

# **Woodford County Code of Ordinances**

## **Chapter 154 - Zoning**

### **Woodford County, Illinois Adopted October, 2002**

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## **SECTION 1**

### **TITLE, PERIOD OF EFFECTIVENESS**

#### **§154.01 TITLE**

154.01.1 **Title.** This ordinance shall be known as "The Zoning Ordinance of the County of WOODFORD, ILLINOIS". It shall remain in full force and effect henceforth unless repealed.

## **SECTION 2**

### **PURPOSE**

#### **§154.02 INTENT**

The zoning regulations and standards herein adopted and established have been made for the purpose of:

- A. Securing adequate light, pure air, and safety from fire, flood and other dangers.
- B. Conserving the value of land, buildings, and structures throughout the County.
- C. Lessening and avoiding congestion in the public roads.
- D. Lessening and avoiding hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters by:
  - 1. Preventing unwise developments which could increase the flood or drainage hazard to others.
  - 2. Protecting new buildings and major improvements to buildings from flood damage.
- E. Promoting the public health, safety, comfort, morals, and general welfare.
- F. Regulating and limiting the height and bulk of buildings and structures hereafter to be erected.
- G. Establishing, regulating, and limiting the building or setback lines on or along any road, traffic-way, drive, parkway, or storm or flood water runoff channel or basin.
- H. Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.
- I. Classifying, regulating, and restricting the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, commercial, residential, and other uses.
- J. Dividing the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purposes of this ordinance.
- K. Fixing regulations and standards to which buildings, structures, or uses therein shall conform.
- L. Prohibiting uses, buildings, or structures incompatible with the character of such districts.
- M. Preventing additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

N. Making federally subsidized flood insurance available for property in the unincorporated areas of the County.

## **SECTION 3**

### **GLOSSARY**

#### **§154.03 GLOSSARY OF TERMS**

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

#### **ACCESS (7/17/18)**

**PRIVATE LANE** - an un-named residential access for one Tract that is 20 ft. in width and has not been dedicated to the public, constructed in a manner typical of a gravel driveway, but may be further improved as desired.

**SHARED-PRIVATE LANE** - an un-named residential access for the benefit of two Tracts that has not been dedicated to the public, constructed in a manner typical of a gravel driveway, but may be further improved as desired. Each tract must have 20 ft. direct abutment to a public or private road or street.

**PRIVATE ROAD OR STREET** - a named residential access 60 ft. in width, with the required turn around if necessary, that has not been dedicated to the public, constructed in a manner typical of a gravel driveway, but may be further improved as desired. Must have a Road Maintenance agreement recorded during the subdivision process.

**ACCESSORY:** As applied to a building, structure, or use, one which is on the same lot with, incidental to and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

#### **ACCOMMODATION/LODGING:**

An area or structure designed to provide accommodation to the traveling or recreational public which include bed & breakfast, hotel, motel, resort or tourist establishment, a rental cottage, cabin, campground, park, trailer site or other similar structures.

**ACRE:** 43,560 square feet.

**ADDITIONS:** Those construction activities which involve adding area to the ground coverage of a building or structure or adding to its height and volume.

**ADJOINING LOT OR PARCEL:** A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land and which is not separated by a publicly dedicated right-of-way.

**ADULT BUSINESS:** Commercial establishments, such as, but not limited to: Adult Cabarets, Adult Bookstores, Adult Arcades, Adult Theaters, Body Shops, Tattoo Parlors, and Massage Parlors.

**AGRICULTURALLY-RELATED BUSINESS:** A business activity related to agriculture that includes but is not limited to: anhydrous ammonia facilities; fertilizer production, sales, storage, mixing and distribution; grain drying and storage, grain elevators, agricultural production and distribution of agricultural products, repair and sale of farm implements, and sale of feed or sod.

**AGRICULTURE:** The planting, growing, production, harvesting, keeping or maintenance, for sale, lease or personal use of: beekeeping, dairying and grazing, egg production, field crops, fish or fur farming, floriculture, greenhouses/nurseries (non-commercial), horticulture, hydroponics, livestock raising, orchards, paddocks, poultry raising, sod farming, truck farming, viticulture and other similar or closely related activities. Farm buildings for storing and protecting farm machinery and equipment from the elements, or for housing livestock or poultry. This

shall not include buildings used primarily for residences.

***AGRICULTURE RELATED SERVICES:***

The use of land, building or structures for the purposes of buying or selling commodities and services that support agriculture uses as defined in this ordinance. These shall include such sales and services as welding and machinery repairs, farm drainage and excavation, well drilling, contracting and trades related to farm buildings and structures, and custom spray, tillage, planting, harvesting services or other similar services or activities.

***AIRPORT, COMMERCIAL:*** Any area of land, water, or both, used for the landing and departure of aircraft, intended for a profit, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities.

***AIRPORT, RESTRICTED LANDING AREA:*** Any area of land, water, or both, which is used or is made available for the landing and departure of aircraft and which is not used for commercial purpose.

***AMENDMENT, ZONING:*** A change of the zoning district that is applied to a lot or parcel of land or change in the text of this Ordinance.

***ANIMALS, EXOTIC:*** Animals not indigenous to this country.

***ANIMALS, FARM:*** The species of fowl, ovine, caprine, bovine, porcine, and equine, that have been domesticated for agricultural purposes.

***APARTMENT:*** A room or suite of rooms in a multiple or two family dwelling which is arranged, designed, used or intended to be used as a single housekeeping unit. Permanently installed kitchen, bath and toilet facilities are included within each apartment.

***AREA, LOT:*** The total area within the lot lines.

***ARTERIAL:*** See ROAD, ARTERIAL.

***ASPHALT BATCHING PLANT:*** A facility used for the production of bituminous substances used for paving.

***ATHLETIC FIELD:*** An open area of land wherein facilities are provided for athletic sports or activities.

***AUDITORIUM:*** A building or structure used for public gatherings or meetings.

***AUTOMOBILE SERVICES:***

1. ***AUTOMOBILE, CAR WASH:*** A building or structure containing facilities for washing automobiles, automatically and/or manually.
2. ***AUTOMOBILE REPAIR MAJOR:*** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including: body, frame, or fender straightening or repair; overall painting or paint shop, or vehicle steam cleaning.
3. ***AUTOMOBILE REPAIR MINOR:*** The business of mechanical repair work and servicing of automobiles, including fast service, tune-up, and lubricating facilities, but specifically excluding body work or painting.
4. ***AUTOMOBILE SERVICE STATION:*** Any building or lot used for the maintenance of automobiles, including the sale and installation of tires, batteries and other minor accessories and services for automobiles such as automobile minor repair. Uses may also include the dispensing, selling or offering for retail sale, gasoline, kerosene, lubricating oil, or grease. This may include buildings or structures that are used for the retail sale and direct delivery to motor vehicles of cigarettes, candy, soft drinks, and other related items for the convenience of the motoring public. Such establishments shall not include facilities

for major automobile repair or the sale or storage of new or used automobiles or trailers.

5. **AUTOMOBILE, SALES:** The use of any building, land area or other premise for the display and sale of new or used automobiles, trucks or vans, trailers or recreational vehicles, including any warranty repair work or other repair service conducted as an accessory use.
6. **AUTOMOBILE, SERVICING AND PARTS:** The use of any building, land area or other premise for the sale and installation of parts such as tires, batteries, mufflers, and brakes; routine maintenance such as oil change and lubrication; or other incidental repair; but excludes the outdoor storage of damaged vehicles.

**BACKFILL:** Materials used to refill a ditch or other excavation, or the process of doing so.

**BASE FLOOD ELEVATION:** The elevation in relation to Mean Sea Level of the crest of the base flood. The base flood is also known as the 100 year flood.

**BASEMENT (CELLAR):** A story either partly or entirely below ground level.

**BED AND BREAKFAST:** An owner occupied dwelling unit having not more than five (5) guest rooms where lodging, with or without meals, is provided to the public for compensation.

**BERM:** An earth mound that is designed to control and diver surface runoff or which is designed to serve as a visual buffer.

**BLOCK:** A tract of land bounded by roads, or by a combination of roads and public parks, cemeteries, railroad rights-of-way, shorelines or waterways.

**BUILDING:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property.

**BUILDING, PRINCIPAL:** A building which is designed, used or intended to be occupied and maintained for the principal use of the land on which it is located.

**BUILDING LINE:** A line usually parallel to the front, side, or rear lot line set so as to provide the required yards for a building or structure.

**CABIN, COTTAGE, SUMMER COTTAGE, RECREATION CABIN:** A dwelling unit designed for temporary seasonal occupancy that is not used for more than six months in any given year.

**CAMP:** Any one or more of the following, other than a hospital, place of detention or school offering general instruction:

Type 1. Any area of land or water on which are located two or more cabins, tents, trailers, shelters, houseboats or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or

Type 2. Any land, including any building thereon, used for any assembly of persons for what is commonly known as a day camp purposes; and any of the foregoing establishments whether or not conducted for profit or whether or not occupied by adults or by children, either as individuals, families or groups.

**CAMP, DAY:** A camp not providing overnight accommodations.

**CAMP GROUNDS:** A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education and vacation purposes.

**CAMPING UNIT:** Any tent, trailer, cabin, lean-to, recreational vehicle or similar structure constructed, erected or maintained or operated in a campground as temporary living quarters for recreation, education or vacation purposes.

**CEMETERY:** A parcel of land, buildings, and/or structures used for the interring of human remains.

**CEMETERY, PET:** A parcel of land, buildings and/or structures used for the interring of animal remains.

**CHURCH:** A building and/or structure wherein persons regularly assemble for religious worship which is used only for such purposes and activities that are customarily associated therewith. Accessory uses may include: rectory, parsonage, Sunday School, Christian education.

**CLINIC, MEDICAL:** A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured people and those who are in need of medical, surgical, psychological or dental attention, but who are not provided with board or room or kept overnight on the premises.

**CLINIC, VETERINARY:** A building in which medical care is given to animals or pets and where animals or pets may be boarded overnight, if required for medical purposes.

**CLUB, MEMBERSHIP:** An organization catering exclusively to members and their guests, including premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain. No vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club are allowed.

**CLUB OR LODGE, PRIVATE (NON-PROFIT):** A non-profit association which owns, hires, or leases a building, premises or portion thereof; the use of such premises being restricted to members and their guests.

**COMMERCIAL:** Any use having financial profit as an objective.

**COMMERCIAL EQUIPMENT:** Any machinery, materials, tools, fuels typically used or sold in conjunction with a business.

**COMMERCIAL RETAIL ESTABLISHMENT:** A building, property, or activity the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to, clothing stores, grocers, caterers, pharmacies, book stores, florists, furniture stores, hardware stores, pet stores, toy stores, and variety stores but does not include restaurants or personal service establishment.

**COMMERCIAL VEHICLE:** Vehicles associated with the specialized commercial use which includes but is not limited to, loaders, forklifts, tow trucks, truck trailers (semis), wreckers, back hoes, dump trucks, flatbed trucks and construction equipment and the trailers that haul these vehicles.

**COMMUNICATIONS FACILITY:** Any combination of buildings, equipment, and/or improvements including but not limited to; (i) one or more broadcast antennas, (ii) any supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) supplementary equipment such as signal transmission cables and miscellaneous hardware.

**COMMUNITY CENTER:** A building used for recreational, social, educational and cultural activities, usually owned and operated by a public non-profit group or agency.

**COMPREHENSIVE PLAN (GENERAL PLAN, CITY PLAN, MASTER PLAN):** The adopted plan of Woodford County and the adopted plans by any other local unit of government regarding the long-term development of that jurisdiction.

**CONSTRUCTION SERVICES:**

The use of buildings, land area or structures for the purpose of supplying services to the general public for construction, maintenance and repair of structures including electrical, plumbing, masonry, contracting, carpentry,



engineering and other similar services.

**CONTIGUOUS:** Next to, abutting or touching and having a boundary, or portion thereof, which is coterminous.

**CONVENIENCE STORE:** A retail store with a floor area of less than 5,000 square feet, which sells groceries and/or beer or wine, and is open 15 to 24 hours a day, but not including an automobile service station.

**COUNTY:** Woodford County, Illinois.

**COUNTY BOARD:** The County Board of Woodford County, Illinois.

**COUNTY CLERK:** The Clerk of Woodford County, Illinois.

**COUNTY HIGHWAY ENGINEER:** The appointed head of the Woodford County Highway Department.

**COUNTY RECORDER:** The Recorder of Deeds of Woodford County, Illinois.

**COUNTY, UNINCORPORATED LANDS:** All land within the County boundaries, but not located within a municipality or village.

**COVERAGE:** The percentage of the lot area covered by the building area.

**DAMS:** All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool.

**DAY CARE CENTER:** A facility which is operated by any person, group of people, agency, association or organization licensed by the State of Illinois, whether established for gain or otherwise, who or which receives or arranges for the care or placement of children and/or senior citizens unrelated to the operator of the facility, established and maintained for the general care of children and/or senior citizens. The term a Day Care Center: includes facilities commonly called a Child Care Facility, a Day Nursery, a Nursery School, but does not include any State operated institution for child care, or any bona fide boarding school.

**DAY CARE HOME:** Any detached dwelling which receives more than four (4) but no more than eight (8) children for less than twenty-four (24) hours per day. The maximum eight (8) children received shall be reduced in number by the family's natural, adopted or foster children and all persons under the age of fourteen (14) residing in the home. This does not include an operation which receives only children from a single family.

**DEVELOPMENT:** The division of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, enlargement, demolition of any structure; the drilling, filling, mining, grading, excavating, or other non-agricultural alterations of the ground surface; or any use, change or extension of the use of land.

**DISTRICT:** A section or part of the unincorporated portions of the county within which certain zoning or development regulations apply.

**DENSITY:** The permitted number of dwelling units per gross acre of land to be developed.

**DOMESTIC SERVICES:**

An establishment offering services relating to the home, home site, family or household affairs. Such services may include day care, dry cleaners, appliance repair, shoe repair, sewing, upholstering, watch repair, trophy engraving, pest control, storage facilities, or other similar services.

**DRIVEWAY:** Any surface providing direct ingress to and egress from a parking space, garage, dwelling or other structure.

**DWELLING:** A building or portion of a building designed or used exclusively for residential purposes, including

single family and multi-family dwellings, but not including temporary overnight accommodations.

**DWELLING, MULTI-FAMILY:** A dwelling containing three (3) or more dwelling units.

**DWELLING, SINGLE FAMILY:** A detached dwelling, designed for or intended to be occupied by one (1) family.

**DWELLING, TWO FAMILY:** A dwelling designed and intended to house two (2) families.

**DWELLING UNIT:** One (1) or more rooms in a residential building which are arranged, designed or used as living quarters for one (1) family. Bathroom and kitchen facilities are permanently installed.

**EASEMENT:** A grant of one or more of the property rights by the owner to, or for the use by, the public, corporation, or another person or entity.

**EXEMPT ORGANIZATIONS:** Organizations which are exempt from this Ordinance per the Illinois Compiled Statutes, including State, Federal or local units of government.

**EXTERIOR STORAGE:** Means storage which occurs outside of a building.

**FAMILY:** (a) one (1) individual; or (b) two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than six (6) persons not related by blood, marriage or adoption, living together as a single housekeeping unit. The term family shall not include a fraternity, sorority, overnight accommodation, or residential care home.

**FAMILY MEMBER:** For the purposes of this Ordinance a family member shall include the following: son, daughter, stepchild, parent or grandchild.

**FARM:** Any parcel of land used for the growing and harvesting of crops, for the feeding, breeding and management of livestock, for dairying, or for any other agricultural or horticultural use.

**FEEDLOT:** Any tract of land or structure, pen, or corral, wherein cattle, horses, sheep, goats, and swine and other livestock are maintained in close quarters for the purpose of feeding or maintaining such livestock, excluding a livestock feeding operation.

**FENCE:** A free standing structure made of metal, masonry, or wood, or a combination thereof, including gates, resting on or partially buried in the ground level, and used to delineate a boundary or a barrier or means of protection, confinement or screening.

**FENCE, PERIMETER:** A fence that follows the outward boundaries of the property on which it is located.

**FENCE, OPEN:** A fence including entrance and exit gates, where viewed from at least one horizontal angle, each one foot wide segment for the full length and height of the fence contains at least fifty (50) percent open spaces. Open fences shall include but not limited to chain link, mesh type and picket fences.

**FENCE, PRIVACY/SOLID:** A fence that conceals from view, from all angles, adjacent properties and roads from the premises behind such fence.

**FLOOD:** A general or temporary condition of inundation of a normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**FLOOD PROTECTION ELEVATION (FPE):** The elevation of the One Hundred (100) Flood plus one (1) foot at any given location in the SFHA. (11/16/10)

**FLOOR AREA:** The sum of the gross horizontal areas of each floor measured from the exterior walls or from the centerline of party walls. Floor area includes the floor area of accessory buildings and structures, but does not include any area used exclusively for the parking of motor vehicles.

**FLOOR AREA RATIO:** The total floor area of a building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

**FRONTAGE:** The front or frontage is that side of a lot abutting on a road or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot. For further purposes of determining yard requirements on corner lots, all sides of a lot adjacent to roads shall be considered frontage, and yards shall be provided as indicated under yards in this section.

**FUNERAL HOME:** A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**GAME BREEDING AND SHOOTING PRESERVE AREA:** An area licensed by the State of Illinois under the Code of 1971, as amended, 520 ILCS 5/3.27, which must meet certain requirements for area and operating procedures, and which is granted special hunting privileges.

**GARAGE, PRIVATE:** An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing privately owned motor vehicles, boats and trailers of the family or residents on the premises.

**GARAGE, PUBLIC:** A building designed or used for the housing of vehicles (usually motor) also, a building in which vehicles are on display, are for sale, or are housed for repair or storage purposes.

**GOLF COURSE:** A multiple hole course for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges which are not accessory to a golf course.

**GOLF PRACTICE FACILITY:** An area of land, including buildings or structures, intended for the practice of golf driving and putting skills, including but not limited to driving ranges, putting greens, and miniature golf facilities.

**GOVERNMENTAL USE, ESSENTIAL:** A governmental use that is indispensable to the community's health, safety and welfare, including, but not limited to: police stations, fire stations, emergency medical services, and governmental buildings without equipment storage.

**GOVERNMENTAL USE, NON-ESSENTIAL:** A governmental use that is not critical to the health, safety, and welfare of the community, such as: libraries, museums, post offices, and governmental buildings with equipment storage.

**GREENHOUSE AND/OR NURSERY CENTER:** An enterprise where plants grown on the site, as well as accessory items directly related to the maintenance and care of plant life are sold.

**GREENHOUSE COMMERCIAL:** A greenhouse where flowers, shrubs and plants that are grown off-site are sold.

**GREENHOUSE NON-COMMERCIAL:** A greenhouse where flowers, shrubs, and plants are grown on-site for personal enjoyment, wholesale distribution, or sale off site. Non-commercial greenhouses are a form of agriculture.

**HEALTH DEPARTMENT:** The Woodford County Department of Public Health.

**HEIGHT:** The vertical distance from the average ground elevation to the highest point of the roof of a building or structure.

**HOME OCCUPATION:** Any business or profession carried on by the occupant as an accessory use in the occupant's dwelling unit or accessory structure.

**HOMES, INSTITUTIONS, SPECIALIZED CARE FACILITIES:** A private home, institution, building,

residence, or other place operated for profit or not-for-profit which provides through its ownership or management, personal care, sheltered care and/or nursing care for unrelated individuals not comprising a family unit. Examples include: Nursing Homes and Retirement Facilities.

**HOSPITAL:** A building where provisions for primary health services and medical or surgical care to people, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. For purposes of this Ordinance, the word hospital shall also include, but not be limited to, sanitariums and any other medical facility where intensive medical treatment and overnight care is provided.

**HOTEL OR MOTEL, LODGES OR RESORTS:** A building or structure designed for transient occupancy, consisting of rooms or suites providing living, sleeping and individual toilet facilities. Additional services such as restaurants, meeting rooms and recreational facilities may be provided.

**HUNT CLUB:** (See GAME BREEDING AND SHOOTING PRESERVE AREA).

**ILCS:** Illinois Compiled Statutes.

**INCOMPATIBLE USE:** A use which is not compatible with other uses permitted in a district because it is inconsistent therewith.

**INDUSTRIAL PARK:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services.

**INDUSTRY, HEAVY:** The assembly, fabrication, manufacturing, storage or processing of goods and materials that ordinarily have significant impacts on the environment or on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety hazards, or that otherwise do not constitute light industry, such as food processing plants, resource extraction, recycling centers, sawmills, composting services, scrap or salvage operations, petroleum storage facilities, or facilities handling or processing hazardous and/or toxic material.

**INDUSTRY, LIGHT:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25 percent of the floor area of all buildings on the lot. This includes, but is not limited to printing establishments, facilities for auto body work, welding, painting or major repair work, and sandblasting.

**INSTITUTIONS:** A building or premises used by an organized body, religious group or society for non-profit, non-commercial purpose. This definition may include a hospital, nursing home, library, college, university, school, government, convent, monastery or similar use.

**JUNK:** Includes, but is not limited to, old dilapidated scrap or abandoned metal, paper, cardboard, building and construction material and equipment (including, but not limited to wood, lumber, concrete, etc.), bottles, glass, tin cans, appliances, furniture, beds and bedding, rags, rubber, boats, tires, inoperable motor vehicles, machinery parts, and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned) where such object(s), due to its/their present condition and/or visibility, may reasonably be construed to be unsightly, dangerous, or unsanitary. \*Unsightly is defined as "distasteful or unpleasant to look at as construed from a reasonable person standard". (03/18/08)

**JUNK YARD:** An open area where junk, as defined herein, is bought, sold, exchanged, stored, baled, packed, disassembled, or handled including automobile and building wrecking yards, but excluding uses located in the applicable industrial district, engaged exclusively in processing of scrap iron or other metals to be sold only to establishments engaged in manufacturing of steel or metal alloys.

**KENNEL, COMMERCIAL:** An establishment licensed to operate a facility for the housing of dogs or domesticated animals. Commercial activities may include, but not limited to, public boarding, breeding, training and wholesaling of dogs or domesticated animals and sale of items or products related to dog or domesticated animal care.

**KENNEL, PRIVATE:** Any lot or premises on which not more than four (4) adult dogs are kept inside or outside belonging to the owner of the principal use, kept for the purposes of raising, breeding or show.

**LIVESTOCK FEEDING OPERATION:** Any new or existing operation which stables or confines and feeds or maintains for a total of 45 days or more in any 12-month period a combination of at least 50 farm animals.

**LOT:** A parcel of land legally described or subdivided as a distinct portion or piece of land or lot of record to be separately owned, used or developed.

**LOT, FLAG:** A lot or parcel with access to the bulk of the property by means of a narrow corridor.

**LOT, CORNER:** A lot contiguous to two (2) roads at their juncture, when the interior angle formed is less than one hundred thirty-five (135) degrees.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT OR PARCEL AREA:** The area of a horizontal plane bounded by the front, side and rear lot lines of a lot or parcel.

**LOT OR PARCEL, BUILDABLE AREA OF:** That portion of a lot or parcel bounded by building lines.

**LOT OR PARCEL, WIDTH:** The horizontal distance between the side lot or parcel lines measured at the required front setback.

**LOT, THROUGH:** A lot or parcel having its front and rear yards each abutting on a road.

**LOT LINE, PROPERTY LINE:** A line dividing one lot or one parcel from another lot or parcel or from a road, alley or other right-of-way.

**LOT LINE, OR PROPERTY LINE, FRONT:** The boundary of a lot which abuts a road. On a corner lot, the front lot line is the lot line which is opposite the front wall of the principal structure.

**LOT LINE, OR PROPERTY LINE, REAR :** The lot line not intersecting a front lot line that is most distant from and most parallel to the front lot line.

**LOT LINE, OR PROPERTY LINE, SIDE:** Any lot line which is not a front or rear lot line.

**LOT OF RECORD:** A single lot which is part of a subdivision plat which has been recorded in the office of the Recorder of Deeds of Woodford County, Illinois or a single parcel of land, the deed of which has been recorded in the office of the Recorder of Deeds of Woodford County, Illinois.

**MANUFACTURED HOME:** This definition shall include structures known as manufactured homes or mobile homes, manufactured after July 1, 1976. The construction of a manufactured/mobile type of single-family residence is regulated by the Federal Department of Housing and Urban Development (HUD) and must comply with the National Manufactured Home Construction and Safety Standards. Manufactured/mobile type homes may be used with or without a permanent foundation. These standards apply uniformly across the country and it is illegal for state or local unit of government to impose additional construction requirements. Manufactured/mobile type units will have a red metal tag permanently affixed to the rear of each towable unit. Manufactured/mobile type units shall be treated as a single family detached dwelling if a minimum of twenty-four feet in width and more than thirty-five feet in length, installed on a permanent foundation, and shall have brick, wood or cosmetically equivalent exterior siding and a pitched roof.

**MANUFACTURING:** The use of land, building or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

**MARINA:** A place for docking boats or providing services to boats and occupants thereof, including sales, servicing and repairing of boats, sale of fuel and supplies, provision of food, beverages and non-Adult Business entertainment, and tent and Recreational Vehicle camping as accessory uses. A yacht club shall be considered as a marina, but a hotel, motel or similar use, where docking of boats and provision of services thereto is incidental to other activities shall not be considered as a marina nor shall boat docks accessory to a multiple-family dwelling where no boat-related services are rendered.

**MOBILE HOME:** A structure, transportable in one or more sections, which, in the travel mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein and manufactured prior to June 15, 1976 to the HUD construction standards.

**MODULAR HOME:** The construction of a modular type dwelling unit is regulated by the Illinois Department of Public Health. Unlike the mobile type homes, the local unit of government may require additional items other than the minimum state requirements to be incorporated into the construction of modular homes. Modular type homes shall be placed on a permanent foundation. An Illinois approved modular dwelling will have a yellow seal on the electrical panel box of the home. Modular type units manufactured at a factory in Indiana will not bear an Illinois seal but rather will contain the seal of approval from the State of Indiana. Modular type units shall be treated as a single family detached dwelling.

**MANUFACTURED/MOBILE HOME PARK:** An area of land containing spaces with required improvements and utilities for the long term placement of manufactured and mobile homes and may include services and facilities for the residents, but not including recreational vehicle parks or camps.

**NONCONFORMING LOT OR PARCEL:** A lot or parcel of record or recorded deed, the area, dimensions or location of which was lawful prior to the effective date of this Ordinance, or subsequent amendment thereto, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING STRUCTURE OR BUILDING:** A structure or building the size, dimensions or location of which was lawful prior to the effective date of this Ordinance, or subsequent amendment thereto, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING USE:** A specific use or activity which lawfully existed prior to the effective date of this Ordinance, or subsequent amendment thereto, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**NURSING HOME:** An establishment for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, and which does not contain facilities for surgical care, obstetrics, or medical treatment other than ordinary day-to-day care of convalescent, aged or otherwise infirm persons.

**OPEN SPACE:** Any parcel or area of land or water essentially unimproved and set aside, designated or reserved for public or private use and enjoyment. Such space must be free of automobile traffic, parking and undue hazard and be readily accessible by all those for whom it is intended to be used or may be restricted by limited access for use as a natural preservation area. It may also be a yard, court or the space between two buildings or between the building and the boundary line of a lot or parcel.

**PARCEL:** A contiguous lot or tract of land owned and recorded by the same persons or persons.

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

**PARKING AREA:** An area containing one (1) or more designated parking spaces.

**PARKING LOT:** An area not within a building where motor vehicles may be parked for the purposes of temporary, daily, or overnight off-road parking.

**PARKING SPACE:** An area, enclosed or unenclosed, reserved for the parking of one (1) motor vehicle.

**PERSON:** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, legal entity, or their legal representative(s), agent(s), or assign(s).

**PLANNED UNIT DEVELOPMENT:** A parcel or tract of land having an area as herein required, initially under unified ownership or control, and which is intended to be the site for two or more principal uses, or one principal building for two or more principal uses, within which allowable exceptions in the district regulations are specified.

1. **PLANNED UNIT DEVELOPMENT, RESIDENTIAL:** A development comprised of attached and/or detached dwelling units that has coordinated common open space and service areas and is built in accordance with densities specified in the zoning district in which it is located.
2. **PLANNED UNIT DEVELOPMENT, NON-RESIDENTIAL:** A development comprised of attached and/or detached units containing, as its principal use, light industrial, industrial, or commercial uses only. The development should coordinate service areas and be built in accordance with densities specified in the zoning district in which it is located.

**PLANNED UNIT DEVELOPMENT PLAT:** A drawing or map made to a measurable scale upon which is presented a description and definition of the way in which the requirements of the Planned Unit Development and the Subdivision Ordinance are to be met and intended for recording with the County Recorder of Deeds.

**PLANNING COMMISSION:** The Tri-County Regional Planning Commission.

**PLANNING COMMITTEE:** Consists of five (5) County Board members appointed by the County Board Chairman to review and recommend to the County Board on matters dealing with the zoning code and comprehensive plan.

**PLAT:** A map, plan, or layout showing the subdivision of land into lots.

**PRIME FARMLAND:** Specific Prime Farmland soils are as defined by name in the 1992 Soil Survey of Woodford County, Illinois on pages 220 and 221.

**PRINCIPAL BUILDING OR STRUCTURE:** The primary building or structure upon a lot or parcel, or the building or structure which houses the principal use of the premises.

**PRINCIPAL USE:** The primary purpose for which a land area, building or structure is used.

**PROFESSIONAL SERVICES:** A building or structure where members of the medical profession, dentists, chiropractors, therapeutic massage, bankers, attorneys, insurance agents, real estate agents and others in the professional field provide a service to the general public.

**PROPERTY:** A lot, parcel, or tract of land, together with any improvements and/or structures erected, constructed, or contained thereon.

**PROPERTY LINE:** The lines bounding a lot of record, a metes and bounds parcel, or a zoning lot, as defined herein.

**PUBLIC ENTERTAINMENT:** A building, structure or land used for the purpose of offering entertainment to the general public. Such entertainment may include fairs, carnival, museum, festival, bar, tavern, golf course, marina, theater, amusement park, aquarium, stadium, arena, zoo or other similar entertainment.

**RECREATIONAL FACILITY:** an establishment or area offering recreation, amusement, sport or leisure time activities to the general public or private membership for a fee or charge. Recreational facilities do not include adult businesses, restaurants, taverns or where otherwise alcohol is sold. (6/17/14)

**RECREATIONAL VEHICLE:** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**RECREATIONAL VEHICLE PARK:** Any lot or parcel of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. This term includes any structures or vehicles intended for use as a part of such recreational vehicle park.

**RECYCLING CENTER:** Means a site or facility that accepts only segregated, non-hazardous, non-special, homogeneous, non-putrescible materials such as dry paper, glass, cans or plastic, for short term storage for the subsequent use in the secondary materials market. This shall not include a facility which handles, collects, or otherwise stores or processes automobile bodies or parts.

**RECYCLING DROP-OFF POINT:** A collection point for small refuse items, such as bottles and newspapers, located within a container or small structure.

**RECYCLABLE MATERIALS:** Means materials that are separated from garbage, municipal waste or refuse for the purpose of recycling, including but not limited to, aluminum and tin cans, newspapers, corrugated cardboard, high grade printing and writing papers, magazines, landscape waste, plastic and glass containers.

**RESIDENTIAL CARE HOME:** A dwelling in which staff persons provide care, education, and participation in community activities for a group of unrelated individuals who have long-term mental, intellectual, developmental or physical disabilities or handicaps, and who are unable to live independently but are capable of community living if provided with an appropriate level of supervision, assistance and support services, but who do not require on-site medical or nursing facilities, with the primary good of developing or exercising basic skills for daily living. This does not include dwellings for persons whose primary reason for placement in the dwelling is the abuse of alcohol or controlled substances, or the need for continuous nursing or medical care, or of persons who have recently been released from incarceration, or dwellings which serve as an alternative to incarceration for persons convicted of criminal offenses or declared criminally insane or dangerous.

**RESIDENTIAL CARE HOME, SMALL:** A residential care home with five (5) or less residents.

**RESIDENTIAL CARE HOME, LARGE:** A residential care home with more than five (5) residents.

**RESTAURANT:** An establishment, including banquet halls, that is open to the public where food and/or beverages are regularly prepared, consumed or sold: (a) at a table or counter within the premises; (b) for consumption at table or counter outdoors, but located on the premises; (c) for consumption in automobiles or other motor vehicles located in parking areas on the premises; and (d) for consumption off the premises. The term includes fast food restaurants, whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.

**RETAIL FACILITY:**

1. A building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store.
2. A building or part thereof in which foods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail.
3. Any building or structure in which one or more articles of merchandise or commerce are sold at retail.

**RETIREMENT COMMUNITY:** A planned community designed to meet the needs of, and exclusively for, the



residences of senior citizens.

***RIGHT-OF-WAY:*** An area or strip of land, either public or private, on which irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

***RIGHT-OF-WAY LINE:*** The division line between private property and a dedicated road or way, usually uninterrupted from corner to corner in any given block.

***ROAD:*** A thoroughfare within the right-of-way which affords the principal means of access to abutting property. A road may be designated as an avenue, a boulevard, drive, highway, land, parkway, place, road, thoroughfare, or other appropriate name. Roads are identified as follows:

Subdivision standard: A road which is located within the planning jurisdiction of an incorporated municipality with an adopted comprehensive plan subject to the municipality's approval.

Arterial Road (Highway): A road maintained by and under the jurisdiction of the State of Illinois Department of Transportation.

Collector Road (Major): A road maintained by and under the jurisdiction of the Woodford County Highway Department.

Minor Road (Minor): A road maintained by and under the jurisdiction of the various Woodford County Township Road Commissioners except those roads classified as direct access roads.

Private Road (Minor): A road which has not been dedicated to the public and serves a limited number of properties or uses.

Direct Access Road: A road which is unrestricted in its access to properties or uses.

***SCHOOL:*** A publicly or privately owned kindergarten, pre-school, elementary school, middle school, junior school, or high school which does not provide lodging for students. This shall not include any dwelling which receives less than five (5) students.

***SCREENING:*** A method of visually shielding or obscuring structures or uses from abutting or nearby properties with fences, walls, berms, or densely planted vegetation.

***SEMI-TRAILER:*** A vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

***SETBACK:*** The required minimum horizontal distance between the BUILDABLE area and the related front, side, or rear property lines.

***SETBACK LINES:*** That line parallel to the road right-of-way or other related lot line at a distance therefrom equal to the depth of the required setback for the zoning district in which the lot is located.

***SHOOTING RANGE, INDOOR:*** A Recreational Facility designed or used for shooting at targets with rifles, pistols, shotguns, or archery equipment, and which is completely enclosed within a building or structure.

***SHOOTING RANGE, OUTDOOR:*** A Recreational Facility designed or used for shooting at targets with rifles, pistols, shotguns, or archery equipment, and which is not completely enclosed within a building or structure.

***SHOPPING CENTER:*** A commercial development which is designed, developed, operated and controlled as a unit with off-road parking placed on the site to serve jointly all establishments in the center.

***SIGN:*** A structure, or part thereof, used primarily to advertise, identify, display direct or attract attention to an object, person, establishment, product, service, event or location by any means including, words, letters, figures,

design, symbols, fixtures, colors, illumination or projected images, but not including the decoration or covering of an exterior wall by object, depictions, design or color.

**SITE COVERAGE:** The area of a Planned Development site which is covered by buildings, parking areas, roads, drives and loading areas.

**SITE PLAN:** A plan prepared showing dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

**SIGHT TRIANGLE:** The area of the corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.

**SOIL PRODUCTIVITY INDEX:** Productivity indexes provide a single scale on which soils may be rated according to their suitability for several major crops under specified levels of management.

**SPECIAL CONDITION:** A condition for the establishment of a special use.

**SPECIAL FLOOD HAZARD AREA (SFHA):** Those lands within the jurisdiction of Woodford County that are subject to inundation by the One Hundred (100) Year Flood. The SFHA's of the County are consistent with Zone A on the Flood Insurance Rate Map of the County of Woodford prepared by the Federal Emergency Management Agency (FEMA) identified as panels 170730-0025D – 0500D inclusive, effective September 17, 2010. (11/16/10)

**SPECIAL USE:** A use permitted in a district pursuant to, and in compliance with, procedures specified herein.

**SPECIAL USE TRANSFER:** Any change in the controlling interest of the special use regardless of whether the controlling party is an individual, business, (examples are: sole proprietorship, corporation, LLC) or other entity and specifically includes the transfer of shares which would change the controlling interest of a business holding the special use. (11/17/15)

**STABLE, PRIVATE (NON-PROFESSIONAL):** A structure and/or land used which is designed, arranged, used or intended to be used for the keeping of equines for the private use of the occupants of the dwelling and their guests, but in no event are for hire and which use does not constitute a primary source of income.

**STABLE, PUBLIC:** A structure and/or land in or on which an operator keeps equines primarily for boarding, riding, training and giving lessons.

**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 it, then the space between the floor and the ceiling next above it.

**STRUCTURE:** Anything constructed, erected, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used either temporarily or permanently. Structure shall include, but not limited to, buildings, swimming pools, fences, billboards, signs, towers. (6/18/13)

**SUBDIVISION:** Any division, development, or resubdivision of any lot, area or tract of land by the owner or agent, either by lots or by metes and bounds, into lots two or more in number for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant roads, alleys, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or owners within the tract subdivided. The division of land for agricultural purposes not involving any new road, alley, or other means of access, shall not be deemed a subdivision. This definition applies except where applicable exceptions are made in the Woodford County Subdivision Code.

**SWIMMING POOL:** A man-made rigid or semi-rigid structure for water, whether intended for indoor or outdoor use, having a depth at any point greater than two (2) feet and with a water surface area exceeding 125 square feet, which is used or intended to be used for swimming, wading, bathing, immersion, or partial immersion of human beings and which is constructed, installed and maintained in or above ground.

**TAVERN:** A commercial establishment serving alcoholic beverages for consumption on the premises and for which food may be provided as an accessory to the principal use.

**THEATER:** A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

**THEATER, OUTDOOR DRIVE-IN:** An open lot or part thereof where its appurtenance facilities are devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats.

**TRACT** - A parcel of land legally described or subdivided as a distinct portion or piece of land to be separately owned, used or developed, may consist of multiple Parcel Identification Numbers (PIN) for tax purposes.(7/17/18)

**TRANSPORTATION:** The use of land, buildings or structure for airports, private or commercial, restricted landing areas, heliports, trucking, bus terminals, railroad stations and other similar means of transport.

**USE:** Any purpose for which a building or other structure, or a lot or parcel may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a lot or parcel.

**USE, PERMITTED:** Any use which is or may be lawfully established in a particular district or districts, provided it conform with all requirements of these regulations for the district in which such use is located.

**USE, PRINCIPAL:** The primary purpose or function that a lot serves or is proposed to serve, distinguished from an accessory use. A principal use may either be permitted or special.

**UTILITIES:** Any above-ground structures or facilities, other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities, owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of electricity, water, sewage, gas, oil or electronic signals.

**VARIANCE:** A deviation from the regulations or standards adopted by this ordinance which the ZBA or Hearing Officer is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property, lot, structure, or premises for which the variance is sought. (12/19/17)

**WAREHOUSE, DISTRIBUTION:** A use engaged in storage, wholesale, and distribution of goods or materials to another location for the purpose of resale or use at the place distributed to.

**WAREHOUSING, MINI STORAGE:** An establishment whose primary purpose is to provide space to the general public that may be used for the storage of goods and/or materials and made up of groups of individual units contained within one (1) or more structures.

**WINDOW:** An opening in an exterior wall of a building, other than a door, which provides all or part of the natural light or ventilation or both, to an interior space.

**YARD:** An open space, other than a court, of uniform width or depth on the same lot with a structure, lying between the structure and the nearest lot line and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards.

**YARD, FRONT:** A yard extending across the full width of the front lot line between side lot lines and from the front lot line to the front of the principal structure. (See also Lot Line, Front.)

**YARD, REAR:** A yard extending across the full width of the rear lot line and lying between the rear lot line and rear

of the principal structure. (See also Lot Line, Rear.)

**YARD, SIDE:** A yard extending between the side lot line and the side of the principal structure on both sides of the principal structure extending between the front and rear yards. (See also Lot Line, Side.)

**ZERO LOT LINE:** The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

**ZONING ADMINISTRATOR:** The officer designated by the County Board responsible for enforcing and administering the requirements of this Ordinance.

**ZONING BOARD OF APPEALS (ZBA):** The Zoning Board of Appeals of Woodford County, Illinois.

**ZONING DISTRICT:** An area or areas within the unincorporated portions of Woodford County, Illinois, that have been designated as set forth on the Zoning District Map.

**ZONING DISTRICT MAP:** The Official Zoning Maps or series of Official Zoning Map, showing zoning district boundaries of Woodford County.

**ZONING LOT:** A single property, parcel, unit, tract, plot, or otherwise designated portion of land, having metes and bounds, which is designated by its owner or developer as a property, parcel, unit, tract, plot or otherwise designated portion of land which is to be used, developed, or built upon as a unit under single ownership or control, and which is occupied or capable of being occupied by one (1) or more structures and the accessory structures. A zoning lot may or may not coincide with a lot of record.

## **SECTION 4**

### **GENERAL PROVISIONS**

#### **§154.04.1 OFFICIAL ZONING.**

- A. Provisions for Official Zoning Map: The County is hereby divided into districts as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.
- B. Identification of Official Zoning Map: The Official Zoning Map shall be identified by the signature of the Chairman of the Woodford County Board, attested by the County Clerk, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Map referred to in §154.04.1.D of the Comprehensive Zoning Ordinance of the County of Woodford, Illinois," together with the effective date of this ordinance.
- C. Changes to Official Zoning Map: If, in accordance with the provisions of the ordinance and Illinois Revised Statutes 1998, changes are made in district boundaries or other matter portrayed on the Official Zoning Map by disannexation or by amendment, such changes shall be filed in the Office of the Zoning Administrator and shall be considered part of the Official Zoning Map. If anyone wishes to review the Official Zoning Map, they will be allowed to view the map and the amending ordinances that are on file. The amending ordinance shall provide that such changes shall become effective immediately. (11/17/15)
  - 1. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized changes of any kind by any person shall be considered a violation of this ordinance and shall be punishable as provided under Section 7 of this Ordinance.
- D. Authority of Official Zoning Map: Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas and structures in the County.
- E. Replacement of Official Zoning Map: In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes, the Zoning Administrator may update the map and request the Woodford County Board Chairman to properly identify it in accordance with paragraph B of this section. The Zoning Administrator may update the map automatically this way only once every two years. Any further updating must be approved by the Conservation, Planning and Zoning Committee and the Woodford County Board. (11/17/15)
- F. Rules for the Interpretation of District Boundaries as shown on the Official Zoning Map: Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
  - 1. Boundaries indicated as approximately following the centerline of roads or alleys shall be construed to follow such centerline.
  - 2. Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.
  - 3. Boundaries indicated as approximately following City/Village limits shall be construed as following such City/Village limits.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center-lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center-lines.
6. Boundaries indicated as parallel to or extensions of features indicated in §154.04.1.F.1- §154.04.1.F.5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by §154.04.1.F.1 - §154.04.1.F.6 above, the ZBA shall interpret the district boundaries.

**§154.04.2. Application of District Regulations and Standards.**

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

**§154.04.3. Construction and Use.**

- A. No structure or land shall hereafter be used or occupied and no structure or part thereof shall hereafter be constructed, erected, altered, remodeled, extended, or moved unless in conformity with all the regulations and standards herein specified for the district in which it shall be located.
- B. No structure shall hereafter be constructed, erected, altered, remodeled, extended, or moved: to exceed the height, or to occupy or house a greater number of families, or to occupy a greater percentage of the lot area, or to exceed the floor area ratio, or to have smaller or less habitable floor area per dwelling unit or lodging unit, or to exceed the maximum floor area than hereinafter required or in any manner contrary to the regulations and standards of the district in which it is located.
- C. Except in the following situations only, there shall be only one (1) main or principle structure, or main or principle use or combination of a main or principle structure and main or principal use on one (1) lot:
  1. Planned unit developments.
  2. Where the main or principal use of a lot is agriculture, farm dwellings, as main or principle structures, may be permitted, provided each such dwelling meets the performance standards for dwellings specified for the district in which located.
  3. If a new home (principal structure and use) is being constructed on a parcel where an existing home or mobile home already exists, the existing home or mobile home shall be removed from the parcel or demolished and all debris removed within 6 (six) months of occupancy of the new home. (03/18/08)
- D. No accessory use shall be established prior to the establishment of the main or principle use, and no accessory structure shall be constructed, erected, altered, remodeled, extended, or moved prior to the establishment or construction of the main or principle structure except as follows:
  1. In any district an accessory use or structure of a temporary nature required for the establishment of the main or principal use, or for the construction of the main or principle structure.

2. Mobile homes, semi-trailers, recreational vehicles or buses shall not be used for storage purposes in any district with the exception that semi-trailers may be used for temporary storage as defined in 4-1200D1 for a period not to exceed twelve (12) consecutive months.
  3. In the Agriculture, Conservation and Residential Districts on a lot of at least two (2) acres, an accessory use or structure not exceeding 1800 square feet in floor area, may be established to house equipment to maintain the lot, provided such accessory use or structure is not prohibited by any recorded covenants. (9/18/12)
- E. No structure shall be constructed or erected on a lot or tract of land or moved to a lot or tract of land which does not abut a Public or Private Road. Each Tract shall have a minimum of 20 ft. direct abutment of access to a Public or Private Road. A minimum of twenty (20) foot of road frontage for each lot or parcel less than Six (6) acres and sixty (60) foot for each lot or parcel that is Six (6) acres or more in size shall be provided for any lot created. (03/18/08)(7/17/18)
- F. Nothing in this ordinance shall be deemed to require any change in the plans, construction, or designated use of any structure existing or upon which construction was lawfully begun prior to the effective date of this ordinance, provided that such structure shall be completed within one (1) calendar year from the effective date of this ordinance.
- G. The performance standards, regulations, rules, requirements, provisions, and restrictions set by this ordinance shall apply to all structures, uses, lots and tracts of land created or established after the effective date of this ordinance and shall not be deemed to require any change in the structures, uses, lots, and/or tracts of land lawfully existing on the effective date of this ordinance except as expressly specified hereinafter.
- H. The uses permitted in one (1) district shall not be permitted in any other district unless specifically stated. Special Uses permitted in one (1) district shall not be permitted in any other district unless specifically stated. (03/18/08)
- I. Intentionally left blank (deleted 6/17/14)
- J. All new development proposals in the special flood hazard areas shall adhere to the Woodford County Floodplain Ordinance and be reviewed and approved by the Zoning Administrator to ensure the following: (03/18/08)
1. New development will not change the flow of flood or other surface drainage waters so that other properties become more susceptible to damage.
  2. New developments will not create special hazards or nuisances when flooded.
  3. New buildings and major improvements to existing buildings will not be subject to damage by the base flood.
- K. The minimum habitable floor area shall be 800 square feet per dwelling unit.

#### **§154.04.4 Addressing System**

It will be the duty of the owner, occupant, or person in charge of any new dwelling or building to which a Woodford County Addressing System address has been assigned to post signage that identifies the property per the requirements and standards listed below. These requirements and standards will be in effect for all new structures in the County at the time of official adoption of this Code.

- A. All posted signs under this provision shall meet the following standards.
1. That all signs will be six inches (6") by twelve inches (12") in size with a blue enamel coloring

2. That white reflective lettering, representing the unincorporated area addressing system identification number, shall be four inches (4") in height and be affixed to both sides of the sign.
  3. That all signs shall be affixed to a seven-foot (7') post driven three feet (3') into the ground so that both sides of the sign are visible from the public road.
  4. That the posted sign shall be visible from the public roadway as specified in the unincorporated area addressing system.
  5. That the sign shall be posted on the property line, adjacent to the public right-of-way.
  6. When more than one business or dwelling unit occupies a principal building, each separate unit will have a sign placed per the above standards.
  7. The posted sign will be kept clear of all vegetation, snow or other debris such that the top two feet (2') of the post is visible from the public roadway.
- B. The sign, post, and attachment equipment will be available from the Woodford County Zoning Administrator for a fee not to exceed the cost to the County. The equipment will be issued at the time a building permit is issued. It is the responsibility of the owner to post such signage per the requirements listed above. The Zoning Administrator will inspect the posted signage when inspecting the structure.
- C. If the posted sign is damaged, or unreadable due to weathering, the sign does not comply with this ordinance. It shall be the duty of the owner or person in charge to contact the Woodford County Zoning Administrator. The Zoning Administrator shall issue replacement posts or signs at a cost to the owner or person in charge not to exceed the cost paid by the County. It shall be the responsibility of the owner or person in charge to re-post the sign at its original location.

#### **§154.04.5 Open Spaces**

- A. No yard, buffer strip, or other open space, off-road parking space or loading berth, or lot existing on the effective date of this ordinance shall be reduced in dimension or area below the requirements set forth hereinafter.

#### **§154.04.6 Disconnected Territory**

- A. All territory which may hereafter be disconnected from any incorporated area within the County shall be considered to be zoned in the same manner as the territory contiguous with such disconnected territory. Where such disconnected territory is contiguous with two (2) or more districts, it shall be zoned in the same manner as the district which has the largest contacting boundary to such disconnected territory until otherwise classified.

#### **§154.04.7 Supplementary District Regulations and Standards**

- A. Height.
1. The height of any main or principle structure or accessory building may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard requirements for the district in which the structure is located.
  2. Height regulations and standards shall not apply to spires, belfries, penthouses, or domes not used for human occupancy nor to chimneys, ventilators, sky lights, water tanks, bulkheads, utility poles, and power lines, silos, and other necessary mechanical appurtenances provided their location shall conform where applicable to the regulations and standards of the Federal



Communications Commission, the Federal Aviation Administration, and other public authorities having jurisdiction.

B. All setbacks and yard requirements shall be measured from the overhang of the proposed structure.

C. Minimum Road Setbacks. The following setback standards shall apply to all districts for principal and accessory structures.

1. State or Federal Highway: 150 feet from the centerline of the road or 50 feet from the right-of-way line, whichever is greater. (03/18/08)
2. County Highway: 100 feet from the centerline of the road or 30 feet from the right-of-way line, whichever is greater. (03/18/08)
3. Township Road: 65 feet from the centerline of the road or 30 feet from the right-of-way line, whichever is greater. (03/18/08)
4. Private Road (Minor) or Direct Access Road: 60 feet from the centerline of the road.
5. Storm or flood water runoff channel or basin: 50 feet from the nearest shoreline or high water line.

D. Yards. Notwithstanding any other provisions of this ordinance, the minimum yard dimensions specified hereinafter shall not be reduced except through action by the ZBA or Hearing Officer. The following yard regulations and standards shall apply to all lots or tracts of land on which a structure is located. (12/19/17)

1. Yards shall be kept unobstructed for their entire depth except as specified hereinafter.
2. Private driveways, service drives, easements, sidewalks, flagpoles, arbors, trellises, fences, walls, ornamentation, vegetation, columns, light poles, hydrants, patios, accessory signs, seasonal decorations, and utility devices may be placed in any yard.
3. Agriculture may be carried on in any yard except as hereinafter provided.

E. Visibility. Notwithstanding any other provisions of this ordinance the following visibility regulations and standards shall apply:

1. Corner Lot: On a corner lot nothing shall be constructed, erected, placed, planted, or allowed to grow in such manner as materially to impede vision between a height of two and one-half (2 1/2) feet above the center-line grades of the intersecting roads in an area bounded by the road right-of-way lines of such corner lot and a straight line joining points along said road right-of-way lines fifty (50) feet from the nearest point of intersection. Beyond such fifty (50) foot limits, §154.20 and §154.21 shall apply.

F. Lots. Unless the regulations and standards of the district in which lots are located requires greater lot areas, lot widths, or lot depths, the following regulations and standards, shall apply to lots platted or created after the effective date of this ordinance:

1. A lot without a public water supply system and without a public sanitary sewer system shall conform to the standards of the Woodford County Private Sewage Disposal Ordinance and Woodford County Health Department review. (02/27/12)
2. A lot served by either a public water supply system or a public sanitary sewer system shall conform to the standards exercised by the jurisdiction in which it lies. (02/27/12)

3. A lot upon which a community water system is located shall conform to the standards exercised by the jurisdiction in which it lies. (02/27/12)
  4. A lot which is served by a community water system shall conform to the standards exercised by the jurisdiction in which it lies. (02/27/12)
  5. Lots hereafter platted or created shall not be reduced in area, width, and/or depth by sale, development, or subdivision so that lot area, lot width, lot depth, lot area per dwelling unit, lot area per lodging unit, yards, buffer strips, or other open spaces required are narrower or smaller, than specified hereinafter.
  6. No lot hereafter platted or created shall be less than one-hundred (100) feet in depth.
  7. The minimum lot depth shall be measured along the shorter side lot line.
  8. The lot width shall be measured at the setback line.
  9. Notwithstanding the district regulations, within the Agriculture or Conservation district, a lot may hereafter be created, on which is located on the effective date of this amendment, an existing dwelling such as a tenant farm home or a farm manager's dwelling but not including a mobile home or trailer, provided such lot shall be not less than one (1) acre in area and have a width of not less than one-hundred-twenty (120) feet.
  10. Variances shall be considered for non-conforming lots containing residential uses that were platted prior to December 12, 1995 or are existing farmsteads.
- G. The conditions set below for gravel/borrow pits shall apply to such uses in all districts in which they are permitted.
1. All pits developed by the excavation of material shall have side slopes of 5 horizontal to 1 vertical, such slopes shall not encroach upon the setbacks required in §154.4.7.C of this ordinance and the side yard requirements of the particular district.
  2. The ZBA may prescribe special conditions at its discretion in conformity with this ordinance.
  3. Accessory Construction plants or equipment, not of permanent location, may be established.
  4. No extraction operation shall be within two-hundred (200) feet of any existing Dwelling except those which may be owned by the applicant of the permit or written permission is obtained from the owner of such dwelling.
  5. A performance bond equal to the assessed valuation as computed for tax purposes of the property shall be posted with the county to insure conformance with reclamation site plan, which will be furnished by the applicant and contain the following:
    - a. A legal description of the proposed development site.
    - b. Names and addresses of all owners and developers.
    - c. North Point, Graphic Scale, Section Lines, Property Lines, Topography, Existing Roads, and Easements.
    - d. Existing Structures as well as ingress and egress for vehicular traffic will be indicated.

e. Proposed excavation limits and Uses of the surrounding area.

f. Reclamation of the area after the termination of the extraction operation.

6. All pits shall be screened from the view of public roadways and residential districts while excavation operations are active.

7. When the mineral extraction has ceased permanently (inoperative for one (1) year) the site shall be developed as per the prerecorded reclamation plan.

H. Mobile Homes.

1. It is not a violation of this ordinance for the inhabitants of a structure used as a dwelling, upon said structure being destroyed or rendered uninhabitable by fire or natural disaster, to occupy a mobile home on the premises of the destroyed or damaged structure, for a reasonable time, not to exceed 120 days, until said structure can be rebuilt or repaired.

**§154.08 Exemption from Regulations and Standards**

A. The following structures and uses are exempted by this ordinance in some zoning districts (please review the individual zoning district information for complete details):

Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for communications, electric power, gas, water, and sewer lines, provided that the installation shall conform where applicable with the rules and regulations of the Illinois Commerce Commission, the Federal Aviation Administration, and of other public authorities having jurisdiction. (06/20/06)

Accessory structures 70 (seventy) square feet or less and less than 8 (eight) feet tall to the peak of the roof, used for storage of personal property. This exemption does not apply to the Commercial or Industrial Districts. (03/18/08)

## **SECTION 5**

### **ADMINISTRATION, ENFORCEMENT and FEES**

#### **§154.05.1 Duties of the Zoning Administrator, ZBA, Woodford County Board, and Courts on Matters of Appeal**

- A. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the ZBA only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the ZBA shall be to the courts as provided in Section 9.
- B. It is further the intent of this ordinance that the duties of the Woodford County Board in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Section and this ordinance. Under this ordinance the Woodford County Board shall have only the duties of:
  - 1. Considering or adopting recommendations for special uses, considering, adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law. Additionally, the Woodford County Board may refer the petition back to the ZBA for further consideration. (2/18/20)
  - 2. Appointing a Zoning Administrator and Members of the Zoning Board of Appeals.

#### **§154.05.2 ZONING ADMINISTRATOR**

##### **A. Appointment:**

- 1. This ordinance shall be administered and enforced by the Zoning Administrator appointed by the Chairman of the Woodford County Board and confirmed by the members of the Woodford County Board. The Zoning Administrator may be provided with the assistance of such persons as the Woodford County Board may direct.

##### **B. Authority and Duties:**

- 1. The Zoning Administrator shall have the authority and duty to administer and enforce this ordinance and shall:
  - a. Issue all Zoning Permits where authorized by this ordinance and keep permanent records thereof.
  - b. Issue all Zoning Compliance Certificates and keep permanent records thereof.
  - c. Conduct such inspections of structures and uses as are necessary to determine compliance with this ordinance.
  - d. Maintain permanent records pertaining to variances, special conditions, and special uses granted, modified, or denied by the ZBA and Hearing Officer (12/19/17).
  - e. Maintain permanent records of all amendments to this ordinance.
  - f. Notify adjoining property owners of record of such pending action in the cases of rezoning, special use, appeal and variance. (06/20/06)

- g. Make, or cause to be made, changes to the official zoning map.
- h. When directed by the ZBA, Hearing Officer, or Planning Commission, prepare factual reports pertaining to any variance, special condition, or special use, or to any amendment to this ordinance (12/19/17).
- i. Attend meetings of the ZBA, Hearing Officer, or Woodford County Planning Committee or public hearings held in connection with any variance, special condition, or special use, or any amendment to this ordinance. The Zoning Administrator shall further be responsible for minute-taking for the meetings previously mentioned along with the preparation and distribution of those minutes (12/19/17).
- j. In the event that any regulations and standards of this ordinance are being violated, notify immediately in writing upon his knowledge of such violation the perpetrator of such violation, indicating the nature of the violation and the action necessary to correct it. The Zoning Administrator shall order the discontinuance of illegal use of any structure or land; removal of any illegal structure or of any addition, change, or alteration thereto; discontinuance of any illegal work being done; or shall take other action authorized by this ordinance to insure compliance with or to prevent violation of its regulations and standards. When necessary, the Zoning Administrator after investigation and recommendation may inform the State's Attorney of the County, who shall, in turn, institute an appropriate action or proceeding in equity to restrain, correct, or abate such violation.

C. Duties relating to floodplain regulation:

1. The Zoning Administrator shall issue all Zoning Permits where authorized by this ordinance and keep permanent records thereof. For development proposals located in an identified floodway or within a river line SFHA where the floodway has not yet been identified, the following rule shall apply: The Zoning Administrator shall review the development plans to discern if:
  - a. A new obstruction to flood flows would be created.
  - b. The project will involve channel crossing such as a bridge or pipeline.
  - c. The project will modify the shape of the channel. If any of these three (3) situations will result from the project, the applicant shall be required to obtain a permit from the Illinois Department of Natural Resources, Office of Water Resources, issued pursuant to 615 ILCS 5/23. The Zoning Administrator shall not issue a development permit unless the applicant has obtained either a Section 70 permit or a "waiver of permit required" from the Office of Water Resources.
2. Issue all Zoning Compliance Certificates and keep permanent records thereof.
3. Conduct such inspections of structures and uses as are necessary to determine compliance with this ordinance; and to make such inspections periodically within SFHA's to determine compliance with the provisions set forth for floodplain management.
4. Prepare the annual report required by the Federal Emergency Management Agency and to forward a copy of same to said Agency, to the Illinois Department of Natural Resources, Office of Water Resources, and to the Planning Commission.
5. When the ZBA or Hearing Officer grants a variance in the designated floodplain, that would lessen the degree of protection from flooding to a building, structure, or use, notify an applicant in writing that a variance that would lessen the degree of protection to a building,

will: (12/19/17)

- a. Result in increased premium rates for flood insurance and increase the risks of life and property.
  - b. Require that the applicant proceed with knowledge of these risks and that he will acknowledge in writing that he assumes the risk and liability.
6. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based upon available information derived from engineering and scientific methods. Flood heights may be increased by man-made and/or natural causes. This ordinance does not imply that development either inside or outside of the SFHA's will be free from flooding or damage. This ordinance does not create liability on the part of the County or any officer or employee thereof for any flood damage that results from reliance upon this ordinance or any administrative decision made lawfully thereunder.

### **§154.05.3 Zoning Permit**

- A. The Zoning Permit shall be obtained by the owner or lessee, agent of either, or the architect, engineer, or builder employed in connection with the proposed work from the Zoning Administrator before starting.
1. To establish, occupy, or change the use of a structure or land either by itself or in addition to another use.
  2. To construct or erect a new structure or part thereof.
  3. To extend or move any structure or part thereof.
  4. To change one (1) non-conforming use to another such use or to a special use.
  5. To extend, expand, change, or re-establish any non-conforming use.
  6. To undertake any development in the SFHA.
- B. Applications for Zoning Permits shall be filed in written form with the Zoning Administrator on such forms as the Zoning Administrator shall prescribe, and shall: (06/20/06)
1. State the location, including township, road number, lot, block, and/or tract comprising the legal description of the property.
  2. State the name and address of the owner, the applicant, and the contractor, if known.
  3. State the estimated project costs.
  4. Describe the uses to be established or expanded.
  5. Be accompanied by a plan, with prints, drawn approximately to scale, showing the:
    - a. Actual dimensions of the lot to be built upon.
    - b. Size, shape, and location of the existing and proposed structures.
    - c. Minimum floor elevations (in relation to Mean Sea Level) of the lowest habitable floor (including basement); or in the case of flood proofed non-residential structures, the elevation to which it will be flood proofed. Documentation or certification of such elevations will be maintained by the Zoning Administrator.

- d. Ingress and Egress.
  - e. Off-Road Parking Spaces and Loading Berths.
  - f. Water supply and sewage disposal facilities, including copy of any permit required by the County or State Health Department approving such facilities.
  - g. Other information as may be necessary to provide for the proper administration and enforcement of this ordinance.
6. Application for earth-covered dwellings shall be accompanied with structural engineer approved plans and stating thereon the maximum depth of earth the structure when properly constructed will sustain. (03/18/08)
  7. Application for development in the SFHA shall show the following additional data:
    - a. Existing grade elevation and all changes in grade to result from excavation or filling.
    - b. The direction of flow of surface drainage and flood flows.
    - c. The elevation of the lowest floor (including basement) of all buildings in the SFHA.
  8. Applicants for Commercial Wind and Solar projects shall demonstrate compliance with all state requirements in 55 ILCS 5/5 – 12. Zoning to the Zoning Administrator prior to the Zoning Permit being issued. (4/18/23)
    - a. Applicant shall contact the applicable Road Authorities for necessary permitting prior to construction.

C. Issuance of Zoning Permit.

1. The Zoning Administrator shall retain the original copy of the zoning permit and shall mark such permit whether approved or disapproved. One (1) copy shall be returned to the applicant, duly signed and marked.
2. The applicant's copy or a permit card shall be posted in plain sight on the premises for which it is issued until the Zoning Compliance Certificate shall have been issued by the Zoning Administrator.

D. Expiration of Zoning Permit.

1. If the work described on any Zoning use Permit shall not have begun within ninety (90) days from the issuance thereof, said Permit shall expire and be canceled by the Zoning Administrator and written notice thereof shall be given to the applicant.
2. If the work described on any zoning use permit shall not have been substantially completed within two (2) calendar years from the issuance thereof, said Permit shall expire and be canceled by the Zoning Administrator and written notice thereof shall be given to the applicant together with notice that further work as described on the canceled Permit shall not proceed until a new Permit shall have been issued; provided, however, that for Commercial and Industrial buildings the Permit shall extend for such additional period as is set forth in the application for the Zoning use Permit as the time necessary to complete the building.
3. Such new permit may require, at the discretion of the ZBA or Hearing Officer, a limitation on time allowed for the completion of the work and a performance bond to insure completion within the time set. Such new Permit shall not, in any case, be valid after three-hundred sixty-five (365) consecutive days from the date of issuance thereof.

4. A Zoning Permit issued for the establishment of the use of land where no structure is involved or on which land, a structure is accessory to the main or principal use, shall expire if the use of the land is discontinued for one year or more. The land so used shall be inspected by the Zoning Administrator to insure compliance with the regulations and standards of this ordinance. Land used for agriculture shall be exempt from the requirement.

E. A fee where required, shall be charged for such permit and collected by the Zoning Administrator who shall account for the same to the County. Any structure listed below that has begun construction without a building permit, as required by this code, will be penalized and issued a permit at four (4) times the normal permitting. (06/20/06)

1. The following fees shall be charged for the processing of applications and the issuance of building permits, and shall be collected by the Zoning Administrator, who shall be accountable to the County for such fees:

Master Permit Category	Sub-Category	Permit Fee	Penalized Fee
<b>1a. Residential Structures</b>	Dwelling with attached private garage (per dwelling unit; includes two-family and multi-family)	\$ 250	\$ 1,000
<b>1b. Non-Residential Structures</b>	<b>Additions to dwelling with attached private garage:</b>		
	Structures over 70 Sq. Ft. and 8 Ft. tall to the peak	\$ .15 per sq. ft.	\$ .60 per sq. ft.
	<b>Detached accessory structures and additions to:</b>		
	Structures over 70 Sq. Ft. and 8 Ft. tall to the peak	\$ .15 per sq. ft.	\$ .60 per sq. ft.
	<b>Personal Solar Energy Systems</b>		
	Over 70 Sq. Ft. and 8 Ft. tall	\$ .15 per sq. ft.	\$ .60 per sq. ft.
	<b>Commercial/Industrial</b>		\$ 200
	New construction \$2.50 per 100 sq. ft. Minimum fee \$250	\$2.50 per 100 Sq. Ft	\$10.00 per 100 Sq. Ft.
			\$ 600
	Additions to Commercial/Industrial \$2.50 per 100 sq. ft. Minimum fee \$250	\$2.50 per 100 Sq. Ft.	\$10.00 per 100 Sq. Ft.
<b>Not for Profit</b>			
	New construction per structure.	\$ 250	\$ 1,000
	Additions		
	Structures over 70 Sq. Ft. and 8 Ft. tall to the peak	\$ .15 per sq. ft.	\$ .60 per sq. ft.
<b>1c. Other</b>	Home Occupation Type II	\$ 50	\$ 200



Move a structure	\$ 100	\$ 400
Demolitions	\$ -	\$ -
Swimming Pools	\$ 50	\$ 200
Fences	\$ 50	\$ 200
Signs	\$ 50	\$ 200
Billboards	\$ 200	\$ 800
Small Wind Energy Conversion Systems	\$ 200	\$ 800
Towers and/or Wind Energy Conversion System (0-50 ft. above ground level)	\$ 500	\$ 2,000
Towers and/or Wind Energy Conversion System (in excess of 50 ft. above ground level)	\$10/linear ft.	\$40/linear ft.
Change of Use	\$ 250	\$ 1,000
Solar Farm Energy Systems (SFES) (per megawatt)	\$250/megawatt	\$1,000
Stop Work Order	\$ 100	\$ 400
Plat Review	\$ 50	\$ 200

2. Fees Charged for Public Hearings. The following fees shall be charged for processing Zoning Board of Appeals Applications which require a Public Hearing, and shall be collected by the Zoning Administrator, who shall be accountable to the County for such fees: (9/17/19)

<b>2. Hearings</b>	Appeals	\$ 60	\$ -
	Variances	\$ 60	\$ -
	Special Use Permits Per Parcel	\$200 1st 5 acres plus \$10.00 per acre over 5.	\$ -
	Amendments/Rezoning Per Parcel	\$200 1st 5 acres plus \$10.00 per acre over 5.	\$ -
	Administrative Variances	\$ 60	\$ -
	Sign Variances	\$ 60	\$ -
	Special Hearing	\$ 500	\$ -

(fees revised 06/20/06, 4/17/12, 3/22/18, 2/18/20)

3. There shall be no refund on any zoning use permit fee paid hereunder.
4. No fees shall be charged for permits for buildings intended to be used for agricultural purposes or for accessory buildings located on an operating farm. In addition the following are also excluded:
  - a. Government bodies, government owned and/or operated utilities.
5. Minimum fee of \$200 for up to 5 acres and then \$10.00 for every acre over 5.

#### **§154.05.4 Zoning Compliance Certificate**

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure or part thereof hereafter created, constructed, erected, changed, moved, or wholly or partly altered or enlarged in its use or structure until a Zoning Compliance Certificate shall have been issued thereof by the Zoning Administrator stating that the proposed use of the land and structure, conforms to the regulations and standards of this ordinance.
- B. Non-conforming use of land and non-conforming use of a structure shall not be renewed, changed, altered, or extended until a Zoning Compliance Certificate shall have been issued by the Zoning Administrator.
- C. The Zoning Compliance Certificate shall state specifically wherein such non- conforming use differs from the regulations and standards of this ordinance.
- D. Owners or occupants of non-conforming lot or parcel may, within twelve (12) months after notification by the Zoning Administrator apply for a Zoning Compliance Certificate.
- E. When all work as described on the Zoning Permit is complete, the applicant shall notify the Zoning Administrator. After examination of the premises to ascertain that all work described on the Zoning use Permit has been conducted in compliance with the regulations and standards of this ordinance, the Zoning Administrator shall place the Zoning Compliance Certificate in the permit file. A copy of the Zoning Compliance Certificate shall be provided to the applicant upon request. (2/18/20)
- F. Except in the case of the use of land being discontinued for period of one year or more (except agricultural land), the issuance of the Zoning Compliance Certificate shall invalidate the Zoning use Permit issued for work conducted in connection with the premises involved.
- G. The Zoning Administrator shall retain the original copy of the Zoning Compliance Certificate. One (1) copy shall be returned to the applicant, duly signed.
- H. On each successive date of inspection of land, the use of which does not involve a structure or on which land a structure is accessory to the main or principal use, such main or principal use not involving any structure, and for which the Zoning use Permit does not expire, the Zoning Administrator shall issue a Zoning Compliance Certificate if such use has been conducted in conformance with the regulations and standards of this ordinance and shall be effective only until the next required date of inspection.
- I. A temporary Zoning Compliance Certificate may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a structure pending its completion, provided that such temporary Certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.
- J. Only in the case of issuance of a Zoning Compliance Certificate for the registration of a non-conforming use as specified in the applicable section shall a fee be charged for such Certificate. Such fee shall be \$3.00 and shall not be refundable.

#### **§154.05.5 Construction and Use**

- A. Zoning Use Permits and Zoning Compliance Certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction.
- B. The construction, erection, alteration, remodeling, extension, or movement of any use or structure without a Zoning Use Permit and/or a Zoning Compliance Certificate shall be deemed a violation

of this ordinance and punishable, as provided for in §154.07.

- C. Commercial Wind Energy Facilities and Commercial Solar Energy Facilities shall be a permitted use in all districts. (4/18/23)

**§154.05.6 Zoning Board of Appeals**

A. Appointment.

1. The Woodford County Board shall provide for the appointment of the ZBA. The ZBA shall consist of five (5) members to serve as follows:
  - a. One (1) for one (1) year.  
One (1) for two (2) years.  
One (1) for three (3) years.  
One (1) for four (4) years.  
One (1) for five (5) years.
2. The successor to each member so appointed by the Woodford County Board shall serve five (5) years. The Woodford County Board may provide for the appointment of an additional two (2) alternate members on the ZBA, to serve as follows:
  - a. One (1) for four (4) years.  
One (1) for five (5) years.
3. The successor to each such alternate member so appointed by the Woodford County Board shall serve five (5) years.
4. An alternate shall serve only in the absence of a regular ZBA member.
5. All appointments to the ZBA shall be made by the Chairman of the Woodford County Board and be confirmed by the members of the Woodford County Board.
6. One (1) of the members of the ZBA shall be named by the Woodford County Board as Chairman of the ZBA and in case of vacancy, a new Chairman shall be designated in like manner.
7. The Woodford County Board shall have the power to remove any member of the ZBA for cause, after public hearing, held after at least ten (10) days' notice to the member concerned, of the charges against him. Vacancies shall be filled by the Woodford County Board for the unexpired term of any member whose place has become vacant.
8. All of the members of the ZBA shall be residents of separate townships at the time of their appointments.

B. Proceedings of the ZBA.

1. All meetings of the ZBA shall be held at the call of the Chairman and at such times and places within the County as the ZBA may determine.
2. All meetings of the ZBA shall be open to the public.
3. The presence of a majority of the members of the ZBA at a meeting of the ZBA shall constitute a quorum. No action shall be taken by the ZBA unless a quorum is present.

4. The ZBA shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance.
5. The Chairman, or in his absence, the acting Chairman may administer oaths and compel the attendance of witnesses. All testimony by any witness shall be given under oath.
6. The ZBA shall keep minutes of the proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
7. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the ZBA shall immediately be filed in the office of the ZBA and shall be a public record.
8. In the performance of its duties the ZBA may incur such expenditures as are authorized by the Woodford County Board.

C. Appeals; Notice; Hearing.

1. Appeals may be taken to the ZBA by any person aggrieved, or by an officer, department, Board, commission, or bureau of the County; or by any person affected by any order, requirement, interpretation, decision, or determination made by the Zoning Administrator.
2. Appeals shall be taken within such time as may be provided by the rules of the ZBA, by filing with the Zoning Administrator and with the ZBA, a Notice of Appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the ZBA all the papers constituting the record upon which the action appealed from was taken.
3. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the ZBA after the notice of the appeal has been filed with him that by reasons of facts stated in the certificate a stay would in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the ZBA or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.
4. The ZBA shall fix a reasonable time for the hearing of the appeal and give notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

D. Powers and Duties.

1. The ZBA shall have the power and duty to hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
2. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the administration and enforcement of this ordinance.

E. Decision of the ZBA.

1. In exercising the above mentioned powers and duties, the ZBA may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator from whom the appeal was taken and may make such order, requirement, decision, or determination as sought to be made, and to that end shall have the powers of the Zoning Administrator from

whom the appeal was taken.

2. The concurring vote of three (3) members of a ZBA consisting of five (5) members shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance. (8/20/13)
3. Unless otherwise specified in the order or decision authorizing a variance or a special use, such grant shall expire if the applicant fails to obtain a zoning use permit within ninety (90) days from the date of the order or decision.

**§154.05.7 Hearing Officer** (12/19/17)

A. Appointment.

1. The Chairman of the ZBA shall serve as Hearing Officer for the duration of their term.
2. The Hearing Officer may designate an alternate Hearing Officer as outlined in the ZBA by-laws Article 2, Section 4.
3. The alternate shall serve only in the absence of the regular Hearing Officer.
4. The Woodford County Board shall have the power to remove a Hearing Officer for cause, after public hearing, held after at least ten (10) days' notice to the member concerned, of the charges against him.

B. Proceedings of the Hearing Officer.

1. All meetings shall be held at the call of the Hearing Officer and at such times and places within the County as the Hearing Officer may determine.
2. All meetings of the Hearing Officer shall be open to the public.
3. The Hearing Officer shall adopt rules necessary to the conduct of its affairs and in keeping with the ZBA by-laws and with the provisions of this ordinance.
4. The Hearing Officer, or in his absence, the Alternate Hearing Officer may administer oaths and compel the attendance of witnesses. All testimony by any witness shall be given under oath.
5. The minutes of the proceedings shall be kept in accordance with this ordinance. Hearing Officer shall keep minutes of the proceedings, and shall also keep records of the examinations and other official actions.
6. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Hearing Officer shall immediately be filed in the office of the Hearing Officer and shall be a public record.
7. In the performance of his duties the Hearing Officer may incur such expenditures as are authorized by the Woodford County Board.

C. Appeals; Notice; Hearing.

1. Appeals may be taken to the ZBA by any person aggrieved, or by an officer, department, Board, commission, or bureau of the County; or by any person affected by any order, requirement, interpretation, decision, or determination made by the Zoning Administrator or Hearing Officer.

2. Appeals shall be taken within such time as may be provided by the rules of the ZBA, by filing with the Zoning Administrator and with the ZBA, a Notice of Appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the ZBA all the papers constituting the record upon which the action appealed from was taken.
3. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the ZBA after the notice of the appeal has been filed with him that by reasons of facts stated in the certificate a stay would in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the ZBA or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.
4. The ZBA shall fix a reasonable time for the hearing of the appeal and give notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

D. Powers and Duties.

1. The Hearing Officer shall have the power and duty to hear and decide all uncontested variances referred to him under this ordinance. In the event an interested party is filed the full membership shall be notified and a quorum of the ZBA will be required to hear the petition.

E. Decision of the Hearing Officer.

1. Unless otherwise specified in the order or decision authorizing a variance such grant shall expire if the applicant fails to obtain a zoning use permit within ninety (90) days from the date of the order or decision.

## **SECTION 6**

### **NON-CONFORMITIES**

#### **§154.06.1 Intent**

WHEREAS, within the district established by this ordinance or by amendments that may later be adopted, there exist lots, premises, structures, and uses of land which were lawful before this ordinance was effective or amended, but which would be prohibited, regulated, or restricted under the provisions of this ordinance or future amendment; and WHEREAS, it is the intent of this ordinance to permit these non-conformities to continue until they are removed (except as otherwise herein provided), but not to encourage their survival. Such non-conformities, as listed below, are declared by this ordinance to be incompatible with the permitted structures and uses of land and structures in the districts involved. It is further the intent of this ordinance that such non-conformities shall not be enlarged upon, expanded, or extended except as provided for therein, not to be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- A. A non-conforming use of land, premises, or structure shall not be enlarged upon, expanded, or extended after the effective date of this ordinance by the attachment of a structure, premises, or land, or additional signs intended to be seen off the premises or land, or by the addition of other uses of a nature which would be prohibited in the district involved.
- B. All structures existing on non-conforming lots at the time of the adoption of this ordinance shall have the continuing right to rebuild said properties in the unforeseen event of a flood, fire, or other natural disaster.
- C. A non-conforming use or a non-conforming structure which is non-conforming only because of failure to provide required off-road parking spaces or loading berths shall have all the rights of a conforming use or structure.

#### **§154.06.2 Non-conforming lots of record**

- A. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not continuous frontage with other lots in the same width, or both, that are generally applicable in the district provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located unless otherwise provided herein.
- B. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the effective date of this ordinance, and if all or part of the lots do not meet the requirements for lot area, width, and/or depth as established by this ordinance, the lots involved shall be considered to be an undivided tract of land for the purpose of this ordinance, and no portion of said undivided tract of land, shall be used by the present owner, or any future owner, for the erection of a structure which does not meet the lot area, width, and/or depth requirements established by this ordinance.
- C. Anything contained herein notwithstanding, a lot of record on the effective date of this ordinance which is classified non-conforming because said lot fails to meet the requirements for area, width, and/or depth of the district in which said lot is located, shall not be eligible for the location of a dwelling for reasons of protecting the public health unless said lot contains a minimum area as follows:

1. A lot without a public water supply system and without a public sanitary sewer system shall conform to the standards of the Woodford County Private Sewage Disposal Ordinance and Woodford County Health Department review. (02/27/12)
2. A lot served by either a public water supply system or a public sanitary sewer system shall conform to the standards exercised by the jurisdiction in which it lies. (02/27/12)

D. Yard Regulations and Standards for Single non-conforming lots of record:

1. Front Yard.
  - a. The minimum front yard dimension shall be determined according to the setback line provided for in Section 4-1600C of this Ordinance.
2. Rear Yard. The rear yard regulations and standards of the district in which such lot is located shall apply.
3. Side Yard.
  - a. On such lot with a width of fifty (50) feet or more, two (2) side yards shall be provided as required by the regulations and standards of the district in which such lot is located.
  - b. On such lot less than fifty (50) feet but not less than twenty-seven (27) feet in width, two (2) side yards shall be provided each equaling ten percent (10%) of the lot width.
  - c. On such lot less than twenty-seven (27) feet but not less than twenty (20) feet in width, the structure located on such lot shall have a width of not more than ninety percent (90%) of such lot width. Only one (1) side yard need be provided, equaling in width the difference between the lot width and the maximum permitted width of the structure. No other side yard need be provided. The wall of any building facing the side of the lot on which no side yard is required shall be without openings and shall not be constructed on a common wall.

**§154.06.3 Non-Conforming Uses of Land**

Where, on the effective date of adoption or amendment of this ordinance, a lawful use of land exists that is no longer permissible under the regulations and standards of this ordinance as adopted, or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such non-conforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this ordinance.
- B. No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this ordinance.
- C. If any such non-conforming use of land ceases for any reason for a period of more than one-hundred- eighty (180) consecutive days, any subsequent use of such land shall conform to the regulations and standards set by this ordinance for the district in which such land is located.

**§154.06.4 Non-conforming structures**

Where, on the effective date of adoption or amendment of this ordinance, a lawful structure exists that could not be built under the regulations and standards of this ordinance as adopted or amended, by reasons of restriction on lot area, lot coverage, floor area ratio, height, yards, spacing between buildings, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:



- A. No such structure may be enlarged or altered in a way which increases its non-conformity. Such a structure, non-conforming as to its setbacks or one or more yards, may be enlarged or altered, provided the addition encroaches no further into the required setbacks or yard. Any further encroachment beyond this limitation will require that a petition for variance be filed and approved in accordance with §154.25 of this Ordinance.
- B. All structures constructed on non-conforming lots at the time of the adoption of this ordinance shall have the continuing right to rebuild said properties in the unforeseen event of a flood, fire, or other natural disaster.
  - 1. The reconstruction of a building on a nonconforming lot must take place within the footprint of the original structure as regulated in §154.06.4.
- C. Should any such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located after it is moved.

#### **§154.06.5 Non-conforming Uses of Structures**

Where, on the effective date of adoption, or amendment, of this ordinance, a lawful use of a structure, or of a premises, exists that is no longer permissible under the regulations and standards of this ordinance as adopted, or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or altered except in changing the use of such structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption, or amendment, of this ordinance, but no such use shall be extended to occupy land outside of such structure.
- C. If no structural alterations are made, any non-conforming use of a structure, or of any premises, may be changed to another non-conforming use provided that the ZBA, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change the ZBA may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- D. Any structure, or any premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulation and standards of the district in which such structure or premises is located, and the non-conforming use shall not be resumed.
- E. When a non-conforming use of a building or structure or of a premises, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or the premises, shall not thereafter be used except in conformance with the regulations and standards of the district in which it is located.
- F. Where non-conforming use status applies to a premises, removal or destruction of the structure shall eliminate the non-conforming use status of the land, except as it may qualify as a non-conforming lot of record.

#### **§154.06.6 Non-conforming Signs**

Where, on the effective date of adoption or amendment of this ordinance, a lawful sign exists that could not be located under the regulations and standards of this ordinance as adopted, or amended, by reasons of restrictions on location, sign area, height, or other characteristics, such sign may be continued so long as it remains otherwise lawful subject, however, to the following limitations and provisions:

- A. No such sign may be enlarged or altered which increases its non-conformity but the substitution or interchange of poster panels or painted boards shall be permitted.
- B. Should such sign be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- C. Should such sign be moved for any reason for any distance whatsoever it shall thereafter conform to the regulations and standards for the district in which it is located after it is moved.

#### **§154.06.7 Repairs and Maintenance**

On any structure devoted in whole or in part to any non-conforming use, or which itself is non-conforming, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not to exceed ten percent (10%) of the then current replacement value of the structure, provided that the volume of such building or the size of such structure as it existed at the effective date of adoption, or amendment, of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### **§154.06.8 Exceptions**

Requests for variance shall be considered on non-conforming lots as per §154.25 of this Ordinance.

## **SECTION 7**

### **VIOLATIONS**

#### **§154.07.1 Violations**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

A. In case any structure is erected, constructed, reconstructed, altered, converted, or any structure, or land is used in violation of this ordinance:

1. The Zoning Administrator, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute an appropriate action or proceedings in equity 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 structure or land, or to prevent any illegal act, conduct, business, or use in or about such structure or land.
2. Any alteration of the area below the Flood Protection Elevation (FPE) shall be deemed a violation of this ordinance, and the Zoning Administrator shall inform the owner and occupant that any such alteration is considered a willful act to increase flood damage and may cause coverage by a Standard Flood Insurance Policy to be suspended, in addition to any penalties which may result from the zoning violation.
3. The Zoning Administrator, or any owner or tenant of real property in the same contiguous zoning district as the structure or land in question, in addition to other remedies, may institute an appropriate action or proceeding in any Court of Competent Jurisdiction:
  - a. To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use of a structure.
  - b. To prevent the occupancy of the structure or land.
  - c. To prevent any illegal act, conduct, business, or use in or about such structure or land.
  - d. To restrain, correct, or abate the violation.
4. Any violation of this ordinance shall be deemed a petty offense punishable by a fine not to exceed \$500, with each week the violation remains uncorrected constituting a separate offense.
5. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

## **SECTION 8**

### **VALIDITY, CONFLICTING ORDINANCES, & NON-INTERFERENCE**

#### **§154.08.1 Purpose**

The purpose of this section is to affirm the continued overall validity of this Ordinance, in light of court rulings against particular portions of said Ordinance

#### **§154.08.2 Validity**

- A. If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in the said ruling.
- B. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular property, structure, or land, such ruling shall not affect the application of said provision to any other property, structure, or land not specifically included in said ruling.

#### **§15408.3 Repeal of Conflicting Ordinances**

- A. This amendatory ordinance shall be in full force and effect after its adoption and publication as required by law. All ordinances or parts thereof in conflict with this amendatory ordinance are hereby repealed to the extent necessary to give this ordinance the full force and effect.

#### **§154.08.4 Non-Interference with Greater Restrictions Otherwise Imposed**

- A. It is not intended by this ordinance to interfere with, or abrogate or annul any easement, restrictions, covenants, or other agreements, between parties, nor to interfere with, or abrogate or annul any ordinances other than expressly repealed hereby, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or provided, except that where this ordinance, imposes a greater restriction upon the use of land or structures, or upon the height of structures, or requires larger or greater open spaces, yards, spacing between buildings, buffer strips, courts, lot area, lot area per dwelling unit or lodging unit, floor area, floor area ratio, habitable floor area coverage, parking spaces, loading berths, setback line, lot width, or lot depth, or any similar restrictions, than are required by or imposed by such easements, restrictions, covenants, or other agreements between parties, or by such ordinances, rules, regulations, or permits, the provisions of this ordinance shall control.

## **SECTION 9**

### **APPEALS FROM THE ZBA**

#### **§154.09.1 Purpose**

The purpose of this section is to offer petitions, turned down by the ZBA, a method of relief from decisions rendered by that Board.

#### **§154.09.2 Appeals**

Any person or persons, or any Board, department, bureau, or commission of the County aggrieved by any final decision of the ZBA may seek judicial review by a court of record or such decision, in the manner provided by the laws of the State of Illinois and particularly by the provisions of the "Administrative Review Law," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

## **SECTION 10**

### **Inoperable Motor Vehicles**

(Section added 8/18/20)

#### **§154.10.1 Purpose**

It is the purpose and intent of this section to declared that an inoperable motor vehicles to be a nuisance; and whereas Illinois complied statutes Chapter 55, Section 5/5-1092 and Section 5/5-12002 enables the County Board by ordinance to declare inoperable motor vehicles whether on public or private property to be a nuisance, and authorizes the levying of fines for the failure of any person to obey a notice from the county which states that such person is to dispose of any inoperable motor vehicles under his or her control.

#### **§154.10.2 Definitions**

**HISTORIC VEHICLE:** A motor vehicle that is over 25 years of age, which is maintained for the purposes of display in antique auto shows. Display in exhibitions, or for exhibition or demonstration.

**INOPERABLE MOTOR VEHICLE:** Any motor vehicle from which, for a period of at least 15 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power.

**MOTOR VEHICLE:** Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wire, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs.

**MOTOR VEHICLE OWNER:** Any person who holds legal title of a motor vehicle.

**TEMPORARILY INCAPABLE:** Any motor vehicle which is inoperable for a period of less than 30 days.

#### **§154.10.3 Application**

This section applies to any motor vehicle within the limits of Woodford County, Illinois, whether on public or private property, which is an inoperable motor vehicle as defined by this ordinance. Such inoperable motor vehicles are declared a nuisance pursuant to authority conferred by Illinois compiled statutes Chapter 55, Section 5/5-1092 and Section 5/5-12002.

#### **§154.10.4 Enforcement**

- A. It is the duty of the Woodford County Zoning office to inspect Motor vehicles which may constitute inoperable motor vehicles as defined in this ordinance.
- B. The Zoning office shall follow the violation procedures, if the violation is not abated the motor vehicle owner shall be notified by certified mail. The owner shall dispose of any inoperable motor vehicle under his or her control or repair said vehicle to operable condition and to do so within 20 days of the date of mailing of the notice to dispose.
- C. An inoperable motor vehicle is under the control of a person if that person:
  - 1. Is the motor vehicle owner as defined by this ordinance, or
  - 2. Is in custody or possession of the inoperable motor vehicle, or
  - 3. Is the owner of real property upon which the inoperable motor vehicle is located, or
  - 4. Has any possessory interest in the real property upon which the Inoperable motor vehicle is located, or

5. Has any possessory interest in the inoperable motor vehicle.
- D. Any person receiving a notice to dispose of an inoperable motor vehicle shall, within 20 days of the date of mailing of the notice to dispose:
1. Repair all inoperable motor vehicles identified in the notice to operable condition, or
  2. Dispose of all inoperable motor vehicles identified in the notice. Said disposal to be made in accordance with all applicable statutes of the State of Illinois and all applicable ordinances of Woodford County, Illinois.

**§154.10.5 Exclusions**

This ordinance shall not apply to the following:

- A. Operable historic vehicles as defined in this ordinance.
- B. Any motor vehicle that is kept within a building when not in use.
- C. Any motor vehicle on the premises of a place of business that is licensed by the Illinois secretary of state to engage in wrecking or junking of motor vehicles.
- D. Any 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.

**§154.10.5 Penalty**

Penalties shall be in accordance with §154.7.

## **SECTION 11**

### **(AG) AGRICULTURE DISTRICT**

#### **§154.11.1 Purpose**

The Agriculture District is established to benefit and protect agricultural uses throughout the County. The intent of the Agriculture District is to protect those areas which are best suited to the pursuit of agriculture in order to ensure that agriculture will continue to be maintained as a long term land use and a viable economic activity within the County. The preservation of the County's rural character is also an aim of this district. Development may be permitted in this district in areas and at densities that are compatible with existing agricultural operations.

#### **§154.11.2 Permitted Uses**

The following uses are permitted uses in the AG District in accordance with the applicable regulations as set forth in this Ordinance: Permitted uses in 1 (one) district shall not be permitted in another district unless specifically stated. (03/18/08)

- A. Accessory structures and uses.
- B. Agriculture.
- C. Dwellings, single-family detached on a lot not less than two (2) acres.
- D. Dwellings, single-family detached on a zoning lot of record prior to the effective date of this ordinance.
- E. Governmental (essential).
- F. Greenhouse (non-commercial).
- G. Home Occupation, Type I and Type II. (9/18/12)
- H. Kennels, private, accessory to a residential use.
- I. Manufactured homes on a lot not less than two (2) acres, such manufactured home shall be a minimum of twenty-four feet in width and more than thirty-five feet in length, installed on a permanent foundation, and shall have brick, wood or cosmetically equivalent exterior siding and a pitched roof.
- J. Mobile homes on a lot not less than forty (40) acres may be occupied by the owner, operator, or direct relative (mother, father, sister, brother) of the farm.
- K. Roadside stands: for the temporary sale of farm produce.
- L. Signs in accordance with the provisions as set forth in the sign section.
- M. Stable (private).

#### **§154.11.3 Special Uses**

The following uses (not an all inclusive list) may be established by a special use permit in the AG district in accordance with procedures and standards set forth in Section 24. Those parcels with soils not considered Prime Farmland, as identified in the 1992 Woodford County Soil Survey pages 220 and 221, shall be more



favorably considered for development. (9/18/12) Community growth areas, as identified in the Comprehensive Land Use Plan, may be considered more favorably for special uses. (7/15/14) (7/21/15)

- A. Accommodation/Lodging
- B. Adult Business
- C. Agriculture Related Services
- D. Automotive Services
- E. Construction Services
- F. Domestic Services
- G. Institutions
- H. Manufacturing
- I. Planned Unit Development
- J. Professional Services
- K. Public Entertainment
- L. Recreational Facility
- M. Retail Facility
- N. Signs
- O. Transportation
- P. Utilities

#### **§154.11.4 Minimum Lot Sizes**

Except as provided by special use permit, all uses and structures in the Agriculture District shall have a minimum lot size of two (2) acres.

#### **§154.11.5 Minimum Lot Width**

Minimum lot width at the building setback line shall be 200 feet.

#### **§154.11.6 Minimum Setbacks**

The setback standards shall apply for principal and accessory structures:

##### **A. Agricultural and Non-Agricultural Uses.**

##### **1. Front Yard.**

- a. The minimum front yard dimension shall be determined according to the setback line provided for in Section §154.04.7.C of this Ordinance.

B. Non-Agricultural Uses, only.

1. Side Yard.

- a. Principal structures shall have a side setback of not less than 30 feet.
- b. Accessory structures shall have a side setback of not less than 15 feet.

2. Rear Yard.

- a. Principal structures shall have a rear setback of not less than 50 feet.
- b. Accessory structures shall have a rear setback of not less than 15 feet.

3. Height. The following height regulations shall apply in the AG District: (2/18/20)

- a. Principal structures not to exceed 45 feet to the peak of the roof.
- b. Accessory structures not to exceed 25 feet to the peak of the roof

**§154.11.7 Maximum Coverage**

The maximum allowable coverage of any lot in this district, by residential and agricultural structures, is limited to eight percent (8%) of the total lot size.

## **SECTION 12**

### **CONSERVATION DISTRICT**

#### **§154.12.1 Purpose**

- A. The preservation of environmental amenities and natural resources.
- B. The preservation of natural habitats for wildlife.
- C. The public health, safety, and general welfare by reducing the hardships and financial burdens imposed on the county by the periodic flooding and overflow of the streams and rivers.
- D. The preservation of watershed areas.

#### **§154.12.2 Permitted Uses**

The following uses are permitted uses in the Conservation District in accordance with the applicable regulations set forth in this Ordinance: Permitted uses in 1 (one) district shall not be permitted in another district unless specifically stated. (03/18/08)

- A. Accessory structures and uses.
- B. Agriculture.
- C. Dwellings, single-family detached on a lot not less than two (2) acres. The applicant must demonstrate that the land for which the use is sought or that portion of said land to be used for the dwelling, water supply, and sewage disposal system is above flood stage and there is available for the applicants use a strip of land, at least twenty (20) feet in width, suitable for vehicular access to a public road. This access point must be above flood stage. The minimum width of each tract shall not be less than two-hundred (200) feet.
- D. Dwellings, single-family detached on a zoning lot of record prior to the effective date of this ordinance.
- E. Governmental (essential).
- F. Greenhouse (non-commercial).
- G. Home Occupation, Type I and Type II. (4/17/12)
- H. Kennels, private, accessory to a residential use.
- I. Roadside stands: for the temporary sale of farm produce.
- J. Signs in accordance with the provisions as set forth in sign section.
- K. Stable (private).
- L. Parks.

#### **§154.12.3 Special Uses**

The following uses (not an all inclusive list) may be established by a special use permit in the Conservation District in accordance with procedures and standards set forth in §154.24 of this Ordinance: (9/18/12) (7/21/15)

- A. Accommodation/Lodging
- B. Adult Business
- C. Agriculture Related Services
- D. Automotive Services
- E. Construction Services
- F. Domestic Services
- G. Institutions
- H. Manufacturing
- I. Planned Unit Development
- J. Professional Services
- K. Public Entertainment
- L. Recreational Facility
- M. Retail Facility
- N. Signs
- O. Transportation
- P. Utilities

**§154.12.4 Minimum Lot Sizes**

All uses and structures in the Conservation District shall have a minimum lot size of two (2) acres.

**§154.12.5 Minimum Lot Width**

Minimum lot width at building setback line shall be two hundred (200) feet.

**§154.12.6 Minimum Setbacks**

The setback standards shall apply for principal and accessory structures:

- A. Agricultural and Non-Agricultural Uses.
  - 1. Front Yard.
    - b. The minimum front yard dimension shall be determined according to the setback line provided for in §154.04.7.C of this Ordinance.

B. Non-Agricultural Uses, only.

1. Side Yard.

- a. Principal structures shall have a side setback of not less than 30 feet.
- b. Accessory structures shall have a side setback of not less than 15 feet.

2. Rear Yard.

- a. Principal structures shall have a rear setback of not less than 50 feet.
- b. Accessory structures shall have a rear setback of not less than 15 feet.

3. Height. The following height regulations shall apply in the Conservation District: (2/18/20)

- a. Principal structures not to exceed 45 feet to the peak of the roof.
- b. Accessory structures not to exceed 25 feet to the peak of the roof.

**§154.12.7 Other Regulations and Provisions**

A. Structures.

- 1. Compliance with the performance standards of §154.04 is required.
- 2. Structures must be so placed as to offer the minimum obstruction to the flow of water and shall be firmly anchored to prevent the structure from being moved or destroyed by the flow of water and thus threatening to further restrict bridge openings and other restricted sections of streams and rivers.
- 3. Structures must be located according to the Setback Line standards.
- 4. Structures must be located according to the yard standards.
- 5. With regards to residential structures, have the lowest floor (including basement) elevated at least one (1) foot above the Base Flood Elevation. (11/16/10)
- 6. For non-residential structures have the lowest floor (including basement) elevated or flood-proofed to at least one (1) foot above the Base Flood Elevation.
- 7. Be constructed with materials and utility equipment resistant to flood damage.
- 8. Be constructed by methods and practices that minimize flood damage to other properties.
- 9. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- 10. All new and replacement sanitary sewage and on-site waste disposal systems shall be designed to minimize or eliminate infiltration of flood water into the systems and discharges from the systems into the flood waters.
- 11. All structures shall comply with the provisions in the Floodplain regulations §150.

## **SECTION 13**

### **(R-1) RESIDENTIAL SINGLE FAMILY DISTRICT**

#### **§154.13.1 Purpose**

The Single Family Residential District (R-1) is designed specifically for single-family residential housing opportunities and to provide for the efficient use and orderly development of vacant land designated for residential uses. The R-1 District is intended to be located in areas where central utilities, facilities and services exist or could logically be extended in the near future. These areas are normally contained within the community growth areas that have been designated in the Woodford County Land Use Plan.

#### **§154.13.2 Permitted Uses**

The following uses are permitted uses in the R-1 District, in accordance with the applicable regulations set forth in this Ordinance: Permitted uses in 1 (one) district shall not be permitted in another district unless specifically stated. (03/18/08)

- A. Accessory structures and uses.
- B. Agriculture on a lot not less than ten (10) acres.
  - a. Lots which are less than ten (10) acres may have up to six (6) Chickens. Roosters are not permitted (8/18/20)
- C. Day care, Type 1.
- D. Dwellings, single family.
- E. Dwellings, single-family detached on a zoning lot of record prior to the effective date of this ordinance.
- F. Forestry.
- G. Home Occupation, Type I
- H. Home Occupation Type II on parcels ten (10) acres or more (2/18/20)
- I. Kennels, Private. (4/17/12)
- J. Signs.

#### **§154.13.3 Special Uses**

The following uses (not an all inclusive list) may be established by special use permit in the R-1 District in accordance with the procedures and standards set forth in §154.24 of this Ordinance. (9/18/12) (7/21/15)

- A. Accommodation/Lodging
- B. Adult Business
- C. Agriculture Related Services
- D. Automotive Services
- E. Construction Services

- F. Domestic Services
- G. Institutions
- H. Manufacturing
- I. Planned Unit Development
- J. Professional Services
- K. Public Entertainment
- L. Recreational Facility
- M. Retail Facility
- N. Signs
- O. Transportation
- P. Utilities
- Q. Home Occupation, Type II on parcels less than ten (10) acres

**§15413.4 Minimum Lot Sizes**

Except as provided by special use permit, all uses and structures in the R-1 District shall have a minimum lot size as determined by the standards set forth in the §50 Private Sewage and Woodford County Health Department review. (02/27/12)

- A. Deleted
- B. Deleted
- C. Deleted (02/27/12)

**§154.13.5 Performance Standards**

- A. The following regulations and standards shall apply to all dwellings.
  - 1. Residential occupancy per dwelling unit shall be limited to one (1) family and not more than two (2) roomers or boarders.
  - 2. Dwellings shall be located also as to abut a direct access road but may abut a limited access road only if access to and from such road is provided by a merging feeder system.
- B. Lot Coverage. Not more than thirty percent (30) % of the total area of the lot shall be occupied by structures.
- C. Mobile Homes / Recreational Vehicles. Unoccupied recreational vehicles are permitted.
- D. Conversions. Any structure within this district may be converted into a single family detached dwelling provided all requirements for such dwelling are met.

**§154.13.6 Regulations and Standards for the (R-1) Residential District**

- A. Minimum Lot Width. The minimum at the building setback line shall be 100 feet.
- B. Minimum Setbacks. The following setback standards shall apply in the R-1 District for principal and accessory structures:
1. Front Yard.
    - a. The minimum front yard dimension shall be determined according to the setback line provided for in Section §154.04.7.C of this Ordinance.
  2. Side Yard.
    - a. Principal structures shall have a minimum setback of 10 feet or 1/2 of structure height, whichever is greater.
    - b. Accessory structures shall have a minimum setback of 5 feet.
  3. Rear Yard.
    - a. Principal structures shall have a minimum setback of 30 feet.
    - b. Accessory structures shall have a minimum setback of 5 feet.
  4. Where twenty-five percent (25%) or more of the lots within a block, such lots abutting roads other than arterial roads, were occupied by main or principal structures prior to the effective date of this ordinance, that average of the setback lines of such structures shall be the setback lines of the remaining vacant lots within such block except where the public health, safety, comfort, morals, or welfare are endangered.
  5. Where the lot abuts a storm or flood water runoff channel or basin the minimum setback line shall be fifty (50) feet from the nearest shoreline or high water line.
  6. Where the lot abuts a direct access road or a private road within a residential subdivision the minimum setback shall be 60 feet from the centerline of the road or 30 feet from the right-of-way line whichever is the greater.
- C. Landscaping. Each main or principal building constructed or erected in, or moved into a residential district after the effective date of this ordinance shall provide per lot at least one (1) tree of at least two (2) inch caliper measured at a distance at least five (5) feet above finished ground surface.
- D. Height. (2/18/20)
1. Main or Principal Structure. Not to exceed 45 feet to the peak of the roof.
  2. Detached Accessory Structure. Not to exceed 20 feet to the peak of the roof.
- E. Accessory Structure Size. Not to exceed one hundred (100) % of the principal structure's footprint. The footprint includes an attached private garage and any permanently covered porch, patio or deck. The footprint does not include detached structures, overhangs, eaves, or uncovered patios, decks, porches, sidewalks and/or driveways. The Zoning Administrator or his/her designee shall determine "permanently covered" on a case-by-case basis. (03/18/08) (6/18/13)
- F. Flood Prone Areas. See Flood Ordinance of Woodford County as adopted 8/17/10. (11/16/10)



## **SECTION 14**

### **(R-2) RESIDENTIAL MULTI-FAMILY DISTRICT**

#### **§154.14.1 Purpose**

The Multi-Family Residential District (R-2) is designed for single-family, two-family, and multiple-family residential housing opportunities and to provide for the efficient use and orderly development of vacant land designated for residential uses. The R-2 District is intended to be located in areas where central utilities, facilities and services exist or could logically be extended in the near future. These areas are normally contained within the community growth areas that have been designated in the Woodford County Land Use Plan.

#### **§154.14.2**

The following uses are permitted uses in the R-2 District, in accordance with the applicable regulations set forth in this Ordinance: Permitted uses in 1 (one) district shall not be permitted in another district unless specifically stated. (03/18/08)

- A. Accessory structures and uses.
- B. Agriculture on a lot not less than ten (10) acres.
  - a. Lots which are less than ten (10) acres may have up to six (6) Chickens. Roosters are not permitted (8/18/20)
- C. Dwellings, multi-family.
- D. Dwellings, single-family.
- E. Dwellings, two-family.
- F. Governmental, essential.
- G. Green house, non-commercial.
- H. Home Occupation, Type I
- I. Home Occupation Type II on parcels ten (10) acres or more (2/18/20)
- J. Kennel, private.
- K. Residential care homes; small.
- L. Signs.

#### **§154.14.3 Special Uses**

The following uses (not an all inclusive list) may be established by a special use permit in the R-2 District in accordance with procedures and standards set forth in §154.24 of this Ordinance. (9/18/12) (7/21/15)

- A. Accommodation/Lodging
- B. Adult Business
- C. Agriculture Related Services

- D. Automotive Services
- E. Construction Services
- F. Domestic Services
- G. Institutions
- H. Manufacturing
- I. Planned Unit Development
- J. Professional Services
- K. Public Entertainment
- L. Recreational Facility
- M. Retail Facility
- N. Signs
- O. Transportation
- P. Utilities
- Q. Home Occupation, Type II on parcels less than ten (10) acres

#### **§154.14.4 Minimum Lot Size**

Except as provided by special use permit, all uses and structures in the R-2 District shall have a minimum lot size per dwelling unit as determined by the standards set forth in the §50 County Private Sewag and Woodford County Health Department review.

- A. Deleted
- B. Deleted
- C. Deleted (02/27/12)

#### **§154.14.5 Performance Standards**

- A. The following regulations and standards shall apply to all dwellings.
  - 1. Residential occupancy per dwelling unit shall be limited to one (1) family and not more than two (2) roomers or boarders, or not more than three (3) unrelated adults.
  - 2. Dwellings shall be located also as to abut a direct access road but may abut a limited access road only if access to and from such road is provided by a merging feeder system.
- B. Lot Coverage. Not more than thirty percent (30 %) of the total area of the lot shall be occupied by structures.

#### **§154.14.6 Regulation and Standards for the (R-2) Residential District**

- A. Minimum Lot Width. The minimum at the building setback line shall be 100 feet.
- B. Minimum Setbacks. The following setback standards shall apply in the R-2 District for principal and

accessory structures:

1. Front Yard.

- a. The minimum front yard dimension shall be determined according to the setback line provided for in §154.04.7.C of this Ordinance.

2. Side Yard.

- a. Principal structures shall have a minimum setback of 10 feet or 1/2 of structure height, whichever is greater.
- b. Accessory structures shall have a side setback of not less than 5 feet.

3. Rear Yard.

- a. Principal structures shall have a rear setback of not less than 20 feet.
- b. Accessory structures shall have a rear setback of not less than 5 feet.

C. Landscaping. Each main or principal building constructed or erected in, or moved into a residential district after the effective date of this ordinance shall provide per lot at least one (1) tree of at least two (2) inch caliper measured at a distance at least five (5) feet above finished ground surface.

D. Height. The following height regulations shall apply in the R-2 District: (2/18/20)

- 1. Principal structures not to exceed 45 feet to the peak of the roof.
- 2. Accessory structures not to exceed 20 feet to the peak of the roof.

E. Accessory Structure Size. Not to exceed one hundred (100) % of the principal structure's habitable floor area. (6/18/13)

F. Flood Prone Areas. See Flood Ordinance of Woodford County as adopted 8/17/10. (11/16/10)

## **SECTION 15**

### **(I-1) LIGHT INDUSTRIAL DISTRICT**

#### **§154.15.1 Purpose**

The I-1 Light Industrial District is designed to provide for light industrial, storage, wholesale, warehousing, research, administrative and related uses and be located in such areas that they do not create serious problems of compatibility with other kinds of land uses.

#### **§154.15.2 Permitted Uses**

The following uses are permitted uses in the I-1 District, in accordance with the applicable regulations set forth in this Ordinance: Permitted uses in 1 (one) district shall not be permitted in another district unless specifically stated. (03/18/08)

- A. Accessory structures and uses.
- B. Agriculture (2/21/23)
- C. Automobile repair.
- D. Automobile service station.
- E. Communication Facilities.
- F. Governmental essential.
- G. Hospital.
- H. Industry, light.
- I. Lawn care (Landscaping, Grass mowing, etc...).
- J. On premises signs.
- K. Shooting range, indoor.
- L. Warehouse, mini storage.

#### **§154.15.3 Special Uses**

The following uses (not an all inclusive list) may be established by a special use permit in the I-1 District in accordance with procedures and standards set forth in §154.24 of this Ordinance: (9/18/12) (7/21/15)

- A. Accommodation/Lodging
- B. Adult Business
- C. Agriculture Related Services
- D. Automotive Services
- E. Construction Services

- F. Domestic Services
- G. Institutions
- H. Manufacturing
- I. Planned Unit Development
- J. Professional Services
- K. Public Entertainment
- L. Recreational Facility
- M. Retail Facility
- N. Signs
- O. Transportation
- P. Utilities

#### **§154.15.4 Minimum Lot Sizes**

Except as provided by special use permit, all uses and structures in the I-1 District shall have the minimum lot size as set forth below:

- A. Minimum lot size for lots served by public water and sewer shall conform to the standards exercised by the jurisdiction in which it lies. (02/27/12)
- B. Minimum lot size for lots which are required to be served by a private septic system shall conform to the standards of the §50 Private Sewage and Woodford County Health Department review. (02/27/12)

#### **§154.15.5 Minimum Lot Width**

Minimum lot width at the building setback line shall be 100 feet.

#### **§154.15.6 Minimum Setbacks**

The following setback standards shall apply in the I-1 District for principal and accessory structures:

- A. Front Yard.
  - 1. The minimum front yard dimension shall be determined according to the setback line provided for in Section 4-1600C of this Ordinance.
- B. Side Yard.
  - 1. Principal structures shall have a side setback of not less than 15 feet from the property line.
  - 2. Accessory structures shall have a side setback of not less than 10 feet from the property line.

C. Rear Yard.

1. Principal structures shall have a rear setback of not less than 20 feet from the property line.
2. Accessory structures shall have a rear setback of not less than 10 feet from the property line.

**§154.15.7 Lot Coverage**

Not more than forty percent (40%) of the area of the lot shall be occupied by structures.

**§154.15.8 Height**

The following height regulations shall apply in the I-1 District: (2/18/20)

- A. Principal structures not to exceed 45 feet to the peak of the roof.
- B. Accessory structures not to exceed 25 feet to the peak of the roof.

## **SECTION 16**

### **(I-2) HEAVY INDUSTRIAL DISTRICT**

#### **§154.16.1 Purpose**

The I-2 Heavy Industrial District is designed to provide for heavy industrial uses, manufacturing, assembling, processing, and the storing of parts and products for wholesale distribution. The I-2 district should be located in areas that have adequate transportation access and appropriate infrastructure. These districts should have proper buffering from non-compatible uses.

#### **§154.16.2 Permitted Uses**

The following uses are permitted uses in the I-2 District, in accordance with the applicable regulations set forth in this Ordinance: Permitted uses in 1 (one) district shall not be permitted in another district unless specifically stated. (03/18/08)

- A. Accessory structures.
- B. Agriculture (2/21/23)
- C. Asphalt Plant.
- D. Automobile service station.
- E. Communications Facilities.
- F. Contractor/construction offices.
- G. Correctional Facilities.
- H. Crematory.
- I. Governmental, non-essential.
- J. Industry, heavy.
- K. Industry, light.
- L. Lawn care (Landscaping, Grass mowing, etc...).
- M. Marinas.
- N. On premises signs.
- O. Regional Pollution Control Facility
- P. Shooting range, indoor.
- Q. Warehouse, distribution.

### **§154.16.3 Special Uses**

The following uses (not an all-inclusive list) may be established by a special use permit in the I-2 District in accordance with procedures and standards set forth in §154.24. (9/18/12) (7/21/15)

- A. Accommodation/Lodging
- B. Adult Business
- C. Agriculture Related Services
- D. Automotive Services
- E. Construction Services
- F. Domestic Services
- G. Institutions
- H. Manufacturing
- I. Planned Unit Development
- J. Professional Services
- K. Public Entertainment
- L. Recreational Facility
- M. Retail Facility
- N. Signs
- O. Transportation
- P. Utilities

### **§154.16.4 Minimum Lot Sizes**

Except as provided by special use permit, all uses and structures in the I-2 District shall have the minimum lot size as set forth below:

- A. Minimum lot for lots served by public water and sewer shall conform to the standards exercised by the jurisdiction in which it lies. (02/27/12)
- B. Minimum lot size for lots which are required to be served by a private septic system shall conform to the standards of the §50 Private Sewage and Woodford County Health Department review. (02/27/12)

### **§154.16.5 Minimum Lot Width**

Minimum lot width at the building setback line shall be 100 feet.



#### **§154.16.6 Minimum Setbacks**

The following setback standards shall apply in the I-2 District for principal and accessory structures:

A. Front Yard.

1. The minimum front yard dimension shall be determined according to the setback line provided for in §154.04.7.C of this Ordinance.

B. Side Yard.

1. Principal structures shall have a side setback of not less than 15 feet from the property line.
2. Accessory structures shall have a side setback of not less than 10 feet from the property line.

C. Rear Yard.

1. Principal structures shall have a rear setback of not less than 20 feet from the property line.
2. Accessory structures shall have a rear setback of not less than 10 feet from the property line.

#### **§154.16.7 Lot Coverage**

Not more than forty percent (40%) of the area of the lot shall be occupied by structures.

#### **§154.16.8 Height**

The following height regulations shall apply in the I-2 District: (2/18/20)

- A. Principal structures not to exceed 45 feet to the peak of the roof.
- B. Accessory structures not to exceed 25 feet to the peak of the roof.

## **SECTION 17**

### **GENERAL COMMERCIAL DISTRICT**

#### **§154.17.1 Purpose**

The General Commercial District is designed to accommodate a range of commercial use. Due to the higher intensity of these uses, and the amount of automobile and truck traffic that they typically generate, it is intended that the Commercial District be located only along major and minor collectors and arterial roads.

#### **§154.17.2 Permitted Uses**

The following uses are permitted uses in the Commercial District, in accordance with the applicable regulations set forth in this Ordinance: Permitted uses in 1 (one) district shall not be permitted in another district unless specifically stated. (03/18/08)

- A. Accessory structures and uses
- B. Agriculture (2/21/23)
- C. Auction houses.
- D. Automobile car wash.
- E. Automobile repair, minor.
- F. Automobile service station.
  - a. Provided that no more than four (4) fuel stations and no more than two (2) service bays are provided; and
  - b. Any accessory retail establishment is less than five thousand (5,000) square feet.
- G. Automobile sales.
- H. Automobile servicing and parts.
- I. Banks.
- J. Bowling alleys.
- K. Clinics, medical, dental, and veterinarian.
- L. Commercial retail establishments not exceeding five thousand (5,000) square feet.
- M. Convenience stores.
- N. Golf Practice Facility.
- O. Governmental (essential).
- P. Greenhouse, commercial.
- Q. Hotel, motel, lodges, and resorts.

- R. Household appliance, sales and repair.
- S. Landscaping business.
- T. Libraries, main or branch.
- U. Lawn care.
- V. On premises signs.
- W. Parks.
- X. Restaurants.
- Y. Shooting range, indoor.
- Z. Swimming pool, public.
- AA. Theaters.
- BB. Warehouse or mini storage.

#### **§154.17.3 Special Uses**

The following uses (not an all inclusive list) may be established by a special use permit in the Commercial District in accordance with procedures and standards set forth in §154.24 of this Ordinance. (9/18/12)  
(7/21/15)

- A. Accommodation/Lodging
- B. Adult Business
- C. Agriculture Related Services
- D. Automotive Services
- E. Construction Services
- F. Domestic Services
- G. Institutions
- H. Manufacturing
- I. Planned Unit Development
- J. Professional Services
- K. Public Entertainment
- L. Recreational Facility
- M. Retail Facility
- N. Signs

O. Transportation

P. Utilities

#### **§154.17.4 Minimum Lot Sizes**

Except as provided by special use permit, all uses and structures in the Commercial District shall have the minimum lot size as set forth below:

A. Minimum lot size for lots served by public water and sewer shall conform to the standards exercised by the jurisdiction in which it lies. (02/27/12)

B. Minimum lot size for lots which are required to be served by a private septic system shall conform to the standards of the §50 Private Sewage and Woodford County Health Department review. (02/27/12)

#### **§154.17.5 Minimum Lot Width**

Minimum lot width at the building setback line shall be 100 feet.

#### **§154.17.6 Minimum Setbacks**

The setback standards shall apply for principal and accessory structures:

A. Front Yard.

1. The minimum front yard dimension shall be determined according to the setback line provided for in §154.04.7.C of this Ordinance.

B. Side Yard.

1. Principal structures shall have a side setback of not less than 15 feet from the property line.
2. Accessory structures shall have a side setback of not less than 10 feet from the property line.

C. Rear Yard.

1. Principal structures shall have a rear setback of not less than 20 feet from the property line.
2. Accessory structures shall have a rear setback of not less than 10 feet from the property line.

#### **§154.17.7 Lot Coverage**

No more than thirty percent (30) % of the area of the lot shall be occupied by structures.

#### **§154.17.8 Height**

The following height regulations shall apply: (2/18/20)

A. Principal structures not to exceed 45 feet to the peak of the roof.

B. Accessory structures not to exceed 25 feet to the peak of the roof.

**§154.17.9 Landscaping**

- A. Each main or principal building constructed or erected in, or moved into, after the effective date of this ordinance shall provide per lot at least three (3) trees of at least two (2) inch caliper measured at a distance at least five (5) feet above finished ground surface.
- B. On a corner lot nothing shall be allowed to grow in such a manner as to impede the vision of automobile drivers and the navigation of the intersection.

## **SECTION 18**

### **HOME OCCUPATION**

#### **§154.18.1 Purpose**

It is the purpose and intent of this Section to provide for certain types of home occupations to be conducted within a dwelling unit or accessory structure on the resident's premises. Two classes of home occupations are established based upon the intensity of the home occupation. Accordingly, minimum standards have been established for each class of occupation in order to assure the compatibility of home occupations with other uses permitted in the residential, agricultural or conservation districts and to preserve the character of residential neighborhoods.

#### **§154.18.2 Home Occupations**

Home occupations shall not be permitted except in compliance with this ordinance and other applicable law.

#### **§154.18.3 Application for Home Occupation**

An application for a Permit for a Type II Home Occupation or Special Use Permit for a Type II Home Occupation shall be signed by all owners of the property. The Zoning Administrator shall review the application and classify the proposed home occupation as a Type I or Type II based upon:

- A. The established standards for Type I and Type II home occupations described in this section; and
- B. General planning and zoning standards established by this ordinance.

#### **§154.18.4 Type I Home Occupation**

A. The following standards are permitted uses and are applicable to all Type I Home Occupations:

1. One person in addition to the residents of the dwelling unit on the subject premises named in the application may be engaged in such home occupation. (4/17/12)
2. Deleted. (4/17/12)
3. No outdoor storage or display of products, equipment, or merchandise is permitted.
4. No retail sales shall be conducted on the premises.
5. Neither signage advertising a home occupation nor exterior evidence of the conduct of a home occupation is permitted. (4/17/12)
6. Deleted. (4/17/12)
7. No equipment, process, or activity shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical or television interference which is detectable to the normal senses outside the dwelling unit or accessory structure.
8. No traffic shall be anticipated by a home occupation in substantially greater volumes than would normally be expected by one (1) dwelling unit in a residential neighborhood.
9. Deleted. (4/17/12)

B. The following uses are examples of home occupations which may be classified as a Type I:

1. Telephone answering and solicitation.
2. Home crafts.
3. Computer programming, desktop publishing.
4. Typing or secretarial service.
5. Painting, sculpturing or writing.
6. Dressmaking, sewing, or tailoring.
7. Drafting, surveying service.
8. Consulting services.
9. Mail order business, not including retail sales from site.
10. Sales representative (office only).
11. In home Day Care

#### **§154.18.5 Type II Home Occupation**

A. The following standards are applicable to all Type II Home Occupations and require a Special Use Permit in all Residential Districts on parcels of less than ten (10) acres: (4/17/12)

1. Three (3) persons other than the residents of the dwelling unit on the subject premises named in the application may be engaged in such home occupation. (4/17/12)
2. Deleted. (4/17/12)
3. Outdoor storage or display of products, equipment or merchandise is permitted. (4/17/12)
4. Retail sales are permitted only as an accessory use to the primary home occupation. (e.g. beauty salon can sell shampoo and beauty products).
- 5 Deleted. (4/17/12)
- 6 No equipment, process or activity shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical or television interference which is detectable to the normal senses outside the dwelling unit or accessory structure.
- 7 No traffic shall be anticipated by a home occupation in substantially greater volumes than would normally be expected in a residential neighborhood.
- 8 A minimum of two (2) off-road parking spaces, in addition to those required for the dwelling unit, shall be provided for use by the patrons of the home occupation. The Zoning Administrator or Zoning Board of Appeals may require additional off-road parking based upon the use and location of the property.
9. No use of tractor trailers, semi-trucks, or heavy equipment (e.g. construction equipment) shall be permitted on or about the premises. Storage or parking of tractor trailers, semi-trucks, or heavy equipment is allowed in the Agriculture and Conservation Districts and Residential Districts on parcels of ten (10) acres or more. (4/17/12)

B. The following uses are examples (not an all-inclusive list) of home occupations which may be classified as a Type II:

1. Attorney office.
2. Insurance sales or broker.
3. Real estate sales or broker.
4. Jewelry repair.
5. Shoe repair.
6. Carpentry, cabinet makers.
7. Ceramics.
8. Medical or dental office.
9. Catering or food preparation.
10. Pet grooming service.
11. Barber or beauty shop.
12. Photo developing, photo studio.
13. Appliance repair facility.
14. Accountant.
15. Architect/Engineer.
16. Art Studio.
17. Child Daycare
18. Construction/contractor office
19. Auto repair (minor)
20. Day Care
21. Gun repair

C. Type II Home Occupations that require a Special Use Permit:  
(4/17/12)

1. Exceeds three (3) employees.
2. Storage or parking of tractor trailers, semi-trucks or heavy equipment in a Residential District on parcels of less than ten (10) acres.
3. Stockpiling/processing of materials.
4. Exceeds the standards of a Home Occupation Type II.



#### **§154.18.6 General Provisions**

All home occupations shall conform to the following standards:

- A. Approval of a home occupation is not transferable to a location other than that which was approved.
- B. In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. nor later than 9:00 p.m.
- C. All home occupations shall be subject to periodic inspections. Reasonable notice shall be provided to the permittee prior to the time requested for an inspection.
- D. The Zoning Administrator, in the case of a Permit for a Type II Home Occupation, or the Zoning Board of Appeals in the case of a Special Use Permit Type II Home Occupation may impose reasonable conditions necessary to protect the public health, safety, and welfare, or to protect against a possible nuisance condition. Buffering/screening may be required. (4/17/12)
- E. Permits issued by the Zoning Administrator or Special Use Permits issued by the ZBA, may be revoked by the issuing authority for cause after reasonable notice to the permittee and opportunity for a hearing on the matter.
- F. Home occupations shall commence only after the receipt of a Permit. (4/17/12)
- G. Home Occupations permitted in one district shall not be permitted in any other zoning district unless specifically stated. (03/18/08)
- H. Off-Road Parking shall conform to the standards in §154.23. (4/17/12 H. through O. added)
- I. Off-Street Loading Berths shall conform to the standards in Section 23.
- J. All Home Occupations will comply with seasonal road limits.
- K. Access permits, when applicable, are required by the appropriate agency, authority or department.
- L. Federal / state approval / licensing is required when applicable.
- M. All Home Occupations shall comply with the Illinois Pollution Control Board (IPCB) - Title 35 of the Illinois Administrative Code.
- N All Home Occupations shall comply with the Office of the State Fire Marshall (OSFM) - Title 41 FIRE PROTECTION.

#### **§154.18.7 Enforcement**

In the event the Zoning Administrator determines that the operation of any home occupation is in violation of the provisions of this ordinance or any permit condition, notice shall be provided to the permittee setting forth a description of the violation, corrective action required and a date by which such corrective action must be accomplished. The permit may be revoked if not corrected in the manner and by the date specified in the notice in accordance with revocation on procedures applicable for Special Uses.

## **SECTION 19**

### **PLANNED UNIT DEVELOPMENTS**

#### **§154.19.1 Purpose**

The purpose of the Planned Unit Development Regulations is to encourage and allow for more creativity and flexibility in the development of land than is possible under conventional zoning district regulations. The Planned Unit Development provides for more efficient use of the land and encourages development practices that are more sensitive to the site and surrounding environment. It is further intended that Planned Unit Developments are to be characterized by centralized ownership, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and an appropriate selection and utilization of uses.

A. The following objectives may be obtained through the use of the Planned Unit Development procedure:

1. To permit the public a greater choice of development options than would be possible under the strict application of the other sections of this Ordinance.
2. To promote the preservation of natural features and/or prime agricultural land.
3. To encourage development that is rational and economical in relation to public infrastructure and services.
4. To create a method for the permanent preservation of common open space.
5. To encourage a land use which promotes the public health, safety, comfort, morals, and welfare.

B. The unique and substantially different character of Planned Unit Developments requires their administrative processing as a special use in this Ordinance. Planned Unit Developments are more complex and of a different character than other special uses, requiring the establishment herein of specific and additional procedures, standards, and exceptions to govern the recommendations of the Zoning Board of Appeals and the action of the Woodford County Board.

#### **§154.19.2 General**

The basic provisions and requirements concerning Planned Unit Developments are as follows:

- A. The subdivision, development and use of land as an integral unit, combining one or more of the following land use which may provide for a single family residential, multiple family residential, educational, business, commercial, industrial, recreational, park and common open areas, may be described as a Planned Unit Development.
- B. In its establishment and authorization as a special use, the procedures, requirements, restrictions, standards, and conditions listed in §154.04, shall be observed.
- C. The Residential Planned Unit Development is authorized as a Special Use in §154.11, §154.13, §154.14 of this Ordinance and may contain mixed uses, provided that:
  1. The non-residential components comprise not more than twenty-five (25%) percent of the total square footage of the planned development.
  2. The non-residential use is of a type that is either allowed by right or by special use in the underlying district.

3. No single non-residential use exceeds 5,000 square feet.
4. Non-residential uses shall be clustered wherever practicable.

D. The Non-Residential (Commercial or Industrial) Planned Unit Development is authorized as a Special Use in Sections 15 and 17 of this Ordinance.

#### **§154.19.3 Procedures and Requirements for Establishment of a Planned Unit Development**

- A. An application for a Special Use permit shall be filed and processed by the Planning and Zoning Office based upon procedures established by §154.24 of this Ordinance.
- B. Planned Unit Development Plat - The Special Use permit application shall be accompanied by a Planned Unit Development Plat, which meets the Preliminary Plat requirements of the Subdivision Ordinance in addition to the following:
  1. The entire outline, overall dimensions and area of the tract described in the application.
  2. The location, general dimensions and approximate gross floor areas of all proposed buildings.
  3. The type of each use proposed to occupy each building and the approximate amount of building floor area devoted to each separate use.
  4. The proposed location, arrangement and number of automobile parking stalls.
  5. The proposed location, arrangement and general dimensions of all truck loading facilities.
  6. The location and dimensions of all vehicular entrances, exits, and driveways and their relationship to all existing or proposed public roads.
  7. The location and dimensions of pedestrian entrances, exits and walks.
  8. The location and dimensions of all walls, fences and planting designed to screen the proposed district from adjacent uses.
  9. The type of all ground covers.
  10. Standards for exterior lighting, location and type of exterior signs, and any other variables that will be controlled in the design of buildings in the development area.
  11. Development Schedule - The applicant shall submit a proposed schedule of construction. If the construction of the proposed Planned Unit Development is to be in stages, then the components obtained in each stage must be clearly delineated. The development schedule shall indicate the starting date and the complete development plan.

#### **§154.19.4 Property Control**

- A. The intent of the requirements below are to protect the property values of the individual owner within the Planned Unit Development through establishing private control.
  1. In order that the purposes of this development may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this Ordinance.
  2. Prior to the use, occupancy, sale, lease or the execution of contracts for the lease or sale of an

individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document or a document shall be filed with the Woodford County Recorder of Deeds; a copy of said filing shall also be provided to the Woodford County Zoning Administrator.

3. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.
4. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners or lessees shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owner's proportionate share of joint or common costs.
5. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of Woodford County or fails to pay taxes or assessments on properties as they become due and in the event Woodford County incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or Corporation, then Woodford County shall have the right to assess each property its pro rata share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made, and in addition, each such assessment, together with such interest thereon and such costs of collection thereof, shall also be a personal obligation of the person who was the owner of such property at the time when the assessment became payable.
6. It is the intent of the Code to require subdivision of property simultaneous with application for Special Use. The subdivision and/or platting of land as a planned unit development shall be subject to the requirements for approval and recording with the Woodford County Recorder of Deeds as have been established by §153.

#### **§154.19.5 General Development Provisions**

##### **A. Setbacks.**

1. The front and side yard setbacks shall not be less than fifteen (15) feet, unless the structure is located adjacent to an arterial road or interstate highway whereas the setbacks shall be the same as in the district in which the structure is located.
2. The rear yard setbacks shall be the same as in the district in which they are located.

##### **B. Spacing. Space between residential buildings - the minimum horizontal distance between buildings side to side shall be:**

1. Ten (10) feet between single-family detached dwellings.
2. Ten (10) feet between clustered single-family attached and detached dwellings.
3. Fifteen (15) feet between buildings, other than single-family detached dwellings, of one, two, and two and one-half stories in elevation.
4. Equal to the height of the taller building in the case of free standing buildings greater than two and one-half stories in elevation.
5. The minimum horizontal distance between buildings corner to corner shall be fifteen (15) feet or be as determined appropriate by the Zoning Board of Appeals in reviewing the Preliminary Planned Unit Development Plat to ensure that all occupants receive a sufficient amount of light and air.

C. Roadways.

1. Private roadways within the project shall have a paved surface of at least twenty (20) feet or more in width and shall be so designated as to permit fire trucks to provide protection to each building.
2. No portion of the required twenty (20) feet road system may be used in calculating required off road parking.
3. When private roads and common driveways are made a part of the Planned Unit Development or private common open space or recreation facilities are provided, the applicant shall submit as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the Woodford County Board.

D. Subdivision and Ownership. It shall be permissible within a Planned Unit Development to subdivide properties into lesser size parcels for individual ownership and create common open space areas in undivided proportions under joint ownerships. Such ownership arrangements are commonly defined as condominium and/or cooperative developments. The joint area of the project must, however, conform to the minimum area requirements established for the respective district.

E. Minimum Project Size.

1. Within residential districts a Planned Unit Development shall not be applied to a parcel of land containing less than ten (10) acres.
2. Within a commercial or industrial district a Planned Unit Development shall not be applied to a parcel of land containing less than five (5) acres.

**§154.19.6 Review and Evaluation**

A. Standards - The Zoning Board of Appeals may recommend approval of a Planned Unit Development Special Use application if it has determined that all of the following standards have been complied with:

1. Compliance with the requirements listed in §154.19.3, §154.19.4, and §154.19.5 of this Section.
2. Comprehensive Plan - A Planned Unit Development must conform with the planning objectives specified in the Woodford County Comprehensive Plan.
3. Compatibility - the uses permitted in a Planned Unit Development must be of type and so located as to exercise no undue detrimental influence upon surrounding properties. In addition, the Planned Unit Development shall not endanger the public health, welfare, or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is to be located.
4. Need - The Planned Unit Development must be of a character and contain such uses that are needed in the area of the proposed project.
5. Density - The density of a Planned Unit Development (either in dwelling units for residential uses, or in floor area - for all other uses) shall generally correspond to the density regulations imposed by the underlying zoning district. The density of the Planned Unit Development is not necessarily required to precisely correspond with the normal density of the underlying zoning district but instead should reflect that district's character through complimentary building types and architectural design.

6. Design Standards - The Planned Unit Development shall comply with the provisions of the Woodford County Subdivision Ordinance and development codes unless otherwise agreed to and approved by the County Board.
7. The interior traffic pattern plan plus ingress and egress onto public right-of-ways does not create congestion or dangers and is adequate for the safety of the project residents and general public.
8. A sufficient amount of usable open space is provided.
9. The development shall comply with the Erosion, Sediment and Storm Water Control Ordinance.
10. The development schedule insures a logical development of the site which will protect the public interest and conserve land.

**§154.19.7 Amendment of a Planned Unit Development Special Use**

The Planned Development project shall be developed only according to the Special Use Ordinance, the approved preliminary plat, and recorded final plat and supporting documents. The Special Use Ordinance and approved preliminary and final plats shall be binding on the applicants, their successors, grantees and assigns and shall limit their control, the use of premises and location of structures in the Planned Unit Development project as set forth therein. Changes to the recorded Planned Unit Development may be made as follows:

A. Major Changes. All major changes shall be reviewed in accordance with the procedures set forth in the Special Uses section of this Ordinance.

1. Changes which alter the concept or intent of the Planned Unit Development including changes in density, changes in the height of buildings, changes in proposed open space, changes in total bedroom counts, changes in road standards, changes in road design, or changes in the final governing agreements, provisions, or covenants, or other changes, may be approved only by submission and reconsideration of a new preliminary and/or final Planned Unit Development Plat and supporting data and following the preliminary or final plat procedure.
2. If the major change alters data or evidence submitted during Preliminary Plat stage, then the resubmission must begin at the Preliminary Plat stage. If only final plat evidence or data is altered as result of the major change, then the resubmission shall begin at the Final Plat stage.
3. All changes to the original final plat shall be recorded with the Woodford County Recorder of Deeds as amendments to the final plat or reflected in the recording of a new corrected final plat.

B. Minor Changes.

1. The Woodford County Zoning Administrator may review and approve additional improvements or changes in a Planned Unit Development provided that such changes comply with the following:
  - a. Comply with the general intent of the Planned Unit Development Special Use.
  - b. The changes do not constitute a major change as defined in the previous section.
  - c. The proposed changes must comply with the requirements of the underlying zoning district unless otherwise specified in the Planned Unit Development special use.

## **SECTION 20**

### **SCREENING REQUIREMENTS**

#### **§154.20.1 Purpose**

The purpose of this section is to establish standards of screening for those properties within the County's jurisdiction which may be incompatible with adjacent properties.

#### **§154.20.2 Screening**

Screening shall be designed, planted or constructed and maintained in accordance with the following general guidelines.

A. Permanent screening during all seasons shall be required of Industrial and Commercial Districts in the following instances:

1. A screen shall be required for an Industrial or Commercial use when it is adjoining a Residential (R-1) and (R-2) Districts.

B. No screening shall interfere with sight requirements for safe ingress and egress.

C. No screening shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the appropriate utility.

D. One (1) of the following screening types or a combination of the following screening types shall be used.

1. A dense compact screen of plantings to attain the dimensions specified within a two (2) year time span.
2. A fence (less than fifty (50%) percent view through fence) to be maintained at the dimensions specified.
3. A ground contoured earthen berm to be maintained at the dimensions specified.
4. Vegetation and grassed earth berms should be used whenever possible.
5. Earthen berms shall have a side slope not less than four (4) feet horizontal distance for each one (1) foot of vertical distance.
6. Screening shall be six (6) feet in height excluding vegetation growth.
7. If a combination of vegetation and screening is to be used, the vegetation shall be placed on the outside perimeter of the fencing.
8. A plan specifying dimensions, locations and types of screening shall be supplied at the time a building permit is applied for.
9. Screening shall be in place prior to the closeout of the building permit, or within the time frame specified by the Zoning Administrator.

**§154.20.3 Maintenance**

- A. The plantings, fences, or berms shall be properly maintained in order to fulfill the purpose for which it is established. Such maintenance shall include all actions necessary to keep all screening in good repair and in a neat appearance.
- B. In the event that any vegetation, fence, or berm is damaged, it shall be replaced within one (1) year or one (1) growing season, whichever is sooner.



## **SECTION 21**

### **FENCING**

#### **§154.21.1 Purpose**

The purpose of this section is to ensure that all fencing erected within the county's jurisdiction is appropriate and not injurious or detrimental to public well-being.

#### **§154.21.2 Fencing**

Fences that are open or solid are allowed in all districts with the following conditions, unless otherwise regulated herein:

- A. Only open fences, which do not exceed four (4) feet in height, are allowed along the front property line to the building setback line.
- B. Fences, which do not exceed six (6) feet in height are allowed to the side and rear of the principal structure. All solid fences shall be constructed with the finished side out in the Residential Districts.
- C. Fences may be placed up to a property line provided that fences shall not encroach into rights-of-ways.
- D. Fences may be placed on a corner lot beginning at the building setback line along the side and rear property line not to exceed six (6) feet in height.
- E. Fences that are constructed in a non-residential district may be either open or solid fences and shall not exceed ten (10) feet in height.
- F. Barbed wire fence and electric fences shall not be located in any residential district.

## **SECTION 22**

### **SIGNS**

(This entire section amended 11/17/09 by Petition 09-30-A)  
(amended Exempt sign section 9/17/19)

#### **§154.22.1 Purpose**

The purpose of this article is to provide regulation and control of the location, size, content and placement of signs throughout the County in order to promote signs which are safe and compatible with their surroundings. This article also recognizes the need to minimize the possible adverse effect of signs on nearby public and private property. These regulations also recognize the need for a well maintained and attractive physical appearance of the County and the need for adequate business identification for the conduct of competitive commerce. This section is therefore intended to benefit the general community by protecting property values and by reducing sign or advertising distractions which may adversely impact traffic safety and result in visual congestion for pedestrians.

#### **§154.22.2 Definitions**

The following definitions, when used in this Section shall have the following meanings unless the context clearly indicates otherwise:

- A. SIGHT TRIANGLE: The area of the corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.
- B. SIGN AREA: The entire area of one sign face cumulatively, including sign faces on which no copy is currently displayed, not including posts, pillars or columns.
- C. SIGN, BILLBOARD: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. Also known as an off premises sign. (Also see §154.22.2.L)
- D. SIGN, CANOPY/AWNING: Any sign which is affixed to, painted on or suspended from a canopy or awning.
- E. SIGN, CONSTRUCTION: A temporary sign used during the construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor, and/or financing institutions of the project.
- F. SIGN, CROP IDENTIFICATION: A sign whose content includes the type, description, identification and otherwise pertinent information of crops being grown on a plot of land.
- G. SIGN, DIRECTIONAL: A sign designed and erected solely for the purpose of directing or guiding automotive or pedestrian traffic or parking and containing no advertising matter.
- H. SIGN, FLASHING: Any sign, which, by method or manner of illumination, flashes on or off, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.
- I. SIGN, FREE STANDING: A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.
- J. SIGN, HEIGHT: The vertical distance measured from the natural grade at the base of the sign support to the highest point of the sign.

- K. SIGN, IDENTIFICATION: An on- premises sign which states the name of the business or establishment, including either the national company or local proprietor, and/or the address of a building.
- L. SIGN, ILLUMINATED: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
- M. SIGN, MEMORIAL OR TABLETS: The permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication, or other similar information.
- N. SIGN, NON-CONFORMING: A sign lawfully erected and maintained prior to the effective date of the adoption of this ordinance which does not conform to the provisions of this ordinance.
- O. SIGN, OCCUPATIONAL AND/OR IDENTIFICATION: An attached wall sign identifying the name of a person occupying a building and mounted adjacent to the main entrance of the building.
- P. SIGN, OFF PREMISES: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. Also known as a billboard. (Also see §154.22.2.C)
- Q. SIGN, ON PREMISES: Any sign that identifies a business, person, activity, goods, products, services of facilities that is located on the same premises as the sign itself.
- R. SIGN, POLITICAL: A temporary sign advocating or opposing any political proposition or candidate for public office.
- S. SIGN, PROPERTY REAL ESTATE: A sign pertaining only to the prospective rental, lease, or sale of the property upon which it is located. Real estate signs shall be excluded from the definition of pole signs.
- T. SIGN, PORTABLE: Any sign that is not permanently attached to the ground, a structure, or a building and which is designed to be transported to another location.
- U. SIGN, PROJECTING: Any sign other than a wall sign that is attached to and projects from the wall of a building or structure.
- V. SIGN, SUBDIVISION IDENTIFICATION: A permanent ground sign identifying a subdivision entry, subdivision name, and/or street names within the subdivision.
- W. SIGN, TEMPORARY: Any sign which contains information which is not permanent in character. Such signs include, but are not limited to, political campaign signs, garage sale signs and real estate signs.
- X. SIGN, WALL: Any sign, attached or erected against a wall or building or structure parallel to the face of a building and supported throughout its length by such building.

### **§154.22.3 Application and Fees**

An application for a sign shall comply with the building permit and Fee Schedule.

### **§154.22.4 Exempt Signs**

The following signs are allowed in all districts the provision of this section shall not apply and no permit is required:

- A. Flags of any nation, state, county, city or other governmental unit and any not-for-profit organization;
- B. Signs or other materials temporarily displayed in conjunction with traditionally accepted patriotic, religious or local holidays or events or official government public notices.
- C. The erection, construction, and maintenance of official traffic, fire and police signs, signals and devices and markings of the state, county or city.
- D. Non-illuminated directional or informational signs of a public nature;
- E. Residential garage or patio sale signs not to exceed six (6) square feet and located upon premises where the sale is taking place;
- F. For sale, for rent, and real estate signs erected to announce the sale or rent of property provided such signs are not more than 32 square feet in area. These signs shall be on- premise signs. These signs shall be removed thirty (30) days following the sale or lease of the property in question. Such signs shall be entirely on private property and shall not extend onto or over any right-of-way and not to exceed fifteen (15) feet in height. Bulletin boards not over thirty-two (32) feet in area, for public, charitable, or religious institutions which are located on the premises of said institutions;
- G. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials;
- H. Identification/Occupational signs not exceeding one (1) square foot in size.
- I. Signs erected inside a building not visible through windows and signs not visible from adjoining properties or from public rights-of-way.
- J. Crop identification sign, not exceeding thirty-two (32) Square feet in gross surface area and shall be unlimited in number as to crop type or plot of land. The duration of these signs shall be limited to the growing season.
- K. Political signs, not exceeding thirty-two (32) square feet in gross surface area and shall be unlimited in number as to message and plot of land. These signs shall be erected only on private property no more than forty-five (45) days prior to election and shall be removed within seven (7) days after election for which they were made.
- L. Signs for the purpose of restricting the use of property are permitted along the boundary line of a publicly or privately owned tract of land. Each such sign shall not exceed two (2) square feet in area. In addition, at the entrance of such tract of land, one (1) sign shall be permitted not to exceed sixteen (16) square feet in area.
- M. Signs for the purpose of identifying the entrance, exit, traffic direction, and parking facilities of public or private property in premises, signs are permitted not exceeding eight (8) square feet in area and eight feet (8') in height.
- N. For the purpose of identifying the architect, engineer, or contractor of work under construction, one (1) temporary sign is permitted, not exceeding thirty-two (32) square feet in area.
- O. Memorial or tablet signs.
- P. No Trespassing signs, warning signs (such as a Beware of Dog sign), shall not be larger than four (4) square feet.

#### **§154.22.5 Prohibited Signs**

Except as specifically provided otherwise in this Section, the following signs shall be prohibited in all districts:

- A. Portable Signs, except as provided on a temporary basis not to exceed thirty (30) consecutive days.

- B. Signs which project onto the right-of-way. Any sign located in the right-of-way may be immediately removed and seized by the zoning official.
- C. Signs which interfere with traffic signals.
- D. Any sign which is installed, erected, or maintained in violation of any of the provisions of this Article.
- E. Any sign erected, constructed, maintained, tacked, pasted, typed, painted or otherwise affixed to poles, posts, fences, trees, rocks or other structures or natural features, which displays advertising matter, and is located wholly or partially within the right-of-way of any public road or highway. This shall not apply to official highway markers or other authorized traffic control devices.
- F. Abandoned signs that advertise or identify an activity, business product or service that is no longer conducted or available on the premises where such sign is located. The property owner shall remove said sign within sixty (60) days of notification by the Zoning Administrator.
- G. Off-premise signs, including but not limited to billboards, in all districts except as may be permitted by a Special Use.

#### **§154.22.6 Signs Permitted in the Agriculture and Residential Districts**

The following signs shall be allowed in the agriculture (AG), Conservation and residential (R1 & R2) districts, with a permit, in accordance to the requirements of the section:

- A. In any subdivision one (1) sign shall be permitted for each separate road frontage occupied by the subdivision and/or for each means of entrance to or exit from the subdivision.
- B. On-site Subdivision signs shall not exceed thirty-two (32) square feet.
- C. On-site Subdivision signs shall be located at least five (5) feet from any property line, and the sign shall not be located in the sight triangle or otherwise impair the visibility of a vehicle from a road or driveway.
- D. Portable Signs and Sandwich Boards are permitted for grand openings, And other similar special events on a temporary basis, for no more than thirty (30) consecutive days at a time, and no more than two (2) times per year.
- E. Home Occupation Sign. Exterior evidence of the conduct of a home occupation is not permitted except one (1) sign not to exceed seventeen and one half (17 ½) square feet.
- F. Temporary Subdivision Informational Signs. Signs not to exceed 32 square feet in area and fifteen (15) feet in height shall be allowed to announce the opening and sale of lots within a new subdivision. Such signs shall be located on private property within the new subdivision and not in any right-of-way or road easement. Such signs shall be removed within thirty (30) days of the sale of the last lot within the subdivision. One (1) sign shall be allowed at each entrance to the subdivision, however, no more than two such signs shall be allowed per subdivision. Off premise, temporary subdivision informational signs are not permitted under this section.
- G. Business sign relating to a Special Use may be authorized when included in the Special Use request. Such signs shall be subject to the following requirements:
  - 1. No sign face shall exceed one (1) square foot for each lineal foot of road frontage, up to a maximum of seventy (70) square feet of total sign face, and a height of fifteen (15) feet.

#### **§154.22.7 On-Premise Signs Permitted in the Commercial and Industrial Districts**

- A. In addition to those signs identified already in the permitted signs section, free standing and identification signs and wall signs shall be allowed in the commercial and industrial districts with a permit, subject to the requirements of this section and to the following size requirements:
1. No sign face shall exceed one (1) square foot for each lineal foot of road frontage, up to a maximum of seventy (70) square feet of total sign face, and a height of twenty-five (25) feet.
  2. Free standing identification signs on an individual lot shall be separated by a minimum of one hundred fifty (150) feet as measured along the road frontage.
  3. If a development fronts more than one (1) road, signs may be placed on each road frontage, so long as they meet the one hundred fifty (150) foot spacing requirements. However, the sign face area that is oriented toward each road may not exceed the proportion of the total lot frontage of that road. One (1) corner sign may be substituted for the Signage allowed on the two (2) connecting road frontages, provided that the sign face of the corner sign does not exceed one hundred (100) square feet.
  4. For commercial retail establishments or nonresidential planned unit developments that are comprised of more than one (1) store and that exceeds 50,000 square feet an additional identification sign for the entire establishment or planned unit development that does not exceed one hundred (100) square feet shall be permitted.
  5. Wall signs may not cover more than twenty percent (20%) of the facade of the building.
- B. Portable signs, and sandwich boards are permitted for grand openings, sales and other similar special events on a temporary basis, for no more than thirty (30) days at a time, and no more than two (2) times per year.

#### **§154.22.8 Location Restrictions**

- A. No sign shall be erected so as to prevent free ingress and egress from any door, window, roof or utility line.
- B. No sign shall be attached to a public utility pole, fence, gutter drain or fire escape, other than warning signs issued by government officials or public utilities. No trespassing signs, notification signs for emergency personal, or other such signs, are not to exceed four (4) square feet.
- C. If a sign which is located such that a major portion of the sign face will directly face structures in any Residential District, then the illumination of such signs shall be directed at the sign face, shaded and so limited that there will not be any glare to the occupants of property in the Residential District. In no event, shall such sign have flashing, rotating, or moving intermittent lights.
- D. No sign shall be permitted within a sight triangle, except for safety-related signs. Any signs proposed to be located at any intersection of two or more roads, that is determined to be within 50 feet of a sight triangle, shall be approved by the appropriate road authority.

#### **§154.22.9 Setbacks**

- A. All signs shall be located entirely on private property and shall not extend onto, over or into any right-of-way; unless indicated otherwise in this section.
- B. The minimum setback from any rear or interior side property line shall be five (5) feet.

#### **§154.22.10 Height**

The maximum height of any sign shall be fifteen (15) feet unless specifically indicated otherwise.

#### **§154.22.11 Illumination Standards**

Illuminated signs shall be designed, located, and constructed to eliminate or significantly reduce glare and shall not increase the lighting intensity upon adjoining or neighboring premises not under the same ownership or control.

#### **§154.22.12 Off Premises Signs**

Off-premises signs, such as but not limited to billboards, may be permitted as special uses in the commercial and industrial districts, along state and U.S. designated highways in accordance with the procedures and standards as set forth in Special Uses, provided the following requirements are also met:

- A. Signs shall be constructed of steel with mono-pole and shall not be stacked.
- B. Signs shall not exceed three hundred (300) square feet in total sign face area.
- C. No sign shall exceed thirty (30) feet in height.
- D. Signs shall be separated by one-quarter (1/4) mile along the same road frontage.
- E. Wherever applicable, signs shall comply with the standards of the Illinois Outdoor Advertising Control Act of 1971, as amended (225 ILCS 440/1 et seq.).

Off premises signs thirty two (32) square feet or less, along state and U.S. designated highways only, may be permitted without a Special Use in the Commercial and Industrial Districts, provided that they shall comply with the standards of the Illinois Outdoor Advertising Control Act of 1971, as amended (225 ILCS 440/1 et seq.).

Off premises temporary subdivision informational signs thirty two (32) sq. ft. or less are permitted in the A1, A2 or Conservation Districts, provided that they shall comply with the standards of the Illinois Outdoor Advertising Control Act of 1971, as amended (225 ILCS 440/1 et seq.).

Any off premises sign along any U.S. State, County or Township road or highway exceeding thirty two (32) sq. ft. shall be required to obtain a Special Use permit if within 1 1/2 miles of any municipality.

#### **§154.22.13 Non-Conforming Signs**

A sign lawfully established before the effective date of this ordinance but not conforming with the regulations of this section may remain. Any non-conforming sign shall comply with the regulations in the Non-Conformities section of this zoning ordinance.

#### **§154.22.14 Signs Along State or Federal Highway**

All signs located along any State or Federal highway: Shall obtain any and all permits required by the Illinois Department of Transportation in compliance with the standards of the Illinois Outdoor Advertising Control Act of 1971, as amended (225 ILCS 440/1 et seq.)

#### **§154.22.15 Variances**

Any request for a deviation, alteration, variation or change from the aforementioned rules shall require the applicant to apply for a variance through the normal variance procedures as specified in §154.25 of the Woodford County Zoning Ordinance, except that the filing fee shall be \$60. The applicant shall be responsible for publication costs and zoning permit fees.

## **SECTION 23**

### **OFF-ROAD PARKING AND LOADING REQUIREMENTS**

#### **§154.23.1 Purpose**

The purpose of these off road parking regulations is to alleviate or prevent congestion of the public roads and so promote the safety and convenience of the public, by establishing minimum requirements for off road parking in accordance with the use of the property. The regulations and requirements set forth herein shall apply to all off road parking facilities in all zoning districts unless otherwise specifically stated.

#### **§15423.2 General Provisions**

The off-road parking and off-road loading provisions of this ordinance shall apply as follows:

- A. Accessory off-road parking and off-road loading facilities shall be provided as required by the regulations of this section for all buildings and structures erected and all uses of land established in each district after the effective date of this ordinance.
- B. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units or measurement in the amounts specified herein requiring parking or loading facilities, such additional parking and loading facilities as required herein shall be provided.
- C. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only to the extent by which the requirements for the new use would exceed those for the existing use if the latter was in compliance with the parking and loading provisions of this ordinance.
- D. Existing parking and loading facilities. Accessory off-road parking and loading 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.
- E. Damage or destruction. For any conforming or legally non-conforming building or use which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired, off-road 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. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction.
- F. Control of off-site parking facilities. In cases where parking facilities are permitted on a lot other than the lot on which the structure or use served is located, a written agreement shall be submitted to the Zoning Administrator indicating that portion of the lot which shall be designated for the off-road parking.



G. Handicapped Parking Requirements.

Total Number of Required Off-Road Parking Spaces	Total Number of Spaces Required For Handicapped
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	2% of total number
1000 +	20 + 1 for each 100 over 1,000

1. Off-road parking spaces for the handicapped shall be designed as follows:

- a. All spaces for the handicapped shall have access to a curb ramp or curb cut when necessary to allow access to the building served, shall be located so that users will not be compelled to wheel behind parked vehicles, and shall be located the shortest possible distance between the parking area and the entrance to the principal building it serves.
- b. The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is achieved in consideration of such factors as anticipated usage, number, and location of entrances and level of parking areas.
- c. Each parking space for the handicapped shall be at least sixteen (16) feet wide including an eight (8) foot wide access aisle, and adjacent parking spaces shall not share a common access aisle. All access aisles shall blend to a common level with an accessible route and shall be diagonally striped.
- d. Parallel parking spaces for the handicapped shall be located either at the beginning or end of a block, or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
- e. No accessible parking spaces shall be required if only attendant or valet parking is provided and is available at all times that the facility is open for public use. If accessible at-grade parking is available, at least one (1) space for self parking of a vehicle with sensitive specialized control devices shall be provided.
- f. Each parking space for the handicapped shall be equipped with a sign which complies with 625 ILCS 5/11-301 et seq., as amended, and shall meet the requirements of Sign R 7-8, U.S. Department of Transportation Standard and the Illinois Department of Transportation. Signs shall bear the internationally accepted wheelchair symbol and shall be vertically mounted on a post or a wall at the front center of the parking space, no more than five (5) feet horizontally from the front of the parking space, and set a minimum of four (4) feet from finished grade to the bottom of the sign.

H. Submission of Plot Plan. A plan shall be submitted with every application for a building permit for

any building or use that is required to provide off-road parking. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-road parking facilities to the uses or structures such facilities are designed to serve. The proposed landscaping to comply with the requirements of these regulations shall also be depicted on the plan, where applicable.

### **§154.23.3 Off-Road Parking**

Off-road parking facilities for motor vehicles shall be provided in accordance with the following:

- A. Use. Off-road parking facilities required herein as accessory to uses subject to this ordinance shall be solely for the parking of passenger automobiles of patrons, occupants, or employees.
- B. Exemptions. When the application of the off-road parking regulations specified hereinafter results in a requirement of not more than three (3) spaces on a single lot in the Commercial Districts, such parking spaces need not be provided, unless two (2) or more uses are located on such lot in which case only one of the uses shall be eligible for the above.
- C. Computation. When determination of the number of off-road 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.
- D. Collective provisions. Off-road 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 such 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 portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Zoning Board of Appeals in accordance with procedures set forth herein.
- E. Size. Except for parallel parking spaces, a required off-road parking space shall be at least nine (9) feet in width and at least twenty (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 (7) feet. For parallel parking, the length of the parking space shall be increased to twenty-two (22) feet. All other requirements as to size shall be listed herein. Handicapped parking spaces will meet the size requirements as described in this Ordinance.
- F. Access. Each required off-road 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-road parking facilities shall be designed with appropriate means of vehicular access to a road or alley in a manner which will least interfere with traffic movement. No driveway across public property at the right-of-way line shall exceed a width of twenty-five (25) feet.
- G. Design and Maintenance.
  - 1. Open and enclosed parking spaces: Accessory parking spaces may be open to the sky or enclosed in a building.
  - 2. Surfacing: All open off-road parking located on multi-family zoned property that contains more than four units shall be improved with a compacted base, and a paved surface (such as bituminous or concrete) as approved by the Woodford County Highway Engineer.
  - 3. Screening and landscaping: All open automobile parking areas, required by this code to contain more than five (5) parking spaces, located less than forty (40) feet from the nearest property line of a lot in a Residential District, shall be effectively screened on each side adjoining or fronting on such property line by a solid fence or densely planted hedge, not less than five (5) feet nor more than eight (8) feet in height.

4. Lighting: Any lighting used to illuminate off-road parking areas shall be directed away from residential properties. The Zoning Board of Appeals may, on petition of neighboring residential property owners or tenants, and after hearing, require that such lighting be reduced in intensity, height, changed in duration, or turned off after certain hours. In making this decision on any such petition, the Zoning Board of Appeals shall take into consideration the reasonable requirements of the user of the parking area involved.
  5. Repair and Service: No regular motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities.
- H. 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 or adjoining 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 or new uses established in any Commercial or Industrial District, may be served by parking facilities located on land other than the lot on which the building or use served is located, provided such facilities are within four hundred (400) feet walking distance of a main entrance to the use served.
- I. 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.
- J. Required Spaces. The minimum number of off-road parking spaces accessory to designated uses shall be provided as follows:
1. Dwelling and lodging uses.
    - a. Boarding or rooming houses: Two (2) parking spaces plus an additional one parking space for each three (3) lodging units.
    - b. Hotels and Motels: One (1) parking space per room, plus two (2) parking spaces per three (3) employees.
    - c. Multiple-family dwellings: One and one-half (1 2) parking spaces for each dwelling unit.
    - d. Single-family dwellings: Two (2) parking spaces for each dwelling.
    - e. Two-family dwellings: Two (2) parking spaces for each unit.
  2. Colleges, junior colleges, university, institutions, auditoriums, schools, or other places of assembly uses.
    - a. Colleges, junior colleges, and universities: One parking space for each six (6) students, based upon the maximum number of students that can be accommodated in accordance with design capacity, and one (1) space for each employee.
    - b. Nursing homes, rest homes, institutions for the care of the aged and for children, and sanitariums: One parking space for each two (2) beds.
    - c. Gymnasiums, stadiums, and grandstands: One parking space for each six (6) seats or for each one hundred eight (108) inches of seating space.
    - d. Hospitals: 1.0 parking space per bed for one hundred (100) bed hospitals; 1.1 parking spaces per bed for one hundred one (101) to three hundred (300) beds, 1.2 parking spaces per bed for three hundred one (301) to five hundred (500) beds, and 1.3 parking spaces per bed for over five hundred (500) beds.

- e. Libraries and museums: One parking space for each eight hundred (800) square feet of floor area.
- f. Medical and dental clinics: One parking space for each two hundred fifty (250) square feet of floor area.
- g. Meeting halls, convention halls, and exhibition halls: The number of parking spaces equal to thirty (30) percent of the maximum number of people that can be accommodated in accordance with such design capacity.
- h. Private clubs and lodges: One parking space for each lodging room and one parking space for each six (6) seats in accordance with design seating capacity of the main meeting room.
- i. Schools, shall have parking spaces as follows:
  - 1. Elementary and junior high schools shall have one (1) parking space for each teacher and other employee.
  - 2. Senior high schools, shall have one (1) parking space for each teacher and other employee, plus one (1) parking space per five (5) students.
  - 3. Nursery schools shall have one (1) parking space for each teacher and other employee, plus one (1) off-road loading space per eight (8) pupils.
  - 4. If a school has an auditorium or assembly hall which may be used by persons other than students of the school, the parking requirements set forth under "meeting halls, convention halls, and exhibition halls", shall be used to fulfill the parking requirements of the school.
  - 5. Commercial and trade schools shall have two (2) parking spaces per five (5) students plus two (2) parking spaces per three (3) employees.
- 3. Recreational uses - commercial or non-commercial:
  - a. Bowling alleys: Seven (7) parking spaces for each lane plus such additional spaces as may be required herein for affiliated uses such as restaurants and the like.
  - b. Golf Courses: Six (6) parking spaces per green and one (1) parking space per employee.
  - c. Golf Driving Range: one (1) parking space per tee and one (1) parking space per employee.
  - d. Gymnasiums, health salons, swimming pools, skating rinks, and dance halls, commercial: One parking space for each three (3) persons, based upon the maximum number of persons that can be accommodated at the same time in accordance with such design capacity, and one parking space for each two (2) employees.
- 4. Business, commercial and manufacturing uses.
  - a. All business and commercial establishments, except those specified hereafter: One parking space for each three hundred (300) square feet of floor area.
  - b. Automobile carwash: One parking space for each two (2) employees, plus one space for the owner or manager, and in addition, reservoir parking spaces to accommodate automobiles awaiting entrance to the automobile carwash equal in number to five (5) times the maximum capacity of the automobile laundry. Maximum capacity, in this instance, shall mean the greatest number of automobiles that can be laundered at the same time.

- c. Automobile service stations: One parking space for each employee, plus two (2) for each service stall.
  - d. Banks: One parking space for each four hundred (400) square feet of floor area.
  - e. Business, professional or service office buildings: One parking space for each two hundred (200) square feet of floor area used or intended to be used for service to the public as customers, patrons, or clients, whichever requires the greater number parking spaces, with a minimum of five (5) spaces.
  - f. Cartage, express, parcel delivery and freight terminal establishments: One parking space for each person engaged or employed on the premises, and one parking space for each vehicle maintained on the premises.
  - g. Drive-in business and commercial establishments: Extra (reservoir) parking spaces equal in number to fifteen (15) percent of the number of vehicle spaces used for serving customers.
  - h. Establishments handling the sale and consumption on the premises of food and refreshment: One parking space for each three (3) persons based upon the maximum number of persons that can be accommodated at the same time in accordance with such design capacity.
  - i. Furniture and appliance stores, motor vehicle sales, wholesale stores, stores for repair of household equipment or furniture: One parking space for each four hundred (400) square feet of floor area.
  - j. Production, processing, assembly, disassembly, cleaning, servicing, testing, or repairing of materials, goods, or products: One parking space for each two (2) employees, as related to the working period when the maximum number of persons are employed on the premises.
  - k. Theaters: One parking space for each six (6) seats up to four hundred (400) seats, plus one parking space for each four (4) seats over four hundred (400).
  - l. Theaters (automobile drive-in): Extra (reservoir) parking spaces equal in number to ten (10) percent of the vehicle capacity of such theaters.
  - m. Undertaking establishments and funeral parlors: Eight (8) parking spaces for each chapel or parlor, plus one parking space for each funeral vehicle maintained on the premises.
  - n. Warehouse, storage, wholesale and mail order establishments: One parking space for each employee employed on the premises and one parking space for each vehicle maintained on the premises.
5. Miscellaneous uses:
- a. Planned developments: The total number of parking spaces needed to meet the requirements herein for each use located in the development.
  - b. Public utility and public service uses: One parking space for each two (2) employees.
6. Other uses: Parking spaces for other permitted or special uses not listed above shall be provided in accordance with requirements recommended by the Zoning Administrator and approved by the Zoning Board of Appeals or County Board.

#### **§154.23.4 Off-Road Loading**

Off-road loading spaces accessory to designated uses shall be provided as follows:

- A. Location. All required loading spaces shall be located on the same lot as the use served. All motor vehicle loading spaces which abut a Residential District or an intervening alley separating a Residential District from a Commercial or Industrial District shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight (8) feet nor more than ten (10) feet in height. No permitted or required loading space shall be located within forty (40) feet of the nearest point of intersection of any two (2) roads. No loading space shall be located in a required front or side yard adjoining a road, and any loading space located in a required rear yard shall be open to the sky.
- B. Area. Unless otherwise specified, a required off-road loading space shall be at least twelve (12) feet in width by at least thirty-five (35) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
- C. Access. Each required off-road loading space shall be designed with appropriate means of vehicular access to a road or alley in a manner which will least interfere with traffic movement.
- D. Surfacing. All open off-road loading spaces shall be improved with a compacted base and a permanent wearing surface as approved by the county engineer.
- E. Repair and service. No motor vehicle regular work or service of any kind shall be permitted in conjunction with loading facilities.
- F. Utilization. Space allocated to any off-road loading space shall not, while so allocated, be used to satisfy the space requirements for any off-road parking facilities or portions thereof.
- G. Off-road loading space requirements.
  - 1. The minimum number of off-road loading spaces accessory to non-residential uses in Agriculture, Residence, and Commercial Districts shall be: One loading space for buildings containing ten thousand (10,000) square feet of gross floor area, plus one additional loading space for each additional one hundred thousand (100,000) square feet of gross floor area or major fraction thereof.
  - 2. The minimum number of off-road loading spaces accessory to uses in Industrial Districts shall be in accordance with the following schedule:

<u>Floor Area of Establishments</u>	<u>Required Number</u>	<u>Required Size</u>	<u>Minimum Clearance</u>
5,000 to 10,000	1	10' x 35'	12'
10,000 to 25,000	2	10' x 35' each	12'
25,000 to 40,000	2	12' x 50' each	14'
40,000 to 100,000	3	12' x 50' each	14'

For each additional one hundred thousand (100,000) square feet of gross floor area, or major fraction thereof, over one hundred thousand (100,000) square feet of gross floor area, one additional loading space, such additional loading space shall be at least twelve (12) feet in width by fifty (50) feet in length.

## **SECTION 24**

### **SPECIAL USES**

(Amended 4/18/23)

#### **§154.24.1 Purpose**

To ensure that such special use is granted only in cases where the public benefits of such uses outweighs the potential public harm; and that conditions are imposed to protect the public health, safety, welfare and essential character of each district.

#### **§154.24.2 Application**

Special Use Application shall contain the following:

- A. Full name and mailing address and signature of the applicant.
- B. Full name, mailing address, and signature of the property owner if different from the applicant.
- C. Legal description of property on which development is to be located.
- D. Zoning district in which property is located.
- E. A statement of what type of Special Use is desired.
- F. Section of the ordinance which allows that particular special use.
- G. Documentation that the proposed use meets all criteria described for granting a special use in the district where the use is requested.
- H. Additional information may be requested on a case by case basis. (9/17/19)
  - a. Site plans containing a minimum of the following:
    - i. Scaled drawing.
    - ii. Title block showing owner, developer, engineer, and date of drawing.
    - iii. All property lines and structures existing and proposed.
    - iv. Utility easements and sewer and water systems, existing and proposed.
    - v. Drainage, existing and proposed.
    - vi. Erosion and storm water control plan.
    - vii. All setbacks, yards, and buffer strips as required for the type of special use requested.
    - viii. Additional information may be required on a case by case basis.
  - b. That all special use requests which require sewage disposal be accompanied by an Application/Permit for Private Sewage Disposal System according to the rules and regulations as specified by the County and/or State Health Department. 09/17/19)
- I. That all special use requests which require sewage disposal be accompanied by an Application/Permit for Private Sewage Disposal System according to the rules and regulations as specified by the County and/or State Health Department. (02/27/12)

#### **§154.24.3 Fee and Schedule**

- A. Each application for a special use shall be accompanied by a fee as per the fee schedule listed in §154.05.3.E.2, plus publication fee to be paid by the applicant. (6/21/16)

- B. All applications shall be submitted no less than 30 days before the next regularly scheduled meeting of the Zoning Board of Appeals to allow time to publish, notify adjoining land owners, and review . (02/27/12)
- C. Notice of the time and place of the hearing regarding a proposed special use shall be published at least fifteen (15) days, but not more than thirty (30) days prior to the hearing. This notice shall be published in an official paper or a paper of general circulation in the county. The notice of such hearing shall contain the address and location of the property for which such special use is sought as well as a brief description of the special use sought. The applicant shall pay the cost of the publication.
- D. The applicant shall pay the actual cost of postage for the neighbor notification. (09/17/19)
- E. A public hearing shall be held on each application for a proposed special use. Any person may appear in person, or by agent, or by attorney.
- F. Special Use requests for Gravel Pits shall have a Court Reporter, arranged by the Zoning Office, in attendance at the Hearing. The applicant shall pay the actual cost of the Court Reporter. Cost of digital or printed transcripts shall be bore by the requestor.(7/17/18)

#### **§154.24.4 Findings**

The ZBA shall make a finding that the granting of the special use:

- A. Will not be detrimental to the public health, safety, and welfare;
- B. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility;
- C. Will not be injurious to the district in which it shall be located;
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads;
- G. Is consistent with the Woodford County Comprehensive Long Range Plan.

#### **§154.24.5 Conditions**

- A. The County Board, ZBA, or other official governing body may require the addition of special conditions when deemed necessary to safeguard the public health, safety, and welfare. These conditions are contingent upon acceptance of the proposed use and in addition to the restrictions already required within this Ordinance,
- B. All special uses shall be transferable.

A transfer of a special use shall follow the same procedures as an application for a new special use, however, the only fee shall be the publication cost as required by the public hearing publication requirements of the County Code. (11/17/15)



- C. Violation of such special conditions, when conditions are made as a part of the terms under which the special use is granted, shall be deemed a violation of this ordinance and punishable under this ordinance.
- D. All Special Uses shall be evaluated by the Road Authority to determine the necessity of a Road agreement. Said road agreement shall be in place prior to commencing the special use. (7/17/18)

**§154.24.6 Circumstances** (06/20/06)

- A. The ZBA may, by majority vote, postpone or adjourn, any public hearing. In the event of such postponement or adjournment, further publication of a proposed special use need not be made.
- B. The ZBA shall make a report of their finding to the Woodford County Board.
- C. Upon the recommendation of the ZBA, the Woodford County Board may, without further public hearing, may approve the recommendation for the special use, or it may refer the petition back to the ZBA for further consideration. (11/20/2018)
- D. Under no circumstances shall the Woodford County Board grant a special use to allow a use not permissible under the terms of this ordinance, in the district involved, or any use expressly or by implication prohibited under the terms of this Ordinance in said district.
- E. A special use may be adopted by majority vote of the Woodford County Board constituting a quorum regardless of the recommendation of the ZBA, and regardless of any written protest filed by property owners affected or adjacent or by a municipality within one and one-half miles of the subject property.

## **SECTION 25**

### **VARIANCES**

#### **§154.25.1 Purpose**

To ensure that such variance is granted only in cases where the public benefits outweigh the potential public harm; and that conditions are imposed to protect the public health, safety, welfare and essential character of each district.

#### **§154.25.2 Application**

A written application and a site plan drawn to scale, demonstrating the following:

- A. The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a unique hardship upon the owner, as distinguished from a mere inconvenience, if the strict reading of the Woodford County Zoning Ordinance were to be carried out.
- B. The granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property or improvements in the neighborhood in which the property is located. The applicant must prove that the granting of the variance will cause no significant impact on adjoining property.

#### **§154.25.3 Fees and schedule. (06/20/06)**

- A. Each application for a variance or administrative variance shall be accompanied by a fee as per the fee schedule listed in Section 5, Subsection 1200, paragraph E, subparagraph 2, plus publication fee to be paid by the applicant. Administrative variances do not require a publication fee. (02/27/12)
- B. All applications shall be submitted no less than 30 days before the next regularly scheduled meeting of the Zoning Board of Appeals/Hearing Officer to allow time for publication and review. Administrative variance applications may be applied for at any time. (02/27/12) (12/19/17)
- C. Notice of time and place of the hearing regarding a proposed variance shall be published at least fifteen (15) days but not more than thirty (30) days prior to the hearing. This notice shall be published in an official paper or a paper of general circulation in the county. The notice of such hearing shall contain the address and location of the property for which the variance is sought as well as a brief description of the variance sought. The applicant shall pay the cost of such publication. Notice of intent to grant an administrative variance shall be sent to all adjoining landowners by certified mail. (02/27/12)
- D. The public hearing shall be held on each application for a proposed variance. Any person may appear in person, or by agent, or by attorney. A public hearing is not required for an administrative variance, however, if any adjoining land owner files a written objection with the Zoning Administrator within 15 days of receipt of such notice, the variance shall only be considered by the Zoning Board of Appeals. (02/27/12)
- E. The applicant shall pay the actual cost of postage for the neighbor notification. (2/18/20)

#### **§154.25.4 Granting**

A variance may be granted in the following instances only or an administrative variance may be granted only if the variance being sought is of ten percent (10%) or less as to location of structures or as to bulk requirements: (02/27/12)

- A. To permit the use of a lot for a permitted use otherwise prohibited because of the insufficient area and/or width of the lot.
- B. To permit the same off-road parking facility for only commercial or manufacturing uses located within a reasonable distance of each other to qualify as required facilities for two (2) or more uses, provided that a finding shall be made that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week, and further provided that such finding shall be made only after receipt of a recommendation from the Woodford County Engineer.
- C. To permit any building or structure to exceed the maximum or the minimum floor area ratio limitation imposed by the applicable regulations, provided that height and coverage limitations are not exceeded.
- D. To permit any structure to exceed the height limitations imposed by the applicable regulations, provided that floor area ratio limitations are not exceeded.
- E. To permit greater coverage than allowed by the applicable regulations, provided that the maximum floor area ratio is not exceeded.
- F. To permit the conversion of an existing building to a permitted residential use otherwise prohibited because of insufficient lot area, usable open space, or yards, provided:
  - 1. The building exterior will not be increased in dimension and meets all parking and loading requirements for the zone in which it is located; and
  - 2. The lot area is large enough to meet all separation distances and sizing requirements for current and replacement sewage disposal needs.
- G. To permit the reconstruction of a non-conforming structure which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value, by fire, or an act of God, or where the ZBA shall find some compelling necessity requiring a continuance of the non-conforming structure. As long as the outside dimensions and use of the structure do not change.
- H. To permit any lot, area, yard, court, buffer strip, setback line, and/or spacing between buildings to be of less dimension than required by the applicable regulations.
- I. To permit a relaxation of the floodplain standards and regulations upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and that the grant will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or create a nuisance.
- J. Under no circumstances shall the ZBA grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance.
- K. An administrative variance shall not be permitted to amend the standards or stipulations affiliated with a Special Use. (02/27/12)
- L. To permit any sign to be of greater dimension than required by the applicable regulations provided the height requirements are not exceeded. Variance applications for signs shall be accompanied by a \$50 fee. (02/18/14)

**§154.25.5 Variance procedures (12/19/17)**

- A. The Hearing Officer may authorize upon application in specific cases a variance where there is particular hardship in the way of carrying out the strict letter of the regulations and standards of this ordinance. The Hearing Officer shall not vary the regulations of this ordinance unless and until he

shall make findings based upon the evidence presented, in each specific case, that a majority of the conditions in §154.25.6 are present. The Hearing officer will only be utilized when only variances with no interested parties are filed. In the event an interested party files against a variance petition or the ZBA must convene for a map amendment, Special Use, or any other reason all petitions shall go before the ZBA.

- B. The ZBA may authorize upon application in specific cases a variance where there is particular hardship in the way of carrying out the strict letter of the regulations and standards of this ordinance. The ZBA shall not vary the regulations of this ordinance unless and until it shall make findings based upon the evidence presented, in each specific case, that a majority of the conditions in §154.25.6 are present.

#### **§154.25.6 Findings**

- A. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a variance.
- B. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.
- C. The ZBA/Hearing Officer shall make a finding that the reasons set forth in the application justify the granting of the variance. (12/19/17)
- D. The ZBA/Hearing Officer shall make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.(12/19/17)
- E. The variance requested is the least amount of variance required to allow the proposed structure on the existing lot, without regard to aesthetics or personal inconvenience to the property owner.

#### **§154.135 Conditions**

- A. A The Hearing Officer may refer the item to the ZBA or adjourn from time to time any public hearing. In the event a petition is referred to the ZBA, further publication of a proposed variance need not be made. (12/19/17)
- B. The ZBA may, by majority vote, postpone or adjourn from time to time any public hearing. In the event of such postponement or adjournment, further publication of a proposed variance need not be made.

## **SECTION 26**

### **AMENDMENTS**

#### **§154.26.1 Intent**

The regulations and standards, restrictions, and district boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed. No such action may be taken unless and until:

- A. A written application is submitted to the ZBA. Such application may be initiated by the County Board, the Plan Committee, or the owners of more than fifty percent (50%) of the area involved.
- B. Each such application, except that initiated by the Woodford County Board or by the Conservation, Planning and Zoning Committee shall be accompanied by a fee as per the fee schedule listed in Section 5, subsection 1200, paragraph E, subparagraph 2, to be paid by the applicant. (06/20/06)
- C. At least fifteen (15) days but not more than thirty (30) days' notice of the time and place of the hearing of such action shall be published in an official paper or a paper of general circulation in the County. The notice of such hearing shall contain the information relating to such action. The applicant shall pay the cost of such publication.
- D. Paragraph Deleted (03/18/08)
- E. Hearings on text amendments shall be held in the Woodford County Courthouse. Hearings on map amendments shall be held in the township affected by the terms of such proposed amendment or in the Woodford County Courthouse, provided that if the owner of any property affected by such proposed map amendment so requests in writing, such hearing shall be held in the township affected.
- F. The ZBA may, by majority vote, postpone or adjourn from time to time any public hearing. In the event of such postponement or adjournment further publication of such action need not be made.
- G. Within a reasonable time after the public hearing, the ZBA shall make a report to the Woodford County board.
- H. Action of the Woodford County Board:  
All action referred to the County Board from the ZBA shall pass by simple majority of the elected county board members unless a written protest or resolution by corporate authorities is submitted as defined in Illinois state statute [55 ILCS 5/5-12014(b) and (c)]. If such a written protest or resolution exists, the action before the County Board shall not pass except by the favorable vote of three-fourths of all members of the County Board. (8/20/13)

#### **§154.26.2 Map Amendments (Rezoning)**

If the application is for a reclassification of property to a different zoning district classification on the Woodford County Zoning Map, the Planning Commission and the Zoning Board of Appeals shall consider:

- A. Whether the proposed zoning district classification is consistent with the Woodford County Comprehensive Land Use Plan;
- B. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;
- C. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on the other properties in the immediate vicinity;

- D. Whether adequate infrastructure exists or can be provided to serve the uses that would be permitted on the property if it were rezoned;
- E. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular traffic in the vicinity;
- F. Whether a reasonably viable economic use of the subject property will be denied if the proposed rezoning is not approved;
- E. Information submitted at the public hearing.

**§154.26.2 Fee and Schedule** (2/18/20)

- A. The applicant shall pay the actual cost of postage for the neighbor notification

## **SECTION 27**

### **SMALL WIND ENERGY SYSTEMS**

(Section Added to Ordinance 08/19/08)

#### **§154.27.1 Purpose**

The requirements of this Section are established for the purpose of allowing Woodford County residents and businesses to use small wind energy systems while protecting the public health, safety, and general welfare of the County. The requirements of this Section shall apply to small wind energy systems when they are allowed as a permitted use or by Special Use under §154.24 of the Woodford County Zoning Ordinance.

#### **§154.27.2 Authority**

Pursuant to 55 ILCS 5/5-12001 et al. Woodford County has the authority to regulate and restrict the location and use of structures.

#### **§154.27.3 Definitions**

The following definitions when used in this Section shall have the following meanings unless the context clearly indicates otherwise.

**BUILDING DENSITY:** The number of buildings in a given area.

**FAA:** The Federal Aviation Administration of the United States Department of Transportation.

**GUY CABLE:** Any cable or wire that extends from a small wind energy system for the purpose of supporting the system structure.

**SMALL WIND ENERGY SYSTEM:** 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.

**SYSTEM:** A small wind energy system.

**SYSTEM HEIGHT:** The height above grade of the highest point of the system.

**TOWER:** The upright portion of a small wind energy system to which the generator device is attached.

#### **§154.27.4 Small Wind Energy Systems Permitted**

A small wind energy system shall be permitted by building permit if all of the following conditions are met. (A *Special Use* for a small wind energy system may be allowable under another subsection of this section if conditions are met under that subsection.)

- A. The system height is no greater than 150 feet;
- B. The parcel on which the system is to be located shall be no smaller than 2 (two) acres, and
- C. The parcel on which the system is to be located is in the (AG), Agriculture, Light Industrial (I-1), Heavy Industrial (I-2), Residential Single Family (R1), Residential Multi-Family (R2), and General Commercial Zoning Districts.
- D. Systems are not permitted in the Conservation Zoning District.

#### **§154.27.5 Application for Zoning/Building Permit**

When a small wind energy system is allowed as a permitted use or a Special Use, a site plan shall be submitted to the Zoning Administrator demonstrating compliance with the following restrictions:

- A. **Permit:** A Zoning permit shall be required before construction may begin.
- B. **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 one hundred ten (110%) percent of the system height from all adjacent property lines and a distance equal to one hundred fifty (150%) percent of the system height from any adjoining inhabited structure, 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 under the appropriate section for accessory structures in the zoning district in which the system is proposed to be located.
- C. **Noise:** The small wind energy systems shall be subject to IEPA regulations requirements, and restrictions.
- D. **Engineering compliance:** Zoning permit applications shall be accompanied by standard drawings of the system structure, including the tower, base, footings, and guy cables. An engineering analysis of the tower certified by a licensed professional engineer also shall be submitted. This analysis may be supplied by the manufacturer.
- E. **Electric Code Compliance:** Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components of the system showing compliance with the National Electric Code and certified by a licensed professional engineer. This information may be supplied by the manufacturer.
- F. **Notifications regarding Aircraft:** Small wind energy systems shall comply with all applicable regulations of the FAA.
- G. **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 the 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.
- H. **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. Additionally, the distance between the nearest point of the arc of the blades to the closest point of any structure shall be a minimum of 10 feet.
- I. **Radio and Television Signals:** The small wind energy system shall not cause any radio, television, microwave, or navigation interference. If the authorized manufacturer representative determines that the small wind energy system causes severe interference with any of the above, the applicant shall take commercially reasonable steps to correct the problem.
- J. **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.
- K. **Climbing access:** The base of the tower shall not be climbable for a distance of 12 feet measured from the ground.
- L. **Height:** The applicant shall provide evidence that the proposed height does not exceed the height



recommended by the manufacturer or distributor of the system.

- M. ***Required Safety Features:*** The small wind energy system shall have an automatic over speed 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.

#### **§154.27.6 Small Wind Energy Systems By Special Use**

A Special Use shall be required for a small wind energy system if one or more of the following conditions apply: (A zoning/building permit is also required as described in paragraph §154.27.5).

- A. The system height is greater than 150 feet.
- B. The parcel on which the system is to be located is smaller than 2 acres.
- C. Failure to meet the criteria as set forth under §154.27.5.B.
- D. Location in the Conservation Zoning District.

#### **§154.27.7 Application for Special Use**

When a Special Use is required for a small wind energy system, a site plan shall be submitted to the Zoning Administrator demonstrating compliance with the restrictions and requirements listed in §154.27.5. An application shall also be submitted to the Zoning Administrator which meets the requirements of the application procedures found in §154.24(Special Uses).

#### **§154.27.8 Evaluation of Special Use**

Following the procedures as established in §154.24 (Special Uses) the Zoning Board of Appeals, in evaluating a Special Use for a small wind energy system, shall consider the following matters:

- A. The height of the system relative to the size of the parcel on which the system is proposed to be located;
- B. The need for the proposed height of the system in order to allow the system to operate effectively;
- C. The building density of the general area in which the system is proposed to be located;
- D. The existing uses on adjacent and nearby properties;
- E. Whether the design of the proposed system reflects compliance with §154.27.5 and:
- F. Findings of Fact as required in §154.24 (Special Uses) and subject to conditions imposed by the Zoning Board of Appeals.
- G. Final approval of the Special Use to be determined by the Woodford County Board.

#### **§154.27.9 Enforcement**

The erection or operation of any small wind energy system in violation of the Ordinance shall subject the owner and/or the operator of the system to civil penalty. The civil remedies available to the Court shall include the removal of the system. If such removal is ordered all expenses shall be paid by the owner and/or operator of the system. Enforcement authority is expressly provided in §154.05 "Administration, Enforcement and Fees."

**§154.27.10 Fees**

The zoning/building permit fee for small wind energy systems shall be \$200 (two hundred) per system.

**§154.27.11 Transferability**

Transfer of ownership of property shall carry all encumbrances, requirements, restrictions and conditions from original owner to all subsequent owners. Special Uses for small wind energy systems are transferable.

## **SECTION 28**

Reserved for Future Use (4/18/23)

## **SECTION 29**

### **CEMETERY DISTRICT**

(Section Added to Ordinance 11/17/15)

#### **§15429.1 Purpose**

The Cemetery District is established land used or intended to be used for the burial of the dead and dedicated for such purposes.

#### **§154.29.2 Permitted Uses**

The following uses are permitted uses in the Cemetery District in accordance with the applicable regulations as set forth in this Ordinance: Permitted uses in 1 (one) district shall not be permitted in another district unless specifically stated.

- A. Columbarium
- B. Funeral vaults
- C. Mausoleums

#### **§154.29.3 Special Uses**

Not applicable.

#### **§154.29.4 Minimum Lot Sizes**

Not applicable.

#### **§154.29.5 Performance Standards**

The following regulations and standards shall apply to all cemeteries.

1. Shall conform to State of Illinois requirements.
2. Unless otherwise provided for, shall conform to the zoning district in which the tract of land was identified as being a part of immediately preceding the map amendment to Cemetery District.

#### **§154.29.6 Minimum Setbacks**

The setback standards shall apply for all structures:

Front Yard:

1. The minimum front yard dimension shall be determined according to the setback line provided for in §154.04.7.C of this Ordinance.

## **SECTION 30**

### **SOLAR ENERGY SYSTEMS**

(Section Added to Ordinance 03/22/18, amended 4/18/23)

#### **SECTIONS:**

154.30.1 Definitions.

154.30.2 Personal Solar Energy System (PSES).

#### **§154.30.1 Definitions**

***Ground Mount Solar Energy System*** A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

***Net Metering*** A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

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

***Solar Energy System (SES)*** The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.

***Personal Solar Energy System (PSES)*** Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site.

***Solar Panel*** A device for the direct conversion of solar energy into electricity or heat.

***Structure Mount Solar Energy System*** A solar energy system in which solar panels are mounted on a structure.

#### **§154.30.2 Personal Solar Energy System (PSES)**

A. **Purpose and Intent.**

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of PSESs designed for on-site home, farm, and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety, and community welfare without unduly restricting the development of PSESs.

B. **Permitted Use.**

Personal Solar Energy Systems shall be considered an accessory use to a principal permitted use in any zoning district.

C. **Special Requirements.**

Personal Solar Energy Systems shall be subject to the requirements included in §154.04 General Provisions unless otherwise stated herein:

- 1) Ground Mounted PSES Height. Shall not be greater than eighteen (18) feet at maximum tilt of the solar panel(s) in any zoning district.
- 2) Structure Mounted PSES Height. Shall not be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed.
- 3) Setbacks. The PSES shall maintain perimeter setbacks including: side and rear yard setbacks of ten (10) feet. No PSES shall be permitted to be located in the required front yard.
- 4) Building Codes. All state, and national construction codes shall be followed.
- 5) Use. The PSES shall provide electricity or heat for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.
- 6) Approved Solar Components. Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent.

## **SECTION 31**

### **TALL STRUCTURES**

**(Section Added to Ordinance 08/20/19)**

#### **§154.31.6 Purpose**

The requirements of this section regulate and restrict the height of structures and objects of natural growth in the vicinity of airports, restricted landing areas, and heliports by creating the appropriate zones and establishing boundaries thereof; defining certain terms used herein; and imposing penalties.

It is hereby found that an Airport, RLA, and Heliport hazard endangers lives and property of users of the Airport, RLA, and Heliport and property or occupants of land in its vicinity. Accordingly, it is declared:

That the creation or establishment of an obstruction has the potential of being public nuisance and may injure the region served by the Airport, RLA, or Heliport.

That it is necessary in the interest of the public health, public safety, and general welfare that creation of Airport, RLA, and Heliport hazards be prevented.

That this should be accomplished to the extent legally possible by the proper exercise of police power.

#### **§154.31.2 Definitions**

The following definitions when used in this section shall have the following meanings unless the context clearly indicates otherwise.

*Airport* Any area of land, water or both, except restricted landing area, that is designed for the landing and takeoff of fixed wing aircraft, whether or not facilities are provided for the shelter, servicing, or repair of the fixed wing aircraft, or for receiving or discharging passengers or cargo of fixed wing aircraft; all appurtenant areas used or suitable for airport buildings or other airport facilities.

*Airport/RLA Elevation* The highest point of the Airport or fixed wing aircraft RLA's usable landing area measured in feet above mean sea level.

*Approach Surface* A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

*Approach, Transitional, Horizontal, and Conical Zones* The zones are set forth in Section III of this Ordinance.

*Restricted Landing Area (RLA)* Any area of land, water or both that is used or made available to the landing and takeoff of fixed wing aircraft or helicopters that is intended for private use.

*Conical Surface* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 5,000 feet.

*Final Approach and Takeoff Area or FATO* Means a defined object-free area over which the final phase of the approach to a hover, or a landing, is completed and from which the takeoff is initiated.

*Fixed Wing Aircraft* A type of aircraft that has wings that use forward airspeed to generate lift. Fixed wing aircraft are sometimes called airplanes, aeroplanes or sometimes just "planes".

*Hazard to Air Navigation* An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

*Height* For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall mean sea level elevation unless otherwise specified.

*Helicopter* A rotorcraft that, for its vertical and horizontal motion, depends principally on its engine-driven rotors

*Heliport/Vertiport* A generic reference to the area of land, water or structure used, or intended to be used, for the landing and takeoff of helicopters/VTOL aircraft, together with associated buildings and facilities.

*Horizontal Surface* A horizontal plane 150 feet above the established Airport or fixed wing aircraft RLA elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

*Nonconforming Use* Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

*Obstruction* Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.

*Person* An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

*Runway* A defined area on an Airport or RLA prepared for landing and take-off of fixed wing aircraft along its length.

*Structure* An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, tower, cranes, smokestacks, earth formation, overhead transmission lines, metrological towers, wind turbines and cell towers.

*TLOF* Means the touch down and lift-off-area, commonly referred to as a helipad and normally centered in a Final Approach and Takeoff Area (FATO).

*Transitional Surfaces* These surfaces only apply to Airports and fixed wing aircraft RLAs and shall extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

*Tree* Any object of natural growth.

*Visual Runway* A runway intended solely for the operation of fixed wing aircraft using visual approach procedures.

#### §154.31.3 Airport and Fixed Wing Aircraft RLA Zones

For clarity, this Section only applies to Airports and fixed wing aircraft RLA zones and does not apply to Heliports. In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Airport and fixed wing aircraft RLA. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

**Runway Visual Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface



and is 100 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

**Horizontal Zone.** The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

**Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 5,000 feet.

#### §154.31.4 Airport and Fixed Wing Aircraft RLA Zone Height Limitations

For clarity, this Section only applies to Airports and fixed wing aircraft RLA zones and does not apply to Heliports. Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

**Runway Visual Approach Zone.** Slopes twenty (20) feet outward for each one (1) foot upward (20:1) beginning at the end of and at the same elevation as the primary surface, to a height of 150 feet and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

**Transitional Zone.** Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the Airport/RLA elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

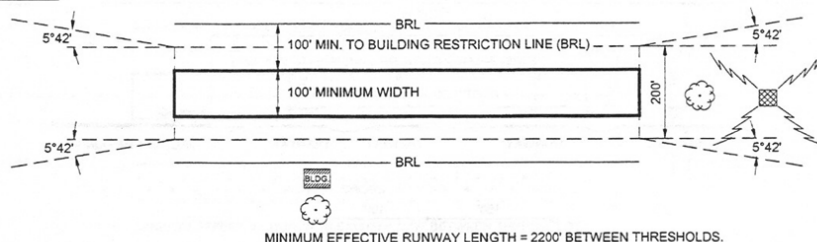
**Horizontal Zone.** Established at 150 feet above the Airport and fixed wing aircraft RLA elevation.

**Conical Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the Airport and fixed wing aircraft RLA elevation and extending to a height of 350 feet above the Airport and fixed wing aircraft RLA elevation.

The minimal dimensional standards and obstruction heights based upon the zones described in this Section are illustrated below:

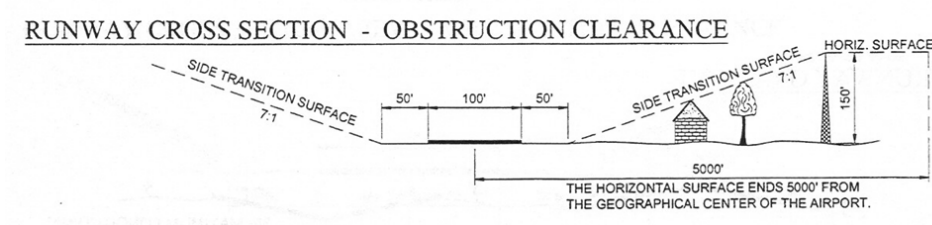
ILLUSTRATION E-1 Airports (Public- or Private-Use) Minimum Dimensional Standards

#### PLAN VIEW



**PROFILE (END) VIEW - OBSTRUCTION CLEARANCE**

The diagram illustrates the profile view of an approach surface. A horizontal line on the left is labeled "RUNWAY". A dashed line representing the "20:1 APPROACH SLOPE" rises from the runway. A tree is shown as an obstruction on this slope. A horizontal dimension line below the slope is labeled "3000'" and "APPROACH SURFACE LENGTH". At the end of this length, a vertical dashed line indicates a "HORIZ. SURFACE" at a height of "150'" above the ground level.

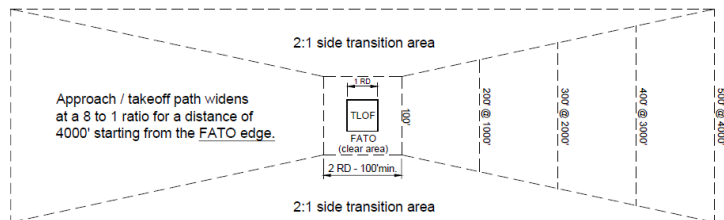


### §154.31.5 Design and Layout Requirements for a Tall Structure Near a Heliport

For clarity this Section only applies to Heliports. Every Heliport is required to have two defined approach/takeoff paths a minimum of 90° apart. No structure shall be erected, altered, or maintained, and no tree shall be allowed to grow without leaving each Heliport without two defined approach/takeoff paths. Further, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in the TLOF, FATO, approach/takeoff path, or transition areas above the heights that are shown in Illustrations H-1, H-2, H-3, and H-4 and described in Table H-1 listed below:

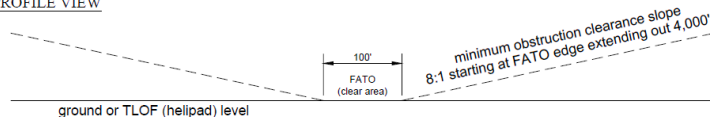
ILLUSTRATION H-1 Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards

PLAN VIEW



NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

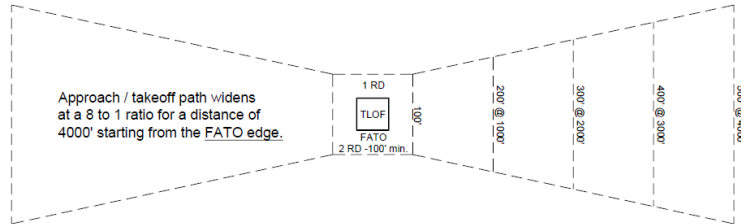
### PROFILE VIEW



## ILLUSTRATION H-2 Restricted Landing Area Heliport Minimum Dimensional Standards

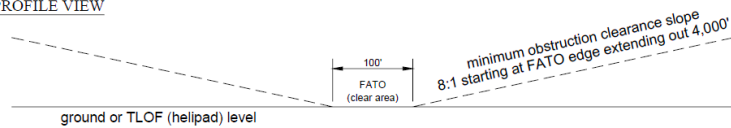
WITH APPROACH / TAKEOFF PATHS 180° APART RECOMMENDED  
(MINIMUM OF 90° REQUIRED)

### PLAN VIEW



NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

### PROFILE VIEW

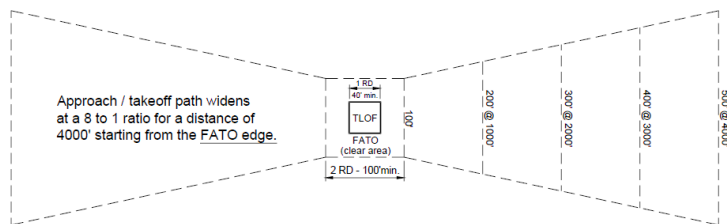


NOTE: The second approach / takeoff path may have a 5:1 slope if needed.

## ILLUSTRATION H-3 Hospital Heliport Minimum Dimensional Standards

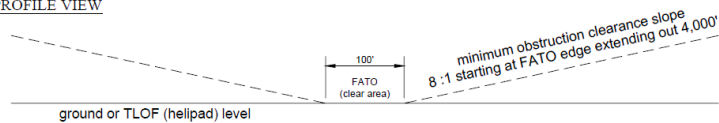
WITH APPROACH / TAKEOFF PATHS 180° APART RECOMMENDED  
(MINIMUM OF 90° REQUIRED)

### PLAN VIEW



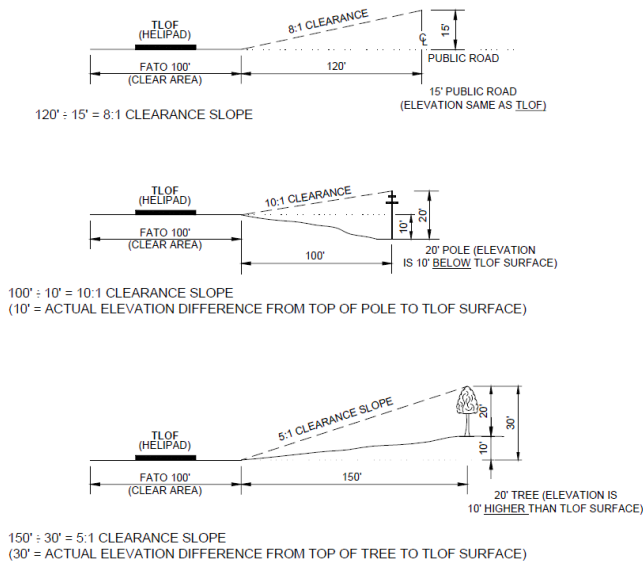
NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

### PROFILE VIEW



NOTE: The second approach / takeoff path may have a 5:1 slope if needed.

#### ILLUSTRATION H-4 Heliports Sample Obstruction Clearance Slope Calculations



- NOTE :
1. OBSTACLE CLEARANCE SLOPE IS CALCULATED ON DISTANCE OF OBSTACLE FROM THE **FATO EDGE**.
  2. CLEARANCES REQUIRED FOR APPROACHES:  
10' CLEARANCE OVER ALL PRIVATE ROADWAYS.  
15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.  
17' CLEARANCE OVER ALL INTERSTATES.  
23' CLEARANCE OVER ALL RAILROADS.

**Table H-1 Heliport Standards**

Standard	Heliport/Helistop Vertiport/Vertistop Public-Use	Heliport/Helistop Vertiport/Vertistop Private-Use	Heliport/Helistop Vertiport/Vertistop Restricted Landing Area	Heliport/Helistop Vertiport/Vertistop Hospital
Minimum TLOF (Helipad) Size*	1 Rotor Diameter	1 Rotor Diameter	1 Rotor Diameter (Recommended)	1 Rotor Diameter (40' Minimum)
Minimum FATO (Clear Area) Size	2 x Rotor Diameter (100' Minimum)	2 x Rotor Diameter (100' Minimum)	2 x Rotor Diameter (100' Minimum)	2 x Rotor Diameter (100' Minimum)
Approach / Departure Path Requirements	2 – 90° Apart Minimum (with 2:1 side transition) 8:1 Min. Slope	2 – 90° Apart Minimum (with 2:1 side transition) 8:1 Min. Slope	2 – 90° Apart Minimum 1 <sup>st</sup> Approach - 8:1 Min. Slope 2 <sup>nd</sup> Approach - may be 5:1 Min. Slope if necessary	2 – 90° Apart Minimum 1 <sup>st</sup> Approach - 8:1 Min. Slope 2 <sup>nd</sup> Approach - may be 5:1 Min. Slope if necessary

#### §154.31.6 Use Restriction

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the Airport, RLA, or Heliport and aircraft, make it difficult for pilots to distinguish between Airport, RLA, or Heliport lights and others, result in glare in the eyes of pilots using the Airport, RLA, or Heliport, impair visibility in the vicinity of the Airport, RLA, or Heliport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Airport, RLA, or Heliport.

#### §154.31.7 Nonconforming Uses

**Regulations Not Retroactive.** The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of

this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

#### **§154.31.8 Variances**

Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Zoning Board of Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Zoning Board of Appeals unless a copy of the application has been furnished to the Illinois Department of Transportation Aeronautics Division for advice as to the aeronautical effects of the variance. If the Illinois Department of Transportation Aeronautics Division does not respond to the application within fifteen (15) days after receipt, the Zoning Board of Appeals may act on its own to grant or deny said application.

Obstruction Marking and Lighting. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Zoning Board of Appeals, this condition may be modified to require the owner to permit the Airport, RLA, or Heliport at its own expense, to install, operate, and maintain the necessary markings and lights.

#### **§154.31.9 Judicial Review**

Any person aggrieved, or any taxpayer affected, by any decision of the Zoning Board of Appeals, may appeal to the Court of Record.

#### **§154.31.10 Conflicting Regulations**

Where there exists a conflict between any of the regulations or limitations prescribed in this section and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

## **SECTION 32**

### **CANNABIS BUSINESS ESTABLISHMENTS**

**(Section Added to Ordinance 11/19/19)**

#### **§154.32.1 DEFINITIONS.**

For the purpose of this Section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CANNABIS BUSINESS ESTABLISHMENT:** A cultivation center, craft grower, processing organization, dispensing organization, or transporting organization.

**CRAFT GROWER:** A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization.

**CULTIVATION CENTER:** A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by the Cannabis Regulation and Tax Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

**DISPENSING ORGANIZATION:** A facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this section to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Section dispensing organizations shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

**PROCESSING ORGANIZATION:** A facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

**TRANSPORTING ORGANIZATION:** An organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under Community College Cannabis Vocational Training Pilot Program.

#### **§154.32.2 CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED.**

Pursuant to the authority reserved to the County of Woodford under Section 55-25 of the Cannabis Regulation and Tax Act, the County of Woodford does hereby prohibit all cannabis business establishments within the County of Woodford. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the County of Woodford any of the following:

- A. Adult-Use Cannabis Craft Grower
- B. Adult-Use Cannabis Cultivation Center
- C. Adult-Use Cannabis Dispensing Organization
- D. Adult-Use Cannabis Infuser Organization or Infuser
- E. Adult-Use Cannabis Processing Organization or Processor
- F. Adult-Use Cannabis Transporting Organization or Transporter