility shall be outside the boundary of any Special Flood Hazard Area.

D. Setback: The location of the portion of the site where active biological decomposition of the landscape waste is taking place shall be setback a minimum of 200 feet from the property line. In addition, the facility shall be setback not less than 200 from a potable water supply.

E. Landscape Buffer: Each Landscape Waste Composting Facilities shall have a landscape buffer around its perimeter. The County Board may require a greater buffer to protect adjacent property from adverse visual, noise and other impacts associated with a specific compost facility.

F. Traffic Circulation: The operation shall provide entrances with ingress and egress so designed as to minimize traffic congestion. No more than one vehicle entrance shall be allowed for each 660 feet of lot frontage on a public street. There shall be enough room on-site to accommodate peak traffic volume and company vehicles. The Director of Building and Zoning may require a traffic report to be submitted with the special use permit application.

G. Storage Bins: Storage bins will be allowed to be stored on-site as an ancillary use, providing they are durable, covered and meet the same setbacks required for structures on the site. The number of storage bins allowed may be limited by the County Board and shall be completely screened from view from off-site.

H. Sale of Composted Material: The sale or marketing of any composted or mulched waste material at retail or wholesale from such facility shall be allowed only when such sale or marketing is accessory and incidental to the composting and mulching facility.

I. Hours of Operation: The proposed hours of operations shall be submitted with the special use permit application for the facility. In no case, however, shall the facility operate before sunrise or after sunset. When located within 1,000 feet of a lot with a single-family dwelling or within 1,000 feet of the boundary of an R-1 or R-2 zoning district, the facility shall not operate before 8:00 a.m. or after 7:00 p.m.

J. Paving: All roads, driveways, parking lots and loading/unloading areas within 100 feet of any lot line shall be graded and paved with a concrete or asphalt/concrete surface as approved by the Director of Building and Zoning.

K. Storm Water Management: A storm water management plan may be required at the discretion of the Director of Building and Zoning.

L. Litter Control: Evidence shall be submitted to show that the operation shall be conducted in such a manner as to prevent the blowing of any waste materials or dust particulate matter onto adjoining property or roadway.

M. Hazardous Material: Operations shall not involve the on-site holding, storage or disposal of hazardous substances, except for such substances used for the operation of the facility such as fuel and pesticides.

N. Material: No food scraps (except for vegetable scraps) or other vermin-attracting materials shall be processed, stored or disposed of on the site of

the compost facility. Only yard/garden wastes are allowed as compost material.

21. Manufactured Home / Mobile Home: Manufactured homes and mobile homes shall only be permitted in a manufactured home park unless said manufactured home is a "manufactured home, residential-design" as defined and allowed herein.

22. Single-Family and Duplex Dwelling Unit Standards: The following standards shall apply to all single-family and duplex dwelling units.

    A. The minimum exterior width of a single-family or duplex home shall be 22 feet. Ground floor area shall be not less than 800 square feet except that for dwelling units having more than one story the minimum ground floor area shall be 700 square feet. (6-18-02)

    B. The pitch of the roof of the single-family and duplex home shall have a minimum vertical rise of four feet for each 12 feet of horizontal run and the roof finished with a type of shingle that is commonly used in standard residential construction in the County;

    C. The exterior may be composed of brick, stone, wood or other commonly used material used in standard residential construction in the County; (2-20-01)

    D. If siding is used, the exterior siding shall consist of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of low luster white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the County. (2-20-01)

    E. The manufactured and modular home shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, or poured concrete wall, un-pierced except for required ventilation and access, is installed under the perimeter of the Residential-Design Manufactured Home; and

    F. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be attached firmly to the primary structure and anchored securely to the ground.

23. Manufactured Home Parks: Manufactured home parks shall comply with the following standards.

A. Property Development Standards

(1) Minimum Park Area: 10 acres

(2) Maximum Density: Seven dwelling units per acre

(3) Minimum Perimeter Setbacks: 40 feet. (2-20-01)

B. Streets: Private streets shall be permitted within manufactured home parks, provided that they comply with the design standards of the McLean County Land Subdivision Ordinance. Street signs shall comply with all applicable County standards.

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

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

E. Walkways: Walkways shall be required on one side of all interior streets and access ways and shall provide connections between manufactured home units and common areas such as recreational areas and laundry facilities. Walkways shall not be less than four feet in width and shall meet the design and construction requirements of the McLean County Land Subdivision Ordinance.

F. Water Supply: All manufactured home parks shall be connected to a water supply system as approved by the Illinois Environmental Protection Agency.

G. Sewage Disposal: All manufactured home parks shall be connected to a sewer system as approved by the Illinois Environmental Protection Agency or the McLean County Health Department.

H. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect those that will reside in the manufactured home park, as well as the property owners adjacent to the manufactured home park. Such facilities shall be of such capacity to insure rapid drainage and prevent the

accumulation of stagnant pools of water in or adjacent to the park and shall comply with all applicable County standards.

I. Underground Utilities: All electric, telephone, and other lines from supply poles outside the park or other sources to each manufactured home site shall be underground.

J. Fire Protection: Manufactured home parks shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the park to satisfy regulations of the State Fire Marshall.

K. Flammable Liquid Storage: The use of individual fuel oil or propane gas storage tanks to supply each manufactured home separately shall be prohibited. Any fuel oil or gas storage shall be centrally located in underground tanks, at a safe distance from any manufactured home site. All fuel lines leading to the park and to manufactured home sites shall be underground and so designed as to conform with any state code that is applicable. When separate meters are installed, each shall be located in a uniform manner.

L. Solid Waste: All garbage and trash containers shall be placed in a conveniently located, enclosed structure the exterior of which is similar in appearance to the manufactured home it serves. The removal of trash shall take place not less than once a week. Individual or common incinerators shall be prohibited.

M. Landscaping: A landscape buffer as approved by the Zoning Board of Appeals shall be provided and maintained along all boundaries of a manufactured home park except at established entrances and exits.

N. Manufactured Home Spaces within Manufactured Home Parks: Manufactured home spaces within manufactured home parks shall comply with the standards of this section.

(1) Minimum Size of Manufactured Home Space: Each manufactured home space within a manufactured home park shall contain at least 3,000 square feet of site area, and be at least 40 feet in width.

(2) Access: Each space shall have access to a paved interior roadway. In no case shall access to manufactured home spaces be provided from abutting property.

(3) Clearance: Each space shall be located so that at least ten (10) feet of clearance will be maintained between manufactured home units and other structures in the park.

(4) Canopies and Awnings: Canopies and awnings may be attached to any manufactured home and may be enclosed and used for recreation or sun room purposes. When enclosed for living purposes, such shall be considered as part of the manufactured home.

(5) Utility Hookup: Each manufactured home space shall have hook-up facilities for water, sewer, electricity, and telephone.

24. Marina:

A. Marinas and boat landing facilities may include the following accessory uses:

(1) Boat sales;

(2) Boat rental;

(3) Boat storage and repair;

(4) Sales and service of marine motors, boat parts and accessories; and

(5) Boat fuel sales.

B. Incidental sales of food and pre-packaged beverages may be allowed as an accessory use to a marina upon approval of a special use permit specifically allowing such incidental sales.

C. Marinas shall be located on lots having not less than 100 feet of frontage on a waterway used for the general public for boating activities.

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

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

(1) Flood plains and drainage ways.

(2) Bodies of water.

(3) Prominent ridges.

(4) Existing tree cover including tree masses, wind rows and significant individual trees.

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

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

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

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

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

(1) 375 square feet for efficiency units;

(2) 500 square feet for one bedroom units;

(3) 750 square feet for two bedroom units;

(4) 850 square feet for three bedroom units; and

(5) 950 square feet for a unit with four or more bedrooms.

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

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

(1) At least 10 percent of the total site area shall be set aside as common open space. The common open space area shall be suitable for active or passive recreational use. Common open space areas should be centrally placed within the neighborhood. Common open space

may include pools, tennis courts, and tot lots. Common open space may not be counted as part of nor located in a required setback area.

(2) A minimum of 60 square feet of private open space shall be provided for each dwelling unit. Private areas should be accessible from each applicable dwelling unit and should be designed to prevent access from other areas so as to ensure privacy. Private areas typically include yards, balconies and patios adjoining each dwelling unit.

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

J. Building Orientation:

(1) Individual Buildings: Individual buildings should be oriented in a way that establishes neighborhoods and sub-neighborhoods.

(2) Reduction of Unusable Open Space: Unusable open space should be reduced through building orientation, the use of low walls, fencing, landscaping and entry design.

K. Vehicular Circulation and Parking

(1) Street Layout: The layout of streets should provide for safe operation of vehicles within the development.

(2) Parking Area Layout: Double loaded parking areas along private streets are generally not acceptable. Parking areas should be located along drives that intersect public or private streets.

(3) Parking Enclosures: Parking enclosures should be designed and sited so as to compliment the primary structures and to provide visual relief from extensive pavement area.

26. Oil and Gas Drilling/ Refining: Oil and gas drilling/refining operations shall be subject to the following standards:

A. Oil and gas drilling/refining operations shall not be located within 1,000 feet an existing R-1 or R-2 zoning district boundary line.

B. The distillation of ethyl alcohol (ethanol) from agricultural crops and the processing of by-products from such distillation when such alcohol is not utilized as fuel for agricultural purposes on the premises shall be allowed as

a permitted use in the M-1 and M-2 districts and as a special use, issued in accordance with the provisions of Article 8, in the A - Agricultural and C districts.

27. Paintball Establishments: The following requirements shall apply to paintball establishments:

    A. Operator is required to maintain membership in the American Paintball League (or similar reputable national organization) and enforce their operating rules.

    B. Warning signage shall be placed every 100 feet along the property lines and be visible from a distance of 50 feet.

    C. A clearly marked buffer of 50 feet adjacent to any street or public way and of 30 feet along any other lot line shall be provided in which no paintball games may take place.

    D. Parking shall not take place in any required yards.

    E. No games shall be played before sunrise or after sunset.

    F. A copy of the current liability policy of not less than one million dollars for bodily injury or death shall be maintained in the Department of Building and Zoning.

    G. A sign-off from McLean County Health Department for food service shall be provided and sanitation facilities.

    H. A site plan drawn to scale be provided showing property lines, parking areas, buffers and other improvements.

28. Racetracks: The following requirements shall apply to racetracks.

    A. Access to racetracks shall be provided by a paved roadway that is classified as an arterial roadway.

    B. Racetracks for the racing of animals shall be located at least one mile from any R-1 or R-2 zoning district.

    C. Racetracks for the racing of motor vehicles shall be located at least two miles from any R-1 or R-2 zoning district.

29. Recreation and Entertainment, Outdoor: Outdoor recreation and entertainment uses shall be located on arterial or collector roads. Public activity areas shall be located at least 660 feet from any adjacent R-1 or R-2 zoning district.

30. Recreational Vehicle Parks shall be permitted subject to the following conditions:

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

    B. Minimum tract size shall be two (2) acres and shall be in one (1) ownership.

    C. The maximum number of recreational vehicle spaces allowed shall not be more than 20 per acre. Consideration shall be given to whether the recreational vehicle park and the density level are designed accordingly. The densities of overnight use may be higher than destination type since it primarily serves as a short stopping point while the destination type recreational vehicle park provides for longer and extended stays of several days or weeks.

    D. Minimum width of a recreational vehicle space shall be 25 feet. The space shall be so designed to provide space for parking both a travel trailer and towing vehicle off the roadway. No travel trailer unit shall be closer than 12 feet to any other adjacent unit, structure or roadway, and all spaces shall have direct access to the roadway. No unit shall be placed closer than 30 feet to any of the development property lines, and the 10 feet nearest the property line shall be permanently maintained as a sodded and/or landscaped area.

    E. Mobile homes and manufactured homes shall not be allowed.

    F. A central office or convenience establishment with an attendant shall be provided within the recreational vehicle park to register guests and provide service and supervision to the camp. An accessory residence shall be allowed for occupancy by the owner or operator of the facility.

    G. The applicant for a recreational vehicle park shall submit a site plan in accordance with the provisions of Article 8 to the Zoning Board of Appeals for their review and approval. In addition to the requirements of Article 8,

the site plan shall contain the information required below and any other information the Board shall deem reasonably necessary to fully evaluate the proposed development.

(1) General layout of development with dimensions, depths, number of spaces and related sanitation accommodations.

(2) Parking area location, sizes and capacity.

(3) Ingress and egress points for the project.

(4) Use of structures.

(5) General layout of typical recreational vehicle space showing size of space and proposed improvements.

(6) Layout of roadway within the camp.

(7) Net density of proposed project, expressed in terms of units per acre.

(8) General landscaping plan indicating all new and retained plant material to be incorporated within the new development and layout of outdoor lighting system.

(9) Plan and method of sewage disposal and water supply.

(10) Location plan and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries and utility areas. In addition, proof of state license for operation of the sewer and water supply.

(11) The development shall provide a general refuse storage area or areas which shall be provided with a paved concrete surface and shall be enclosed to screen it from view.

H. The recreational vehicle parks shall be planned and constructed in accordance with the minimum standards established in this section and outlined below:

(1) All parking areas and roadways shall be constructed and paved with a hard surface bituminous or concrete material.

(2) All camps shall be provided with general outdoor lighting with a minimum of 0.3-foot candles of general illumination.

(3) All yard areas and other open spaces not otherwise paved or occupied by structures shall be sodded and/or landscaped and shall be maintained.

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

A. Separation from Residential: No salvage yard shall be located within 300 feet of an R-1 or R-2 zoning district.

B. Screening: The operation shall be conducted wholly within a non-combustible building or within an area surrounded on all sides by a solid fence or wall at least 9 feet in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all scrap, junk, or other materials within the yard. Scrap, junk or other salvaged materials shall be piled or stored so that they are not visible from outside the fenced in area and do not exceed the height of the enclosing fence or wall within 50 feet of the inside of such fence or wall. (6-17-08)

C. Loading/Unloading: No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way.

32. Schools (elementary, middle, high): Schools shall comply with the following:

A. Approval by the Illinois Capital Development Board;

B. Upon issuance of a special use permit issued in accordance with the provisions of Article 8, a group residential use may be allowed in conjunction with a school for the residency of students, faculty and other staff of the school.

33. Single-Family Attached Dwelling: Developments consisting of single-family attached dwellings shall be subject to the following standards:

A. Lot Width: Each single-family attached dwelling shall be located on an individual lot having a minimum width of 150 feet.

B. Lot Area: Each lot on which a single-family attached dwelling is located shall not be less than 22,500 square feet in area.

C. Building Coverage: Single-family attached dwelling shall be exempt from the Building Coverage standards of the R-2 district.

D. Setbacks: No interior side setback shall be required on the "attached" side of a lot containing a Single-Family Attached dwelling unit. The interior setback standards of the R-2 district shall only apply to "end" units in a single-family attached development. End units are those that are attached to other dwelling units on only one side.

34. Single-Family, Detached Farm Dwelling: A single-family detached farm dwelling shall only be allowed in conjunction with a farming operation.

35. Single-Family, Detached Non-Farm Dwelling: A single-family detached non-farm dwelling shall be allowed as a permitted use in the R-1 and R-2 districts. A single-family detached non-farm dwelling in an A - Agricultural district shall be subject to the following standards and stipulations:

A. The subdividing of a parent tract shall be subject to the provisions of Section 501.

B. A single-family non-farm dwelling within the A - Agricultural zoning district shall be permitted only on a lot where 50 percent or more of the land is not identified as "Prime" or "Important" in the Land Evaluation Soil Groups in Section 1106, and in localities where the dwelling will not cause conflicts with adjacent agricultural uses. The 50 percent requirement shall not apply to farm operators or farm owners as provided in Section 501. (2-20-01)

C. Right-to-Farm Disclosure Statement: Properties within the Agriculture district are located in an area where land is used for commercial agricultural production. Owners, residents, and other users of property in the Agriculture district or neighboring property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Therefore, owners, occupants, and users of property within the Agriculture district should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm Law may bar them from obtaining a legal judgment against such normal agricultural operations.

36. Single-Family, Underground Dwelling: Single-family dwellings constructed below ground shall conform with the following standards:

A. Shall have a minimum of 800 square feet of floor area.

B. Shall have sufficient earth cover over the underground portion to support vegetation.

C. At least 20 percent of the total length of the perimeter wall surrounding the living area entirely exposed above ground level, with doors leading from at least two separate rooms through such exposed wall.

D. In addition to the information specified in Article 8 to be submitted with the special use permit application, the following information shall also be submitted:

(1) Building plans sealed by a registered architect for the underground single-family dwelling.

(2) Sewage disposal plans approved by the McLean County Health Department.

(3) Final grading plan.

(4) Soil information and water table information for the site.

37. Single-Family, Zero Lot Line Dwelling: Zero-lot line single-family dwellings shall conform with the following standards:

A. The procedure for establishing a zero lot line single-family development shall be the same as set out for site plan approval in Article 8.

B. The intensity of use, bulk of buildings, concentration of population, amount of open space, light and air, shall be the same as established for single-family dwellings in the R-2 district.

C. The intensity of the residential dwelling units shall be same as established for single-family dwellings in the R-2 district.

D. The developer shall establish a property owners association or other entity for the maintenance of common open space areas within the development. The County Board may require assurance of the financial and administrative ability of any organization created by the developer for the purpose of maintaining common open space areas and facilities of a non-public nature.

E. There shall be sufficient water pressure to ensure that adequate fire protection is provided.

F. The County Board may, in the process of approving preliminary and final plans, approve the following deviations from the requirements of the R-2 district:

(1) Setbacks of buildings and paved areas from a public street may be reduced to 50 percent of the standard requirement.

(2) Setbacks of buildings from a property line other than a public street, may be reduced to 60 percent of the standard requirement and setbacks of paved areas adjacent to property lines, other than street lines, may be reduced to zero if existing or proposed development on said adjacent land justifies the same.

(3) Side yards between buildings may be reduced to zero.

(4) The foregoing deviations 1 through 4 may be granted by the County Board only when compensating open space is provided elsewhere in the project, where there is ample evidence that said deviation will not adversely affect neighboring property nor will it constitute the mere granting of privilege.

G. The design of all zero lot line single-family projects shall assure proper access and circulation in accordance with the design standards established in the McLean County Land Subdivision Ordinance.

38. Solid Waste Collection/Processing Facilities (if not a regional pollution control facility): The following standards shall apply to Solid Waste Collection/Processing Facilities that are not a regional pollution control facility.

A. Screening: The operation shall be conducted wholly within a non-combustible building or within an area surrounded on all sides by a fence or wall at least eight feet in height when located in a C-Commercial district. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all scrap, junk, or other materials within the yard. No scrap, junk or other salvaged materials may be piled so to exceed the height of this enclosing fence or wall.

B. Traffic Circulation: The operation shall provide entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion. There shall be enough room on-site to accommodate peak traffic volume and company vehicles. A traffic analysis shall be required.

C. Storage Bins: Storage bins or trailers will be allowed to be stored on-site as an ancillary use, providing they are durable, covered and meet the same setbacks required for the structure on the site. The bins shall be screened as part of the operation.

D. Loading/Unloading: No solid waste or junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside an enclosed building, fence or screened area or within the public right-of-way, except the use of storage bins placed on the outside of an enclosed building for recycling. The operation shall be attended on days of operation to maintain the property in a clean, litter free condition.

E. Separation for Residential: No structures shall be located within 300 feet of an R-1 or R-2 zoned property.

F. Hours of Operation: Uses shall not operate before sunrise or after sunset if located within 1,000 feet of an R-1 or R-2 zoned property.

G. Paving: All roads, driveways, parking lots and loading/unloading areas within 500 feet of any lot line shall be graded and paved with an approved concrete or asphalt/concrete surface.

H. Storm Water Management: A storm water management plan may be required at the discretion of the Director of Building and Zoning.

I. Other Regulations: All operations shall be licensed if required, have proper permits from the Illinois Environmental Protection Agency and shall meet all County, state and federal health department requirements pertaining to facilities, equipment and other features.

J. Time Limit and Renewal of Special Use Permit: The initial approval of a special use permit for a solid waste collection facility or a solid waste processing facility shall be effective for one year, at which time it may be renewed in accordance with procedures applicable to the original approval. If renewed, a longer time limit on the special use permit may be established by the County Board. The special use permit shall be revoked by the Director of Building and Zoning if it is determined by the Director of Building and Zoning that the use is creating a nuisance for nearby residents or businesses or is failing to comply with the conditions imposed on the operation.

39. Temporary Uses: The following temporary uses shall be allowed.

A. Real Estate Office: Real estate office (containing no sleeping or cooking accommodations) incidental to a new housing development to continue for a period not to exceed two years or until the sale or lease of all dwelling units in the development has occurred, whichever is less.

B. Seasonal Sales of Farm Produce: Seasonal sale of farm produce grown on the premises, including Christmas trees if grown on the same property, in the "A" zoning district shall be allowed subject to the following standards:

(1) Structures used in conjunction with such seasonal sales need not comply with the applicable front yard requirements if the structures are not located within 50 feet from a street or highway right-of-way line.

(2) The floor area of structures used in conjunction with such seasonal sales shall not exceed 600 square feet.

(3) The height of structures used in conjunction of seasonal sales of farm produce shall not be greater than 17 feet or one story which ever is less. (6-18-02)

(4) Signs may be erected on the sight of the sales event at the start of the seasonal sales period and may remain in place for no longer than ninety (90) days. A minimum setback of 10 feet from all property lines shall be required and such signs shall not encroach into or be located within a required sight triangle. Maximum size shall be limited to 32 square feet. (6-18-02)

C. Special Events:

(1) Purpose and Intent: The purpose and intent of this Subsection is to allow short term use of land for special events, while protecting nearby property owners, residents and business from activities that may be disruptive, obnoxious or otherwise incompatible.

(2) Types of Special Events: Special events shall be deemed to include short-term or seasonal uses that are not otherwise permitted by the Use Regulations specified in this Article. Two types of special events are hereby established: Type 1 Special Events and Type 2 Special Events.

a. Type 1 Special Events: The following uses and activities shall be considered Type 1 Special Events:

i. Fund-Raising Activities By Not-For-Profits: Fund-raising or noncommercial events for nonprofit religious, educational or community service organizations. This special event description shall not preclude the use of existing religious institutions or other not-for-profit facilities for events conducted entirely within a building, between the hours of 7:00 A.M. and 10:00 P.M.

ii. Grand Opening and Going Out Of Business Sales: The use of signs and attention-attracting devices to advertise or attract attention to grand opening and going out of business sales events.

iii. Special and Seasonal Sales Events. Commercial activities, not conducted in an enclosed building or regular place of business, intended to sell, lease, rent, or promote specific merchandise, services, or product lines, including but not limited to: tent sales, trade shows, flea markets, farmers markets, (including horticultural products), Christmas tree lot sales (if grown on another property), product demonstrations or parking lot sales of food, art work, or other goods.

iv. Auctions and Estate Sales: Auctions and estate sales, to be held inside an existing building located on private or public property, that will not generate traffic or parking conditions unusual or incompatible with the event site and surrounding area will not require a special event permit. Other auctions and estate sales will be considered under Subsection 39.C.(2)b, Special and Seasonal Sales Events, of this Section.

v. Walks, Runs and Bike Tours and Races: Special events held exclusively for walks, runs and bike tours and races will be subject to application and review procedures, and general standards and conditions as set forth in this Section of the Zoning Ordinance. The applicant shall be required to submit an event route and to coordinate the logistics for use of public right-of-way and safe crossings at intersections with the applicable township road district commissioner and the McLean County Sheriff Department. All participants must obey pedestrian and vehicular traffic laws. Special event requests for such events shall be processed through the applicable

township road district office and the McLean County Sheriff Department.

b. Type 2 Special Events: Short-term cultural and entertainment events shall be considered Type 2 special events. The Type 2 category shall include public or private events intended primarily for entertainment or amusement, such as concerts, circuses, fairs, carnivals or festivals. Type 2 special events shall only be allowed in a C, M-1 or M-2 District.

(3) Application and Review Procedures:

a. Approval of Special Events By the Director of Building and Zoning: The Director of Building and Zoning may approve Type 1 special event permits after determining that the event will comply with all of the standards of this Subsection.

b. Approval of Special Events By the County Board: The following shall require review and approval by the County Board prior to being permitted:

i. Type 1 special event applications which the Director of Building and Zoning determines should be reviewed by the County Board.

ii. Type 1 special event applications that are denied by the Director of Building and Zoning for failure to comply with the standards of Subsection 39.C.(4) of this Section.

iii. Type 2 special event applications.

c. Contents of All Applications: An application for a special event permit shall be accompanied by a fee established by the County Board. The application shall be made to the Director of Building and Zoning on a form available from the Director of Building and Zoning. The application shall include:

i. A written description of the proposed event, the duration of the event, the hours of operations, anticipated attendance and any buildings/structures signs or attention-attracting devices used in conjunction with the event, as well as a response to each of the performance standards established in subsection 39.C.(4) of this Section.

ii. A sketch plan showing the location of proposed structures (including on-site rest rooms and trash receptacles), parking areas, activities, signs and attention-attracting devices in relation to existing buildings, parking areas, streets and property lines.

iii. Written confirmation from the property owner agreeing to the special event.

iv. Proof of compliance with the health and safety standards of McLean County.

v. Approval by the applicable road authority that maintains the roadway providing access to the festival.

vi. Any additional information deemed necessary by the Director of Building and Zoning or County Board.

d. Review and Approval Process: A complete application shall be submitted to the Director of Building and Zoning at least 10 days prior to the requested start of a Type 1 Special Event and at least 20 days prior to the requested start date of a Type 2 Special Event. Applications that require County Board approval shall be placed on the next available County Board agenda. With all other applications, the Director of Building and Zoning shall make a determination whether to approve, approve with conditions, or deny the permit within 5 days after the date of application. Any applicant denied a permit by the Director of Building and Zoning shall be notified in writing, of the reasons for the denial and of the opportunity to appeal the denial to the Governing Body at their next regularly scheduled meeting.

(4) General Special Event Standards: The following provisions shall apply to all Type 1 and Type 2 special events.

a. Land Use Compatibility. The special event must be compatible with the purpose and intent of this Article and the Zoning District in which it will be located. The special event shall not impair the normal, safe and effective operation of a permanent use on the same site. The special event shall not endanger or be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature

of the activity, its location on the site and its relationship to parking and access points.

b. Compliance With Other Regulations: A construction permit or temporary certificate of occupancy may be required before any structure used in conjunctions with the special event is constructed or modified. All structures and the site as a whole, may be required to meet all applicable zoning district and fire code standards and shall be promptly removed upon the cessation of the event. Upon cessation of the event or use, the site shall be returned to its previous condition (including the removal of all trash, debris, signage, attention-attracting devices or other evidence of the special event or use).

c. Hours of Operation and Duration: The duration and hours of operation of a special event shall be consistent with the surrounding land uses. The total duration of allowable events for freestanding businesses, and for the combined total allowed for a shopping center shall not exceed 14 weeks. Permits may be approved for a reasonable period of time based on impact and compatibility with nearby uses, but under any circumstances shall not exceed 6 weeks. The duration and hours of operation of Type 2 Special Events shall be recommended by the Director of Building and Zoning and established by the County Board at the time of review and approval of the event permit.

d. Frequency: The maximum frequency of a special event on the same property shall be 4 per calendar year for individual organizations and businesses and 3 per calendar year for shopping centers. The maximum per calendar year for properties in the C-Commercial District and M-1 Restricted Manufacturing District shall be 6. (6-17-2003)

e. Traffic Circulation: The special event, as determined by the County Engineer, shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.

f. Off-Street Parking: Off-street parking shall be provided in a manner as determined by the Director of Building and Zoning or County Board to meet the needs of the requested special event.

g. Public Convenience and Litter Control: Adequate on-site rest room facilities and on-site solid waste containers shall be required.

h. Appearances and Nuisances: The special event shall be compatible in intensity, appearance, usefulness, enjoyment, and value with surrounding land uses. The vent shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual problems.

i. Signs and Attention-Attracting Devices:

j. Setback From Road Right-Of-Way: Structures and equipment used in conjunction with a special event need not comply with the setback requirements of the applicable district in which the special event is located unless otherwise required by the Director of Building and Zoning for public safety reasons. However, structures or equipment shall not block the view of operators of motor vehicles on the public streets and shall conform to the requirements of the sight triangle as specified in Article 6.

k. Signs and Attention-Attracting Devices: The Director of Building and Zoning review all signage in conjunction with the issuance of the permit, although a sign permit is not required. The applicant should review the sign regulations set forth in Article 10 as a guide in designing high-quality signage for the special event. The Director of Building and Zoning may approve the temporary use of attention-attracting devices for special events. The number and types of signs and attention-getting devices permitted shall be evaluated on the following criteria: type, size and duration of the proposed event or use, safety considerations (sight-distance setbacks, sidewalks in area etc.), lighting considerations (disturbance of nearby residents or adverse affects to traffic on adjacent streets) and aesthetic concerns (appearance, illumination, number and size of signs and attention-getting devices proposed). All search lights shall be considered for no more than 3 days of an event. Search lights must be turned off by 11:00 P.M. and no search light shall be illuminated when the angle between its beam and the ground surface is less than 60 degrees.

l. Three dimensional signs and tubular type balloon signs will not be permitted on the facade of any structure. Large

ground and roof-mounted promotional type balloons, and other attention-attracting devices portraying images of products, people, cartoon characters, etc., shall be limited to a maximum height of 30 feet and shall be permitted for no more than 3 days of an event. Such devices must be dismantled at the end of each work day.

m. Area of Parking Lot Dedicated to Special and Seasonal Sales: No more than 20 percent of the parking stalls required for the business requesting the special event permit, not to exceed 30 stalls, shall be permitted for the display and demonstration of special, and seasonal sales items. No drives or maneuvering areas may be utilized unless such drive or maneuvering areas are directly adjacent to the approved display or demonstration area, not required for emergency access, and not needed to provide proper circulation thru the lot.

n. Other Conditions: The Director of Building and Zoning and the County Board establish any additional conditions deemed necessary to ensure land-use compatibility and to minimize potential adverse impacts on nearby uses, including but not limited to time and frequency of operation, limitations on signs and other attention-attracting devices, temporary arrangements for parking and traffic circulation, requirements for screening/buffering and guarantees for site restoration and cleanup following the special event. These conditions may include, but shall not be limited to:

i. Modifications or restrictions to the hours of operation, duration of the event(s), size of the activity or other operational characteristics.

ii. The posting of a performance bond to help ensure that the operation of the event and subsequent restoration of the site are conducted according to required performance standards and County Board stipulations.

iii. If the permit applicant requests the County to provide extraordinary services or equipment or if the Director of Building and Zoning otherwise determines that extraordinary services (e.g., traffic control or security personnel) or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the County a fee sufficient to reimburse the

County for the costs of these services if not provided by the applicant. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

D. Garage or Porch Sales: The sale of used or second-hand merchandise shall be permitted on any lot where a single-family residential dwelling is the principal use provided that such garage or porch sale shall not exceed three consecutive days in duration, nor occur more than twice during a 12 month period at one residence.

40. Transitional Living Center: Transitional living centers shall be subject to the following standards.

A. Size: No more than ten persons, including staff, shall reside in the center at one time.

B. Separation: No transitional living center shall be located within 1,500 feet of any other transitional living center or substance abuse treatment facility, nor shall a transitional living center be located within 300 feet of any religious assembly, school, R-1 or R-2 zoned property.

41. Utility, Major (if not a regional pollution control facility or otherwise exempted in Article 1 of these regulations): Major utilities, that are not regional pollution c control facilities or otherwise exempted in Article 1 of these regulations, shall not be located within 200 feet of a boundary line of an R-1 or R-2 district.

However, wind power generation facilities shall not be located within 2000 feet of a boundary line of an R-1 or R-2 district and shall also conform to the following requirements: (6-18-02)

A. No building or tower that is part of a wind power generation facility shall encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.

B. Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of a facility.

C. No facility shall encroach onto an existing septic field.

D. Any wind power generation facility located in a special flood hazard area or wetland shall comply with the requirements of the “FP” Flood Plain

Overlay District and Illinois Department of Natural Resources.

E. The height of the facility shall not exceed 499 feet, except if the facility is located within one and one-half miles of the corporate limits of a municipality with a population of 25,000 or more, the height of the facility shall not exceed 200 feet. (3-15-2005)

F. A tower that is part of a wind power generation facility shall require engineering certified by a registered engineer.

G. Documentation, approved by the Director of Building and Zoning, shall be provided which verifies that the site and design are acceptable to the FAA.

H. A wind power generation facility may be located on the same lot as one or more structures or uses.

42. Vehicle/Equipment Sales, Vehicle/Equipment Storage Yards and Vehicle Paint and Body Shop, Vehicle Repair: All vehicle and equipment storage areas and parking areas must be hard-surfaced and dust free. Vehicle Repair in the C - Commercial District shall be limited to vehicles that do not exceed one and one-half (1 ½) tons.

43. Facilities of a telecommunications carrier: These provisions shall not abridge any rights created by authority confirmed in the Federal Telecommunications Act of 1996, P.L. 104-104.

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

1) No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
2) Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the Federal Aviation Administration or the Federal Communications Commission, all lighting should be shielded so that no glare extends substantially beyond the boundaries of the facility.
3) No facility shall encroach on an existing septic field.
4) Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.
5) Existing trees more than three inches in diameter should be preserved if reasonably feasible during construction. If any tree more than three inches in diameter is removed during construction, a tree three inches in diameter or more in diameter shall be planted as a replacement if reasonably feasible.
6) If any elevation of a facility faces an existing residential use in a

residential zoning district, landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of landscaping should be in accordance with any other County landscaping requirements.

7) Fencing should be installed around the facility. The height and materials should comply with any other County fence regulations.

8) Any building that is part of the facility located adjacent to a residentially zoned lot should be designed with exterior colors and materials reasonably compatible with the residential character of that area.

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

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

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

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

7) The improvements and equipment comprising the facility may be freestanding or wholly or partly attached to or enclosed within a structure or structures.

D. The following provisions shall apply to all facilities established after 4/21/1998:

1) A facility is permitted if its supporting structure is a qualifying structure or if the following conditions are met:

a. The height of the facility shall not exceed 350 feet, except if the facility is located within one and one-half miles of the corporate limits of a municipality with a population of 25,000 or more, the height of the facility shall not exceed 200 feet.
b. The horizontal separation distance to the nearest residence shall not be less the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest residence shall be at least 100 feet or 80% of the height of the supporting structure, whichever is greater. If the supporting structure is not an antenna tower, this paragraph is satisfied.

2) Unless a facility is a qualifying structure or meets the preceding 1)a. and 1)b., a facility must receive County Board approval. If the County Board fails to act on a complete application within 75 days of submission, the application shall be deemed to have been approved. Approval requires a majority of the County Board members present at the meeting. No more than one public hearing shall be required. The following siting considerations shall be considered by the body conducting the public hearing:

a. The criteria in 43. A. of this Article;
b. Whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
c. The benefits derived by the users of the services to be provided or enhanced by the establishment of the facility.
d. The existing uses on adjacent and nearby properties; and
e. The extent to which the design of the proposed facility reflects compliance with the Zoning Ordinance.

44. Rural Home-Based Off-Premise Business – on a lot no less than 40 acres in area and subject to the following standards and stipulations:

A. Employment at the site of the special use may include any persons who are bonafide residents of the single family dwelling located on such site and not more than one other person who is not a bonafide resident of such single family dwelling.

B. Such home-based off-premise business shall not be established in any subdivision used for residential purposes which contains more than one lot.

C. Such home-based off-premise business shall not create additional traffic congestion on the public streets and highways, and any motor vehicles used in the operation of such home-based off-premise business shall not exceed the official weight limits on the public streets and highways which provide access to the site of such special use. The applicant for the special use shall provide a certified listing of the gross weights of all equipment and motor vehicles used in the operation of such home-based off-premise business at the time of the filing of the special use application with the County.

D. Any and all equipment, materials and supplies used in the operation of such home-based off premise business, if stored on the site of the special use, shall be stored within not more than one completely enclosed accessory storage building with a floor area not in excess of 5,000 square feet and/or within an outdoor area not in excess of one acre. An office for such home-based off-premise business may also be located within such completely enclosed accessory storage building.

E. No more than 25 per cent of the ground floor area and not more than 50 percent of the basement of the single family dwelling on the site of such special use shall be used for the operation of such special use.

F. Retail sales and/or wholesale sales shall be prohibited on the site of such special use.

G. No more than one home-based off-premise business shall be permitted to operate from any one tract of land.

H. Such home-based off-premise business shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on the site of such special use.

I. Such home-based based off-premise business shall not exhibit any outward evidence of such use other than one nameplate not to exceed two

(2) square feet in area and attached to the single family dwelling located on the site of such special use.

J. If such home-based off-premise business use of the site of the special use is discontinued for a continuous period of 180 days or more, the special use for such home-based off-premise business shall become void and of no legal effect as though it was not granted. (2-20-01)

45. Freight Terminals and Trucking Facilities: The following standards shall apply to all freight terminals and trucking facilities. (6-18-02)

A. Motor vehicles and equipment used in the operation of such a facility shall not exceed the official weight limits on the public streets and highways, which provide access to the site of the facility. The permit applicant shall provide a certified listing of the gross weights of all equipment and motor vehicles used in the operation of the facility.

B. Such facility shall be located at least 300 feet from any R-1 or R-2 zoning district.

C. Driveways, parking lots and vehicle and equipment storage areas shall be graded and paved with asphalt, concrete, or other hard surface materials as approved by the County Engineer.

D. Lighting shall be installed for safety and security purposes only. All lighting shall be shielded so that no glare extends substantially beyond the boundaries of a facility.

46. Warehouse, Self-Storage: The following standards shall apply to all warehouse self-storage facilities. (6-18-02)

A. All self-storage facilities shall be limited to the rental of storage bays and the pickup and deposit of goods or property in dead storage.

B. Use of storage bays shall be limited to storage of personal goods.

C. Storage bays shall not be used to manufacture, fabricate or process goods; service or repair vehicles, boats, small engines, or electrical equipment or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or to conduct any other commercial or industrial activity on the site.

D. Individual storage bays or private postal boxes within a self-storage facility shall not be considered premises for the purposes of assigning a legal address in order to obtain an occupational license or other governmental

permit or license to do business nor as a legal address for residential purposes.

E. Outside accessory storage of Recreational Vehicles (RV's) and Boats is allowed on graveled or hard surfaced parking areas if shown on an approved site plan and if clearly designated on the ground but shall not exceed 20% of the lot area. (6-17-08)

47. Kennel: The following standards shall apply to all Kennel facilities. (6-17-08)

A. All outdoor areas for animals, including animal runs and animal exercise yards, shall be at least 600 feet from any lot in the R-1 or R-2 District, or at least 600 feet away from a lot containing a dwelling as the principal use.

B. Minimum fencing requirement: Outdoor areas for animals shall be fenced at least six feet in height and shall meet the yard requirements of accessory structures.

C. Obtain the necessary permit(s) from the Illinois Department of Agriculture (IDOA).

D. Handicap parking requirement: At least (1) one handicap parking space shall be provided.

48. Public Stables: The following standards shall apply to all Public Stable facilities. (6-17-08)

A. Maximum limit of horses shall be no more than (2) two horses per acre of land used for stable purposes.

B. Shall be accessory to an existing single family residence or a farm as defined herein.

C. Handicap parking requirement: At least (1) one handicap parking space shall be provided.

49. Agricultural Tourism: The following standards shall apply to all Agricultural Tourism facilities. (9-19-2006)

A. Minimum acres: A minimum of 40 acres of land that is in agriculture production.

B. Handicap parking requirement: At least (1) one handicap parking space must be provided with the remainder of parking not required to be paved.

C. Adequate off street parking approved by the Director of Building and Zoning.

D. Temporary stands with canopies of produce are allowed and shall be removed at the end of each season: the floor area of structures for sale area shall not exceed 600 square feet.

50. Small Wind Energy System: A small wind energy system is allowed as a permitted use, a site plan shall be submitted to the Department of Building and Zoning demonstrating compliance with the following restrictions: (6-17-08)

A. Setbacks: All parts of the structure of a small wind energy system, including the tower, base, footings, and turbine but excluding guy cables and their anchors, shall be set back a distance equal to 110 percent of the system height from all adjacent property lines, road right-of-way, railroad right-of-way, and right-of-way for overhead electrical transmission or distribution lines. Guy cables and their anchors shall meet the setback requirements for accessory structures in the zoning district in which the system is proposed to be located.

B. Noise: The small wind energy system shall not exceed a noise level of 60 decibels as measured at the closest property line. The noise level may be exceeded during short-term events such as utility outages and/or severe wind storms.

C. Building permit applications shall be accompanied by standard drawings of the system structure, including the tower, base, footings, and guy cables certified by a licensed professional engineer. This certification may be supplied by the manufacturer.

D. Notifications regarding Aircraft: Small wind energy systems shall comply with all applicable regulations of the FAA, including any necessary approvals for installations closer than two miles to an airport. The applicant has the responsibility of determining the applicable FAA regulations and securing the necessary approvals. If the system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the applicant shall notify all such crop dusting businesses no later than 5 business days prior to submitting a building permit application. Copies of letters must be included in the building permit application. Orange safety balls shall be installed on each side of towers where guy wires are used for towers over 80 feet in height.

E. Local Utility Company Notification: If a small wind energy system is to be connected to the electricity grid, the applicant shall notify the electric utility service provider that serves the proposed site of his intent to install

an interconnected customer-owned electricity generator no later than 5 business days prior to submitting a building permit application. Copies of letters must be included in the building permit application.

F. Minimum Distances: The distance between any protruding blades utilized on a small wind energy system and the ground shall be a minimum of 15 feet as measured at the lowest point of the arc of the blades.

G. Radio and Television Signals: The small wind energy system shall not cause any radio, television, microwave, or navigation interference. If a signal disturbance problem is identified, the applicant shall correct the problem within 90 days of being notified of the problem.

H. Appearance: The small wind energy system shall maintain a galvanized neutral finish or be painted to conform the system color to the surrounding environment to minimize adverse visual effects. No small wind energy system shall have any signage, writing, pictures, or decorations placed on it at any time other than warning, equipment, and ownership information. No small wind energy system shall have any flags, streamers, banners, and other decorative items that extend from any part of the system placed on it at any time.

I. Removal Upon End of Useful Life: When a system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within 120 days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal.

J. Fencing: The tower shall be enclosed with a fence of at least six (6) feet in height or the base of the tower shall not be climbable for a distance of eight (8) feet measured from the ground.

K. Required Safety Features: The small wind energy system shall have an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.

L. Tower: The upright portion of a small wind energy system to which the primary generator devices are attached.

M. System Height shall be measured from height above grade of the highest point of the arc of the blades and shall be limited as follows:

	Ag, C, M-1 & M-2 Districts	**R-1 & R-2 Districts**
Acreage	Height	Height
.99 or less acres	50 feet	50 feet
1 to 1.99 acres	65 feet	65 feet
2 to 4.99 acres	80 feet	80 feet
5 or more acres	150 feet	80 feet

51. Wineries: The following standards shall apply to wineries in the Agriculture District. (06-17-08)

A. Minimum parcel size in acres: A minimum of 6.5 acres of land.

B. Minimum wine producing acres: A minimum of 4 acres of wine grapes are planted and capable of producing a crop.

C. Parking requirement: A minimum of 3 paved parking spaces.

D. Handicap parking requirement: At least (1) one handicap parking space must be provided.

E. Shall be accessory to an existing single family residence or a farm as defined herein.

F. Setbacks: All production facilities, tasting facilities, and outdoor use areas, excluding parking lots shall be a minimum of 50 feet from all property lines.

G. Tasting Facilities: The tasting facility shall be clearly related, and subordinate to the primary operation of the winery. The primary focus of the tasting facility shall be the marketing and sale of the wine and grape products produced at the winery. Incidental sales of wine related merchandise and food shall be allowed.

H. Retail sales of wine fruit products shall be limited to those produced, vented, cellared, or bottled by the winery operator or grown on the winery premises or custom crushed at another facility for the wine operator.

I. Uses for receptions, clubs or conventions are not allowed, except a reception area may be approved by special use, provided a vineyard is established on the property and provided that if the vineyard or winery no longer function on the property, such receptions shall no longer be allowed on the property. (01/19/2010)

ARTICLE 7
SUPPLEMENTAL REGULATIONS

701 HEIGHT REGULATIONS. Chimneys, cooling towers, elevator head houses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, and necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the District Regulations.

702 YARD REGULATIONS.

1. Minimum Yard Requirements: The yard requirements heretofore established in all districts shall be adjusted in the following cases:

   A. Where the property fronts on a collector or an arterial street, the required front yard shall be modified as follows:

      (1) Arterial Street: The front yard setback shall be measured from the centerline of the street and shall be equal to the requirement of the particular zoning district plus 50 feet.

      (2) Collector Street: The front yard setback shall be measured from the centerline of the street and shall be equal to the requirement of the particular zoning district plus 40 feet.

   B. Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except where no lots within the same block front on one of the two intersecting streets, the side yard requirement along such street shall be 15 feet, subject to the provisions of subsection 703.1.A.

   C. Double frontage lots shall maintain the required front yard setback along both frontages.

2. Where 50 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed a front yard greater than required then:

   A. Where a building to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of adjacent buildings on the two sides; or

B. Where a building to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

703 NUMBER OF PRINCIPAL STRUCTURES ON A LOT. In other than the Manufacturing Zoning Districts, no more than one principal structure may be located upon a lot.

704 NUMBER OF USES ON A LOT. In other than the Commercial and Manufacturing Zoning Districts, no more than one principal use may be located upon a lot.

705 SIGHT TRIANGLE. Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 8 feet above the grades of the outside edge of the street surface of two or more intersecting streets, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets; except that, the County Engineer may establish greater sight triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO).

706 ACCESS TO COMMERCIAL AND INDUSTRIAL DISTRICTS. No land which is located in a residential district shall be used for a driveway, walkway or access to any land which is located in any commercial or industrial district.

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

1. Projections shall be defined as: Any structural or non-structural portion or appendage attached to the main structure which, by design, protrudes outward beyond the structure floor, wall, roof, or foundation line. Projections include, but are not limited to:

   A. Roof eaves and gutters may encroach no more than four feet into a front and rear yard and not more than 24 inches into a side yard. Roof eaves and gutters projecting from a building located in a rear yard may extend no closer than 24 inches from a lot line. (2-20-01)

   B. Cornices and sills of the principal building shall project no more than 18 inches into a front, side and rear yard. (2-20-01)

   C. Air conditioning equipment may encroach into a side and rear yard provided such equipment is at least 10 feet from any property line. (2-20-01)

D. Stairs which are necessary for access to a dwelling or an accessory building may encroach into a front, side and rear yard with up to eight steps. (2-20-01)

E. Bay windows shall project no more than three feet into a front or rear yard. (2-20-01)

F. Chimneys that are attached to the principal building shall encroach no more than 24 inches into a front, side or rear yard. (2-20-01)

G. Combustible or Non-combustible ornamentation attached to a principal building shall project no more than 18 inches into a front, side or rear yard. (2-20-01)

H. Detached garages, detached carports, sheds, storage buildings, private swimming pools and private tennis courts may encroach into a rear yard. (2-20-01)

I. Balconies, terraces, patios, decks not over two feet in height and outdoor fireplaces may encroach into a rear yard. (2-20-01)

2. Exception for Canopies and Awnings: A canopy or awning may be permitted to overhang a public way in a C-General Commercial District, M-1-Restricted Manufacturing District or M-2 General Manufacturing District providing:

A. The canopy or awning construction is covered with a fabric material, such as canvas, or is made of a material which simulates a fabric covering, other than metal or aluminum.

B. No portion of the canopy or awning shall be less than eight (8) feet above the level of the sidewalk or other public way.

C. The canopy or awning may extend the full width of the building facade to which it is attached, and further, it shall not extend beyond a point two (2) feet inside the pavement line of a public street.

708 FENCES. Except for agricultural fences and as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences that are greater than four feet in height:

1. No fence shall be constructed which will constitute a traffic hazard.

2. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

3. No fence except fences erected upon public or parochial school grounds; in public parks and public playgrounds; or around competitive telecommunication facilities shall be constructed of a height greater than four feet in the front yard or seven feet elsewhere; provided, however, that the County Board may, as a special use, authorize the construction of a fence higher than seven feet if it is determined by the County Board that the public welfare is served.

4. A property owner may install a fence within a dedicated easement at his or her own risk. In no case, however, shall a fence be constructed within a dedicated drainage easement.

709 TRANSITION SCREEN SPECIFICATIONS. When a transition screen is required by this code, such screen shall conform to the following specifications:

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

2. Such transition screen shall consist of a planting screen meeting the specifications herein. A landscaped berm or a fence screen meeting the specifications herein may be used in lieu of such planting screen if a variance for such substitution is granted by the Director of Building and Zoning.

   A. Planting Screens. Planting screens shall consist of trees, bushes or shrubs of a variety and so planted and kept as to be achieved within thirty-six (36) months after occupancy of the premises to be screened.

      (1) Such screen shall have a minimum height of six (6) feet above grade at any particular point along its length.

      (2) Any two (2) foot square segment of a planting screen shall contain no more than thirty percent (30%) open space affording a direct horizontal view through such screen if such segment is over two (2) feet above grade.

   B. Landscaped Berm. Adequate evidence from a registered engineer shall be furnished demonstrating that the construction of such berm, along with any necessary culverts and ditching, will not create adverse drainage and flooding conditions on adjacent property.

      (1) Such berm shall be at least thirty (30) feet in width at the base and at least four (4) feet in height, as measured perpendicular to grade level at any point along its length. Side slopes shall have a gradient no steeper than three to one.

(2) Side slopes of such berm shall be sodded so as to prevent erosion. The top of the berm shall contain a planting screen according to the specifications set forth in Section 709.2.A above except that the minimum height of such planting screen need not be more than three feet above the top of the berm at any particular point along its length. Construction and material of such berm shall be as approved by the Director of Building and Zoning.

C. Fence Screen. A fence screen shall not be less than eight (8) feet, nor more than ten (10) feet in height above grade level, at any particular point along its length, and any two (2) foot square segment of such screen shall contain no more than thirty percent (30%) open space affording a direct horizontal view through such screen. Construction and material of such fence screen shall be as approved by the Director of Building and Zoning.

3. All required screening shall be completed prior to issuance of an occupancy permit, except a temporary occupancy permit under the provisions of Section 206, herein may be issued for the use of the property pending placement of the plantings, but not pending any other screening requirement.

710 PERFORMANCE STANDARDS. Any use established shall be operated so as to comply with the performance standards governing: (1) noise; (2) vibration; (3) smoke and particulate matter; (4) toxic and noxious matter; (5) odorous matter; (6) fire and explosive hazards; and (7) glare and heat, set forth hereinafter for the district in which such use shall be located. No existing use shall conflict with, or further conflict with, the applicable performance standards established hereinafter for the district in which such use is located.

1. Noise: No use or activity shall create any amount of noise that is in violation of the applicable standards and regulations governing noise levels specified by the Illinois Environmental Protection Agency.

2. Vibrations

A. Vibrations within a district shall be controlled so as not to become a nuisance to adjacent uses.

B. No industrial operation or activity (except those not under the direct control of the manufacturer) shall cause at any time ground transmitted vibrations in excess of the limits set forth below. Vibrations shall be measured at any point along a district boundary line with a three-component measuring instrument approved by the Director of Building and Zoning, and shall be expressed as displacement in inches.

Frequency (cycles per second)	**Maximum Permitted Displacement Along R-1 and R-2 District Boundaries**
	(Inches)
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

3. Smoke and Particulate Matter: No use or activity shall create any amount of smoke and particulate matter that is in violation of the applicable standards and regulations governing specified by the Illinois Environmental Protection Agency.

4. Toxic and Noxious Matter: No use or activity shall create any amount of toxic and noxious matter that is in violation of the applicable standards and regulations governing specified by the Illinois Environmental Protection Agency.

5. Odorous Matter: No use or activity shall create any amount of odorous matter that is in violation of the applicable standards and regulations governing specified by the Illinois Environmental Protection Agency.

6. Fire and Explosive Hazards: Activities involving the manufacture of materials or products which decompose by detonation are permitted in only the M-2 District, and then only when specifically licensed by the Zoning and Plats Committee.

A. Activities involving the storage and utilization of material or products which decompose by detonation are permitted only in the M-1 and M-2 Districts and then only when specifically licensed by the Zoning and Plats Committee. Such materials shall include, but shall not be limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and

teracene; all higher explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; polytechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, tetrozoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

B. The manufacture, utilization, or storage of pyrophoric and explosive dusts shall be in accordance with the safety codes of the National Fire Protection Association. Such dusts include, but are not limited to: aluminum, bronze, and magnesium powder, powdered plastics, flour and feed, spices, starches, sugar, cocoa, sulphur, grain (storage), and wood flour.

C. In the M-1 District, the following additional regulations shall apply:

(1) The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

(2) The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following condition is met:

Said materials shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls, or protected throughout by an automatic fire extinguishing system; or said materials may be stored outdoors in conformance with the regulations of McLean County, and such storage shall have 50 feet clearance from all property lines.

The storage and utilization of flammable liquids or materials* which produce flammable or explosive vapors or gases shall be permitted in accordance with the following table:

Total Capacity of Flammable Materials Permitted in Gallons		
Industries Engaged in Storage and Distribution	**Above Ground**	**Underground**
Materials having a closed cup flash point over 187 degrees F.	Prohibited	100,000
From and including 105 degrees F. To and including 187 degrees F.	Prohibited	40,000
Materials having a closed cup flash point of less than 105 degrees F.	Prohibited	20,000

* When flammable gases are stored and utilized an measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed 300 times the quantities as listed above.

Industries Engaged in Utilization of Flammable Materials	Above Ground	Underground
Materials having a closed cup flash point over 187 degrees F.	50,000	100,000
From and including 105 degrees F. to and including 187 degrees F.	20,000	40,000
Materials having a closed cup flash point of less than 105 degrees F.	5,000	10,000

D. In the M-2 Districts the following additional regulations shall apply:

(1) The storage, utilization, or manufacture of solid materials ranging from incombustible to intense burning are permitted, subject to applicable rules and regulations of McLean County.

(2) The storage and utilization of flammable liquids or materials * which produce flammable or explosive vapors or gases, shall be permitted in accordance with the following table:

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED IN GALLONS		
Industries Engaged in Storage and Distribution	**Above Ground**	**Underground**
Materials having a closed cup flash point over 187 degrees F.	400,000	Unrestricted
From and including 105 degrees F. to and including 187 degrees F.	200,000	Unrestricted
Materials having a closed cup flash point of less than 105 degrees F.	100,000	Unrestricted

Industries Engaged in Storage and Distribution	**Above Ground**	**Underground**
Materials having a closed cup flash point over 187 degrees F.	200,000	Unrestricted
From and including 105 degrees F. to and including 187 degrees F.	100,000	Unrestricted
Materials having a closed cup flash point of less than 105 degrees F.	50,000	Unrestricted

E. Special Use - M-2 Districts. When allowed as a special use the total capacity of flammable materials permitted in gallons for industries engaged in storage and distribution or industries engaged in utilization of flammable materials may be unrestricted provided that in both cases within 300 feet of a lot line, no more than 50,000 gallons of materials having a closed cup flash point of less than 105 degrees F. is stored or utilized along each 100 feet of the lot line.

When flammable gases are stored and utilized and measured in cubic feet, the quantity in cubic feet (at S.T.P) permitted shall not exceed 300 times the quantities as listed above.

7. Glare and Heat. Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as to not create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as to deflect light away from adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from flood lights, commercial operations or

industrial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or road right-of-way. Any light or combination of lights that cast light on a public street shall not exceed one-foot candle (meter reading) as measured from the centerline of the street. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed 0.5 foot-candles (meter reading) as measured from said property.

ARTICLE 8
SPECIAL USE PERMITS

801 GENERAL CONSIDERATIONS.

1. Purpose: Because of their unique and potentially harmful characteristics, the uses set forth in this Article shall be located in a district or districts only upon consideration in each case of the impact of such use upon neighboring land and of the public need for such a use at the particular location. Such uses, hereby designated as Special Uses, fall into three categories:

   A. Uses either governmentally owned and operated or operated by regulated public utilities or traditionally affected by a public interest; and

   B. Uses entirely private in character but of such a nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

   C. Planned Developments

2. Delegation of Power: The County Board is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in the ordinance; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with these regulations; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of these regulations and the health, safety, and welfare of the community. The County Board shall not act on a special use permit application until after a public hearing has been held by the Zoning Board of Appeals. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of these regulations, or where the standards of this Article are not found to exist.

3. Conditions and Guarantees: Prior to the granting of any special use permit, the Zoning Board of Appeals may recommend and the County Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use permit as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Zoning Board of Appeals may recommend or the County Board may require such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will be, fully complied with.

802 PROCEDURES.

1. General Special Uses

A. Application: A written application for a general special use permit shall be filed with the Director of Building and Zoning on forms prescribed by the Director of Building and Zoning. Each general special use permit application shall include a statement indicating the section of the ordinance under which the permit is sought, the grounds upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth. The application shall be accompanied by an area map and site plan of the subject property.

B. Fees: Each application for a general special use permit shall be subject to a filing fee as established by the County Board and the actual cost of publishing the public hearing notice.

C. Site Plan: All applicants for a general special use permit shall submit with their application three copies of a development plan for the property which shall include the following:

(1) A site plan showing:

a. Approximate size and locations of all structures.

b. Access from streets.

c. Parking arrangements and numbers of spaces.

d. Interior drives and service areas.

e. Landscaped areas.

f. All proposed signs.

(2) Location map showing development and zoning of adjacent property within 100 feet.

(3) The full legal description of the boundaries of said development area.

(4) A description of the general character of all structures.

D. Hearing: Upon receipt of the formal application and all accompanying material, the Director of Building and Zoning shall call a public hearing for

the next scheduled meeting of the Zoning Board of Appeals; provided, however, that notice must be published in a newspaper of general circulation not more than 30 days and not less than 15 days prior to the date set for hearing.

E. Recommendation: The Zoning Board of Appeals shall submit a written report and recommendation to the County Board within 30 days after the close of the public hearing. The concurring vote of at least four members of the Zoning Board of Appeals shall be necessary in order to recommend approval to the County Board of a special use permit application. (6-17-08)

F. Findings: In making a recommendation to the County Board, the Zoning Board of Appeals shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative findings that the proposed use conforms with the general standards set forth in this Article. In no case shall a special use permit be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.

G. Action by County Board: The County Board shall consider the Zoning Board of Appeals' recommendation at the next regularly scheduled County Board meeting for which the agenda item can be docketed. The County Board, upon receiving the written report and recommendation of the Zoning Board of Appeals, may, by majority vote, grant or deny any proposed Special Use Permit or may refer it back to the Zoning Board of Appeals for further consideration. If said application for a proposed Special Use Permit is not acted upon finally by the County Board within 120 days of the date upon which such application is received by the County Board, it shall be deemed to have been denied.

2. Planned Developments

A. Purpose: To encourage improved design in the development of land by providing relief from the traditional zoning requirements which are designed for conventional developments. To avoid creating an undue hardship or complications for desirable but unconventional developments. To establish standards and procedures for the issuance of a Special Use Permit for a Planned Development to meet the following objectives:

(1) Environmental design in the development of land that is of a higher quality than is normally possible through the strict application of zoning ordinance requirements.

(2) Preservation of natural features of a development site.

(3) Provide for the functional and beneficial use of open spaces.

(4) Provide for a safe and desirable living environment in areas characterized as a unified building and site development program.

(5) Creation of a compatible arrangements of buildings and uses to provide a greater choice of living, working, and shopping environments

B. Concept Plan

An applicant may submit a Concept Plan to the Zoning Board of Appeals for tentative review and approval. The intent of this procedure is to give the applicant an idea if the proposed development is acceptable to the County prior to incurring the expenses associated with preparing a map amendment and Preliminary Subdivision Plan. A Concept Plan shall include maps and written statements and shall describe the relationship of the proposed Planned Development to the surrounding areas.

(1) Maps and plans that are part of the Concept Plan may be in general form and shall contain the proposed land uses, the natural features of the site, the character and density of proposed land uses, the approximate location of all streets, roads and utility systems.

(2) The written statement shall contain a general explanation of the size and character of the proposed Planned Development and expected schedule of construction.

The McLean County Zoning Board of Appeals shall review the Concept Plan within 60 days after receipt of such plan and shall submit a written report and its recommendation to the County Board.

C. Modification of zoning district and Subdivision Ordinance regulations

Planned Development shall be constructed in zoning districts as a Special Use Permit subject to the standards and procedures set for in this article.

(1) Except as modified by and approved by a Final Subdivision Plat, a Planned Development shall be governed by the regulations by the County's subdivision ordinance and the zoning district or districts in which the Planned Development is located.

(2) The Ordinance approving the Planned Development and the Final Subdivision Plat may provide variations from the Subdivision Ordinance's design standards and the zoning district regulations governing use, density, area, bulk regulations, parking, screening, berming, signs, open storage, impervious surface limitations and required open space. No modification of the zoning district

requirements or the Subdivision Ordinance design standards may be allowed when such modifications result in:

a. Inconvenient or unsafe access to the Planned Development;

b. Traffic congestion in the streets and roads which adjoin the Planned Development; or

c. An undue or disproportionate burden on the parks, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Development.

(3) Before submitting an application for a Planned Development, the applicant shall confer with the McLean County Department of Building and Zoning to obtain information and guidance before entering into binding commitments or incurring substantial expense.

(4) Application shall be made on forms supplied by the McLean County Department of Building and Zoning.

(5) An application for a Planned Development must be accompanied by either a Concept Plan or a Preliminary Subdivision Plan. If the applicant selects the Concept Plan option, the Concept Plan shall be submitted to the Zoning Board of Appeals for analysis and recommendation to the County Board. If the applicant selects the Preliminary Development Plan option, the Land Use and Development Committee will hold a public hearing and make a recommendation to the County Board.

(6) A Preliminary Development Plan is required and must be submitted within one year following the approval of a Concept Plan. If a Preliminary Development Plan is not submitted within one year, the approval of the Concept Plan by the County Board is withdrawn and the Concept Plan shall be null and void.

(7) Within one year of the approval of a Preliminary Development Plan, the applicant shall submit an application and supporting drawings for a Final Subdivision Plat.

D. Preliminary Development Plan: The Preliminary Development Plan shall be prepared at a scale dimension of not more than 1"=100', and shall include:

(1) Boundaries of the project with dimensions to scale;

(2) Contour intervals of two feet;

(3) Proposed size, height, location and arrangement of structures, parking areas with proposed arrangement of stalls and number of cars, entrance and exit driveways and their relationship to existing and/or proposed streets;

(4) Preliminary drainage plan in sufficient detail to show direction of flow, storm water detention facilities, if needed, and major drainage structures;

(5) General landscape plan to include location and height of all walls, fences, signs and screen plantings;

(6) Note provision for dedication of new or additional rights-of-way, if needed; such to be dedicated to the County prior to approval of a Final Development Plan;

(7) Phases of final development;

(8) Name and address of owner, applicant and engineering firm which prepared the plan;

(9) Seal of engineering firm licensed in the State of Illinois developing the plan, scale, north point and date of plan;

(10) A description of any limitations to be placed on the range of permitted uses, the hours of operation, the structure materials to be used or other similar factors; and

(11) Ten (10) copies of the Preliminary Development Plan shall be submitted.

E. Final Development Plan: The Final Development Plan shall be prepared in the same manner and include the same type of information as the Preliminary Development Plan (updated to show final sizes, dimensions and arrangement) with the following additions:

(1) Contour lines shall show finished grading only;

(2) The landscaping plan shall show the size and type of each tree, shrub and ground cover; and

(3) Drawings showing the size, appearance and method of illumination for each sign.

The Final Development Plan shall substantially conform to the approved Preliminary Plan, shall be in final form for the issuance of a building permit, shall have been previously reviewed by the appropriate County staff, and shall include a construction schedule. A final approval by the County Board shall authorize construction to begin according to the construction schedule providing all appropriate permits have been received. Construction of at least the first stage of development shall begin within three years from the approval date of the Final Development Plan by the County Board. If construction does not begin within this period and no effort is made for an extension of time by the owner, the Final Development Plan shall be voided.

F. Building Permits: Upon approval of the Final Development Plan by the County Board, the owner shall provide five copies of the approved Final Development Plan to the Building and Zoning Department. The Director of the Building and Zoning Department or his/her designee shall issue building permits only in accordance with the approved Final Development Plan.

G. Amendments: If any substantial variance or rearrangement of structures, parking area and drives, entrances, heights or open spaces is requested by the applicant, the applicant shall proceed by following the same procedure previously followed and outlined in the Preliminary Development Plan.

H. Open Space: The Zoning Board of Appeals may require the provision of open space to buffer dissimilar uses; to protect environmentally sensitive areas; or to counterbalance any reduction in lot area, yard size or bulk limitations.

(1) Open Space Requirements: If the Zoning Board of Appeals requires open space, the County and the applicant shall enter into an agreement providing for the establishment of an agency to maintain the open space. Such agreement shall include provision for default, cure by the County, and enforcement.

(2) Disposition of Open Space: The agency established in the preceding section shall not be dissolved or permitted to otherwise dispose of any open space by sale or otherwise without first offering to dedicate the same to the County.

803 STANDARDS FOR ISSUANCE OF SPECIAL USE PERMITS. Generally: Before any permit shall be granted, the Zoning Board of Appeals shall make written findings certifying that adequate provision has been made for the following:

1. The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.

2. The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values in the immediate area.

3. The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6. The establishment, maintenance and operation of the special use will be in conformance with the intent of the district in which the special use is proposed to be located. (6-17-08)

7. The proposed special use, in all other respects, conforms to the applicable regulations of the district in which it is located. (2-20-01)

804 ADDITIONAL CONDITIONS FOR SPECIAL USES. In granting a special use, the County may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The conditions specified for the uses listed in Section 2 of Article 6 shall also be requirements for the approval of a special use permit.

805 TIME LIMIT.

1. Sunset: A special use permit shall expire, unless a construction permit is taken within 24 months to effectuate such specially permitted use; or if no construction permit is required, evidence of use is filed with the Director of Building and Zoning. (6-17-08)

2. Abandonment: Once a specially permitted use ceases or is abandoned for a period of more than 12 months, the special use permit shall expire; except that the special use permit for an auto salvage yard shall automatically expire if the state license for operating the auto salvage yard lapses for a period of time more than six months. (6-17-08)

3. Upon a public hearing, a special use permit may be revoked by the County Board:

   A. For a violation of the codes and ordinances of McLean County including, but not limited to, the zoning ordinance;

B. For a violation of the district regulations;

C. For a violation of non-compliance with the conditions, limitations or requirements contained in the special use permit or these regulations.

806 EFFECT OF DENIAL OF A SPECIAL USE PERMIT. No application for a special use permit which has been denied wholly or in part by the County Board shall be re-submitted for a period of one year from the date of said order of denial, except on the grounds of new evidence of proof of change of conditions found to be valid by the Director of Building and Zoning.

ARTICLE 9
OFF-STREET PARKING AND LOADING REGULATIONS

901 SCOPE OF REGULATIONS. The off-street parking and off-street loading provisions of this ordinance shall apply as follows:

1. Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of this article for all buildings and structures erected and all uses of land established in each district after the effective date of this ordinance.

2. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement in the amount specified herein requiring parking or loading facilities, such additional parking and loading facilities as required herein shall be provided.

3. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if said building or structure was erected prior to the July 27, 1966 effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this ordinance.

902 EXISTING PARKING FACILITIES. Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than shall not be further reduced below, the requirements for a similar new building or use under the provisions of this ordinance.

903 PERMISSIVE PARKING AND LOADING FACILITIES. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

904 DAMAGE OR DESTRUCTION. For any conforming or non-conforming building or use which is in existence on the effective date of this ordinance, which subsequently is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired, additional off-street parking or loading facilities need not be provided, except that such parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation.

905 CONTROL OF OFF-SITE PARKING FACILITIES. In some cases where parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be in the same possession as the lot occupied by the buildings

or use to which the parking facilities are accessory. Such possession may be either by deed or long-term lease, the term of such lease to be determined by the County Board. The owner of the land on which the parking facilities are to be located shall be bound by covenants, filed on record in the Office of the Recorder of McLean County, requiring such owner, his or her heirs and assigns, to maintain the required number of parking facilities for the duration of the use served or of said lease, whichever shall terminate sooner.

906 OFF-STREET PARKING GENERAL PROVISIONS. Off-street parking facilities for motor vehicles shall be provided in accordance with the following regulations:

1. Use: Accessory off-street parking facilities required for uses listed herein, shall be solely for the parking of passenger automobiles of patrons, occupants, or employees. When bus transportation is provided, for patrons, occupants or employees of a specific establishment, additional open or enclosed off-street parking spaces for each bus to be parked on the premises shall be provided in accordance with regulations of Article 9, sub-section 906 and sub-section 907.

2. Computation: When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

3. Collective Provisions: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portions thereof shall serve as a required space for more than one use unless otherwise authorized by the Zoning Board of Appeals.

4. In Yards: Off-street parking spaces open to the sky may be located in any yard except in front yards and side yards adjoining a street in the A Agricultural District, R-1 Single-Family Residential District and the R-2 Two-Family District.

5. Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both on the premises at any one time.

6. Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities.

7. Accessible/Handicapped Spaces: In addition to the requirements of Article 2, Section 205.2 of this ordinance, accessible/handicapped parking spaces shall be provided as required below or as amended per the current requirements of the Illinois Accessibility Code. (6-18-02)

TOTAL OFF STREET PARKING SPACES REQUIRED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total number
Over 1000	20 plus 1 for each 100 over 1000

A. Parking Space Dimensions: Shall be at least 20 feet in length and 16 feet in width including an eight foot wide diagonally striped access aisle.

B. Location: Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

907 OFF-STREET PARKING DESIGN AND MAINTENANCE.

1. Open and Enclosed Parking Spaces: Accessory parking spaces may be open to the sky or enclosed in a building, carport or structure.

2. Surfacing: All open off-street parking areas, containing more than eight parking spaces shall be graded and paved with asphalt, concrete, or asphaltic concrete as approved by the County Engineer except in the following instances:

   A. Parking lots that are accessory to a special event as approved in accordance with the provisions of Article 9 unless otherwise required by the Director of Building and Zoning or the County Board.

   B. Agricultural demonstrations and other not-for-profit activities.

3. Screening: In districts where transition belts are not required all automobile parking areas containing more than eight (8) parking spaces, located less than 40 feet from the nearest property line of a lot in a R-1 Single-Family District or R-2 Two-Family District or a lot containing a dwelling as a principal use, shall be effectively screened from such property line by a transition screen meeting the specifications of Article 7, Section 709 of this ordinance.

4. Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance and in a parking area containing four or more parking spaces such lighting shall be extinguished one-half hour after the close of business except as may otherwise be permitted or required by the Zoning Board of Appeals for maintaining illumination with less candle-power after the time specified above.

5. Driveways: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway that crosses public property at the right-of-way line shall exceed a width of 25 feet in a residential district and 35 feet in commercial and industrial districts unless otherwise required by the County Engineer, applicable township road district commissioner, or the Illinois Department of Transportation.

6. Location: All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same lot as the building or use served. Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance may be served by parking facilities located on other than the lot on which the building or use served is located, provided such facilities are within 300 feet walking distance of the main entrance of the use served.

7. Parking Space Dimensions: Required off-street parking spaces shall be at least nine feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Enclosed parking spaces shall have a vertical clearance of at least seven feet.

908 OFF-STREET PARKING SPACE REQUIREMENTS. The minimum number of off-street parking spaces required for uses allowed are provided in Schedule A and Schedule B below. Schedule A provides off-street parking requirements for land uses with a single type of activity and Schedule B provides off-street parking requirements for land uses with multiple types of activities.

1. Required Spaces: Schedule A

Land Use	Required Number of Parking Spaces
RESIDENTIAL USES	
Assisted Living	1 for each 2 beds
Duplex	2 per dwelling unit

Land Use	Required Number of Parking Spaces
Group Home	1 for each 2 beds
Group Residential	1 for each 2 beds
Manufactured Home – Residential Design	2 per dwelling unit
Manufactured Home	2 per dwelling unit
Manufactured Home Park	Spaces required pursuant to Article 5, 502.20.B
Mobile Home	2 per dwelling unit
Modular Home	2 per dwelling unit
Multi-Family	1 ½ per dwelling unit
Single-Family, Attached Dwelling	2 per dwelling unit
Single-Family, Detached Non-Farm Dwelling	1 per dwelling unit (2-20-01)
Single-Family, Underground Dwelling	2 per dwelling unit
Single-Family, Zero-Lot-Line Dwelling	2 per dwelling unit
Transitional Living Facility	In accordance with requirements designated by the Director of Building and Zoning
COMMERCIAL USES	
Adult Entertainment Establishment	1 per 300 square feet of floor area
Agricultural Processing	1 per 300 square feet of floor area
Agricultural Sales and Service	1 per 300 square feet of floor area
Animal Care, General	1 per 300 square feet of floor area
Animal Care, Limited	1 per 300 square feet of floor area
Bank or Financial Institution	1 per 300 square feet of floor area
Bar or Tavern	1 per 300 square feet of floor area
Bed and Breakfast	2 plus 1 per three lodging rooms
Car Wash	1 per two employees, plus 1 per owner or manager, and in addition, reservoir parking spaces to accommodate automobiles awaiting entrance to the car wash equal in number to 5 times the maximum capacity of the car wash. Maximum capacity, in this instance, shall mean the greatest possible number of automobiles undergoing

Land Use	Required Number of Parking Spaces
	some phase of laundering at the same time.
Catering Establishment	1 ½ per employee
Child Care Facility	1 per two beds
Child Care Institution	1 per two beds
Construction Sales and Service	1 per 300 square feet of floor area
Day Care Center	1 per two beds
Day Care Home	1 per two beds
Food Store	1 per 300 square feet of floor area
Greenhouses	1 per 300 square feet of floor area
Health Club	1 per 300 square feet of floor area
Hotel or Motel	1 per lodging room plus 1 per employee on largest shift
Institutional Camp	In accordance with requirements designated by the Director of Building and Zoning
Kennel	1 per 300 square feet of floor area
Manufactured Home Sales	Spaces required pursuant to Schedule B
Office, General	1 per two persons employed
Parking Lot, Commercial	None
Plant Nursery	1 per employee plus additional parking for customers as determined by the Director of Building and Zoning.
Racetracks	In accordance with requirements designated by the Director of Building and Zoning
Recreation and Entertainment, Indoor	Bowling Alley: 7 per lane plus such additional spaces as may be required herein for affiliated uses such as restaurants and the like Theater: 1 per six seats up to 400 seats, plus 1 per four seats over 400 Other Such Use: 1 per three persons, based upon the maximum number of persons that can be accommodated at the same time in accordance with such design capacity, plus 1 per two employees
Recreation and Entertainment, Outdoor	1 per two employees plus an adequate number of spaces as determined by the Director of Building and Zoning to serve the visiting public

Land Use	Required Number of Parking Spaces
Repair Service	1 per 400 square feet of floor area
Research Service	1 per 300 square feet of floor area
Restaurant, Fast-Food	1 per three persons based upon the maximum number of persons that can be accommodated at the same time in accordance with such design capacity
Restaurant, General	1 per three persons based upon the maximum number of persons that can be accommodated at the same time in accordance with such design capacity
Retail Sales and Service	1 per 300 square feet of floor area
Service Station, Automotive	1 per employee, plus 2 per service stall
Service Station, Truck Stop	1 per employee, plus 2 per service stall
Studio, Radio, Television, Film, or Music	1 per 300 square feet of floor area
Vehicle and Equipment Sales	1 per 400 square feet of floor area
Vehicle/Equipment Storage Yard	Spaces required pursuant to Schedule B
Vehicle Paint and Body Shop	5 per service bay
Vehicle Repair	5 per service bay
Warehouse, Residential Storage	1 per five storage bays; or 1 per 1,000 square feet, whichever produces more spaces
PUBLIC, QUASI-PUBLIC, AND INSTITUTIONAL	
Airport or Airstrip	In accordance with requirements designated by the Director of Building and Zoning
Auditorium or Stadium	1 per four seats; or 1 per nine square feet of seating area
Camp, Institutional	In accordance with requirements designated by the Director of Building and Zoning
Camp, Recreational	In accordance with requirements designated by the Director of Building and Zoning
Cemeteries, Mausoleums or Columbarium	In accordance with requirements designated by the Director of Building and Zoning
Churches, Chapels, Temples or Synagogues	1 per two persons employed on the premises and 1 per four seats; or 1 per nine square feet of seating area
Club, Private	1 per lodging room and 1 per six seats in accordance with maximum design seating capacity of the main meeting room

Land Use	Required Number of Parking Spaces
College or University	1 per six students, based upon the maximum number of students that can be accommodated in accordance with design capacity
Communication Tower	None
Correctional Facility	In accordance with requirements designated by the Director of Building and Zoning
Crematory	8 per chapel or parlor plus 1 per funeral vehicle maintained on the premises
Cultural Service	In accordance with requirements designated by the Director of Building and Zoning
Funeral Home	8 per chapel or parlor plus 1 per funeral vehicle maintained on the premises.
Golf Course	4 per hole plus spaces required for restaurant and bar area
Government Service	1 per 300 square feet
Heliport or Helipad	1 per heliport or helipad except when accessory to a hospital or other medical institution providing.
Hospital	1 parking space per bed for 100 bed hospital; 1.1 parking spaces per bed for 101 to 300 beds; 1.2 parking spaces per bed for 301 to 500 beds; and 1.3 parking spaces per bed for over 500 beds
Library	1 per 800 square feet of floor area
Marina	1 per boat slip
Medical Service	1 per 250 square feet of floor area
Military Service	In accordance with requirements designated by the Director of Building and Zoning
Nursing Home	1 per two beds
Parks and Recreation Area	1 per two employees plus spaces in adequate number as determined by the Director of Building and Zoning to serve the visiting public
Post Office	1 per 300 square feet
Recreational Vehicle Park	1 per camping space plus one per three camping spaces for visitors
Safety Service	In accordance with requirements designated by the Director of Building and Zoning

Land Use	Required Number of Parking Spaces
School (Elementary, Middle, High)	Elementary or Middle: 1 per faculty member and other employees. High School: 1 per four students based on the maximum number of students that can be accommodated in accordance with such design capacity of the building
Shooting Range	1 per two employees, plus spaces in adequate number as determined by the Director of Building and Zoning to serve the visiting public
Vocational School	1 per two employees, plus 1 per five students, based on the maximum number of students that can be accommodated in accordance with such design capacity
MANUFACTURING, INDUSTRIAL AND EXTRACTIVE USES	
Asphalt or Concrete Plant	1 per employee
Basic Industry	1 per employee
Contractors Office and Shop (6-17-08)	1 per employee in the warehouse area and 1 per 300 square feet in the office area
Fertilizer Distribution Plant	1 per employee
Food/Bakery Product Manufacturing	1 per employee
Freight Terminal	1 per employee
Gas and Fuel Sales/Storage	1 per employee
Hazardous Operation	1 per employee
Integrated Center	The number of parking spaces required shall be in accordance with the required spaces for each individual use.
Landfill (if not a regional pollution control facility)	1 per employee
Landscape Waste Composting Facility	In accordance with requirements designated by the Director of Building and Zoning.
Laundry Plant	1 per employee
Manufacturing and Assembly	1 per employee
Mining or Quarrying	1 per employee
Oil or Gas Drilling/Refining	1 per employee

Land Use	Required Number of Parking Spaces
Printing and Publishing	1 per employee
Salvage Yard	1 per employee
Solid Waste Collection/Processing (if not a regional pollution control facility)	1 per employee
Solid Waste Transfer Station (if not a regional pollution control facility)	1 per employee
Stockyard	1 per employee
Transit Facility	In accordance with requirements designated by the Director of Building and Zoning.
Utility, Major (if not regional pollution control facility)	Spaces provided pursuant to Schedule B.
Utility, Minor	None.
Warehousing and Wholesale	1 per employee employed on the premises and 1 for each vehicle maintained on the premises.
Welding or Machine Shop	1 per two employees
Planned Developments	The number of parking spaces required shall be in accordance with the required spaces for each individual use.

2. Required Spaces: Schedule B

Activity	Required Number of Parking Spaces
Office or administrative area	1 per 300 square feet
Indoor sales, service or display area	1 per 500 square feet
Outdoor sales, service or display area (3,000 square feet in area or less)	1 per 750 square feet
Outdoor sales, service or display area (over 3,000 square feet in area):	Motor Vehicles and Heavy Equipment Sales/Storage: 1 per 2,000 square feet Other Sales/Service/Display: 1 per 1,000 square feet.
Indoor storage, warehousing, equipment servicing or manufacturing area	1 per 1,000 square feet.

909 OFF-STREET LOADING SPACE GENERAL PROVISIONS. Off-street loading spaces accessory to designated uses shall be provided as follows:

1. Location: All required loading spaces shall be located on the same lot as the use served. In districts where transition belts are not required, all motor vehicle loading spaces located less than 40 feet from the nearest property line of a lot in a residence district or a lot containing a dwelling as a principal use, shall be effectively screened from such property line by a transition screen meeting the specifications of Article 7, Section 709 of this ordinance.

   No permitted or required loading space shall be located within 40 feet of the nearest point of intersection of any two streets. No loading space shall be located in a required front or side yard, and any loading space located in a required rear yard shall be open to the sky.

2. Loading Space Size: Unless otherwise specified, a required off-street loading space shall be at least 12 feet in width by at least 50 feet in length, exclusive of aisle and maneuvering space and shall have a vertical clearance of at least 14 feet. The required size of loading berths for buildings in excess of 200,000 square feet shall be 12 feet by 50 feet for the following uses:

   A. private clubs and hotels with retail shops, convention halls, exhibition halls, and business or professional offices, other than necessary;

   B. auditoriums or stadiums;

C. hospitals;

D. institutions; and

E. nursing homes;

3. Access: Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

4. Surfacing: All open off-street loading spaces shall be graded and paved with asphalt, concrete or asphaltic concrete as approved by the County Engineer.

5. Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.

6. Utilization: Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

7. Minimum Facilities: Uses for which off-street loading facilities are required but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities. Receiving facilities shall be accessible by motor vehicle, off any adjacent alley, service drive, or open space on the same lot.

910 OFF-STREET LOADING SPACE REQUIREMENTS. The minimum number of off-street loading spaces accessory to applicable uses shall be provided in accordance with the following:

1. Exemptions to Off-Street Loading Space Requirements: The following uses shall be exempt from the off-street loading space requirements specified in section 910.2:

A. Residential Uses:

(1) Duplex

(2) Group Home

(3) Group Residential

(4) Manufactured Home-Residential Design

(5) Manufactured Home

(6) Manufactured Home Park

(7) Mobile Home

(8) Modular Home

(9) Single-Family, Attached Dwelling

(10) Single-Family, Detached Farm Dwelling

(11) Single-Family, Detached Non-Farm Dwelling

(12) Single-Family, Underground Dwelling

(13) Single-Family, Zero-Lot-Line Dwelling

B. Commercial Uses:

(1) Bed and Breakfast

(2) Car Wash

(3) Parking Lot, Commercial

(4) Warehouse, Residential Storage

C. Public, Quasi-Public, and Institutional:

(1) Competitive Communication Tower unless facility is checked with regularity in which case off-street loading space shall be provided in accordance with Section 910.2.

D. Manufacturing, Industrial and Extractive Uses:

(1) Landfill (if not a regional pollution control facility)

(2) Transit Facility

2. Off-Street Loading Space Requirements:

Land Use	Gross Floor Area of Business (in square feet)	Required Number of Loading Berths	One Additional Space Required for Each Additional: (in square feet)
Residential Uses			
Multi-family	10,000 – 200,000	1	200,000
Assisted Living	10,000-100,000	1	100,000
Commercial Uses			
Banks or Financial Institution	10,000-100,000	1	
Health Club	0-100,000	1	100,000
Hotels (with retail shops, convention halls, auditoriums, exhibition halls, meeting halls and business or professional offices)	10,000-150,000	1	150,000
Motel	10,000-200,000	1	200,000
Office, General	10,000-100,000	1	100,000 up to 500,000; and 500,000 in excess of 500,000
Recreation and Entertainment, Indoor	10,000-100,000	1	100,000
Recreation and Entertainment, Outdoor	10,000-100,000	1	100,000
Public, Quasi-Public and Institutional			
Auditorium or Stadium	10,000-150,000	1	150,000

Land Use	Gross Floor Area of Business (in square feet)	Required Number of Loading Berths	One Additional Space Required for Each Additional: (in square feet)
Churches, Chapels, Temples or Synagogues	10,000-200,000	1	200,000
Club, Private (with retail shops, convention halls, auditoriums, exhibition halls, meeting halls and business or professional offices, other than necessary)	10,000-150,000	1	150,000
Club, Private (without retail shops, convention halls, auditoriums, exhibition halls, and business or professional offices, other than necessary)	10,000-200,000	1	200,000
Crematory or Funeral Home	8,000-100,000	1	100,000
Institutional Camp	N/A	1	
Institutions	10,000-100,000	1	100,000
Hospitals	10,000-100,000	1	100,000
Marina	2,500-20,000	1	20,000
Medical Service	10,000-100,000	1	100,000 up to 500,000; and 500,000 in excess of 500,000
Nursing Homes	10,000 - 100,000	1	100,000
Vocational School	10,000-200,000	1	200,000

Land Use	Gross Floor Area of Business (in square feet)	Required Number of Loading Berths	One Additional Space Required for Each Additional: (in square feet)
Manufacturing, Industrial and Extractive Uses			
Manufacturing, Industrial, and Extractive Uses	5,000-40,000	1	--
Manufacturing, Industrial, and Extractive Uses	40,000-100,000	2	100,000

3. For planned manufacturing developments loading spaces shall be provided on the basis of the required spaces for each individual use.

4. For all other uses not specified in sub-section 910.1.A, loading spaces shall be provided in accordance with the following:

	Gross Floor Area of Establishment (in square feet)	Required Size of Loading Berths
5,000-10,000	1	12' x 35'
10,000 - 24,999	2	12' x 35'
25,000 - 39,999	3	12' x 50'
40,000 - 100,000	4	12' x 50'
Each additional 200,000 over 100,000	1	12' x 50'

ARTICLE 10
SIGN REGULATIONS

1001 INTENT AND PURPOSE. It is the intent and purpose of these sign regulations to qualify, supplement or define the allowable uses of the several types of signs allowed in the district regulations appearing elsewhere in this regulation.

1002 APPLICABILITY. Any sign shall, by definition, be a structure. No land, personal property or structure shall be used for sign purposes except as specified herein.

1. A sign lawfully established before the effective date of this ordinance, but not conforming to the regulations of this ordinance, may be continued. Repair and maintenance and change of display of a painted bulletin sign and change of poster panel signs shall be permitted. In addition, any such sign, which must at any time, be moved by reason of road repairs or utility work may be permanently or temporarily relocated within 500 feet of the first location. If relocated beyond the term of construction work, the sign shall meet requirements of the ordinance or be non-conforming. Any sign removed for construction work must be relocated within 120 days or it may not be relocated or replaced thereafter.

2. No sign shall be erected, enlarged, constructed or otherwise installed without first obtaining a sign permit, and a sign permit shall be legally issued only when in compliance with this sign regulation. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial.

1003 NONCONFORMING SIGNS. Every sign or other advertising structure lawfully in existence on the adoption of this code shall not be altered or moved unless it be made to comply with the provisions of this article, except as otherwise provided for herein.

1004 REMOVAL OF NONCONFORMING SIGNS. Should any nonconforming sign be damaged by any means to an extent of more than 50 percent of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of these regulations.

1. Removal of On-Site Nonconforming Signs: All on-site nonconforming signs not otherwise prohibited by the provisions of these regulations shall be removed or shall be altered to conform to the provisions of this regulation (a) when the nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend, or (b) when the name of the business changes and the sign is changed or modified either in shape, size, or legend.

2. Removal of signs upon destruction of principal structures: When a principal structure is destroyed or removed due to natural or man-made circumstances, all

signs on the property shall be removed within 90 days, unless a building permit has been issued to replace the structure within said time period.

1005 PERMIT REQUIRED. No sign except those listed in Section 1008 may be erected or altered until a sign permit has been issued by the Director of Building and Zoning.

1. Application: A complete application for a Sign permit shall be submitted to the Director of Building and Zoning on a form established by the County. No application shall be processed until the application is complete. Application for permits shall be accompanied by the following, if required by the Director of Building and Zoning or if required by the provisions hereof:

   Plans and specifications of the proposed sign; an engineer's certificate certifying the proposed sign and its construction to be of safe design; the right to inspect all permanent signs and marquees prior to their installation and erection and prior to the issuance of a permit.

2. Permit Fees: Every application before being granted a permit hereunder, shall pay the permit fee as established by the County Board.

3. Review and Action: The Director of Building and Zoning shall review the sign permit application to determine whether the proposed sign complies with all the applicable sign regulations of this article. Within 5 days of the submission of a complete application for a sign permit, the Director of Building and Zoning shall either:

   A. Issue the sign permit, if the sign complies in every respect with the standards of this Article, if applicable; or

   B. Deny the sign permit if the sign fails in any way to comply with the standards of this Article. The Director of Building and Zoning shall specify all reasons for the denial.

4. Inspection: Prior to installation of a sign a stakeout inspection shall be required to see if the sign meets the requirements of this article. The permittee shall notify the building inspector who shall inspect such stakeout sign and approve the same if it is in compliance with the provisions of this article. The building inspector may, from time to time, as he deems necessary, inspect all signs regulated by this article for the purpose of ascertaining whether the same is secure or insecure or whether it is in need of removal or repair.

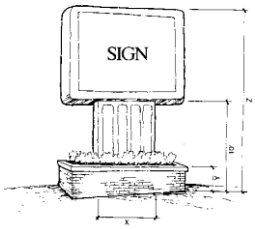
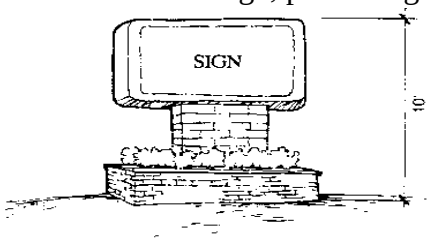
1006 CLASSIFICATION OF SIGNS. Functional Types:

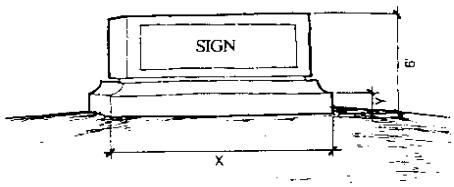
Functional Sign Type	Definition
Advertising Sign/ Billboards	A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
Bulletin Board Sign	A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcement of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
Business Sign	A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
Identification Sign	A sign giving only the name and address of a structure, business, development or establishment. Such signs may be wholly or partly devoted to a readily-recognized symbol.
Church Identification Sign (6-18-02)	A sign giving only the name and address of a church. Such signs may be wholly or partly devoted to a readily recognizable symbol.
Memorial Sign	A sign, monument or statue serving to help people remember some person or event.
Name Plate Sign	A sign giving the name and/or address of the owner or occupant of a structure or premises on which it is located and, where applicable, a professional status.
Off Premises Directional Sign (6-17-08)	A sign which gives direction to an establishment in the Agriculture District. Such sign is not allowed for a home occupation.
Political Sign	Any sign relating to a candidate, political party, election or other issue.

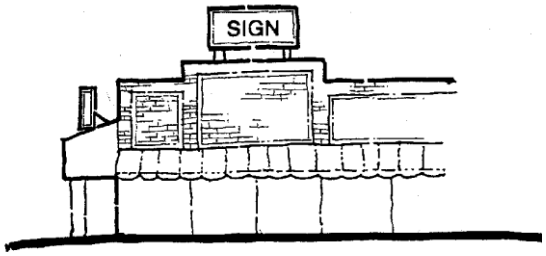
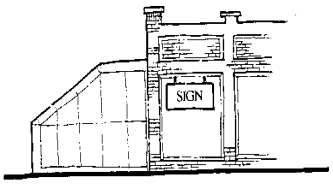
Functional Sign Type	Definition
Temporary Sign	A display sign as listed below that is limited in use by the duration of an event, including real estate, construction, seasonal sale of produce (6-18-02), and political campaign signs.
Temporary Real Estate Sign	A temporary sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign is located.
Temporary Construction Sign	A temporary sign indicating the names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project only during the construction period and only on the premises on which the construction is taking place.

Structural Types: (6-18-02)

Structural Sign Type	Definition (Illustrations provided for representative purposes only)
Awning, Canopy or Marquee Sign	A sign that is mounted on, painted on, or attached to, an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee. No such sign shall be illuminated and shall indicate only the name and/or address of the establishment.

Structural Sign Type	Definition (Illustrations provided for representative purposes only)
Elevated Sign	 Any sign placed upon, or supported by, the ground independent of the principal structure on the property where the bottom edge of the sign is ten feet or more above the ground level. • X = ½ of the sign face. (Preferred) • Y=1/4 of width of base. • Z=30'
Ground Sign	Any sign placed upon, or supported by, the ground independent of the principal structure on the property, where the bottom edge of the sign is less than six feet above the ground, and the base is no less than 50 percent of the width of the face of the sign, presenting a monolithic structure.  10' of maximum height

Monument Sign	Any sign whose base is greater in width than the face of the sign, and whose height is no greater than 6 feet. 
Portable Display Sign	Any movable display structure, capable of relocation, under its own power, or towed by a motor vehicle. The display message of the sign may be painted or non-painted and capable of being readily altered. Portable display signs may be with or without electrical illumination and power, and with or without wheels.
Projecting Sign	A sign that is wholly or partly dependent upon a structure for support and which projects more than 12 inches from such structure and shall have at lowest level, not less than seven feet above the grade of the ground directly below it.

Roof Sign- Elevated/Projecting Roof Sign-	A sign totally supported on the roof of a structure, not including vertical roof signs. Elevated/projecting roof signs shall not project more than 12 inches beyond the face of the structure. In no case shall an elevated/projecting roof sign project more than 10 feet beyond the highest point of the roof (compare with "roof sign - vertical"). 
Roof Sign - Vertical	A sign totally supported on a vertical face of the roof of a structure such as a mansard or parapet and which is mounted parallel to such vertical surface. Vertical roof signs shall not project more than twelve (12) inches beyond the face of the structure nor the vertical surface of the roof. In no case shall a vertical roof sign project above the highest point of the roof (compare with "roof sign - elevated/projecting").
Window Sign	Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. 

1007 GENERAL STANDARDS.

1. Property directly abutting a state or federal highway may have signage as allowed by the State of Illinois Department of Transportation and the applicant shall provide a copy of approval from the Illinois Department of transportation to the Director of Building and Zoning.

2. Gross Area of Sign: Gross area shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of the base on which it is mounted or from which it is suspended. If more than one side of a sign is utilized as a sign, then only the largest side shall be computed and shall be counted as a portion of the gross area.

   For computing the gross area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.

3. Sign Height: Sign height shall be measured from the elevation of the top of the nearest curb to the highest element of the sign.

4. Illuminated Signs: A sign designed to give forth artificial light or designed to reflect light derived from any source.

   A. Illuminated signs shall be designed so that light is reflected or directed away from any residential dwelling district. Any illuminated sign located on a lot adjacent to, in front of or across the street from any residential district, shall not be illuminated between the hours of 11 p.m. and 7 a.m., when such sign is visible from said residential district unless otherwise allowed by the Zoning Board of Appeals.

   B. Illuminated signs which happen to lie in direct vision behind a traffic signal shall not be in red, amber or green illumination.

5. Flashing or Moving Signs: For the purpose of this regulation, any sign that is revolving, rotating, moving, animated, has moving lights or creates the illusion of movement shall be considered a moving sign. Any illuminated sign on which the artificial light is not constant in intensity and color at all times is considered a flashing sign.

   A. Flashing signs shall not be permitted which are in any way similar to traffic signals or emergency vehicle lights.

B. A sign which displays the current time and/or temperature by use of intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to text indicating time, temperature or other public messages. Such sign shall not in any case exceed 64 square feet in area.

C. Signs designed to change sign faces periodically throughout the day, commonly known as trivision signs shall not be considered a moving sign.

6. Access way or Window: A sign erected in any district shall not be erected, constructed and maintained so as to obstruct any fire escape or any window, or door, or opening as a means of egress or for fire-fighting purposes, or so as to prevent free passage from one part of a roof to any other part thereof. No sign shall be attached in any form, shape or manner to a fire-escape or be so placed as to interfere with any opening required for legal ventilation.

7. Signs on Trees or Utility Poles: No sign shall be attached to any utility pole or tree.

8. Traffic Safety:

A. No sign shall be maintained at any location where by reason of its position, size, shape or color, may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.

B. No sign, except for small directional signs, shall be located within three (3) feet of a driveway or within a parking area shall have its lowest elevation at least ten feet above the curb level; however, in no event shall any sign be placed so as to project over any public right-of-way, except in the "C", Commercial District, where signs may project over a sidewalk.

C. Under no circumstances shall any sign be placed in the sight triangle as defined by this regulation.

9. Lineal Street Frontage: In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, the lineal street frontage shall be computed as the sum of all of the street frontages.

1008 EXEMPTIONS.

1. Total Exemptions: The following signs shall be exempt from the requirements of this article, except for the provisions of Sections 1007.1 through 1007.9 above and except that such signs shall comply with appropriate setback requirements as specified in this ordinance. (6-18-02) Such signs shall not be illuminated, but may

be of the beaded reflector type upon approval thereof by the Director of Building and Zoning. Such signs shall be of the types and contain only such displays as follows:

A. Permanent signs displaying the name and location of a city, town or village, hospital, community center, private school, college, YMCA, YWCA, church, or other place of worship; or the name or place of meeting of an official or civic body such as a Chamber of Commerce, Rotary, Kiwanis or other similar service club.

B. Temporary signs displaying the name, location and time of an event of public interest such as a State or County Fair, public or general election, or horse show, provided such sign shall not interfere with the full view of traffic in all directions. Such sign shall be removed not more than ten days after the event.

C. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property.

D. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.

E. Memorial signs displayed on public or private property.

F. Small signs, not exceeding three square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one way drives, restrooms, freight entrances and other similar signs.

G. Scoreboards in athletic stadiums.

H. Signs for the sale of household goods at a residence (for example, garage sales or auctions) for a period not to exceed five (5) days in any calendar year.

I. Real estate signs not exceeding thirty-two (32) square feet in area.

J. Construction signs not exceeding thirty-two (32) square feet in area.

K. Political signs.

2. Exemptions from Sign Permit: Window signs not exceeding 25% of the window surface in commercial and manufacturing districts shall be exempt from the sign

permit section of this article, but shall comply with all of the other regulations imposed by this article:

1009 PROHIBITED SIGNS.

1. Signs on Public Property: Any sign installed or placed on public property, except in conformance with the requirements, shall be forfeited to the public and subject to confiscation, except that logo signs on athletic fields shall be allowed. In addition to other remedies hereunder, the County shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

2. Obscene or Indecent Advertisement: No person shall display upon any sign or other advertising structure any obscene, indecent or immoral matter.

3. Elevated/Projecting roof signs;

4. Any sign located on public right-of-way, except those signs required by governmental authority.

1010 TEMPORARY SIGNS. Temporary signs shall be erected and maintained in a safe and attractive manner and shall be subject to applicable regulations, except as specifically modified herein.

1. Real Estate Signs: Real Estate Signs shall be removed within one week of the date of sale, rental, or lease.

2. Construction Signs: Development project (construction) signs shall be no larger than sixty-four (64) square feet. Such signs are subject to yard area requirements and may be erected at the start of construction and shall be removed upon project completion.

3. Portable display signs: Display not exceeding fourteen (14) days twice a year.

4. Seasonal sales of produce signs: As required in Article 6, Section 602.39.B. (4). (6-18-02)

1011 MAINTENANCE.

1. All signs shall be maintained in a safe condition and in such a manner that they shall not become a visual detriment to the community at large. The Director of Building and Zoning shall be charged with the responsibility and authority to inspect all signs and direct the maintenance of said signs. Maintenance of signs is defined as keeping sign structures in a safe condition, free of rust, with broken glass or plastic replaced, electrical lights and other electrical operations in operable condition,

letters and other sign components in the equivalent condition as on the sign permit or as approved.

2. Should the Director of Building and Zoning find a non-maintained sign as defined above, it shall cause the owner of said sign to be notified as to the deficiency and the corrective action that needs to be taken.

3. Should the owner fail to exhibit evidence of compliance within 30 days after the mailing of the letter of notification, the Director of Building and Zoning shall cause the owner to be cited for violation of this regulation.

1012 OFFICE PARK, INDUSTRIAL PARK, SHOPPING CENTER IDENTIFICATION SIGNS. Identification signs containing the name of the development, the address of the development, the name or names of individual businesses and their address may be erected in addition to the signage permitted for the individual businesses. This identification sign may contain the names and addresses of businesses that are not on the lot containing the identification sign as long as they are in the same subdivision as the identification sign. This identification sign must comply with the following regulations:

1. One identification sign per street frontage

2. Content: Such sign shall advertise only the name and address of such development and/or the name and address of the individual businesses within the development.

3. Area: The total sign area of an identification sign shall not exceed 64 square feet

4. Height: The height of such sign shall not exceed 25 feet.

5. Setback: Such sign shall be set back a minimum of 10 feet for commercial districts and 15 feet for manufacturing districts, from the front lot line of such center or individual use, except as may be provided by special use.

1013 DISTRICT REGULATIONS.

1. District Sign Regulations Table: The District Sign Regulation Table of this section provides a tabular summary of the sign types allowed within each base zoning district.

   A. Permitted Signs: Signs identified in a zoning district column of the district regulations table below with a “P” are permitted and shall be permitted in such zoning district, subject to such standards as may be indicated in the “standards” row and all other requirements of this Zoning Ordinance.

   B. Not Permitted: Sign types not identified in a zoning district column of the District Sign Regulation Table as permitted are not allowed in such zoning

district unless otherwise expressly permitted by other regulations of this Zoning Ordinance.

	ZONING DISTRICTS					
	A	**R-1**	**R-2**	**C**	**M-1**	**M-2**
STANDARDS	**1014.1**	**1014.2**	**1014.2**	**1014.3**	**1014.4**	**1014.4**
FUNCTIONAL SIGN TYPES						
Advertising Sign (Billboard)				P		
Bulletin Board	P	P	P	P	P	P
Business Sign	P	P	P	P	P	P
Identification Sign	P	P	P	P	P	P
Church Identification Sign (6-18-02)	P	P	P	P	P	P
Name Plate Sign	P	P	P	P	P	P
Off Premises Directional Sign (6-17-08)	P					
Temporary Sign	P	P	P	P	P	P
STRUCTURAL SIGN TYPES						
Awning, Canopy or Marquee Sign				P	P	P
Elevated Sign	P			P	P	P
Ground Sign	P	P	P	P	P	P
Monument Sign	P	P	P	P	P	P
Portable Display Sign						
Projecting Sign				P	P	P
Roof Sign (6-17-08)				P	P	P
Wall Sign				P	P	P
Window Sign	P	P	P	P	P	P

1014 SIGN STANDARDS.

1. "A" Agriculture District:

   A. Number of Signs Permitted: There shall not be more than one sign per lot, except that on a corner lot two signs, one facing each street shall be permitted.

B. Maximum Gross Surface Area:

Sign Type	Maximum Gross Surface Area
Bulletin Board	50 sq. ft.
Business Sign	32 sq. ft.
Identification Sign	4 sq. ft.
Church Identification Sign (6-18-02)	32 sq. ft.
Name Plate Sign	4 sq. ft.
Off Premises Directional Sign (6-17-08)	24 sq. ft.
Temporary Sign	As regulated by Temporary Signs in sub-section 1010 of this article.

C. Maximum Height: 35 feet, except when an elevated sign is located within 3,000 feet of the center of a federal aid interstate highway interchange in which case said elevated sign shall not exceed 70 feet.

D. Required Setback: No sign shall be placed closer to the front property line than one-half the distance of the front yard except that exempt signs, off premises directional signs, church signs, and subdivision identification signs may be 2 feet from any property line but may not encroach into or be located within a required sight triangle or as yard requirements stipulated in Sections 702 and 705. (6-18-02) (6-17-08)

E. Projection: No sign shall project beyond the property line into a public way.

2. “R-1" Single Family Residential and “R-2" Higher Density Residential Districts:

A. Number of Signs Permitted: There shall not be more than one sign per lot, except that on a corner lot two signs, one facing each street shall be permitted.

B. Maximum Gross Surface Area:

Sign Type	Maximum Gross Surface Area
Bulletin Board	50 sq. ft.
Business Sign	32 sq. ft.
Identification Sign	32 sq. ft.
Church Identification Sign (6-18-02)	32 q. ft.
Name Plate Sign	4 sq. ft.
Temporary Sign	As regulated by Temporary Signs in sub-section 1010 of this article.

C. Maximum Height: One story or 15 feet above curb level, whichever is lower.

D. Required Setback: 10 feet from all property lines, except real estate signs with a minimum setback of 8 feet from all property lines except that exempt signs, church signs, and subdivision identification signs may be 2 feet from the property line but shall not encroach into or be located within a required sight triangle or as yard requirements stipulated in Sections 702 and 705. (6-18-02) (6-17-08)

E. Projection: No sign shall project beyond the property line into the public way,

F. Illumination: Illuminated signs shall be permitted.

3. "C" Commercial District:

A. Number of Signs Permitted:

(1) All permitted functional sign types: One per zoning lot and two on a corner lot with one sign facing each street; except as modified for Advertising Signs in subsection 3.G below.

(2) Awning, canopy or marquee, and window signs: No limitations.

(3) Projecting, wall and roof signs: One per street frontage per establishment

(4) Ground, monument or elevated signs: One per street frontage.

B. Maximum Gross Surface Area: The gross surface area of all signs on a lot shall not exceed six times the lineal feet of street frontage of such lot, and on corner lots or through lots, each lot line abutting a street shall be considered a separate frontage; except as modified by Temporary Signs in sub-section 1010 of this article.

C. Maximum Height: Except as otherwise limited in height by this Article, 30 feet; except an elevated sign located within 3,000 feet of the center of a federal aid interstate highway interchange shall not exceed 70 feet.

D. Required Setback: A ground, monument, or portable display sign shall be located not less than 10 feet from a lot line abutting a street, or five feet from a rear or interior side lot line, otherwise none.

E. Illumination: Illuminated signs shall be permitted.

F. Projection: A business sign attached to a building wall shall not project therefrom more than six feet and an advertising sign attached to a building wall shall not project therefrom more than 18 inches.

G. Advertising Signs (Billboards): Advertising signs (billboards) may be established in the "C" zoning district, provided that they meet the following conditions:

(1) Not more than five (5) advertising signs may be located per linear mile of street or highway regardless of the fact that such advertising signs may be located on different sides of the subject street or highway.

(2) No advertising sign shall be located within 1,000 feet of another advertising sign abutting either side of the same street or highway.

(3) No advertising sign shall be located within 200 feet of a residential zone and/or existing residence. If the advertising sign is illuminated, this required distance shall be increased to 300 feet.

(4) No advertising sign shall be located closer that 20 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the advertising sign is located. Setbacks shall be measured from the surface display area to the vertical extension of the property line.

(5) The surface display area of any side of an advertising sign may not exceed 400 square feet. In the case of advertising sign structures with tandem or stacked advertising sign faces, the combined surface display area of both faces may not exceed 400 square feet.

(6) The height of an advertising sign shall not exceed 35 feet above the grade of the ground on which the advertising sign sits or the grade of the abutting roadway, whichever is higher.

(7) No advertising sign shall be on top of, cantilevered, or otherwise suspended above the roof of any building.

(8) An advertising sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any advertising sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

(9) An advertising sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. An advertising sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.

(10) An advertising sign established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of the Act and the regulations provided thereunder, as such may from time to time be amended.

4. "M-1" Restricted Manufacturing District and “M-2" General Manufacturing District:

A. Number of Signs Permitted:

(1) All permitted functional sign types: One per zoning lot and two on a corner lot with one sign facing each street.

(2) Awning, canopy or marquee, and window signs: No limitations.

(3) Projecting, wall, and roof signs: One per establishment. (6-17-08)

(4) Ground, monument, or elevated signs: One per street frontage. (6-17-08)

B. Maximum Gross Surface Area: The total gross area in square feet of all signs on a lot shall not exceed 6 times the lineal feet of street frontage of such lot, except as modified by Temporary Signs in sub-section 1011 of this article.

C. Maximum Height: 30 feet. (6-17-08)

D. Required Setback: No sign shall be placed closer to the front property line than one-half the distance of the front yard; except that real estate signs shall be exempt from setback requirements.

E. Projection: Projecting signs shall be affixed flat against the building walls and may project therefrom not more than 18 inches.

F. Illumination: Illuminated signs shall be permitted.

ARTICLE 11
LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM

1101 PURPOSE AND INTENT. The Land Evaluation and Site Assessment (LESA) System has been designed to provide a rational process for assisting local officials in making farmland conversion decisions through the local zoning process. The system will be used by the staff of McLean County, USDA Natural Resources Conservation Service (NRCS) and the McLean County Soil and Water Conservation District when reporting to local hearing bodies and elected officials concerning petitions to allow the conversion of farmland to non-agricultural uses. The system contains two (2) separate but related reports as follows: (6-17-08)

1. Land Evaluation - an evaluation of soil properties and their relative desirability for agricultural use (100 points maximum); and (6-17-08)

2. Site Assessment - an assessment of other factors relating to the site that should be considered before farmland is converted to other uses (200 points maximum). (6-17-08)

1102 POINT SYSTEM. The system has been designed to provide for the assignment of a maximum of 300 points which would indicate maintaining land for agricultural use to 0 points which would indicate conversion of land to other uses is acceptable. The following breakdown should be used in evaluating land for rezoning from agriculture to other non-agricultural related uses. The higher the point value the more viable is the site for agricultural retention. (6-17-08)

230 points and above	Very high for agricultural land protection
220 thru 229 points	Moderate for agricultural land protection
219 points and below	Low for agricultural land protection

1103 FACTORS TO BE CONSIDERED. The factors to be considered and the points assigned to each factor are listed below:

1. Land Evaluation

The land evaluation section of the system is designed to provide an average site value based on a maximum number of 100 points. This value is determined by: (6-17-08)

A. Grouping all soils in McLean County into one of seven soil groups by using a soil capability class, productivity index and a prime, important, or not prime farmland designation (see Section 1105 and Section 1106); and

B. Calculating a relative value of each soil group by dividing the highest productivity index of the groups found in the County into the productivity index for each soil group (see Section 1106). (6-17-08)

C. The average site value is then calculated in accordance with the following example:

Soil Group	Relative Value	Number of Acres In Site	Product of Relative Value
1	100	4	400
2	95	8	760
3	84	12	1008
4			
5			
6			
7			
TOTALS		24	2168

D. $\frac{\text{Product of Relative Value}}{\text{Acres in Site}}$ = Average Site Value

$\frac{2168}{24}$ = 90.33

2. Site Assessment

Agricultural economic viability of a site cannot be measured in isolation from existing and impending land use needs of McLean County. The Site Assessment process provides a system for identifying important factors other than soils that affect the economic viability of a site for agricultural uses.

This section describes each of 14 Site Assessment factors to be considered when a change to another land use is proposed in an area zoned A-Agriculture, under the provisions of the McLean County Zoning Ordinance. The 14 Site Assessment factors are grouped into the following three major areas of consideration:

A. Location and Land Use Considerations;

B. Public Policy Considerations; and

C. Public Service and Community Facility Considerations.

Based upon current land use data, land use regulations, site inspection and other pertinent information, a point value is determined by analyzing each site assessment factor and selecting a number value that best reflects the quality of the property in question.

3. Other Considerations:

The National Flood Insurance Program and Flood Insurance Rate Maps (FIRM), as established by the Federal Emergency Management Agency (FEMA), shall be considered, as shall any adopted local Land Resource Management Plan, when assigning points to LESA factors.

1104 SITE ASSESSMENT FACTORS, VALUES, AND DESCRIPTIONS OF FACTORS.

1. Location and Land Use Considerations

A. Land Area in an Agricultural Use Within one mile of site.

		Points Assigned
90% to 100%	15 points	_____
75% to 89%	12 points	_____
50% to 74%	9 points	_____
25% to 49%	6 points	_____
10% to 24%	3 points	_____
0% to 9%	0 points	_____

This factor is a major indicator of the agricultural character of an area. Areas in the County that are dominated by agricultural uses are generally more viable for farm purposes. The definition of "agricultural land uses" should be interpreted to mean all agricultural and related uses that can be considered to be part of the farm operation. This would include farmland (cropland), pasture lands, or timberlands whether or not in current production and farm residences, barns, and out-buildings.

The one mile area of consideration for this factor was selected because in McLean County, a one mile radius is a reasonable and manageable area when analyzing the land use and overall characteristics of the area.

Since this factor is a major indicator of the agricultural character of an area, it has a maximum value of 15 points.

B. Land in an Agricultural Use adjacent to the site.

(% of total frontage)		Points Assigned
90% to 100%	20 points	_____
75% to 89%	16 points	_____
50% to 74%	12 points	_____
25% to 49%	8 points	_____
10% to 24%	4 points	_____
0% to 9%	0 points	_____

In order to limit potential nuisance complaints and other forms of conflict, pre-existing adjacent land uses should be evaluated in all cases. Since this factor is also a major indicator of the agricultural character of an area, it has a maximum value of 20 points.

C. Size of the site to be converted.

		Points Assigned
20 acres or more	20 points	_____
10 to 20 acres	15 points	_____
5 to 10 acres	10 points	_____
3 to 5 acres	5 points	_____
0 to 3 acres	0 points	_____

This factor recognizes that the size of the parcel of land has an impact on the site's viability for agricultural purposes.

This factor has been assigned a maximum value of 20 points. (6-17-08)

2. Public Policy Considerations

A. Land area zoned for agricultural use within one mile of the site.

		Points Assigned
90% to 100%	15 points	_____
74% to 89%	12 points	_____
50% to 74%	9 points	_____
25% to 49%	6 points	_____
10% to 24%	3 points	_____
0% to 9%	0 points	_____

This factor is important since zoning regulations derive from the police power. When land is zoned other than A-Agriculture District, the potential exists for non-agricultural uses which may be incompatible with agriculture. The one mile radius is a reasonable and manageable area in McLean County when analyzing the land use and overall characteristics of the area.

This factor has been assigned a maximum value of 15 points.

B. Land area zoned for agriculture use adjacent to the site (% of site boundary)

		Points Assigned
90% to 100%	20 points	_____
74% to 89%	16 points	_____
50% to 74%	12 points	_____
25% to 49%	8 points	_____
10% to 24%	4 points	_____
0% to 9%	0 points	_____

This factor is important because when land in the vicinity of the site is zoned other than A-Agriculture District, the potential exists for non-agricultural uses which may be incompatible with agriculture.

This factor has been assigned a maximum value of 20 points.

C. Land area adjacent to the site proposed for Agriculture use on the Land Use Plan.

		Points Assigned
90% to 100%	20 points	_____
74% to 89%	17 points	_____
50% to 74%	12 points	_____
25% to 49%	8 points	_____
10% to 24%	4 points	_____
0% to 9%	0 points	_____

This factor is important because the Land Use Plan adopted by the County Board constitutes the County's policy regarding the preservation of prime farm land for agricultural use and the identification of other areas for residential, commercial, industrial use and other non-agricultural uses.

This factor has been assigned a maximum value of 20 points.

D. Availability of other development sites in the vicinity of the site

		Points Assigned
Other properly zoned sites available	10 points	_____
Limited other sites available	6 points	_____
No other sites available	0 points	_____

This factor can be used for site comparison where it may be essential to convert land to a non-agricultural use. Often with a little investigation, sites for development on less productive agricultural land can be identified as alternatives. The total points assigned to one site can be compared with the total points determined for any number of other sites.

This factor has been assigned a maximum value of 10 points.

E. Environmental considerations (flood hazards, wetlands, aquifer recharge area, wild life habitat and unique community values).

		Points Assigned
Major negative impact	10 points	_____
Substantial negative impact	6 points	_____
Minor negative impact	2 points	_____
No negative impact	0 points	_____

This factor addresses whether the proposed use or zoning change will have impact on neighboring properties from surface runoffs. This factor is also concerned with environmentally sensitive areas such as floodplains and wetlands and takes into account whether reasonable provisions have been made to collect and divert surface runoff in order to reduce the likelihood of damage to adjoining properties. The selection and design of measures will depend on varying local conditions such as soils, topography, physical features and the extent of impervious surface. Refer to McLean County Zoning Ordinance for the range of permitted uses in the proposed zoning district. The McLean County Regional Comprehensive Plan and the County Greenways Regional Plan should provide guidance for this section. (6-17-08)

This factor has been assigned a maximum value of 10 points.

3. Public Service and Community Facility Considerations

A. Access to adequate transportation:

(1) frontage on a County Highway, a township road, or a city street building to rural standards.

		Points Assigned
	Poor surface condition and pavement width of less than 22 feet.	20 points_____
	Good surface condition and a pavement width of less than 22 feet.	12 points_____
	Poor surface condition and pavement width of more than 22 feet.	9 points_____
	Good surface condition and pavement width of more than 22 feet.	6 points_____
(2)	frontage on a city collector street built to urban standards.	3 points _____
(3)	frontage on a city major street built to urban standards.	0 points_____

Access to transportation is a consideration in the location of all types of uses. The location of industrial, commercial, and residential uses within 1.0 mile of existing municipalities results in a more efficient movement of goods and people. The location of non-agricultural uses along rural roads may necessitate the upgrading and widening of rural roads, which results in a further loss of farmland. High volume/high speed traffic may not be compatible with agricultural uses.

The type of road providing access to a site whether existing or to be provided by a developer, and the availability of transportation modes are major factors in determining suitability of the planned use or proposed rezoning.

The factor has been assigned a maximum value of 20 points. (6-17-08)

B. Availability of a public sanitary sewer system.

		Points Assigned
Sewer system not available	10 points	_____
Sewer system more than 1500 feet from site	8 points	_____
Sewer system between 750 and 1500 feet from site	6 points	_____
Sewer system over 750 feet from site	4 points	_____
Sewer system less than 750 feet from site	2 points	_____
Sewer system available at site	0 points	_____

The availability to a site of a central sewer system with sufficient capacity encourages growth and reduces the long-term viability of a site for agriculture. According to the Illinois Private Sewage Disposal Act and Code, “new or renovated private sewage disposal systems shall not be

approved where a public sanitary sewer is located within 200 feet of the property and is available for connection."

This factor has been assigned a maximum value of 10 points.

C. Availability of a public water system.

		Points Assigned
Public system not available	10 points	_____
System more than 1500 ft. from site.	8 points	_____
System between 750 & 1500 ft. from site.	6 points	_____
System over 750 ft. from site.	4 points	_____
System less than 750 ft. from site.	2 points	_____
System available at site.	0 points	_____

This factor recognizes that the existence of a central water system encourages growth and reduces the long-term viability of a site for agriculture. As a central water system is extended into an agricultural area, the character of the area may change and more non-agricultural development occur.

This factor has been assigned a maximum value of 10 points. (6-17-08)

D. Public Protection Classification (Fire Insurance Rating)

		Points Assigned
Classifications 9 and 10	10 points	_____
Classification 8	8 points	_____
Classification 7	6 points	_____
Classification 6	4 points	_____
Classification 5	2 points	_____
Classifications 1 through 4	0 points	_____

Fire protection requires a combination of equipment, manpower, and availability and supply of water. This factor is also related to distance between fire station and proposed development. Fire insurance ratings in McLean County are determined by the Fire Suppression Rating Schedule," published by the Insurance Services Office of Illinois, 101 North Wacker Street, Chicago, IL 60606. These ratings are based on the fire fighting capability of the rural fire protection districts serving the unincorporated areas of McLean County and are listed in Appendix D attached hereto.

This factor has been assigned a maximum value of 10 points. (6-17-08)

E. Availability of elementary school space.

		Points Assigned
Over 30 minutes from site	10 points	_____
15 to 30 minutes from site	6 points	_____
Less than 15 minutes from site	2 points	_____
Walking distance of site	0 points	_____

Availability of elementary school space allows new students to be accommodated without increasing the cost of public education to the entire community. The lack of elementary school space is a signal that the school system is not able to keep up with the growth and student overcrowding may be caused by any further development. This factor is important when reviewing a zoning map amendment or a site development proposal that will result in an increase in the school population.

This factor has been assigned a maximum value of 10 points. (6-17-08)

F. Distance to shopping and employment centers. (6-17-08)

		Points Assigned
5 miles and over	10 points	_____
3 to 5 miles	8 points	_____
2 to 3 miles	6 points	_____
1 to 2 miles	4 points	_____
½ to 1 mile	2 points	_____
less than ½ mile	0 points	_____

A site near existing shopping and employment centers is more viable for urban development than a site located many miles from urban areas. Because urban uses are generally considered to be incompatible with agricultural pursuits, the impact on agricultural and rural areas will be minimized when development occurs close to established urban development.

This factor has been assigned a maximum value of 10 points. (6-17-08)

1105 GLOSSARY.

Agricultural Land	Land in farms regularly used for agricultural production. The term includes all land devoted to crop or livestock enterprises, for example, the farmstead lands, drainage ditches, water supply, cropland, pasture land, or timberland (whether or not in current production), and grazing land of every kind in farms.
Agriculture	The devotion of land to the growing of farm or truck garden crops, horticulture, viticulture or pasturage as a principal use, together with accessory animal and poultry husbandry, dairying, apiculture and other common accessory uses including farm dwellings as defined herein and other buildings and structures for agricultural purposes upon such land.
Capability Class (6-17-08)	Capability classes are broad groupings of soil mapping units that have similar potentials and/or limitations and hazards. These classes are useful as a means of introducing the map users to more detailed information on a soils map. The classes show the location, amount and general suitability of the soils for agricultural use. The national capability classification shows soils groupings in eight classes: Class 1 - soils have slight limitations that restrict their use. Class 2 - soils have moderate limitations that restrict the choice of plants or require moderate conservation practices. Class 3 - soils have severe limitations that restrict the choice plants or that require special conservation practices, or both. Class 4 - soils have very severe limitations that restrict the choice of plants or that require very careful management, or both. Class 5 - soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat. Class 6 - soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Capability Class (continued)	Class 7 - soils have very sever limitations that make them unsuitable for cultivation and restrict their use mainly to grazing, forestland, or wildlife habitat. Class 8 - soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.
Farmland of Statewide Importance	This land is of statewide importance for the production of food, feed, fiber, forage and oilseed crops. Generally, additional farmland and that economically produce high yields or crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable.
Prime Farmland	Prime farmland is land that is best suited to food, feed, forage, fiber, and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well managed soil economically to produce a sustained high yield of crops. Prime farmland produces the highest yields with minimum inputs of energy and economic resources, and farming it results in the least damage to the environment. Prime farmland has an adequate and dependable supply to moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 - 6 percent.

Prime Farmland Classification	Prime = All areas are prime farmland; Prime 2 = Areas are prime farmland where drained; Prime 5 = Areas are prime where drained and protected from flooding or not frequently flooded during the growing season.
Productivity Index (6-17-08)	Productivity indexes for grain crops express the estimated yields of the major grain crops as percentage of the average yields obtained under basic management. Soil productivity is strongly influenced by the capacity of a soil to supply the nutrient and soil-stored water needs of a growing crop in a given climate. Source: Soil Productivity in Illinois, Optimum Crop, Pasture, and Forestry Productivity Ratings for Illinois Soils, Bulletin 811, August 2000, University of Illinois, College of Agriculture, Cooperative Extension Office.

1106 LAND EVALUATION SOIL GROUPS.

Group	Mapping Unit Symbol	Mapping Unit Name	Land Capability Class	Productivity Index	Prime Important Farmland
LE Group 1, Ag Value 100, Acres 141,665 Percent of County Land - 18.72					
1	51A	Muscatune silt loam, 0-2% slopes	1	147	Prime
1	154A	Flanagan silt loam, 0-2% slopes	1	144	Prime
1	902A	Ipava-Sable complex, 0-2% slopes	1	143	Prime 2
1	198A	Elburn silt loam, 0-2% slopes	1	143	Prime
1	43A	Ipava silt loam, 0-2% slopes	1	142	Prime
1	199A	Plano silt loam, 0-2% slopes	1	142	Prime
1	59A	Lisbon silt loam, 0-2% slopes	1	141	Prime
1	86A	Osco silt loam, 0-2% slopes	1	141	Prime
1	149A	Brenton silt loam, 0-2% slopes	1	141	Prime

Group	Mapping Unit Symbol	Mapping Unit Name	Land Capability Class	Productivity Index	Prime Important Farmland
1	715A	Arrowsmith silt loam, 0-2% slopes	1	140	Prime
LE Group 2, Ag Value 95, Acres 288,104 Percent of County Land – 38.06					
2	199B	Plano silt loam, 2-5% slopes	2e	141	Prime
2	86B	Osco silt loam, 2-5% slopes	2e	140	Prime
2	171B	Catlin silt loam, 2-5% slopes	2e	137	Prime
2	152A	Drummer silty clay loam, 0-2% slopes	2w	144	Prime 2
2	721A	Drummer and Elpaso silty clay loam, 0-2% slopes	2w	144	Prime 2
2	68A	Sable silty clay loam, , 0-2% slopes	2w	143	Prime 2
2	8077A	Huntsville silt loam, 0-2% slopes, occasionally flooded	2w	143	Prime
2	8451A	Lawson silt loam, 0-2% slopes, occasionally flooded	2w	140	Prime
2	8107A	Sawmill silty clay loam. 0-2% slopes, occasionally flooded	2w	139	Prime 2
2	8074A	Radford silt loam, 0-2% slopes, occasionally flooded	2w	136	Prime
2	293A	Andres silt loam, 0-2% slopes	1	135	Prime
2	893B	Catlin-Saybrook silt loam, 2-5% slopes	2e	135	Prime
2	199B2	Plano silt loam, 2-5% slopes, eroded	2e	135	Prime
2	663A	Clare silt loam, 0-2% slopes	1	134	Prime
2	213A	Normal silt loam, 0-2% slopes	1	133	Prime
2	481A	Raub silt loam, 0-2% slopes	1	133	Prime
2	61A	Atterberry silt loam, 0-2% slopes	1	132	Prime 2

Group	Mapping Unit Symbol	Mapping Unit Name	Land Capability Class	Productivity Index	Prime Important Farmland
2	667A	Kaneville silt loam, 0-2% slopes	1	128	Prime
2	343A	Kane silt loam, 0-2% slopes	1	125	Prime
2	567A	Elkhart silt loam, 0-2% slopes	1	125	Prime
2	236A	Sabina silt loam, 0-2% slopes	1	122	Prime
LE Group 3, Ag Value 84, Acres 274,967 Percent of County Land – 36.33					
3	244A	Hartsburg silty clay loam, 0-2% slopes	2w	134	Prime 2
3	8073A	Ross loam, 0-2% slopes, occasionally flooded	2w	134	Prime
3	86B2	Osco silt loam, 2-5% slopes, eroded	2e	134	Prime
3	67A	Harpster silty clay loam, 0-2% slopes	2w	133	Prime 2
3	8720A	Aetna silt loam, 0-2% slopes, occasionally flooded	2w	131	Prime 2
3	145B	Saybrook silt loam, 2-5% slopes	2e	131	Prime
3	171B2	Catlin silt loam, 2-5% slopes, eroded	2e	131	Prime
3	294B	Symerton silt loam, 2-5% slopes	2e	130	Prime
3	56B2	Dana silt loam, 2-5% slopes, eroded	2e	129	Prime
3	125A	Selma loam, 0-2% slopes	2w	129	Prime 2
3	148B2	Proctor silt loam, 2-5% slopes, eroded	2e	128	Prime
3	614B	Chenoa silty clay loam, 2-5% slopes	2e	128	Prime
3	667B	Kaneville silt loam, 2-5% slopes	2e	127	Prime
3	541B2	Graymont silt loam 2-5% slopes, eroded	2e	127	Prime
3	232A	Ashkum silty clay loam, 0-2% slopes	2w	127	Prime 2

Group	Mapping Unit Symbol	Mapping Unit Name	Land Capability Class	Productivity Index	Prime Important Farmland
3	145B2	Saybrook silt loam, 2-5% slopes, eroded	2e	125	Prime
3	146A	Elliot silt loam, 0-2% slopes	2w	125	Prime
3	3107A	Sawmill silty clay loam, 0-2% slopes, frequently flooded	3w	125	Prime 5
3	567B	Elkhart silt loam, 2-5% slopes	2e	124	Prime
3	272A	Edgington silt loam, 0-2% slopes	2w	124	Prime 2
3	330A	Peotone silty clay loam, 0-2% slopes	3w	123	Prime 2
3	614B2	Chenoa silty clay loam, 2-5% slopes, eroded	2e	123	Prime
3	687B2	Penfield loam, 2-5% slopes, eroded	2e	123	Prime
3	496A	Fincastle silt loam, 0-2% slopes	2w	121	Prime 2
3	233B	Birkbeck silt loam, 2-5% slopes	2e	121	Prime
3	567B2	Elkhart silt loam, 2-5% slopes, eroded	2e	119	Prime
3	290A	Warsaw loam, 0-2% slopes	2s	119	Prime
3	17A	Keomah silt loam, 0-2% slopes	2w	119	Prime 2
3	233B2	Birkbeck silt loam, 2-5% slopes, eroded	2e	116	Prime
3	279B2	Rozetta silt loam, 2-5% slopes, eroded	2e	114	Prime
3	622B2	Wyanet silt loam, 2-5% slopes, eroded	2e	114	Prime
3	134B2	Camden silt loam. 2-5% slopes, eroded	2e	113	Prime
3	290B2	Warsaw loam, 2-5% slopes, eroded	2e	113	Prime
3	60B2	La Rose silt loam, 2-5% slopes, eroded	2e	112	Prime
3	91B2	Swygert silty clay loam, 2-4% slopes, eroded	2e	112	Prime

Group	Mapping Unit Symbol	Mapping Unit Name	Land Capability Class	Productivity Index	Prime Important Farmland
3	223B2	Varna silt loam, 2-4% slopes, eroded	2e	110	Prime
3	322B2	Russell silt loam, 2-5% slopes, eroded	2e	110	Prime
3	27B2	Miami silt loam, 2-5% slopes, eroded	2e	106	Prime
3	193B2	Mayville silt loam, 2-5% slopes, eroded	2e	105	Prime
3	327B2	Fox silt loam, 2-5% slopes, eroded	2e	104	Prime
LE Group 4, Ag Value 80, Acres 32,231 Percent of County Land – 4.26					
4	171C2	Catlin silt loam, 5-10% slopes, eroded	3e	128	Important
4	56C2	Dana silty clay loam, 5-10% slopes, eroded	3e	126	Important
4	148C2	Proctor silt loam, 5-10% slopes, eroded	3e	126	Important
4	145C2	Saybrook silt loam, 5-10% slopes, eroded	3e	123	Important
4	687C2	Penfield loam, 5-10% slopes, eroded	3e	121	Important
4	233C2	Birkbeck silt loam, 5-10% slopes, eroded	3e	113	Important
4	622C2	Wyanet silt loam, 5-10% slopes, eroded	3e	112	Important
4	134C2	Camden silt loam, 5-10% slopes, eroded	3e	111	Important
4	60C2	La Rose silt loam, 5-10% slopes, eroded	3e	110	Important
4	223C2	Varna silty clay loam, 4-6% slopes, eroded	3e	108	Important
4	322C2	Russell silt loam, 5-10% slopes, eroded	3e	108	Important
4	27C2	Miami silt loam, 5-10% slopes, eroded	3e	104	Important
4	193C2	Mayville silt loam, 5-10% slopes, eroded	3e	102	Important
4	327C2	Fox silt loam, 5-10% slopes, eroded	3e	101	Important

Group	Mapping Unit Symbol	Mapping Unit Name	Land Capability Class	Productivity Index	Prime Important Farmland
LE Group 5, Ag Value 69, Acres 10,301 Percent of County Land – 1.36					
5	60D2	La Rose silt loam, 10-18% slopes, eroded	4e	105	Important
5	570D2	Martinsville silt loam, 10-18% slopes, eroded	4e	101	Important
5	27D2	Miami silt loam, 10-18% slopes, eroded	4e	100	Important
5	224C2	Strawn loam, 5-10% slopes, eroded	3e	98	Important
5	318B2	Lorenzo silt loam, 2-5% slopes, eroded	3s	98	Important
5	964D	Miami and Hennepin soils, 10-18% slopes	4e	90	Important
LE Group 6, Ag Value 41, Acres 3,911 Percent of County Land – 0.52					
6	964F	Miami and Hennepin soils, 18-35% slopes	6e	67	Not Prime
6	224G	Strawn loam, 35-60% slopes	7e	50	Not Prime
LE Group 7, Ag Value 0, Acres 5,729 Percent of County Land – 0.76					
7	533	Urban land	8	0	Not Prime
7	802B	Orthents, loamy, undulating	8	0	Not Prime
7	865	Pits, gravel	8	0	Not Prime

Summary Tables

Table 2 – Criteria for the Land Evaluation Soil Groups

Group	Land Capability Classification	Prime Farmland Classification	Productivity Index	% of County	Acres	Relative Value
1	1	Prime	140-147	18.72	141,665	100
2	1, 2e, 2w	Prime	122-141	38.06	288,104	95
3	2e, 2w	Prime	104-134	36.33	274,967	84
4	3e	Important	101-128	4.26	32,231	80
5	3e, 3s, 4e	Important	90-105	1.36	10,301	69
6	6e, 7e	Not Prime	50-67	0.52	3,911	41
7	8	Not Prime	0	0.76	5,729	0
				100.00	756,908	Total Land Area

Table 3 – Relative Value as calculated by Soil Productivity Index

Group	Productivity Index Divided by Highest PI	Quotient of Relative Yield	Times 100	Relative Value
1	142/142	1.00	100	100
2	135/142	0.95	100	95
3	119/142	0.84	100	84
4	114/142	0.80	100	80
5	99/142	0.69	100	69
6	59/142	0.41	100	41
7	0/142	0.00	100	0

1107 FIRE INSURANCE RATINGS IN RURAL McLEAN COUNTY.

Fire Protection Agencies Serving Rural McLean County		Fire Insurance Rating
1.	Allin Township Fire Protection District	9
2.	Bellflower Fire Protection District	9
3.	Bloomington Township Fire Protection District	9
4.	Carlock Fire Protection District	9
5.	Chenoa Fire Protection District	9
6.	Congerville Fire Protection District	9
7.	Dale Township Fire Protection District	9
8.	Downs Community Fire Protect District	9
9.	Farmer City Fire Protection District	9
10.	LeRoy Community Fire Protection District	7
11.	Lexington Community Fire Protection District	7
12.	Mount Hope Fire Protection District	8* -9**
13.	Northern Piat County Fire Protection District	9
14.	Octavia Fire Protection District	9
15.	Randolph Township Fire Protection District	9
16.	Saybrook-Arrowsmith Fire Protection District	8*-9**
17.	Gridley Fire Protection District	8*-9**
18.	Hudson Community Fire Protection District	8
19.	Ellsworth Fire Protection District	9
20.	Danvers Community Fire Protection District	8
21.	Towanda Community Fire Protection District	9
22.	El Paso Fire Protection District	8*-9**
23.	Sullivant Community Fire Protection District	9
24.	Forrest-Strawn-Wing Fire Protection District	9
25.	Pontiac Rural Fire Protection District	9
26.	Wapella Community Fire Protection District	8
27.	Gibson City Fire Protection District	6
28.	Armington Fire Protection District	9
29.	Atlanta Fire Protection District	8
30.	Little Mackinaw Fire Protection District	9
31.	Mackinaw Fire Protection District	8
32.	Sangamon Valley Fire Protection District	8*-9**

* Fire Insurance Rating for Residential Buildings
** Fire Insurance Rating for Commercial and Industrial Buildings

1201- APPENDIX – FEE SCHEDULE

Fee Schedule (6-17-08)

A. Single family dwellings -- **$250**

B. Permits for additions to single family dwellings, including but not limited to attached garages, based upon the square feet of lot covered by such addition:
Less than 650 square feet -- **$75**
At least 650 square feet but less than 1,200 square feet -- **$85**
At least 1,200 square feet but less than 2,500 or more -- **$110**
2,500 square feet of more -- **$200**

C. Detached buildings accessory to and on the same lot as single family dwellings, based on the square feet of lot covered by such building:
Less than 250 square feet -- **$60**
At least 250 square feet but less than 650 square feet -- **$75**
At least 650 square feet but less than 1,200 square feet -- **$85**
At least 1,200 square feet but less than 2,500 square feet -- **$110**
2,500 square feet or more -- **$200**

D. Structures (other than buildings) accessory to single family dwellings and on the same lot as such dwelling:
Swimming pools, above-ground or in-ground -- **$75**
Other structures -- **$75**

E. Business or advertising signs;
With a gross area of less than 50 square feet -- **$65**
With a gross area of 50 square feet but less than 200 square feet -- **$75**
With a gross area of 200 square feet or more -- **$90**

F. The fee for all other permits shall be $2.50 for each one thousand dollars, or fraction thereof up to a value of $500,000. From a value of $500,000 to a value of $5 million the fee shall be $1,250 plus $.50 for each one thousand dollars of the value of the proposed improvements over $500,000. From a value of $5 million and up the fee shall be $3,450 plus $.10 for each one thousand dollars of the value of the proposed improvements over $5 million. There shall be a minimum fee of **$75.** (6-18-02)

G. Temporary Mobile Home Fee - **$50**

H. The fee for an occupancy permit shall be **$75**
Temporary occupancy permits -- **$75**

I Appeals – There is no filing fee for an appeal of an administrative decision;

J. Variations - **$300**

K. Administrative Variations - **$100**

L. Map Amendments – less than 2 acres - **$350**
at least 2 acres but less than 15 acres - **$400**
at least 15 acres but less than 25 acres - **$500**
at least 25 acres but less than 80 acres - **$600**
at least 80 acres and up to 100 acres - **$650**
more than 100 acres - **$650** plus $6.00 per acre over 100 acres

M. Text Amendments - **$450**

N. Concept Plan for Planned Developments - **$300**

O. Planned Development –
less than 2 acres - **$350**
at least 2 acres but less than 15 acres - **$400**
at least 15 acres but less than 25 acres - **$500**
at least 25 acres but less than 80 acres - **$600**
at least 80 acres and up to 100 acres - **$650**
more than 100 acres - **$650** plus $6.00 per acre over 100 acres

P. Special Use Permits – less than 2 acres - **$350**
at least 2 acres but less than 15 acres - **$400**
at least 15 acres but less than 25 acres - **$500**
at least 25 acres but less than 80 acres - **$600**
at least 80 acres and up to 100 acres - **$650**
more than 100 acres - **$650** plus $6.00 per acre over 100 acres

Q. Non-Commercial Parks and Outdoor Recreation Areas – The fee for special uses for such areas which are owned by a public entity, a philanthropic organization or a non-profit corporation shall be **$225** regardless of property area. (2-20-01)

R. Temporary Permits – **$100**

S. Exemption from fees – Any application by the McLean County Board, the Zoning Board of Appeals, a committee of the McLean County Board or the McLean County Regional Planning Commission shall be exempt from the above fees (6-17-08)

T. Cost of publication in addition to fees – The cost of publication shall be the amount billed to the Department by the publisher

U. Cost of copies - $.25 per 8½" by 11" black and white page; $1.00 for color photos; $15.00 per zoning map; $25.00 per Zoning Ordinance; $25.00 per Subdivision Ordinance. (6-17-08)