

***CHRISTIAN
COUNTY,
ILLINOIS***

Zoning Code

**Amended and
Revised
December 19,
2023**

02008 ZN 005

AMENDMENT PAGE

December 15, 2020

Added to the WECS appendix A

Definitions

Residential Grass

Farm Animals

Associated various solar energy

1-6-23 Added to Home Occupations 7A

1-6-28 Added to Agricultural activities

1-6-31 Changed personal wind to wind/solar individual energy system

Added the Christian County Inoperable Motor Vehicle Ordinance Number 020012N026 as Appendix C

2-16-2021 Added ordinance number 2021ZN003 fee schedule amendment

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CHAPTER 1

ZONING CODE

ARTICLE I

TITLE AND PURPOSE

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

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

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

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

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

(D) to conserve and increase the value of taxable property throughout the County;

(E) to ensure the provision of adequate light, air, and privacy for the occupants of all buildings;

(F) to protect property from damage caused by fire, flooding, and adverse soil and topographical conditions;

(G) to provide adequate and well-designed off-street parking areas for all buildings and uses, and to reduce vehicular congestion on the public streets and highways; and

(H) to provide for the efficient administration and fair enforcement of all the substantive regulations set forth herein.

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

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

1-1-5 DISCLAIMER OF LIABILITY.
(A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the County shall render him- or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this Code. **(See “Local Governmental and Governmental Employees Tort Immunity Act,” Ill. Comp. Stats., Ch. 745, Secs. 10/1-101.)**

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

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

1-1-7 FACTORS OF CONSIDERATION. The County Board may approve a zoning application, if it finds evidence complies with state and federal law and regulations, and with the standards of this zoning code including factors listed below are applied as a balancing test, not individual requirements to be met.

(A) The establishment, maintenance or operation of the application will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

(B) The application will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties;

(C) The establishment of the application will not impede the normal and orderly development and improvement of the surrounding properties;

(D) Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

(E) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

(F) The application is not contrary to the objectives of the current comprehensive plan of the County (if any); and

(G) The application shall, in all other respects, conform to the applicable regulations of this Ordinance and the zoning district in which it is located except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.

ARTICLE II

DEFINITIONS

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

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

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory; the term "may" is discretionary.

(F) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**.

(G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H) A general term that follows or is followed by enumeration of specific terms shall not be limited to the enumerated class unless expressly limited.

1-2-2 SELECTED DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

"Aisle": A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

"Alley": A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

"Alter": To change the size, shape or use of a structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Boarding House": A residential building or portion thereof--other than a motel or hotel--containing lodging rooms for accommodation of **three (3) to ten (10) persons** who are not members of the keeper's family, and where lodging and/or meals are provided by prearrangement and for definite periods, but not on an overnight or per-meal basis, to the transient public.

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

"Buffer Strip": An area of land--undeveloped except for landscaping, fences, etc.--used to protect a use situated on one lot from the deleterious effects of the use on an adjacent lot.

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

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

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

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

"Building Height": The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Necessary appurtenances listed in **Section 1-3-9** shall be excluded in building height calculations.

"Building Line": The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the front lot line.

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

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

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

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

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

"Centerline":

- (A) the centerline of any right-of-way having a uniform width;
- (B) the original centerline, where a right-of-way has been widened irregularly;
- (C) the new centerline, whenever a road has been relocated.

"Clinic": An establishment wherein licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

"Club/ Lodge": A nonprofit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; but, not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

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

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

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

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

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

"Convenience Store": Any small retail commercial or service establishment offering food/services primarily to the residents of a particular multiple-family complex, mobile home park, or similar development.

"Corrective Action Order": A legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Code.

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

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

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

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

"Detached": As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

"Develop": To erect any structure or to install any improvements on a tract of land, or to undertake any activity (e.g. grading) in preparation therefor.

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

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

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

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

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

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

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

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

"Easement": A right to use another person's real property for certain limited purposes.

"Enclosed": As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

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

"Erect": To build, construct.

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

"Family": One person, or two or more persons related by blood, marriage or legal adoption, or not more than **three (3)** unrelated persons, maintaining a common household in a dwelling unit.

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

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

"Farm Animal": As any Livestock or Animal found on or related to a farm but not limited to, such as chickens, cows, pigs, horses, goats, ducks and sheep.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Intensify": To increase the level or degree of.

"Intersection": The point at which two or more public rights-of-way (generally streets) meet.

"Junk": Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

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

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

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

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

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

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

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

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

"Lot": A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A "lot" may or may not coincide with a "lot of record". "Lot" is synonymous with "tract", "plot", and "site".

"Lot of Record": An area of land designated as a lot on a plat of subdivision or described by metes and bounds in a deed, and recorded with the Christian County Recorder of Deeds.

"Lot, Corner": A lot having at least **two (2)** adjacent lot lines that abut for their full length upon streets. Both such lot lines shall be deemed front lot lines.

"Lot, Through": A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

"Lot Area": The area of a horizontal plane bounded by the front, side and rear lines of a lot.

"Lot Coverage": The portion of a lot that is occupied by structures, including accessory structures.

"Lot Depth": The average horizontal distance between the front lot line and the rear lot line of a lot.

"Lot Line, Front": Any lot boundary abutting a street.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Meteorological Tower": Is a tower generally over 150 feet in height that is used to verify wind characteristics and speed.

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

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

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

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

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

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

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

"Nuisance": Anything, condition or conduct that endangers health, unreasonably offends the senses, obstructs the free use and comfortable enjoyment of property and/or essentially interferes with the comfortable enjoyment of life.

"Nursery School": An establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary school age.

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

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

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

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

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

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

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

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

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

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

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

"Principal Structure/ Use": The main structure erected on or the main use occupying a lot as distinguished from an accessory (subordinate) structure or use.

"Property Line": See "Lot Line".

"Residential Grass": Lawn or Yard made up of vegetation such as any type of grass in a residential area R1 & R2.

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

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

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

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

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

"Relocate": To move to another portion of a lot or to a different lot.

"Repair": To restore to sound condition, but not to reconstruct.

"Restrictive": Tending to keep within prescribed limits.

"Retail": Refers to the sale of goods or services directly to the consumer rather than to another business.

"Right-of-Way, Public": A strip of land which the owner/subdivider has dedicated to a unit of government for streets, alleys, or other public purposes.

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

"Sanitary Landfill": A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency (IEPA). At a "sanitary landfill" the refuse is periodically covered with topsoil.

"Seasonal Dw elling": A structure used on a part-time basis for recreational purposes--not a primary residence (e.g. weekend cabin).

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

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

"Service Use/ Establishment": Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

"Setback": The horizontal distance from the lot line in question to the side of the structure facing that lot line or to the edge of the area of operation of the principal use (in case of a use which does not involve a structure).

"Setback Line": See "Building Line".

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

"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.

"Solar Panel": A device for the direct conversion of solar energy into electricity.

"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.

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

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

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

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

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

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

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

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

"Street, Private": Any street providing access to abutting property that is not maintained by and dedicated to the County or other unit of government.

"Structure Mount Solar Energy System": A solar energy system in which solar panels are mounted on top of a roof structure as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

"Stringent": Binding, exacting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Waste": Any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial,

mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Clean Water Act or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations there under or any law or rule or regulations adopted by the State of Illinois pursuant thereto.

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

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

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

"Yard, Front": A yard which is bounded by the side lot lines, front lot lines, and the building line.

"Yard, Rear": A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.

"Yard, Side": A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

"Yard Line": A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

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

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

ARTICLE III

GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

1-33 ZONING PERMITS REQUIRED. Except as provided by this Code and except after obtaining a zoning permit from the Zoning Administrator, it shall be unlawful within the County and the County's zoned municipalities to:

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

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

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

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

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

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

[Any permits issued by the County have expired.]

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

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

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

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

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

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

1-36 INTERSECTION; OBSTRUCTION TO VISION. On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty-five (35) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2) and ten (10) feet** above the level of the adjacent street. This Section shall not apply to the C-1 General Retail District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1-3-11 FRONT SETBACKS - CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirement of the district in which it is located on every side that abuts a street or road.

1-3-12 SANITARY AND PRIVATE SEWERS. In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Whenever the public sanitary sewerage system is reasonably available (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed **six hundred (600) feet**), all sewage shall be discharged into such system, whether or not a private sewer system is more convenient.

(B) Whenever the public sewer system is not reasonably available, a private sewer system (whether central or individual) shall be installed and used. All private sewer systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, **(225 ILCS 225/1 - 225/23)**, as amended from time to time; and
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the **Illinois Department of Public Health**, as amended from time to time; and
- (3) Pertinent, current regulations issued by the **Illinois Environmental Protection Agency**; and
- (4) Applicable County or local codes and ordinances, particularly the **County Subdivision Code**.

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

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

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

1-3-15 ACCESSORY USE RESTRICTIONS.

(A) **Height.** No accessory use shall be higher than:

- (1) **thirty-five (35) feet** to the peak of any structure in the —Residential District|| or —C|| Districts; or
- (2) There shall be no height limits on any accessory structures in the —AG-1|| or —I|| Districts.

(B) **Setbacks.**

- (1) In the Commercial or Industrial District, no accessory use shall encroach into any part of any yard (front, side, or rear) that is required by the minimum setback regulations of the particular district.
- (2) In any Residential District, accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided such accessory uses are not closer than **seven (7) feet on one side, five (5) feet on the other side and Twenty (20) feet from rear lot line except where it abuts and alley five (5) feet is allowed.**
- (3) In any Agricultural and —AG-1|| District, accessory uses are

prohibited in any front yard and the setback shall be the same as for principal structures.

- (4) On any lot with an area which is **one (1) acre** or less and existed prior to **January, 1964**, (Christian County Zoning Ordinance) accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided the setback shall be the same as for principal structures of that district.

(C) Use as Dwelling.

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

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

1-3-17 DC TRANSMISSION LINES. All DC transmission lines will be insulated and buried at a safe depth underground. Insulation and burial specifications will be approved by a third party engineer. The Third party engineer will be hired and approved by the Christian County Board at the expense of the applicant. In addition, all easements will be approved by the Drainage Districts prior to construction.

1-3-18 DRAINAGE DISTRICT CONSTRUCTION RULES AND REQUIREMENTS

I. INTRODUCTION

A. *Authorization*

These rules and requirements shall govern the siting, construction and operation of wind energy conversion systems, solar energy facilities, power transmission systems, pipelines, roads, telephone systems and other similar works within the Christian County, Illinois Drainage Districts, (hereinafter "District"). These rules and regulations may be amended from time to time by the Commissioners of the District.

B. *Purpose*

These rules and regulations are implemented for the purposes of protecting the ditches, drains, drainage tiles, facilities, drainage structures, and rights-of-way of the District, and protecting the lands located within the District.

II. DEFINITIONS

- A. "Applicant" means the entity(ies) or person(s) who seek to site, construct and operate within the District.
- B. "Operator" means the entity responsible for the day-to-day operation and maintenance of the operation, including any third-party subcontractors.
- C. "Owner" means the entity or entities with an equity interest, including the respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased; or (ii) any person holding a security interest solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell at the earliest practicable date.
- D. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in the State of Illinois.
- E. "Entity" and "Person" mean and include the State or Federal Government or any agency of either, a municipal corporation, public corporation, railroad company, public carrier, telegraph or telephone company, pipeline company or public utility company, and any person or private corporation, limited liability company or partnership.

III. PROHIBITION

No entity or person may go on, under, over, along, through or across any drain, levee, drainage structure, right-of-way or real estate of the District for the purpose of constructing or establishing thereon any road, railroad, telephone, telegraph or power transmission line, pipeline, water transmission system, Wind Energy Conversion System (WECS) or Solar Energy Facility (SEF), or other similar works, without first receiving from the District a license, easement, or right-of-way in conformance with these rules and regulations and the Illinois *Drainage Code* (70 ILCS 605/1-1 et seq.).

IV. APPROVAL OF APPLICATION FOR A LICENSE, EASEMENT OR RIGHT-OF-WAY

- A. To obtain a license, easement, or right-of-way to on, under, over, along, through or across any drain, levee, drainage structure, right-of-way or real estate of the District, the Applicant and the Owner, if not one and the same, must submit an application to the District in conformance with this Section IV. The Applicant and the Owner, if not one and the same, are directed to pay particular attention to Paragraph D of this Section relating to mitigating damage to farmland and the District. Once the District has approved the application, the parties shall negotiate a written agreement, which will be submitted to the Circuit Court of Christian County, Illinois, for approval as required by the Illinois *Drainage Code*.
- B.** The application shall contain or be accompanied by the following information and documents:
1. A project summary, including (1) a general description of the project, including the actual equipment manufacturer(s), type(s) of equipment, weight and height of the equipment, the specific location of the project and each structure to be constructed in relationship to the District's drains, levees, drainage structures, drainage tiles and rights-of-way; and (2) a description of the Applicant, Owners and Operators, including their business structures.
 2. The names, addresses and phone numbers of the Applicant, Owner, Operators, Lessees of record and all property Owners; and as to whether the Applicant is acting for himself, herself or itself as an agent, alter ego, or representative of a principal and the name and address of the principal; whether the Applicant is a corporation or limited liability company and the names, addresses and telephone numbers of all stockholders, shareholders, members, managers and officers; whether the Applicant, or his, her or its principal, is a business entity doing business under an assumed name and, if so, the names and residential addresses of all actual Owners and officers of the business or entity; whether Applicant, or his/her/its principal is a partnership, joint venture, syndicate or an unincorporated voluntary association and, if so, the names and residential addresses of all partners or members of the partnership, joint venture, syndicate or unincorporated voluntary association.
 3. A final site plan for the installation of the project showing the planned location of the WECS, SEF, power transmission line, pipeline, road, waterline, and other similar works. The site plan shall also identify setback lines, public access roads and turnout locations, substations(s), electrical cabling to the Substation(s), ancillary equipment, third party transmission lines, layout of all structures within the geographical boundaries of any applicable setback, and the location of any construction staging areas, including concrete batch plants. In conformance with paragraph D of this Section, the site plan shall show the location of the District's drainage structures, drains,

levees, facilities, drainage tiles, and rights-of-way and all other agricultural tiles of private landowners.

4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of the ordinances and regulations of Christian County, Illinois.
 5. Sufficient documentation that the Applicant, Owner, company and parent company/companies are financially viable and have the capability to complete the proposed project and to decommissioning of the project.
- C. The Applicant and the Owner, if not one and the same, shall immediately notify the District of any changes to information provided in furtherance of paragraph B of this Section IV and/or to any information provided and required in furtherance of paragraph D of this Section IV. The District will not seek court approval of an application if the Applicant or the Owner has changed the locations of any portion of the project previously approved by District until such time as the District has approved the changes.
- D. Standard Conditions to Mitigate Damage to Farmland and the District
1. All wiring or cabling for a WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work shall be at a minimum depth of five (5) feet below grade and shall be deeper if necessary to protect the integrity of the drainage system and to maintain a minimum one
(1) foot of clearance between the wire or cable and any agricultural drainage tile or drainage ditch. All wiring or cabling must be underneath agricultural drainage tiles and drainage ditches; under no circumstances shall wiring or cabling be placed above an agricultural drainage tile or drainage ditch.
 2. Applicant and Owner must provide the District with all applicable weight and size permits and easements for placement of a WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work, on, across or under the district's rights-of-way, tiles, ditches, levees, structures and facilities. Applicants and Owners shall also determine, in coordination with the District, the need for pre-construction modifications and improvements to protect district tiles, ditches, drains, levees, structures and facilities. Applicants and Owners are responsible for paying the costs associated with locating, staking and marking all District tile lines, ditches, structures and facilities including, but not limited to, acquiring and utilizing the technology and equipment necessary to locate tile lines and other works of the District. All identified District tile lines, ditches, levees, structures and facilities, and rights-of-way shall be staked or flagged prior to construction to alert construction crews of the possible need for tile line and

other repairs unless this requirement is waived in writing by the District.

3. An Applicant's, Owner's or Operator's use of a license, easement or right-of-way issued by the District must not impair, hinder, prevent or obstruct the use of such property for drainage or protection purposes or cause any material damage to the same.
4. The Applicant, Owner and Operator are responsible for paying the costs associated with repairing and/or replacing drainage district tile lines, drains, ditches, levees, drainage structures and facilities damaged and/or destroyed by Applicant, Owner and/or Operator before, during and after the construction and deconstruction of the WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work. The Applicant, Owner and Operator shall pay any and all costs incurred by the District including, but not limited to, attorney's fees, court costs, and expert witness fees incurred by the District during the application and approval process, during construction related to enforcement, and litigation arising out of the damage and/or, repair and replacement of drainage tiles, drains, levees, drainage structures and facilities, as well as attorney's fees, expert witness fees, and court costs incurred by the District arising out of decommissioning the project as a whole or any individual portion or portions. The District shall be allowed to have at least one on- site representative during construction, repair and deconstruction of the WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work, and the costs of the representative shall be paid by Applicant and Owner.
5. In addition to the requirements set forth in paragraph B of this Section IV, an application must also include:
 - a. A map showing boundaries of the District that the project will be located in, including the locations of each of the District's, drains, levees, tiles, structures, facilities and rights-of-way.
 - b. A Drainage Plan providing information to evaluate the potential adverse impacts of the development on water resources both on- site and downstream, and the effectiveness of the proposed Drainage Plan in managing stormwater runoff. Include (i) a topographic survey of the property with a one-foot contour interval showing existing and proposed conditions, and areas upstream and downstream, as necessary in the opinion of a professional engineer mutually agreed upon by the impacted drainage district and the Applicant, but paid for by the Applicant, to determine off-site impacts of the proposed Drainage Plan; (ii) mapping and descriptions of existing and proposed drainage system features of the property and immediate vicinity to enable the District to confirm the drainage system properly

directs all stormwater runoff from the site into a stormwater detention basin; (iii) design calculations for stormwater detention system components, including a summary of design assumptions utilized; (iv) multiple copies of the stormwater detention or retention system designs must be provided to the County Engineer for review and approval; and (v) the certification of the Applicant's Professional Engineer.

- c. The technical requirements for structures.
 - d. JULIE. Applicant, Owner and Operator shall each become a member of the Illinois state-wide One-Call Notice System (otherwise known as the Joint Utility Locating Information for Excavators or "JULIE") and provide JULIE with all the information necessary to update its records with respect to the WECS, , SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work.
6. In the absence of a construction agreement or variance to the contrary, all structures, apparatuses, and equipment for a WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work shall be: (a) eighty (80) feet from the center of an existing drainage tile; and (b) one hundred (100) feet from the edge on both sides of any existing ditch bank or similar drainage structure, all for purposes of allowing repair, maintenance, and/or replacement of such tiling and drainage structures, as the case may be.

V. DESIGN AND INSTALLATION

A. *Design Safety Certification*

- 1. The WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work shall conform to applicable industry standards, including those of the American National Standards Institute ("**ANSI**").
- 2. A Professional Engineer paid for by the Applicant and/or Owner and approved by the District shall certify that the foundation of a WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work is within accepted professional standards, given local soil and climate conditions.

B. *Controls and Brakes*

1. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

C. *Electrical Components*

All electrical components of the WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. **ANSI** and International Electrical Commission).

D. *Warnings*

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.

E. *Drainage District Tiles, Structures and Facilities.*

1. Any District drainage tile line, drain, structure or drainage facility located underneath construction stage areas, access lanes, driveways, any common switching stations, or other facilities of a WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work, shall be replaced and/or relocated at the expense of the Applicant, Owner and Operator, in compliance with these rules and regulations, and the Illinois *Drainage Code*.
2. Any drainage tile, drain, drainage structure or drainage facility that must be replaced and/or relocated shall be replaced and/or relocated at the expense of Applicant, Owner and Operator in compliance with these rules and requirements, and the Illinois *Drainage Code*.
3. Conformance of any replacement and/or relocation of District tile lines, drains, drainage structures or facilities with these rules and requirements, and the Illinois *Drainage Code*, shall be certified by a Professional Engineer mutually agreed upon by the District and the Applicant, Owner and/or Operator. Written approval from the District shall be received prior to any backfilling of the relocated drainage tile. As-built drawings shall be provided to the District of any replaced and/or relocated District tile, drain, drainage structure or facility.

F. All drainage tile lines, drainage structures or facilities that are damaged, cut

or removed shall be staked or flagged in such manner that they will remain visible until the permanent repairs are completed.

- G.** All exposed drainage tile lines, drainage structures or facilities shall be immediately screened or otherwise protected to prevent the entry into the tile, structure or facility of foreign materials, loose soil, small mammals, etc.

Permanent repairs to drainage tile lines, drainage structures or facilities shall be made within 14 days of the damage provided weather and soil conditions are suitable, or temporary repairs made. Immediate temporary repair shall also be required if water is flowing through any damaged tile line, drainage structure or facility. Temporary repairs are not needed if the tile lines are dry and water is not flowing in the tile provided the permanent repairs can be made within 14 days of the damage.

7. All damaged tile lines, drainage structures and facilities shall be repaired so as to operate as well or better after construction or damage as before the construction began or before the damage occurred.
8. Following completion of the WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work, the Applicant, Owner and Operator shall be responsible, at its/their sole expense, for correcting all repairs to drainage tile lines, drains, levees drainage structures and facilities that fail, provided that the failed repair was made by the Applicant's and/or Owner's employees, agents and contractors.
9. All soil conservation practices (such as terraces, grassed waterways, etc.) that are damaged by WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work construction, operation and/or decommissioning, shall be restored by the Applicant and Owner to the pre-WE CS construction condition and at Applicant's and Owner's sole expense.
10. Topsoil replacement. For any open trenching required pursuant to WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work construction, operation and/or decommissioning, the topsoil shall be stripped and replaced as follows:
 - a. The top 12 inches of topsoil shall first be stripped from the area to be trenched and from an adjacent area to be used for subsoil storage. The topsoil shall be stored in a windrow parallel to the trench in such a

manner that it will not become intermixed with subsoil materials.

b. All subsoil material that is removed from the trench shall be placed in the second adjacent stripped windrow parallel to the trench but separate from the topsoil windrow.

c. In backfilling the trench, the stockpiled subsoil material shall be placed back into the trench before replacing the topsoil.

d. The topsoil must be replaced after settling occurs, which may take up to five (5) years, to the topsoil's original depth (with an allowance for settling) and contour will be restored.

11. Mitigation of soil compaction and rutting. The Applicant, Owner and Operator shall mitigate soil compaction and rutting for all areas of farmland that were traversed with vehicles and construction equipment or where topsoil is replaced in open trenches.

12. Land leveling. The Applicant, Owner and Operator shall level all disturbed land as follows:

a. Following the completion of any open trenching, the Applicant, Owner and Operator shall restore all land to its original pre-construction elevation and contour.

b. Should uneven settling occur, or surface drainage problems develop as a result of the trenching within the first five (5) years after completion, the Applicant, Owner and Operator shall again, at its/their sole expense, restore the land to its original pre-construction elevation and contour.

13. Permanent Erosion and Sedimentation Control Plan.

a. Prior to the approval of an application, the Applicant and Owner shall provide a permanent soil erosion and sedimentation plan for the WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work, and access roads that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.

b. As-built documentation of all permanent soil erosion and sedimentation improvements for the WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work, and access roads prepared by an Illinois Licensed Professional Engineer shall be submitted and accepted by the District.

14. Option of Drainage District to Perform Work. Whenever in these rules and requirements the Applicant, Owner and/or Operator is required to pay the costs of repairing, replacing and/or restoring District tile lines, drains, levees, drainage structures and facilities, rights-of-way, soil compaction, soil leveling, and soil contouring, the District may choose to have the work performed by contractor(s) of its choosing with the Applicant and Owner reimbursing the District for all construction costs and costs related to the District's compliance with any competitive bidding requirements, prevailing wage requirements, and with other applicable laws and regulations.
15. Changes and Amendments. If during the construction of the WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work or the operation of the WECS the Applicant, Owner or Operator proposes to make a change or amendment in the Project, such as siting or relocating a WECS Tower or substation from a location previously approved by the District, the Applicant, Owner or Operator must notify the District and obtain the required authorizations in compliance with the Illinois *Drainage Code* prior to proceeding with such change. The Applicant, Owner and Operator shall cease proceeding with the project or operation of the facility until such time as the Applicant, Owner and Operator have received the requisite authority from the District.

VI. DECOMMISSIONING PLAN

Prior to receiving approval, the District and the Applicant, Owner and/or Operator must formulate a Decommissioning Plan to ensure that the WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work will be properly decommissioned. The Decommissioning Plan shall include:

- A. Provisions describing the triggering events for decommissioning the WECS, SEF, power transmission line, pipeline, telephone, water transmission system, or other similar work;
- B. Provisions for the removal of structures, debris and cabling, including those below the soil surface;
- C. Provisions for the restoration of the soil and vegetation;
- D. An estimate of the decommissioning costs certified by a Professional Engineer;
- E. Financial Assurance, secured by the Owner or Operator, for the purpose

of adequately performing decommissioning, in an amount equal to the Professional Engineer's certified estimate of the decommissioning costs;

- F. Identification of and procedures for District's access to Financial Assurances;
- G. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns or heirs; and
- H. A provision that the District shall have access to the site, pursuant to reasonable notice, to observe the decommissioning.

VII. REMEDIES

- A. The Applicant's, Owner's or Operator's failure to materially comply with any of the above provisions shall constitute a default. Except in emergency situations, the District shall provide written notice of the default. Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 30 days, for good faith negotiations to resolve the alleged default(s).
- B. If the District determines in its sole discretion that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the District may rescind and revoke the license, easement or right-of-way issued to the Applicant, Owner and/or Operator, and/or may pursue all other legal remedies to enforce the terms of the license, easement, or right-of-way and these rules and requirements including, but not limited to, seeking injunctive relief.
- C. Any litigation arising out of the interpretation and/or enforcement of these rules and requirements, and/or a license, easement or right-of-way granted per these rules and requirements, shall be venued in the Circuit Court of Christian County, Illinois.

VIII. FEE SCHEDULE

- A. Upon submittal of the application for a license, easement or right-of-way under these rules and requirements, the Applicant shall submit a non-refundable certified check to the District in the amount of \$75,000.00. This amount will be used to cover the District's costs associated with the approval process.

ARTICLE IV

PLANNED DEVELOPMENTS

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

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

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

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

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

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

1-4-5 PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS.

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

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

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

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

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

1-4-6 PROCEDURES FOR PLANNED DEVELOPMENTS. Every

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

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

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

(A) **Written Documents.**

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

(B) **Graphic Materials.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (A) The special-use permit shall be automatically revoked; and
- (B) any zoning permits shall automatically become null and void; and
- (C) all regulations applicable before the PD was approved shall automatically be in full effect.

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

ARTICLE V

ZONE DISTRICTS

DIVISION I - AGRICULTURAL AG-1 DISTRICT

1-5-1 DESCRIPTION OF DISTRICT. The –AG-1|| Agriculture District consists of areas where the soil, water, vegetal, topographical, and other conditions are best adopted to the pursuit of agriculture. The district is designed to prevent the intrusion of non-agricultural land use which would hinder agricultural pursuits by removing prime farmland from production, causing congestion of public roads and creating conflicts between agricultural and non-agricultural uses. It is the intent of this Code to allow maximum freedom of operation of agricultural uses and to preserve conditions suitable for agricultural pursuits.

1-5-2 BONA FIDE AGRICULTURAL USE. The use of land for growing, harvesting, or storing of crops, including legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, rabbit, swine, beef cattle, pony and horse production, fur growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry products for market; farm buildings for office space to support the farm operation, farm dwellings occupied by farm workers, operators, tenants or seasonal or year-round hired farm workers.

1-5-3 PERMITTED USES. The following permitted uses in the AG-1 Agricultural District other than bona fide agricultural uses within any AG-1 Agricultural District, no building or premises shall be used or arranged or designed to be used except for one or more of the following uses which shall be subject to all regulations and requirements for permit of this Code, shall be:

Accessory uses in accordance with **Sections 1-3-4** and **1-3-5**.

Agriculture.

Churches and religious institutions.

Cellular Tower.

Dwellings, single family or two-family.

Feed sales.

Field tile (installation and facilities).

Forest preserves.

Greenhouses, nurseries (wholesale and retail).

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

Hunting and fishing.

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

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

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

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

Police and fire stations.

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

Public parks.

Truck gardening and farming.

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

Radio and television stations.

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

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

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

1-5-4 SPECIAL USES. The following uses may be permitted in the AG-1 District only upon the issuance of a special use permit in accordance with the provisions of **Section 1-10-20** to provide for the location of special classes of uses which are deemed desirable for the public welfare within this district, but which are potentially incompatible with uses herein permitted in it, a classification of —special uses|| is hereby established.

Airports, public and private, subject to the requirements of the Illinois

Aeronautical Department, federal and state law.

Battery Energy Storage System (BESS)

Boarding schools, prison, boot camps.

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

Cemeteries, mausoleums, crematories, or columbarium's.

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

Commercial resorts.

Community buildings (grange halls, etc.)

Dog kennels which means at least **eight (8) dogs** (public or private).

Day care (senior or child) which means the number of children or adults allowed by State of Illinois (also nursery schools), which are licensed by the State of Illinois and the Department of Children and Family Services.

Extraction of clay, coal, dirt, gravel, peat, sand, stone, topsoil, and other natural resources.

Fairgrounds, race tracks, and county farms.

Fishing, commercial, in artificial or existing lakes or ponds, including sale of food and fishing fees, soft drinks, non-illuminated for night use.

Game and hunting preserves (public or private).

Golf courses and golf driving ranges.

Grain storage, commercial if not closer than **three hundred (300) feet** to a residence other than that of the owner or lessor of the sites.

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

Institutions for the care of the aged, disabled children (including nursing homes).

Junk yards or auto wrecking yards.

Kennels

Lakes (artificial) over **three (3) acres**.

Libraries and museums.

Livestock auction barns and yards with restaurant facilities.

Livestock buying stations.

Machinery auction sales.

Motels and tourist courts, provided that gravel or other improved surface access roads shall be constructed to parking areas and that parking areas off the public right-of-way shall be furnished at the rate of **one (1)** parking place for each dwelling unit.

Open air illumination for outdoor games such as baseball, football, or other uses where glare and noise might unreasonably affect surrounding property or highway traffic.

Private clubs and lodges.

Pistol, archery, shotgun or rifle ranges.

Removal of ledge rock with required approval for blasting, quarrying, and crushing of stone (includes quarries).

Railroad trackage, stations, loading and unloading facilities (replacement excluded).

Regional pollution control facilities (includes transfer stations). (See separate Code)

Repair or service operated solely by the owner or occupant of the dwelling.

Rooming and boarding or tourist houses providing lodging and/or meals for more than **six (6) persons**.

Sanitariums.

Sawmills.

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

(A) At least 90 days prior to the submission of an application for a special use permit, the Applicant and Owner shall inform members of the public of the proposed project and provide a copy of the proposed application online. Mailings and notices of public community meetings or open houses shall be sent out to landowners and residences within the footprint and to landowners and residences within 1.5 miles of the proposed outside boundary of the project at the expense of the applicant. The mailing must reference where additional information can be obtained regarding the proposed project, including a copy of the proposed application and, when submitted to the county, a copy of the filed application. Notice of all public meetings where the application will be discussed, shall be published in a newspaper of general circulation in Cristian County not less than thirty (30) days before the meeting at the expense of the applicant. Proof of communications must be submitted to the Zoning Administrator.

1-5-5 REQUIRED LOT AREA. Each dwelling structure shall be located on a lot or tract in such manner as to comply with the yard regulations of this district, and such lot or tract shall have a minimum area of **two (2) acres** and a minimum width at the setback or front yard line whichever is applicable, of **one hundred fifty (150) feet** with the following exceptions which shall be deemed to conform with the regulations of this district:

- (A) Any dwelling existing at the time of passage of this Code.
- (B) Lots or tracts of record at the time of passage of this Code, which are

less than **one (1) acre** in area or less than **one hundred fifty (150) feet** in width, may be used for the erection of a single-family dwelling or two-family dwelling, provided that **two (2)** or more contiguous lots in common ownership of record at the time of passage of this Code shall be combined in **one (1) parcel** to approach the required area insofar as possible, that the intent of the yard regulations of this District be reasonably observed, and that the area or parcel so obtained is not reduced in transfer.

(C) This does not relieve any person from the duty to comply with the Illinois Plat Act or the Subdivision Code.

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

regulations

(E) In the event the special use permit encompasses an area greater than 20 acres, the applicant will provide a valid footprint (area in which the applicant intends to build). The applicant will pay an application fee and the County Zoning Administrator will provide the applicant a checklist of additional required information. A copy of the footprint will be maintained as public record. In the event a footprint is modified, the applicant must provide an updated copy to the County Zoning Administrator within 10 days of an amendment. If the footprint expansion is greater than 40 acres, the applicant will be required to submit a new application fee. The County Clerk will also maintain a copy of the footprint and will confirm when processing renewable leases, that all renewable leases are within the documented footprint. Any renewable leases found outside the footprint will not be processed and the applicant will be fined for the non-compliance with this Code. Non-compliant renewable leases will not be processed until the applicant has paid all fines and required application fees.

(F) All renewable leases filed with the County Clerk will be submitted within 10 days of the agreed contract date. The County Clerk can and will contact the property owner to confirm the existence of the contract and confirm the date of the agreement if deemed necessary. Any contract filed and found not compliant with this Code will be assessed a fine and lease will not be processed until the applicant has paid all fines incurred.

1-5-6 HEIGHT REGULATIONS. No dwelling shall exceed **thirty (30) feet** in height unless each side yard is increased over the required minimum by **five (5) feet** for every **five (5) feet** or fraction thereof of additional height over **thirty (30) feet**. In no case shall the building height exceed **fifty (50) feet**. Dwellings shall not have a height of less than **eight (8) feet** over a majority of the area of the ground floor.

1-5-7 YARDS REQUIRED. Except as required in the Setback Regulations, no building shall be erected within **fifty (50) feet** of the right-of-way line of any public road or highway, nor within **fifteen (15) feet**, or **one (1) foot** for each foot of building height, whichever is the greater, of any lot-line.

1-5-8 GROUND FLOOR AREA REQUIRED. One-story dwellings shall have a total ground floor area of not less than **nine hundred eighty (980) square feet** measured from the exterior faces of exterior walls, including utility rooms, but excluding open porches, garages, and terraces. Dwellings having more than one story shall have not less than **eight hundred twenty-five (825) square feet** of ground floor area measured as prescribed for one-story dwellings.

1-5-9 RESERVED.

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

1-5-10 PREAMBLE. The purpose of the Residence Districts is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.

1-5-11 PERMITTED USES IN THE R-1 ZONE DISTRICT. The following uses are permitted in the R-1 District.

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

Manufactured homes.

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

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

Accessory buildings and uses.

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

1-5-12 PERMITTED USES IN THE R-2 ZONE DISTRICT. The following uses are permitted in the R-2 District.

Any use permitted in the R-1 District.

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

1-5-13 SPECIAL USES. The following uses may be permitted in the R-1 and R-2 District only upon the issuance of a special use permit in accordance with the provisions of **Section 1-11-20** to provide for the location of special classes of uses which are deemed desirable for the public welfare within this district, but which are potentially incompatible with uses herein permitted in it, a classification of —special uses|| is hereby established.

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

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

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

Family care centers.

Family day care centers.

Golf courses, driving ranges.

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

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

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

Police and fire stations.

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

1-5-14 REQUIRED LOT AREA AND LOT WIDTH. The following lot areas and lot widths shall be required in the R-1 Residential District:

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

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

1-5-15 REQUIRED LOT AREA AND LOT WIDTH IN THE R-2 DISTRICT. All dwellings in this district shall be served with both public water and public sewer.

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

1-5-16 BUILDING HEIGHT REGULATION IN RESIDENCE DISTRICTS. No building shall exceed **two (2) stories** or **thirty (30) feet** in height, unless each side yard is increased over the required minimum by **five (5) feet** for every **five (5) feet**, or fraction thereof, of additional height over **thirty (30) feet**. In no case shall the building height exceed **fifty (50) feet**.

1-5-17 YARDS REQUIRED IN RESIDENCE DISTRICTS. Except as required in the Setback Regulations, all structures to be constructed, altered, or moved in the R-1 and R-2 Districts shall provide yards of the following minimum depths.

(A) **Front Yard. Twenty-five (25) feet.**
 (B) **Side Yard. Five (5) feet** minimum, one side yard; **Twelve (12)** minimum, sum of **two (2)** side yards.
 (C) **Rear Yard. Twenty (20) feet** or **twenty percent (20%)** of the lot depth whichever is greater. Except for a accessory building abutting an alley can be **five (5) feet** off rear property line.

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

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

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

1-5-18 - 1-5-24 RESERVED.

DIVISION III – COUNTRY HOME (R-3) DISTRICT

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

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

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

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

Churches.

Dwellings,

Golf courses.

Lakes (artificial).

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

Schools, except business or commercial schools.

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

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

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

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

Greenhouses.

Guest houses.

Hobby or play structures.

Servant quarters.

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

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

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

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

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

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

DIVISION IV – GENERAL RETAIL (C-1) DISTRICT

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

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

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

Major retail outlets including but not limited to:

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

Food, drug and beverage including but not limited to:

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

Specialty shops including but not limited to:

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

Service and recreation including but not limited to:

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

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

Business and professional offices including but not limited to:

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

Automotive and related uses:

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

Civic and religious:

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

Child care – licensed by State of Illinois:

Day care centers	Pre-school centers
Nursery schools	

Miscellaneous activities:

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

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

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

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

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

Liquor stores.

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

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

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

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

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

The following uses:

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

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

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

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

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

DIVISION VI - COMMERCIAL DISTRICT REGULATIONS GENERALLY

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

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

(B) **Building Height.**

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

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

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

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

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

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

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

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

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

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

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

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

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

1-5-47 RESERVED.

DIVISION VII – INDUSTRIAL DISTRICT

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

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

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

Agriculture

Building material

Bus stations, terminals and garages

Cartage and express facilities and terminals

Construction supply facilities and services

Contractor's offices, shops and yards

Fertilizer sales and services

Fuel and ice sales – bulk

Mail order houses

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

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

Printing and publishing establishments

Railroads and passenger stations and freight yards

Research laboratories

Towing service with temporary storage

Training centers

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

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

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

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

All uses permitted in the I-1 District.

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

Airports and facilities – public and private.

Anhydrous ammonia – storage and manufacture.

Bag cleaning.

Battery processing.

Battery Energy Storage System BESS.

Boiler and tanks works.

Cement works – manufacture and mixing.

Cement and stone products manufacture.

Coke oven.

Curing, tanning or storage of hides or skins.

Central mixing plant for cement.

Distillation of bones, coal, wood or tar.

Electric generating stations.

Fat rendering.

Fertilizer storage or manufacture.

Food manufacture and processing.

Forge plant.

Foundry.

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

Generator manufacture.

Grain elevators.

Hatcheries.

Manufacture of the following:

Acetylene

Acid

Alcohol or alcoholic beverages

Ammonia

Bleaching powder

Chemicals

Brick

Pottery

Disinfectants

Dyestuffs

Fertilizers

Linseed oil

Paint

Oil

Turpentine

Varnish

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

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

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

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

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

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

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

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

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

ARTICLE VI

SUPPLEMENTARY REGULATIONS

1-6-1 APPLICABILITY OF ARTICLE. This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures, and uses. These regulations apply in every zoning district where the specific structure or use is permitted; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

1-6-2 HOSPITALS, NURSING HOMES.

(A) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **five (5) acres**.

(B) The lot on which any nursing home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **two (2) acres**.

(C) The principal building of any hospital, sanitarium, or nursing home shall be located at least **twenty-five (25) feet** from all lot lines.

1-6-3 JUNK YARDS.

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

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

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

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

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

1-6-7 SURFACE MINING.

(A) **Permit Required.** It shall be unlawful for any operator to engage in surface mining in Christian County until a permit has been properly obtained from the Illinois Department of Mines and Minerals and has posted a performance bond in accordance with the provisions of applicable State Statutes (225ILCS 725/26) and State regulations.

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

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

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

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

1-6-8 UNDERGROUND MINING – SPECIFIC REQUIREMENTS.

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

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

- (1) no open pit or shaft shall be less than **five hundred (500) feet** from an existing residence or Residential District established by this Code; and
- (2) all buildings or structures for screening, crushing, washing, mixing, or storage shall be located not less than **one thousand (1,000) feet** from an existing residence or any Residential District established by this Code.

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

**1-6-9
WELLS.**

OIL OR GAS DRILLING, INJECTION WELLS OR CONVERSION

**(A) Oil or Gas Drilling and Injection Wells or Conversion
Certificates.**

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

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

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

signature by owner does not constitute responsibility or the approval of the state permittee. If the owner or permittee is an individual, the application shall be signed by the individual. If the owner or permittee is a partnership, the application shall be signed by a general partner. If the owner or permittee is a corporation, the application shall be signed by an officer of the corporation.

- (6) The state permittee of the oil or gas well site will be required to obey all local health, safety, aesthetic, and environmental regulations. All cleanup will be performed by the state permittee or forfeiture of state bond will result to enhance cleanup effort. Any additional cost to the County due to permittee's negligence shall be paid by said permittee. If any activities conducted by the state permittee result in violation of any state or county ordinances or regulations, subsequent prosecution will be conducted by the Christian County State's Attorney.
- (7) Well Certificate fee refer to fee schedule.
- (8) The operator will present the Zoning Office a photo copy of any State security deposit or bond and an annual report of the monies paid to the Illinois Plugging and Restoration Fund. Any new owner/operator will be informed of this requirement, and must contact Zoning Office at the time of sale.

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

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

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

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

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

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

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

- (1) General location of the oil or gas tanks, pipelines, and public roads in the surrounding areas as they relate to the oil well which was drilled pursuant to the permit set forth in **Section 1-6-9**. In addition the site plan shall show the location of any storage tanks, power lines and buildings located upon the real estate which is set forth in the well certificate including the residence, outbuildings or other buildings upon the property,
- (2) if any. Surrounding area related to immediate **one thousand (1,000) foot** radius, and neighboring property owners within **two thousand (2,000) foot** radius with a scale of **one (1) inch** to equal **four hundred (400) feet**.
- (3) The location of any natural water sources on the real estate set forth in the Well Certificate, including lakes, wetlands, ponds, creeks, rivers, and/or any other natural openings in the ground such as a natural geological phenomenon known as —sinkholes||, or karst areas;
- (4) The location of all man-made water sources such as wells or cisterns, and any water conduit devices, such as public water supply mains;
- (5) The location of any power lines or other utility lines within the site or within **one hundred (100) feet** from the site;
- (6) **Three (3) photos** of the location of the proposed site from **three (3)** different angles;
- (7) Size/Volume of storage tanks to be erected; oil spill confinement area (SF); and height of earthen dike/berm. (This plan will represent a relationship of the three variable Vol/Area/Height required to meet size requirements of **Section 1-55-11(C).**)

(B) **Extreme in Topography.** The application shall furthermore include an explanation of any extremes in topography such as location of bluffs, ravines, sinkholes,

or other extreme topographical variances within the real estate which is set forth in the well certificate.

(C)

Distance and Size Requirements.

- (1) The application shall provide that a properly constructed earthen dike around the oil tank storage site shall be sufficient to retain the maximum amount of oil, water or other liquid equal to **one and one-half (1 ½) times** the storage capacity of the largest tank it contains, and be bermed at least **eighteen (18) inches** above the ground surface. The dike shall be continually maintained and reservoir within shall be kept free from vegetation, water, or oil. (Refer to specifications of Illinois Oil & Gas Act for minimum requirements.)
- (2) The oil or gas tank storage site shall be a minimum of **sixty (60) feet** from any power line or power source located upon the premises or adjacent to the site which is not used as an on site power source.
- (3) All water lines and oil lines or other transmission lines listed upon or used on the site shall be buried at a distance of at least **thirty-six (36) inches** below the surface of the ground.
- (4) The oil or gas tank storage site shall be a minimum of **five hundred (500) feet** from any residence, church, school, or other regular gathering place, and a minimum of **two hundred (200) feet** from any other building, excluding a tank storage shed, and a minimum of **two hundred (200) feet** from any County, State or Federal maintained road, and a minimum of **three hundred (300) feet** from surrounding property owners boundary lines. The owner of the real estate can ask for a variance to waive the minimum distance requirements for residences or other buildings set forth under this paragraph by notifying the Zoning Administrator.
- (5) A fence or wall will be constructed **six (6) feet** in height and placed around the storage site with a posted sign. (DANGER), (KEEP OUT), (NO TRESPASSING). A sign will be posted to show current name of lessee and owner/or operator and section, township and range of storage site. All fenced areas will be locked.
- (6) The site shall be maintained, area mowed, clean of debris, unused equipment, and all abandoned and unused tanks will be removed and properly disposed of.
- (7) Tanks must be free from rust and painted a solid color with exterior paint.
- (8) Any abandoned equipment or abandoned vehicles used in the drilling or production process must be removed or stored in an appropriate outbuilding.
- (9) All well and tank locations shall be kept free of dead grass,

brush, weeds, and other flammable material, and so maintained at all times.

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

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

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

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

(H) **Definitions.**

(1) **FPE.** Flood Plain Elevation.

(2) **Permittee.** Means the person or entity holding the Illinois State permit and listed on the Illinois State bond as principal.

(3) **Property Owner.** Those responsible holders of Real Estate within Christian County.

(4) **Tank.** A tank or other receptacle into which oil or gas and water is gathered, produced or stored.

(5) **Tank Storage Site.** An area comprising a tank or tanks; a berm or dike; storage facilities related to oil or gas production or exploration; and related fencing when required.

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

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

(A) Require a Flood proof Certificate

(B) The well head can stay at grade level provided that it is flood proof and pump-jack should be placed on a **fifteen (15) foot** platform or **one (1) foot** above FPE.

(C) Any additional cost to the County due to the applicant or permittee cleanup that exceeds Illinois State deposit shall be paid by said permittee. This shall include oil or gas requirements stated in **Sections 1-6-9** and **1-6-10.**

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

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

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

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

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

1-6-12 SCREENING. Any screening (**See definition in Section 1-2-2**), must conform to the front yard (any yard that abuts a street or road) setback requirements of the district in which it is located unless it is of a height and/or type that does not obstruct or physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct, or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

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

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

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

Tower are not allowed in any Residential Districts

Setback Requirements

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

A) Meteorological Towers

- 1.) Any Industrial meteorological tower is a permitted use in any AG-1 District.
- 2.) All meteorological towers are to have a red light during the night, not a strobe light.
- 3.) All meteorological towers must file for a building permit with the Zoning Administrator. See permit fee schedule for cost

Meteorological Towers are not allowed in any residential districts.

B) Setbacks Requirements

- 1.) The meteorological tower setback will be the height of the tower plus (50) fifty feet from any primary structures, any secondary structures on the property, any roads, overhead lines weather power lines or otherwise, and finally from the property lines.

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

Any new subdivision shall comply with the following setbacks:

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

(B) A subdivision or place of common assembly shall be exempt from setback distances when the livestock management facility or livestock waste handling

facility serves less than **fifty (50)** animal units.

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

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

- (1) For a livestock management or livestock waste handling facility serving **one thousand (1000)** or greater animal units but less than **seven thousand (7000)** animal units, the minimum setback shall be increased **four hundred forty (440) feet** over the minimum setback of **one-half (½) mile** for each additional **one thousand (1000)** animal units over **one thousand (1000)** animal units.
- (2) For any subdivision, the minimum setback shall be increased **two hundred twenty (220) feet** over the minimum setback of **one-fourth (¼) mile** for each additional **one thousand (1000)** animal units over **one thousand (1000)** animal units.

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

- (1) For a livestock management or livestock waste handling facility serving **seven thousand (7000)** or greater animal units, the minimum setback shall be **one (1) mile**.
- (2) For any subdivision, the minimum setback shall be **one-half (½) mile**.

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

1-6-15

LOCATION OF ADULT ORIENTED BUSINESS AND SIGNAGE.

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

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

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- (2) A public or private school or educational facility, including but not limited to child day care facilities, nursery school, preschools, kindergartens, elementary schools, private schools,

intermediate schools, junior high schools, middle schools, high schools, continuation schools, special education schools, community colleges, and universities; school includes the school grounds;

- (3) The boundary of any residential district as defined in the Zoning Code, as amended from time to time;
- (4) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the County which is under the control, operation, or management of the County or park district;
- (5) The property line of a lot devoted to a residential use as defined in the Zoning Code, as amended from time to time;
- (6) Any premises licensed pursuant to the alcoholic liquor control regulations of the State of Illinois and the County of Christian, as amended from time to time;
- (7) Place of public accommodation or restaurant.

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

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

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

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

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

(H) An adult oriented business lawfully operating as a conforming use is

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

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

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

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

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

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

- (A) Must be zoned Agricultural.
- (B) **Construction.** When the applicant desires to build a dwelling and said dwelling will not be occupied within a **twelve (12) month** period.
- (C) **Recreation.** When the applicant desires to use a recreational vehicle on private property strictly for recreational purposes and not for a permanent habitation, and the location of the recreational vehicle does not hinder the use, degrade or affect the value and appearance of adjoining properties, and adequate water supply and sewage disposal facilities are provided and approval from the Christian County Health Department,

said use of a recreational vehicle may be permitted.

(D) All recreational vehicles must:

- (1) Be licensed and titled as an RV or park model.
- (2) Have inflated wheels and be self-propelled or towable by light truck.
- (3) Have no attached deck, porch, shed.

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

- (1) Not be used as a permanent dwelling.
- (2) Be less than **four hundred (400) square feet**.
- (3) Have quick disconnect propane tank.
- (4) Have elevated, quick disconnect sewer service.
- (5) Have elevated electrical service and air conditioning unit.

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

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

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

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

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

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

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

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

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

Where an existing —R-1|| abuts a district requiring a buffer, the minimum setback from the buffer in that district requiring a buffer shall be **ten (10) feet** providing that a

street does not come between the districts.

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

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

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

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

1-6-22 SERVICE STATIONS.

(A) All gasoline pumps and other service facilities shall be located at least **twenty-five (25) feet** from any street right-of-way line, side lot line, or rear lot line.

(B) Every access way shall be located at least **two hundred (200) feet** from the principal building of any fire station, school, public library, church, park, or playground, and at least **thirty (30) feet** from any intersection of public streets.

(C) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.

(D) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

(E) Whenever the use of a service station has been discontinued for **twelve (12) consecutive months** or for **eighteen (18) months** during any **three (3) year** period, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire Chief.

(F) A permanent curb of at least **four (4) inches** in height shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length of the pump island.

1-6-23 HOME OCCUPATIONS.

(A) **Limitations on Use.** A home occupation shall be considered a special-use in any residence district, provided the home occupation is subject to the following limitations.

(1) **Employees.** The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there.

(2) **Dwelling Alterations.** In any residential district, a principal residential building shall not be altered—to accommodate a home occupation—in such a way as to materially change the residential character of the building.

(3) **Floor Space.** The total area used for the home occupation

shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling, or **three hundred (300) square feet**, whichever is less.

- (4) **Sign Restrictions.** There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed **three (3) square feet** in area and shall not be illuminated.
- (5) **Exterior Storage.** There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- (6) **Nuisances.** There shall be no offensive noise nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. All nuisances are prohibited.
- (7) **Unlawful Storage.** There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.

a) Any residential lawn or yard found to be 18 inches or more in height and found to be offensive to others beyond property line shall be prohibited and subject to a \$200.00 fine per week until the violation has been corrected and noted by the Zoning Administrator. Notifications will be done in accordance with ordinances 1-10-2 and 1-10-3 A-G and 1-10-4 A-C.

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

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

(C) **Activities Not Covered.** A home occupation permit shall not be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in

this Section, —telecommuting|| means working in the home by using a computer terminal connected to a central office or central computer.

1-6-24 SCHOOLS.

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

<u>Type of School</u>	<u>Minimum Lot Area</u>
Nursery, Day Care Center	One hundred (100) square feet of fenced outdoor play area per child.
Other (elementary, junior high, senior high)	As required by State law (Ill. Comp. Stat., Chap. 105, Sec. 5/35-8) --normally four (4) acres , plus one (1) additional acre for every one hundred fifty (150) students in excess of two hundred (200) .
(B)	The principal building of any school shall be located at least twenty-five (25) feet from all lot lines.

1-6-25 SWIMMING POOLS.

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

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

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

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

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

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

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

1-6-27 KENNELS.

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

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

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

1-6-28 AGRICULTURAL ACTIVITIES.

(A) **Farm Animals.** There will be no farm animals as stated in the definition of this code on Page 73. No barn, stable, shed, or other structure intended to shelter farm animals shall be erected closer than **one hundred fifty (150) feet** to any existing dwelling, or closer than **one hundred (100) feet** to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than **one hundred fifty (150) feet** to any existing dwelling or closer than **one hundred (100) feet** to any lot line or residential property, whichever distance is greater.

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

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

1-6-29 LIGHTING CONTROLS.

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

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

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

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

side property line.

1-6-31 "WIND/SOLAR INDIVIDUAL- PERSONAL SOLAR ENERGY SYSTEM (PSES)"

WIND

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

SOLAR

- 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 Section 17.38.030 Bulk Regulations unless otherwise stated herein:
 - 1. Ground Mounted PSES Height. Shall not be greater than eighteen 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 of 7 foot rear yard setbacks of 15 feet. No PSES shall be permitted to be located in the required front yard. The front yard is defined as any area between the residence and the road, regardless of the driveway orientation.
 - 4. Building Codes. All state and national construction codes shall be followed.
 - 5. Use. The PSES shall provide electricity 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.

1-6-32 NOXIOUS WEEDS

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

1-6-33 CONDEMNATION

(A) Purpose. It Is hereby declared that the purpose of this **Section 1-6-33** is to regulate privately and publicly owned Covered Structure and Covered Structure Unit for the purpose of maintaining adequate sanitation and public health, to protect the safety of the people, and to promote the general welfare which shall be applicable to all Covered Structures and Covered Structure Units.

(B) Solely for purposes of this **Section 1-6-33**, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

- a. "**Covered Structure**" means any structure used for residential, commercial, industrial, agriculture or other purposes including, without limitation, any Boarding House, Dwelling, Guest House, Hotel or Rooming House.
- b. "**Covered Structure Unit**" means one or more rooms designed or used as living quarters, temporarily or permanently, in a Covered Structure.
- c. "**Health Authority**" means the legally designated health administrator of the County or his or her duly authorized representatives.

(C) **Condemnation**. Any Covered Structure or Covered Structure Unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Authority:

- (1) a Covered Structure or Covered Structure Unit which is so damaged, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public;
- (2) a Covered Structure or Covered Structure Unit that lacks illumination, ventilation, or sanitation facilities; or which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public; or
- (3) a Covered Structure or Covered Structure Unit which because of its general condition is unsanitary, or otherwise dangerous, to the health and safety of the occupants or the public.

(D) **Notice to [Township Supervisor/Zoning Administrator]**. Before condemning any Covered Structure or Covered Structure Unit, or as soon as is feasible following condemnation if delay would endanger health or safety, the Health

Authority shall notify by letter, email or by hand delivery, the Zoning Administrator and the supervisor of the township in which such Covered Structure or Covered Structure Unit is located of his or her intention to condemn.

(E) Vacating premises. Any Covered Structure or Covered Structure Unit condemned as unfit for human habitation, and so designated and placarded by the Health Authority, shall be vacated within a reasonable time as ordered by the Health Authority.

(F) Written Approval for occupancy. No Covered Structure or Covered Structure Unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard removed by the Health Authority. The Health Authority shall remove such placard whenever the defects upon which the condemnation and placarding action were based have been eliminated.

(G) Placards not to be defaced or removed. No person shall deface or remove the placard from any Covered Structure or Covered Structure Unit which has been condemned as unfit for human habitation and placarded.

(H) Hearing. Any person affected by any notice which has been Issued in connection with the enforcement of any provisions of this **Section 1-6-33** (or any rule or regulation adopted by the Health Authority pursuant to) this **Section 1-6-33** may request and shall be granted a hearing on the matter before the Christian County health board; provided that such person shall file in the office of the Health Authority a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after notice was served.

(I) Duty to maintain structures.

(i) Every owner and occupant of a Covered Structure or Covered Structure Unit shall maintain in a clean and sanitary condition those parts of the Covered Structure, Covered Structure Unit, and premises thereof that such owner or occupant occupies and/or controls.

(ii) Every owner and occupant of a Covered Structure or Covered Structure Unit shall keep all supplies, fixtures, and facilities therein in a clean, sanitary, and operable condition and shall be responsible for the exercise of reasonable care In the proper use and operation thereof.

(J) Inspections; powers and duties of The Health Authority

(i) Enforcement authority. The Health Authority shall enforce the provisions of this **Section 1-6-33** and is hereby authorized and directed to make inspections pursuant to one or more of the plans for inspection or in response to a complaint that an alleged violation of the provisions of this **Section 1-6-33** or of applicable rules or regulations pursuant hereto may exist or when the Health Authority has valid reason to believe that a violation of this **Section 1-6-33** or any rules and regulations pursuant hereto has been or is being committed.

(ii) Authority to enter and inspect. The Health Authority Is hereby authorized to enter and inspect between the hours of 8:00 a.m. and 5:00 p.m. all Covered Structures and Covered Structure Units for the purpose of determining whether there is compliance with its provisions.

(iii) Inspection of premises surrounding. The Health Authority is hereby authorized to inspect the premises surrounding Covered Structures and Covered Structure Units for the purpose of determining whether there is compliance with its provisions.

(iv) Appointments for Inspections. The Health Authority and the owner, occupant, or other person in charge of a Covered Structure or Covered Structure Unit may agree to an inspection by appointment at a time other than the hours provided in subsection (ii) above.

(v) Free access required. The owner, occupant, or other person in charge of a Covered Structure or Covered Structure Unit, upon presentation of proper Identification by a representative of the Health Authority, shall give the Health Authority entry and free access to every part of the Covered Structure or Covered Structure unit or to the premises surrounding any of structures.

(vi) Order of court. If any owner, occupant, or other person In charge of a Covered Structure or Covered Structure Unit fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an Inspection authorized by this **Section 1-6-33** is sought to be made, the Health Authority may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the Inspection requirements of this section with respect to such Covered Structure or Covered Structure Unit, petition and obtain such order from a court of competent jurisdiction.

(K) Any person who refuses to comply with an order issued pursuant **this Section 1-6-33**, or in any other way violates the terms of this **Section 1-6-33**, shall be subject to penalty as provided in **Section 1-10-8** of this Code.

ARTICLE VII

SIGN REGULATIONS

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

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

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

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

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

1-7-4 SPECIAL SITUATIONS.
(A) Except as specifically provided otherwise in this Article, if an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Article. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any **one (1) frontage** a greater area of signs than would be permitted by application of the formula set forth above.

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

1-7-5 SIGNS TO BE NON-HAZARDOUS, WELL-MAINTAINED.
(A) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VIII

PARKING AND LOADING REGULATIONS

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

1-8-2 EXISTING PARKING/LOADING FACILITIES.

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

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

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

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

1-8-3 PARKING DESIGN AND MAINTENANCE STANDARDS.

(A) Spaces.

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

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

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

(C)

Access Way.

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

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

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

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

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

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

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

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

(A) **For Dwellings.**

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

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

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

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

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

(A) **Size Of Space.** Every required off-street loading space shall be at least **twelve (12) feet** wide and **forty-five (45) feet** long exclusive of aisle and maneuver space, and shall have vertical clearance of at least **fourteen (14) feet**. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) **Access Way.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet** wide.

(C) **Surfacing.** Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. **(No "oil and chip")**

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

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

1-8-7 COMPUTATION OF REQUIRED PARKING/LOADING SPACES.

In computing the number of parking spaces required by this Code, the Zoning Administrator shall apply the following rules:

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

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

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

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

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

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

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

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

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

(C) Commercial, Office, Service:

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

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

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

(D) Industrial:

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

NONCONFORMITIES

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

1-9-2 NONCONFORMING LOTS: VACANT. Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the district in which it is located may be developed for any use permitted in that district, provided such vacant lot:

- (A) Was recorded in the County Recorder of Deeds office prior to the effective date of this Code (or any pertinent amendment thereto); and
- (B) Is at least **thirty (30) feet** wide; and
- (C) That no health hazards will be created by such use.

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

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

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

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

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

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

1-95 NONCONFORMING USES. Any otherwise lawful use existing on the effective date of this Code which would not be allowed under the terms of this Code may lawfully continue, subject to the following provisions. Dwelling units are not subject to these provisions, and may lawfully remain.

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

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

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

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

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

1-96 NONCONFORMITIES UNDER PERMIT AUTHORITY. The regulations of this Article shall not affect the terms of any permit issued prior to the effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE X

ADMINISTRATION

1-10-1 ZONING ADMINISTRATOR. The office of Zoning Administrator of Christian County is hereby established. The Administrator shall be appointed by the County Board Chairman with the advice and consent of the County Board, and shall continue to hold office at the pleasure of the County Board for a **two (2) year** term. The Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (A) to review and pass upon applications for initial and final certificates of zoning compliance;
- (B) to inspect land, structures and uses to determine compliance with this Code, and, where there are violations, to initiate appropriate corrective action;
- (C) to review and forward to the Zoning Board of Appeals all applications for special use permits, variances, appeals and amendments;
- (D) to maintain up-to-date records of this Code including, but not limited to, the district map, special use permits, variances, interpretative decisions of the Board of Appeals, amendments and all applications related to these matters;
- (E) to periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Zoning Board of Appeals at least once each year;
- (F) to provide information to the general public on matters related to this Code; and
- (G) to perform such other duties as the County Board may from time to time prescribe;
- (H) to notify the Christian County —911|| Emergency Office of all new construction; and
- (I) to notify the Christian County Supervisor of Assessments of all new construction.

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

1-10-3 CONTENTS OF CORRECTIVE ORDER. The order to take corrective action shall be in writing and shall include:

- (A) a description of the premises sufficient for identification;
- (B) a statement indicating the nature of the violation;
- (C) a statement of the remedial action necessary to effect compliance;
- (D) the date by which the violation must be corrected;

(E) a statement that the alleged violator is entitled to a conference with the Administrator if he so desires;

(F) the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and

(G) a statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

1-10-4 SERVICE OF CORRECTIVE ACTION ORDER. A corrective action order shall be deemed properly served upon the owner, occupant or operator of the offending lot, structure or use if it is:

(A) served upon him personally;

(B) sent by registered mail to his last known address; or

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

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

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

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

1-10-8 PENALTIES.

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

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

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

1-10-9-Reserved

1-10-10-Reserved

ARTICLE XI

SPECIAL PROCEDURES AND PERMITS

DIVISION I - BOARD OF APPEALS

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

1-11-2 MEMBERSHIP CHAIRMAN, RESIDENCE. The Board of Appeals shall consist of **seven (7) members** and **two (2) alternates** appointed by the County Board Chairman with the advice and consent of the County Board. At the time of these appointments, one Board of Appeals' member shall be named as chairman by the County Board Chairman; if the chairman's office becomes vacant, the County Board Chairman shall designate a new chairman. All members and alternates of the Board of Appeals shall be residents of Christian County, and each member and alternate shall reside in a different congressional township at the time of his appointment. Failure to maintain residency in Christian County shall be cause for removal from the Board. Alternates will have a term limit of five years.

1-11-3 TERM OF OFFICE, VACANCIES. Every member of the Board of Appeals shall hold office for **five (5) years** from the date of his appointment, and until his successor has been selected and qualified. The County Board may remove any member of the Board of Appeals for cause, after a public hearing. Vacancies on the Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of a new member.

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

1-11-5 MEETINGS, QUORUM. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times and places within the County as the Board of Appeals may determine. The Chairman or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. **Four (4) members and/or alternates** of a **seven (7) member** Board of Appeals shall constitute a quorum; and the affirmative vote of **four (4) members** shall be necessary to recommend any variation or modification to the County Board. In the event hearings span multiple meetings, the members and/or alternates must have attended every meeting related to such hearing to cast an affirmative vote.

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

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

DIVISION II - APPEALS

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

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

1-11-14 STAY OF FURTHER PROCEEDINGS. An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board of Appeals, after the notice of appeal has been filed with him, that, for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such cases, further action shall not be stayed unless the Circuit Court grants a restraining order for due cause and so notifies the Administrator.

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

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

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

1-11-16 DECISION BY BOARD OF APPEALS. The Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Board of Appeals may reverse or affirm, in whole or in part, or may modify or amend the decision or order appealed from the extent and in the manner that it deems appropriate. In so doing, the Board of Appeals has all the power of the Administrator.

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

DIVISION III - SPECIAL USE PERMITS

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

1-11-21 APPLICATION. Every applicant for special use permit shall submit to the Administrator, in narrative and graphics form on forms provided by the County, the items of information listed below. [Every special use permit application shall also be filed with the Christian County Soil and Water Conservation District as per State law, (**See 70 ILCS Sec. 405/22.02a**) and, if the land in question is within **one and one-half (1 ½) miles** of a municipality, with the Clerk of that municipality.] The Administrator shall promptly transmit the completed application, and any comments or recommendation he/she might wish to make, to the Board of Appeals. **(NOTE: Filing fee required.)**

ITEMS OF INFORMATION:

- (A) name and address of the applicant;
- (B) name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (E) area and dimensions of the site for the proposed structure or use;
- (F) existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- (G) existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) height and setbacks of the proposed structure;
- (I) number and size of the proposed dwelling units, if any;
- (J) documentation of age and pictures to show proof of condition of proposed mobile home;
- (K) number and location of proposed parking/loading spaces and access ways;
- (L) identification and location of all existing or proposed utilities, whether public or private; and/or
- (M) any other pertinent information that the Administrator may require.

1-11-22 PUBLIC HEARING NOTICE: SPECIAL-USE. The Board of Appeals shall hold a public hearing on every special use permit application within a reasonable time after said application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed special use, shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

(A) by first class mail to the applicant and by certified mail to all parties whose properties are adjacent to the property for which the special use permit is sought; and

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

1-11-23 ADVISORY REPORT, FACTORS CONSIDERED. Within a reasonable time after the public hearing, the Board of Appeals shall submit its advisory report to the County Board. In deciding what its advice should be, the Board of Appeals shall consider the following factors:

(A) whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety and welfare, and the physical environment;

(B) the effect the proposed special use would have on the value of neighboring properties and on the County's overall tax base;

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

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

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

1-11-24 ACTION BY COUNTY BOARD. The County Board shall act on every request for special use permit at its next regularly scheduled meeting following submission of the Board of Appeals' advisory report. The County Board shall act on request for Renewable special use permits within 30 days following submission of the Board of Appeal's advisory report. The County Board may grant a special use permit by an ordinance passed by a simple majority vote of all members then holding office.

1-11-25 LAPSE OF APPROVAL

- (A) An approved special use permit will lapse and have no further effect one year after it is approved by the County Board, unless a building permit or site development permit has been issued. The building permit expiration period is also one year.
- (B) The County Board is authorized to extend the expiration period up to four separate occasions, by up to 180 days each. Requests for extensions must be submitted to the Zoning Administrator before the special use permit expires.

- (C) A special use permit also lapses upon revocation of a building permit for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the special use permit.
- (D) If any special use is abandoned, or is discontinued for a continuous period of one year or more, the special use permit for such use is void, and such use may not be reestablished unless and until a new special use permit is obtained in accordance with the procedures of this section.
- (E) Successive applications. In the event that a special use permit application is denied, no application may be approved for substantially the same use on substantially the same site for 12 months from the date of denial by the County Board, unless the Chairman of the County Board in consultation with the Zoning Administrator determines that conditions in the County regarding the merits of such special use permit application have changed or said special use permit application has been amended such that re-review is appropriate.

1-11-26 and 1-11-27 RESERVED.

DIVISION IV - VARIANCES

1-11-28 VARIANCES.

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

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

1-11-29 APPLICATION FOR VARIANCES. Every application for a variance shall submit to the Administrator, in narrative and graphics form on forms provided by the County, the items of information listed below. (Every variance application shall also be filed with the County Soil and Water Conservation District as per State Law (**See 70 ILCS 405/22.02a**) and, if the land in question is located within **one and one-half (1 ½) miles** of a municipality, with the Clerk of that municipality.) The Administrator shall promptly transmit said application to the Board of Appeals together with any recommendation or comments he/she may wish to make. The application shall contain sufficient information to allow the Board to make an informed decision, and shall include, at a minimum, the following: (**NOTE: Filing fee required.**)

- (A) name and address of the applicant;
- (B) location of the lot, structure or use for which the variance is sought;
- (C) relationship of said lot, structure or use to adjacent lots, structures or uses;
- (D) specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (E) any other pertinent information that the Administrator may require.

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

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

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

- (A) date, time and place of said hearing;
- (B) name and address of the applicant;
- (C) the particular location of the real estate for which the variation is requested by legal description and street address, and, if no street address, then by locating such real estate with reference to any well-known landmark, road or intersection;
- (D) whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal, and stating the name and address of the true principal;
- (E) whether the applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders and shareholders owning any interest in excess of **twenty percent (20%)** of all outstanding stock of such corporation;
- (F) whether the applicant or his principal, if other than the applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true owners of such business or entity;
- (G) whether the applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and, if so, the names and addresses of all partners, joint ventures, syndicate members or members of the unincorporated voluntary association; and
- (H) a brief statement describing the proposed variance.

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

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

1-11-33 TERMS OF RELIEF, FINDINGS OF FACT. The Board of Appeals shall render a decision on every variance request within a reasonable time after the public hearing. The Board shall specify the terms of relief granted (if any) in one statement and its findings of fact in another statement. The findings of fact shall clearly indicate the Board of Appeal's reasons for granting or denying any requested variance.

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

DIVISION V – AMENDMENTS; REZONINGS AND TEXT

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

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

1-11-38 PUBLIC HEARING, LOCATION. The Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. Said hearing shall be held in the Christian County Courthouse. At the hearing any interested party (including any school or other taxing district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath.

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

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

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

1-11-40 ADVISORY REPORT FROM ZONING BOARD. Within a reasonable time after the public hearing, the Board of Appeals shall submit an advisory report to the County Board. Said advisory report shall include a recommendation regarding adoption of the proposed amendment, and the reasons therefor. If the proposed amendment involves a rezoning, the advisory report shall include findings of fact concerning each of the following matters:

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

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

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

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

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

(C) in the case of a written protest against a proposed amendment that affects land location within **one and one-half (1 ½) miles** of the limits of a zoned municipality, provided that said written protest is:

- (1) submitted by the particular zoned municipality with limits nearest adjacent to the affected property; and
- (2) signed and acknowledged by the City Council or by the Mayor and Board of Trustees of said municipality; and
- (3) filed with the County Clerk.

CHAPTER 2

MANUFACTURED HOUSING CODE

ARTICLE I - GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"OWNER" or "OPERATOR" means the licensee.

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

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

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

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

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

"SPACE" shall be synonymous with **"Manufactured Home Space"**.

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

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

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

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

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

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

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

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

2-1-9 PROHIBITED RESIDENTIAL USES.

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

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

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

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

ARTICLE II - IMMOBILIZED MANUFACTURED HOMES

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

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

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

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

ARTICLE III - MANUFACTURED HOME PARKS

DIVISION I - ADMINISTRATION REQUIREMENTS

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

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

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

(C) **This Code.**

(D) Zoning Code, if any.

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

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

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

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

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

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

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

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

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

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

DIVISION II - DESIGN AND CONSTRUCTION REQUIREMENTS

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

2-3-11 APPLICATION.

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

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

- (1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application.
- (2) The proposed method of lighting the structures and land upon which the manufactured home park is to be located.
- (3) The plot plans of the manufactured home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities.
- (4) An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.
- (5) Each application shall be accompanied by an application fee **(See Fee Schedule).**

2-3-12 LOCATION.

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

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

2-3-13 ROADWAYS AND PARKING.

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

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

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

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

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

DIVISION III - GENERALLY

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

2-3-18 MISCELLANEOUS RESTRICTIONS.

(A) No manufactured home unit parked in a manufactured home park shall be immobilized.

(B) Not more than **one (1) manufactured home unit** shall be parked in **one (1)** space.

(C) No travel-trailer shall be permitted in any manufactured home park, unless a special area has been approved for that purpose by the Zoning Board.

2-3-19 SKIRTING. Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be installed on all manufactured housing units within **sixty (60) days** of the placement of the unit.

2-3-20 RESERVED.

DIVISION IV - FEES

2-3-21 **LICENSE FEE.** (See Fee Schedule).

FEE SCHEDULES **SCHEDULE OF FILING FEES**

	<u>Filing Fee</u>	<u>Publication Cost</u>
Appeals	\$350.00	Per Cost
Special Uses	\$350.00	Per Cost
Variances	\$350.00	Per Cost
Amendments	\$350.00	Per Cost

MOBILE HOME PARK FEES

APPLICATION FEE

Application Fee of **Three Hundred Dollars (\$300.00)** for a permit to construct, or an application fee of **One Hundred Fifty Dollars (\$150.00)** for a permit to alter to increase the size of the park.

LICENSE FEE

The annual license fee per manufactured home park shall be **One Hundred Dollars (\$100.00)**, and shall be due and payable **on or before May 1st of each year**. The County Clerk shall notify the owner or operator of the annual fee at least **thirty (30) days** prior to **May 1st**.

PERMIT FEE SCHEDULE

<u>Building Type</u>	<u>Filing Fee</u>
Buildings or structures to be used for agricultural purposes as defined by the Zoning Code	No Fee

To partially defray expenses of administering the ordinance, a fee will be charged for each permit and collected by the county, the permit fees will be as follows:

<u>Fee Schedule</u>	
1. Home construction on a basement:	\$0.40/sq. ft.
2. Home construction on a crawl space:	\$0.30/sq. ft.
3. Attached porches and garages (a non-living area):	\$0.20/sq. ft.
4. Out buildings detached from the home over 10 x 12 (garages, pole barns):	\$0.20/sq. ft.
4b. Any structure 10' x 12' and under (barns, portable sheds) - flat fee:	\$20.00
5. Additions to a house:	\$0.30/sq. ft.
6. Commercial buildings and additions:	\$0.25/sq. ft.
7. Single wide mobile home - flat fee:	\$125.00
8. Double wide mobile home - flat fee:	\$225.00
9. Home moved to a new location - flat fee:	\$225.00
10. Oil or Gas Drilling and Injection Wells or Conversion Certificates - flat fee:	\$40.00
11. Cellular tower - flat fee:	\$3,000.00
12. Collocation on tower - per Antenna fee:	\$1,000.00
13. Individual Wind Generation Turbine - flat fee:	\$200.00
14. Personal solar array – cost for permit \$7.00 per thousand with a copy of the contract between the solar contractor and the homeowner:	\$7.00 per thousand
15. Meteorological Tower fee will be \$200.00 dollars per tower: and a \$5000.00 annual fee and a 5 year limit:	\$200.00 \$5000.00
16. Footprint application fee/failure to update footprint fine (per week):	\$5000/\$1000
17. Renewable energy lease processing fee per lease:	\$500.00

Permits with respect to erection, maintenance, repair, alteration, remodeling or extension of buildings and structures used or to be used for agricultural purposes shall be issued free of any charge and further provided that nothing herein contained shall exempt residential structures on farms from paying, and further provided that permits for repair or replacement of buildings and structures damaged or destroyed by fire, windstorm, riots or Act of God, shall be issued free of charge.

APPENDIX A
CHRISTIAN COUNTY ORDINANCE
REGULATING THE SITING OF WIND ENERGY
CONVERSION SYSTEMS
ORDINANCE NO. 02008 ZN 004
(last revised on December 15, 2020)

I. INTRODUCTION

A. Title

This Ordinance shall be known, cited and referred to as the Christian County Wind Energy Conversion Systems Ordinance.

B. Purpose

This Ordinance is adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in Christian County is safe and effective;
2. To facilitate economic opportunities for local residents;
3. To promote the supply of wind energy in support of Illinois' statutory goal of increasing energy production from renewable energy sources.

II. DEFINITIONS

A. "Applicant" means the entity or persons who submits to the County pursuant to Section V of this Ordinance, an application for the special use permit related to of any WECS or Substation.

B. "Financial Assurance" means a financial security in the form of a surety bond (performance and payment bond), or a cash escrow account that names Christian County as the beneficiary. The Applicant may select which of the listed forms of financial security to post, so long as all other conditions in this paragraph are met. If a surety bond (performance and payment bond) is selected, the original of the surety bond shall be held by the County. If a cash escrow is selected, the cash escrow shall be held and managed by an independent third party (e.g., escrow agent or title company) on behalf of the County, subject to escrow instructions that incorporate the applicable decommissioning and repair / replacement / restoration obligations of this Agreement as executed by the County and the Applicant.

C. "Operator" means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors,

D. "Owner" means the entity or entities with an equity interest in the WECS(s), including the respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.

E. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in the State of Illinois.

F. "Primary Structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial building, schools, hospitals, and day care facilities, Primary Structure excludes structures such as hunting sheds, storage sheds, and barns.

G. "Substation" means that apparatus that connects the electrical collection system of the WECS (s) and increases the voltage for connection with the utility's transmission lines.

H. "Wind Energy Conversion System" ("WECS") means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).

I. "WECS Project" means the collection of WECS(s) and Substations as specified in the special use permit approval application pursuant to Section V of this Ordinance.

J. "WECS Tower" means the support structure to which the nacelle and rotor are attached.

K. "WECS Tower Height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

III. APPLICABILITY

This Ordinance governs the siting of WECS(s) and Substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECS(s) with an aggregate generating capacity of 3MW or less who locate the WECS(s) on their own property are not subject to this Ordinance.

IV. PROHIBITION

No WECS or Substation governed by Section III of this Ordinance shall be constructed, erected, installed or located within Christian County unless prior siting approval has been obtained for each individual WECS and Substation pursuant to this Ordinance.

V. SITING APPROVAL AND SPECIAL USE APPLICATION

A. To obtain siting approval, the Applicant must submit an application for special use to the County.

B. The application for a special use permit shall contain or be accompanied by the following information:

1. A WECS Project summary, including, to the extent available:
(1) a general description of the project, including its approximate name plate generating capacity; the actual equipment manufacturer(s), type(s) of WECS(s), number of WECS(s), and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;
2. The name(s), address(es), and phone numbers(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known;
3. A final site plan for the installation of WECS(s) showing the planned location of each WECS Tower, guide lines and anchor bases (if any). Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, layout of all structures within the geographical boundaries of any applicable setback, and the location of any construction staging areas, including concrete batch plants, and the location of all affected flood plains, drainage districts, the structures, facilities, ditches, drainage tiles, and rights-of-way of the affected drainage districts, and the location of all other agricultural drainage tiles of private landowners;
4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance and state and federal law;
5. All information necessary to demonstrate compliance with this entire Wind Energy Conversion System Ordinance; and
6. Any other information normally required by the County as part of its Zoning Ordinance;
7. Sufficient documentation that the Applicant, Owner, company, or parent company

are generally financially viable and sufficiently experienced to complete the WECS Project as proposed, and both financial viability and experience may be demonstrated by a successful track record on similar projects; and

8. If the Applicant intends to offer a Good Neighbor Plan or Property Value Guarantee Plan, a copy of such plan shall be included with the special use permit application.
9. Executed interconnection agreements.
10. Location of all known communications towers within two (2) miles of the proposed WECS Project area boundaries;
11. An affidavit provided by an authorized Applicant officer attesting to the following matters that shall be conditions of Special Use Permit:
 - a. The Special Use Permit application is complete and includes all information and documentation required by this Ordinance and the AIMA, that all such information and documentation is true and correct, that there has not been any material omission of any relevant information, and that upon the discovery of any missing or incorrect information contained, or intended to be contained in the Special Use Permit application, Applicant shall immediately notify the County of the same and provide all relevant corrected information and documentation.
 - b. The obligations imposed by this Ordinance and the AIMA shall bind the Applicant, Owner, Operator, WECS Permittee, and all successors and assigns thereof;
 - c. That the obligations and liabilities established by the grant of a Special Use Permit shall be binding upon the Applicant, Owner, Operator, WECS Permittee and their respective successors and assigns;
 - d. That the sale, assignment in fact or at law, or other transfer of the Applicant's financial interest in the WECS Project shall in no way effect or modify the obligation of the Applicant, Owner, Operator, or WECS Permittee to comply with the terms, covenants and obligations of a Special Use Permit unless a successor or assign of the Applicant, Owner, Operator, or WECS Permittee, as applicable, agrees to assume all such obligations, including but not limited to the Decommissioning obligations associated with the WECS Project;
 - e. That the County and its authorized representatives have the right of entry onto the WECS Project area at all times for the purpose of inspecting the methods of construction, operation, remediation, and decommissioning, or for performing actual reclamation if necessary; and,
 - f. Confirmation that the County shall be listed as a debtor in connection with any proceeding in insolvency or bankruptcy involving the Applicant, Owner, Operator, WECS Permittee or their respective successors and assigns, but shall not be responsible for any claims against the foregoing parties.
 - g. Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.
 - h. A model study on shadow flicker. The applicant shall appropriately demonstrate to

the County Board, through industry standard computer modeling, that any occupied community building or nonparticipating residence within or adjacent to the WECS Project area boundaries complies with allowed shadow flicker hours, as regulated within this ordinance, under planned operating conditions.

i. Waivers from the shadow flicker mitigation requirements executed by the occupied community building owners and the nonparticipating property owners within or adjacent to the WECS Project area boundaries bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against the title to the affected real property.

j. Results and recommendations from the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.

k. Results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with the United States Fish and Wildlife Service's Land-Based Wind Energy Guidelines.

l. Results of an avian and wildlife impact study completed at the Applicant's expense by a third party, an approved independent qualified professional. Each portion of a WECS Project shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife.

m. Results of the consultation with the Illinois State Historic Preservation Office assessment of potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

n. Results of an analysis of the television reception documenting the television stations that are received within one and one-half (1 ½) miles of the footprint of the WECS Project. The analysis shall be conducted by a third party, an approved independent qualified professional at the expense of the Applicant.

o. Results of a communications analysis that indicates that the E9-1-1 communications, emergency communications, or official County and local municipal communications reception shall not be negatively impacted or influenced by the proposed wind power facility. The analysis shall be conducted by a third party, an approved independent qualified professional at the expense of the Applicant.

p. Information demonstrating that the WECS Project will avoid protected lands.

q. Information demonstrating WECS Tower foundation shall not encroach on a public or private sewage disposal (septic) system.

r. Information demonstrating no WECS Tower shall be within 5,000 feet of a private air strip as measured from the end of a private air strip, in the landing and takeoff area.

s. Any other information requested by the County or the County consultants that is necessary to evaluate the siting permit application and operation of the WECS Project and to demonstrate that the WECS Project meets each of the regulations in this Chapter, including the Special Use Permit standards set forth below.

C. The Applicant shall immediately notify Christian County of any changes to the information provided in Section V.B. above that occur while the special use permit application is pending.

D. The Applicant shall enter into the Agricultural Impact Mitigation Agreement ("AIMA") with the Illinois Department of Agriculture prior to the public hearing for the WECS Project

special use application.

E. The Applicant, Owner and Operator shall each become a member of the Illinois state-wide One-Call Notice System (otherwise known as the Joint Utility Locating Information for Excavators or "JULIE") and provide JULIE with all the information necessary to update its records with respect to the WECS.

F. The Applicant, Owner and Operator shall comply with Christian County Flood Damage Prevention Ordinance 02011CB0003.

VI DESIGN AND INSTALLATION

A. Design Safety Certification

1. WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.

2. Following the granting of approval special use permit under this Ordinance, a Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions,

B. Controls and Brakes

1. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

2. All WECS shall be curtailed in the case of inclement weather. If a thunderstorm or tornado watch or warning is issued for Christian, Montgomery, Sangamon, Macon or Shelby Counties, turbines will be curtailed.

C. Electrical Components

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

All components and parts of the WECS shall be manufactured and assembled in the United States of America.

D. Color

Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.

E. Compliance with the Federal Aviation Administration

The Applicant for the WECS shall comply with all applicable FAA requirements and shall provide documentation of compliance to the Christian County Zoning Administrator at the time of filing building permit applications to the County for WECS Towers. All WECS towers shall be fitted with Aircraft Detection Lighting Systems (ALDS), or a comparable technology, suitable for meeting FAA obstruction marking and lighting requirements.

F. Warnings

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations,
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
3. Upon completion of the construction of an approved WECS Project, reasonable visible signs, must be placed at the entrance of each access road generally advising trespassers not to approach a turbine.
4. Upon completion of the construction of an approved WECS Project, a sign that provides an emergency contact number for the Applicant shall be posted on or near the operations and maintenance building.
5. The signs in subparagraphs (F)(4) and (5) above shall be made with letters and numbers at least 3 inches in height and shall include the 911 address and an emergency phone number of the Operator which shall be answered 24 hours a day by a live operator. A non-emergency phone number for the Operator shall also be displayed. These phone numbers shall remain active with all calls being recorded for verification purposes and with comments and complaints logged and reported to the County Zoning Administrator on a monthly basis. The recorded calls shall be maintained for at least 12 months.

G. Climb Prevention

1. All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:
 - a. Fences with locking portals at least six feet high; or
 - b. Anti-climbing devices 12 feet vertically from the base of the WECS Tower

H. Setbacks

1. All WECS Towers shall be set back at least five times the WECS Tower height or 3250 feet, whichever is greater, from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the Primary Structure may waive this setback requirement; but in no case shall a WECS Tower be located closer to a Primary Structure than 1.10 times the WECS Tower Height. All WECS Towers shall have a setback of 2000 feet from all districts that are zoned residential,

whether such districts are zoned by the County or other municipality.

2. All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height from public roads, third party transmission lines, and communication towers. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property. The County Board may waive this setback requirement.

3. All WECS Towers shall be set back a distance of at least 1640 feet or three times the WECS Tower Height, whichever is greater, from adjacent property lines. The affected adjacent property owner may waive this setback requirement.

4. For any WECS Tower placed within 1.5 miles of the corporate limits of a village or municipality, the Applicant shall provide documentation demonstrating that the village or municipality does not exercise zoning jurisdiction over the area where the WECS Tower will be placed or, if it does, that the village or municipality approves the placement of the WECS Tower whether as a permitted use, special use, or variance, or has adopted an ordinance waiving its authority to regulate the placement of the WECS Tower.

To the extent that any of the above setbacks are judicially determined to be invalid setback shall be modified to comply with the corresponding setback set forth below:

1. Occupied Community Buildings: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure.
2. Participating Residences: 1.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure.
3. Nonparticipating Residences: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure.
4. Boundary Lines of Participating Property: None.
5. Boundary Lines of Nonparticipating Property: 1.1 times the maximum blade tip height of the WECS Tower to the nearest point on the property line of the nonparticipating property.
6. Public Road Rights-of-Way: 1.1 times the maximum blade tip height of the WECS Tower to the center point of the public road right-of-way.
7. Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Houses or Outbuildings): 1.1 times the maximum blade tip height of the WECS Tower to the nearest edge of the property line, easement, or right of way containing the overhead line.
8. Overhead Utility Service Lines to Individual Houses or Outbuildings: None.
9. Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the property line of the fish and wildlife area or protected land.

I. Compliance with Additional Regulations

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

J. Use of Public Roads

1. An Applicant, Owner, or Operation proposing to use county or township road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s) shall;
 - a. Identify all such public roads; and
 - b. Obtain applicable weight and size permits and easements for placement of cables on or under rights of way from relevant government agencies prior to construction.
2. To the extent an Applicant, Owner, or Operator must obtain a weight or size permit from the county and township, the Applicant, Owner or Operator shall:
 - a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage, and the need for pre-construction modifications and improvements on existing roadways; and
 - b. Provide an approved agreement from all impacted Road Commissioners with the approval of the County Highway Engineer prior to the Applicant filing the SUP.
 - c. Secure Financial Assurance, in a reasonable amount agreed to by the relevant parties, which shall be contained in a road use agreement which the parties must enter into before construction begins for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS.

K. WECS Tower Height

1. All WECS facilities will have a maximum height not to exceed 500 feet unless a determination of the No Hazard to Air Navigation has been received by the applicant for the specific wind turbine location proposed by the applicant. A WECS and transmissions pole shall be constructed with a tubular tower or monopole structure, not a lattice tower.

L. Shadow Flicker

1. The special use application for a WECS Project shall include a model study of the number of hours of shadow flicker expected upon each Primary Structure of a non-participating property owner in existence at the time the special use application is filed.
2. Shadow flicker shall not be allowed on a Primary Structure. An owner of a Primary Structure can have the option to waive this requirement.

To the extent that any of the above shadow flicker hours are judicially determined to be

invalid for any reason, the invalid shadow flicker hours shall be modified to comply with the corresponding hours set forth below:

1. Shadow flicker shall not affect an occupied community building or non-participating residence in excess of 30 hours per year under planned operating conditions. Planned operating conditions is defined as those conditions that would exist if the sun were to shine every day of the year with no cloud cover.
2. Measures to alleviate the effects of shadow flicker shall be outlined by the applicant. These measures shall at a minimum include window treatments, but otherwise the remedies shall control.

M. Lighting

1. A lighting plan must be submitted with the special use application. Such plan must describe all lighting that will be used, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color, and where lights will be flashing. Strobe lights are discouraged and if they are required by the FAA, then they must be shielded from the ground. The lighting should be planned and developed in a way to minimize the visual impact of the structures. A consideration of synchronized lighting shall also be part of any lighting plan. A general description of the lighting plan for the WECS Substation shall be provided with the special use permit application. The WECS Substation lighting plan should include plans to control glare. A final plan shall be approved prior to issuing a building permit for the WECS Substation.

N. Amendments

If the Applicant or Operator proposes to make a change in the project, including moving a turbine siting more than 25 feet, then the Applicant or Operator, through the use of a qualified professional, shall appropriately demonstrate compliance with all the requirements of this ordinances at a hearing to amend the special use.

VII. OPERATION

A. Maintenance

1. The Owner or Operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition to the above annual summary, the Owner or Operator must furnish such operation and maintenance reports as the County reasonable requests.

2. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Section VI(A)(1) of this Ordinance. Like-kind replacements of WECS Towers shall not require re-certification but shall require written approval of the County Zoning Administrator. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third-party certifying entity identified in Section

VI(A)(1) of this Ordinance and a professional engineer determined by the County Zoning Administrator to determine whether the physical modification requires re-certification. The cost of the third-party certifying entity and professional engineer shall be paid by the Owner or Operator.

3. Any replacement of equipment that is not a like-kind replacement shall require an amendment to the special use.

B. Interference

1. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan, as set forth in Section V.8,1, and V.B.3. of this Ordinance. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall rectify the issue within 30 days.
2. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television via public broadcast and or dish, RTK Ag Correction Signal, Machine to Machine sync communication, wireless data transfer communication, phone, internet, business ban radio, the Owner or Operator shall rectify the issue within 30 days.

C. Coordination with Local Fire Department

1. The Applicant, Owner or Operator shall submit to the local fire department or district whose jurisdiction is included in whole or in part within the WECS project, a copy of the site plan. In addition to the site plan, a plan pertaining to the planning, response, recovery and mitigation of any natural or man-made hazard that may affect the WECS development.
2. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan. The owner or operator shall submit an emergency response plan approved by the fire department(s) having jurisdiction over the project territory, and shall provide a list of all hazardous materials associated with the project on site with the County EMA and all emergency response agencies having jurisdiction over the project territory. The owner or operator shall cover all costs with regard to any training or equipment necessary to execute the emergency response plan.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

D. Materials Handling, Storage and Disposal

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

VIII. NOISE LEVELS

At a minimum, noise levels from each WECS or WECS Project shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements and provide contour maps at intervals of not greater than 5 feet on request by the Zoning Administrator or ZBA. For single use properties, the noise levels should be measured at the property lines.

The WECS Project will maintain compliance with the applicable IPCB regulations and this Ordinance throughout the entire operational period of the WECS Project. If at any time throughout the life of the WECS Project, the noise levels are found to not be in compliance with this section, the Applicant will immediately shut off enough turbines to ensure that the noise levels are within acceptable levels until a solution to the noise level violation is found and approved by the County after a hearing at the Zoning Board of Appeals.

An owner of a property exceeding the limits set forth in this Section may waive those requirements.

IX. BIRDS

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

X. PUBLIC PARTICIPATION

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation.

XI. LIABILITY INSURANCE, INDEMNIFICATION AND FEES

- A. Commencing with the issuance of a WECS Building Permit, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least Five Million Dollars (\$5,000,000.00) per occurrence and Thirty Million Dollars (\$30,000,000) in the aggregate. Such insurance may be provided, pursuant to a plan of self-insurance, by a party with a net worth of Fifty Million Dollars (\$50,000,000.00) or more. The County and its officers, appointed and elected

officials, employees, attorneys, engineers and agents (the "County Affiliates") and all affected Road Districts and their officers, appointed and elected officials, employees, attorneys, engineers and agents (the "Road District Affiliates") shall be included additional insureds on the insurance certificate(s), endorsement(s) and policies for all aspects of the WECS Project for both ongoing and completed operations and for all automobiles owned, leased, hired or borrowed, as applicable, by the Applicant for the WECS Project. The coverage shall contain no special limitations on the scope of protection afforded to the County and the County Affiliates or the affected Road Districts and the Road Districts' Affiliates. The insurance coverage of the Applicant shall be primary and non-contributory for the additional insureds. The Applicant shall file the original certificate of insurance with the Zoning Administrator upon commencement of project construction prior to the issuance of a WECS Building Permit, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter.

- B. The Applicant (WECS Permittee) shall defend, indemnify, and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, relating to or arising out of the special use permit application process and public hearing for the application, the issuance of the Special Use Permit, and the construction, operation, maintenance and removal of the WECS and affiliated equipment. This includes, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract, tort, or any violations of local, state, or federal law, including the Illinois Constitution and the United State Constitution (including without limitation strict liability or negligence) or any acts or omissions of the Applicant (WECS Permittee), the Owner or the Operator under this Ordinance or the Special Use Permit. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.
- C. Applicant, Owner, or Operators shall reimburse the County for any and all reasonable engineering fees incurred if the County, in its sole discretion, deems it necessary to hire an outside engineering consulting firm to work on any or all parts of the WECS Application Process and/or Project.
- D. Notwithstanding any other provision in this Zoning Code, the Chairman of the ZBA, in his sole discretion, is authorized to delegate to a third party (the "Presiding Officer") the Chairman's authority to preside over the public hearing on an application for a special use permit to site a WECS for the purpose of ensuring an orderly public hearing consistent with Illinois statutes and Constitution, Christian County ordinances, and the Articles of Rules and Procedure of the ZBA, and to rule on evidentiary and procedural disputes in the public hearing. The Presiding Officer must be an attorney in good standing with the Illinois bar. The Presiding Officer does not have any power to vote or deliberate on the pending application for special use permit, or to otherwise contribute to the Advisory Report of the ZBA, such authority being expressly reserved to the ZBA. Applicant, Owner, or Operator shall pay the reasonable fees of the Presiding Officer, and shall deposit a reasonable retainer with the Presiding Officer as a condition to the public hearing commencing, unless other terms are agreed upon

in writing between the Presiding Officer and the Applicant, Owner, or Operator.

XII. DECOMMISSIONING PLAN

As part of the Application, the Applicant must submit a Decommissioning Plan to ensure that the WECS Project is properly decommissioned. The County shall have an independent engineer to prepare its own estimate of costs for decommissioning, which estimate shall be paid for by the Applicant. The Decommissioning Plan shall include:

- A. Provisions describing the triggering events for decommissioning the WECS Project, which shall include, at a minimum, the provisions for the termination of the special use. Further, individual wind turbines and other components of the WECS shall be decommissioned within 30 days if such wind turbine or component thereof ceases to be functional for more than six consecutive months and the Operator has not shown to the County Zoning Administrator that it is diligently repairing such wind turbines or component. In the event that a wind turbine or component ceases to be functional for more than 365 days, it shall be decommissioned within 30 days thereafter;
- B. Provisions for the removal of structures, debris and cabling, including those below the soil surface;
- C. Provisions for the complete restoration of the soil and vegetation;
- D. An estimate of the decommissioning costs certified by a Professional Engineer, net of salvage;
- E. Financial Assurance, secured by the Owner or Operator, for the purpose of adequately performing decommissioning, in an amount equal to the Professional Engineer's certified estimate of the decommissioning costs, the posting of which is a condition to the County granting a WECS Building Permit. The terms of the financial assurance shall contain a provision that the financial assurance may not be cancelled or allowed to expire until at least sixty (60) days written notice has been given to the County. If replacement financial assurance is not provided within seven (7) days thereof, then the County shall have the absolute right to draw upon the financial assurance until such financial assurance is replaced;
- F. Identification of and procedures for County access to Financial Assurances;
- G. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs;
- H. A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning; and
- I. A provision that an update to the Decommissioning Plan, including a current

estimate of decommissioning costs, shall be submitted by the Owner or Operator to the County every five years. The amount of the required Financial Assurance shall be adjusted according to the updated Decommissioning Plan. If the County Board determines that the amount of security must be increased due to changes in the estimated decommissioning costs, the Owner or Operator shall post additional security within thirty (30) days of the Owner or Operator receiving written notification from the County. The County Board or the County Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the Owner/Operator.

XIII. REMEDIES

- A. The Applicant's Owner's or Operator's failure to materially comply with any of the above provisions shall constitute a default under the Ordinance.
- B. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s). The Operator shall pay for any and all costs to perform any investigation, inspection or otherwise, including paying for the hiring of any experts or consultants that the County deems. The results and underlying documents and data created or found in any investigation shall be provided and may result in additional fines to the Operator.
- C. If the County determines in its sole discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the County shall have the right to rescind the permit for the WECS Project, take the actions allowed in the County Ordinance or take any other action permitted by law or in equity.

XIV. WAIVER

Any waiver of a requirement in the Ordinance must be waived in writing by the property owner making such waiver and the waiver must be notarized and submitted by the Applicant of proof of its Application filed with the County Zoning Administrator.

XV. FEE SCHEDULE

- A. Upon submittal of the Application for a wind energy conversion system special use, Applicant shall submit a certified check to Christian County equal to \$5,000 per megawatt (mW) of the proposed nameplate capacity, up to a maximum fee of \$500,000. This amount shall be placed in a guaranteed money market account that will be used to cover the County's cost, including attorney's, professional and structural engineering and any other necessary expert fees incurred during the special use application review process, public hearing(s) and any appeals or subsequent litigation. Should the actual costs to the County exceed \$500,000, the Applicant shall be responsible for those costs and shall remit additional funds

within 10 days of the notice from the County. Applicant shall file eighteen paper copies of the WECS special use application upon submittal of the WECS special use application fee. A minimum of one copy shall be filed in electronic format.

- B. Prior to issuance of building permits, the Building Permit Applicant must deposit a Building Permit Fee equating to \$10,000 per megawatt (mW) of nameplate capacity. If the project is less than 1 mW in nameplate capacity, the building permit fee is \$10.00 per kilowatt (kW) per turbine, shall be paid in connection with the submittal of the WECS Building Permit application(s) for a WECS Project(s) by the Applicant of the WECS Project(s).
- C. The Building Permit Fee for any major improvements to an existing WECS Tower, including the infrastructure for the tower support shall be \$10,000 per mW of nameplate capacity.
- D. In addition to all fees noted above, the Applicant of Facility Owner shall pay all costs incurred by the County, including but not limited to, the costs associated with all offices, boards, and commissions for the County, or third parties performing work on behalf of the County. This includes, but is not limited to, the direct or indirect costs associated with the permitting, operations, inspections, decommissioning, litigation, disputes, and/or negotiations involving the county.

XVI. SEPARABILITY

Nothing in this article is intended to preempt other applicable state and federal laws and regulations. The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance. If any provision of the article is determined to be illegal or unenforceable, that provision will be reformed only to the extent necessary to make the provision legal and enforceable with all remaining provisions continuing in full force and effect.

BE IT FINALLY ORDAINED, that the Board reserves the express right to change, modify or terminate these regulations and procedures at any time, in whole or in part, for any reason, with or without prior notice upon its own unilateral act.

APPROVED AND ADOPTED by the County Board of Christian County, Illinois, this 20th day of May, 2008.

APPENDIX B
Christian County Zoning
Ordinance # 02017ZN012

THE COUNTY BOARD OF CHRISTIAN COUNTY, ILLINOIS AN
ORDINANCE FOR SOLAR ENERGY FACILITIES
(last revised on December 15, 2020)

Title

This ordinance shall be known as the Commercial Solar Energy Conversion (CESF).

AUTHORITY

This ordinance is adopted pursuant to authority granted by ILCS Chapter 55 Counties Division 5-12 Zoning and Section 5/51063 Building Construction, Alteration, Maintenance.

PURPOSE

The purpose of this ordinance is to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a solar energy facility and to allow for the orderly development of land, protect property values and esthetic conditions within the county. This ordinance does not repeal, abrogate, annul, impair, or interfere with any existing ordinance.

APPLICABILITY

This ordinance applies to all unincorporated lands within the boundaries of Christian County.

DEFINITIONS

In this ordinance:

- (1) "Abandonment" means to give up, discontinue, and withdraw from. Any solar energy facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned.
- (2) "Board" means the Zoning Board of Appeals.
- (3) "Building" means any structure having a roof supported by columns or walls, and designated or intended for the shelter, solar panel, support, enclosure or protection of persons, animals or chattels.
- (4) "Code Administrator" means the Zoning Officer/Building Administrator
- (5) "Committee" means the Christian County Zoning Committee.
- (6) "County Board" means Christian County Board,
- (7) "County Engineer" means Christian County Engineer,
- (8) "Decommissioning plan" means a document that details the planned shut down or

removal of a solar energy facility from operation or usage.

- (9) "Department" means the Zoning/Building Department.
- (10) "Fence" means a continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength.
- (11) "Gate" means a door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.
- (12) "Improved Area" means the area containing solar panels, electrical inverters, storage buildings and access roads.
"Public Road" means any road or highway which is now or hereafter designated and maintained by the Illinois Department of Transportation, Christian County, or any Township or Municipality in Christian County,
- (13) "Residence" means a building used as a dwelling for one or more families or persons.
- (14) "Residential Area" means any area within one quarter 1/4th mile of a solar energy facility having twenty-five or more dwellings.
- (15) "Solar Energy Facility" means an energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall only include those facilities that sell electricity to be used off site. Also with a lot size no smaller than 5 Acres.

STANDARDS

Location

A solar energy facility may only be located in areas that are zoned AG-1 Agriculture or 1-2 Industrial with special use and building permits.

Set Backs.

The regulations regarding the site of a commercial solar energy facility, with setback distances measured from the nearest edge of any component of the facility are as follows:

- (a) 150 feet from any residence or church or other dwelling, measured from the principle building.
- (b) 50 feet from the property line of nonparticipating property.
- (c) 50 feet from the nearest edge of a public road rights-of-way.

Screening and Fencing

- (a) Solar energy facilities shall be fenced completely as defined above. The perimeter fence shall be designed to restrict unauthorized access,

- (b) An information, sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator,
- (c) The entirety of the CSEF shall be enclosed with a living buffer of evergreen trees that must be planted and maintained prior to construction and will meet or exceed the height of the solar panels and all facilities equipment including fencing.

Equipment

- (a) On site power lines between solar panels and inverters shall be placed underground.
- (b) The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
- (c) If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.

PERMIT REQUIREMENTS

Special Use Permit

An affidavit provided by an authorized Applicant officer attesting to the following matters that shall be conditions of the Special Use Permit:

1. The Special Use Permit application is complete and includes all information and documentation required by this Ordinance and the AIMA, that all such information and documentation is true and correct, that there has not been any material omission of any relevant information, and that upon the discovery of any missing or incorrect information contained, or intended to be contained in the Special Use Permit application, Applicant shall immediately notify the County of the same and provide all relevant corrected information and documentation;
2. The obligations imposed by this Ordinance and the AIMA shall bind the Applicant, Owner, Operator, Commercial Solar Energy Facility (CSEF) Permittee, and all successors and assigns thereof;
3. That the obligations and liabilities established by the grant of a Special Use Permit shall be binding upon the Applicant, Owner, Operator, CSEF Permittee and their respective successors and assigns;
4. That the sale, assignment in fact or at law, or other transfer of the Applicant's financial interest in the CSEF Project shall in no way effect or modify the obligation of the Applicant, Owner, Operator, or CSEF Permittee to comply with the terms, covenants and obligations of a Special Use Permit unless a successor or assign of the Applicant, Owner, Operator, or CSEF Permittee, as applicable, agrees to assume all such obligations, including but not limited to the Decommissioning obligations associated with the CSEF Project; and,
5. That the County and its authorized representatives have the right of entry onto the CSEF Project area at all times for the purpose of inspecting the methods of

construction, operation, remediation, and decommissioning, or for performing actual reclamation if necessary; and,

6. Confirmation that the County shall be listed as a debtor in connection with any proceeding in insolvency or bankruptcy involving the Applicant, Owner, Operator, CSEF Permittee or their respective successors and assigns, but shall not be responsible for any claims against the foregoing parties.

7. Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.

8. A comprehensive vegetation management plan consistent with the goals of the Pollinator-Friendly Solar Site Act detailing the type of vegetative ground cover to be planted, established, and maintained for the life of the CSEF Project.

9. Plan detailing adherence to the IDNR guidelines ensuring adherence to the guidelines for vegetation management and short and long term property management practices that provide and maintain native and non-invasive naturalized perennial vegetation to protect the health and well-being of pollinators.

10. Results and recommendations from the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.

11. Results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.

12. Results of an avian and wildlife impact study completed at the Applicant's expense by a third party, qualified professional (after submission of resume and relevant work experience). Each CSEF Project shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife.

13. Results of the consultation with the Illinois State Historic Preservation Office assessment of potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

14. Results of a communications analysis that indicates that the E9-1-1 communications, emergency communications, or official County and local municipal communications reception shall not be negatively impacted or influenced by the proposed CSEF Project. The analysis shall be conducted by a third party, qualified professional (after submission of resume and relevant work experience) at the expense of the Applicant.

15. Information demonstrating that the CSEF Project will avoid protected lands.

16. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures;

17. Any other information requested by the County or the County consultants that is necessary to evaluate the siting permit application and operation of the CSEF Project and to demonstrate that the CSEF Project meets each of the regulations in this Chapter, including the Special Use Permit standards set forth below.

Fees

Special Use Permit Application Fee

1. Upon submittal of the Application for a solar energy conversion system special use, Applicant shall submit a certified check to Christian County equal to \$5,000 per megawatt (mW) of the proposed nameplate capacity, up to a maximum fee of \$500,000. This amount shall be placed in a guaranteed money market account that will be used to cover the County's cost incurred in processing the Special Use Permit Application
2. Should the actual costs to the County exceed \$500,000, the Applicant shall be responsible for those costs and shall remit additional funds within 10 days of the notice from the County. Applicant shall file eighteen paper copies of the CESF special use application upon submittal of the CESF special use application fee. A minimum of one copy shall be filed in electronic format.

Building Permit Fees

1. Prior to issuance of building permits, the Building Permit Applicant must deposit a Building Permit Fee equating to \$10,000 per megawatt (mW) of nameplate capacity. If the project is less than 1 mW in nameplate capacity, the building permit fee is \$10.00 per kilowatt (kW)
2. In addition to all fees noted above, the Applicant of Facility Owner shall pay all costs incurred by the County, including but not limited to, the costs associated with all offices, boards, and commissions for the County, or third parties performing work on behalf of the County. This includes, but is not limited to, the direct or indirect costs associated with the permitting, operations, inspections, decommissioning, litigation, disputes, and/or negotiations involving the county.

Financial Assurance

- (a) Reasonable evidence of financial ability to construct the solar energy facility as determined by the County Board is a condition precedent to the issuance of any special use or building permit under this ordinance,
- (b) Christian County shall require a performance bond or surety bond financial assurance to Christian County for each solar energy facility that guarantees the performance of the restoration requirement set forth.

RESTORATION REQUIREMENT

Abandonment

A solar energy facility that is out of service for a continuous 12-month period will be deemed to have been abandoned or if property owner does not receive payments after this period of time, The Code Administrator may issue a Notice of Abandonment to the owner of a solar energy facility that is deemed to have been abandoned. The Code Administrator WILL withdraw the Notice of Abandonment if the Board approves an extension based on hardship conditions.

Termination

The owner of a solar energy facility shall provide the Code Administrator with a Written Notice of Termination of Operations if the operation of a solar energy facility is terminated,

Physical Removal

Within 12 months of receipt of Notice of Abandonment or within 12 months of providing Notice of Termination of Operations, the owner of a solar energy facility must:

- (a) Remove all solar panels, above ground improvements, and outdoor storage;
- (b) Remove all foundations, pads, and underground electrical wires to a depth of 4 feet below the surface of the ground; and
- (c) Remove all hazardous material from the property and dispose of the hazardous material in accordance with federal and state law.

Failure to Comply

Failure to comply with any of the conditions or restrictions imposed on a Special Use permit shall be deemed a violation of the Zoning Ordinance.

Appeals

All Code Administrator determinations may be appealed to the Board.

SPECIAL USE PERMITS PROCEDURE

Application

Special Use permit applications shall be submitted to the Code Administrator. The application must be on a form approved by the Code Administrator and must be accompanied by 25 copies of a scaled drawing, other descriptive information sufficient to enable the Committee and Board to determine whether the requirements of this ordinance will be satisfied, and such other information as may be specified on the application form. The Code Administrator will review the application materials for completeness and may request that the applicant provide additional information. When the Code Administrator determines that the application is complete, the Code Administrator will forward it to the Committee and Board. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided.

Hearing

The Committee and Board will conduct a hearing on the application within 60 days

after application submittal and minimum 15-day public notice. The public meeting and hearing both Committee and Board will submit recommendations and finding of facts to the County Board,

Special Use Permits

The County Board may grant a special use permit if it determines that the requirements of this ordinance are met and that granting the permit will not unreasonably interfere with the orderly land use and development plans of the county. Both the Board and County Board may include conditions in the permit as provided if those conditions preserve or protect the public health, safety and property values. Both the Board and County Board may consider the following factors when setting conditions:

- (c) Proposed ingress and egress.
 - (d) Proximity to transmission lines to link the system to the electric power grid,
 - (e) Number of solar panels and their location.
 - (f) Nature of land use on adjacent and nearby properties.
 - (g) Location of other energy systems in the surrounding area.
 - (h) Surrounding topography.
 - (i) Proximity to residential structures, residential zoning districts, or areas identified for future residential use.
 - (j) Design characteristics that may reduce or eliminate visual obtrusiveness.
 - (k) Possible adverse effects on animals and wildlife,
 - (l) Possible adverse effects of stray voltage, interference with broadcast signals, and noise.
 - (m) Impact on the orderly development, property values, and esthetic conditions within the county.
 - (n) Map of surface drainage patterns.
 - (o) Drainage tile map.
 - (p) All State Drainage Laws must be followed.
 - (q) Any other factors relevant to proposed system.
- (1) Recommendations of any aggrieved parties that may be affected by the solar energy facility.
 - (2) Also if any damage done to any existing field tile with installation of panels or fencing it would be repaired immediately,
 - (3) That there would be a weed control plan for inside and outside of the fenced in property.

Variances

The Board may consider variances to one or more of the factors, See Christian County Zoning Ordinance "Variances".

Final Determination

The Committee and Board recommendations, finding of facts and any conditions will be recorded in the minutes and forwarded to the County Board for final determination.

Appeals

The County Board's decision to approve or reject the special use permit application may be appealed According to the Christian County Zoning Ordinance.

BUILDING PERMIT PROCEDURE

Application

Building permit applications shall be submitted to the Code Administrator, The Application must be on a form approved by the Code Administrator and must be accompanied by two copies of a drawing that shows the proposed location and distance of the solar energy facility with reference to the property lines of the parcel on which it is located; any residence, business, or public building on an adjacent parcel; the right-of-way of any public road that is within 500 feet; and such other information as may be specified on the application form. Construction plans prepared and sealed by a structural engineer licensed to practice in Illinois, will be required for each solar energy facility. Special inspections by approved inspection agencies will be required.

Meets Requirements

The Code Administrator will issue a building permit for a solar energy facility if the application materials show that the proposed location meets the requirements of this ordinance, building code and the special use permit issued by the County Board.

Copies

If the application is approved, the Code Administrator will return one copy of the drawing with the building permit and retain the other copy with the application.

Rejection

If the application is rejected, the Code Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected,

Posting

The building permit must be conspicuously posted on the premises so as to be visible to the public at all times until construction or installation of the solar facility is complete.

Appeals

All Code Administrator determinations may be appealed to the Board.

SIGNAL INTERFERENCE

The owner of a solar energy facility must take such reasonable steps as are necessary to prevent, eliminate, or mitigate any interference with cellular, radio or television signals caused by the solar energy facility.

VIOLATIONS

It is unlawful for any person to construct, install, maintain, modify, or operate a solar energy system that is not in compliance with this ordinance or with any condition contained in a special use or building permit issued pursuant to this ordinance. See applicable Zoning Ordinance, and ILCS sections.

ADMINISTRATION AND ENFORCEMENT

Administration

This ordinance shall be administered by the Code Administrator.

Entering property

The Code Administrator may enter any property for which a special use or building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance and code.

PENALTIES

Zoning petty offense.

Maximum \$500 fine with each week violation continues uncorrected constituting a separate offense. Building - petty offense. Maximum \$500 fine with each week violation continues uncorrected constituting a separate offense.

Enforcement

Nothing in this section shall be construed to prevent the county from using any other lawful means to enforce this ordinance.

COUNTY HIGHWAY AND TOWNSHIP ROAD AGREEMENTS

Each solar energy facility shall have a written agreement with County Engineer and respective Township Highway Commissioner(s) regarding use of county/township road, bridges and right-of-way. Performance/surety bonds or other financial assurance documents may be required to guarantee the performance of the road agreements

before a building permit can be issued.

RELATED RULES AND REGULATIONS

Each solar energy system shall comply with all applicable local, state and federal requirements.

SEVERABILITY

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

DECOMMISSIONING PLAN

Elements

A. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months, the operating company and or the land owner have 12 months to complete the decommissioning plan or the county can grant an extension if needed or the county will take necessary decommissioning steps. The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Decommissioning security financing shall be required by the county in order to assure the proper decommissioning of the site and in no instance shall the financial security be less than \$1,000.00 per acre. This security financing shall be in the form of a bond, The decommissioning plan and financial security must be presented to and accepted by the Christian County Board prior to the issuance of a building permit for the facility.

An update to this decommissioning plan should be submitted to the county every three years. In addition any decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) shall be submitted with the application.

The county reserves the right to require additional information or components to the plan as the county deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.

Review

The County Board shall approve the Plan after review that the decommissioning plan meets industry standards once as part of the application process.

Remedies

If the owner-or-operator fails at any point to comply with the approved plan, the

County has the following remedies:

A. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute grounds for a revocation of the construction permit or default under this Ordinance. Approval of the special use for a solar energy facility shall be deemed conclusive evidence that the Applicant, Owner, or Operator has complied with the above provisions with respect to application for and approval of such special use or.

B. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s) or,

C. If after the 60 (sixty) day period: (i) the Applicant, Owner, or Operator has not cured the alleged default, or (ii) the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing Christian. County Solar Energy Facilities Ordinance provisions in addressing the resolution of such default(s) shall govern.

APPENDIX C

ORDINANCE

02001 ZN 026

CHRISTIAN COUNTY INOPERABLE MOTOR VEHICLE ORDINANCE

(last revised on December 15, 2020)

Whereas, the Christian County Board finds inoperable motor vehicles to be a nuisance; and whereas Illinois Compiled Statutes Chapter 55, Section 5/5-1092, 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,

BE IT ORDAINED that the following regulations shall apply to inoperable motor vehicles:

1. DEFINITIONS

As used in this ordinance, the singular shall also include the plural and the masculine tense shall also include the feminine.

As used in this ordinance, the following definitions apply:

A. 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 of demonstration.

B. INOPERABLE MOTOR VEHICLE

Any motor vehicle from which, for a period of at least 30 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.

C. 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.

D. MOTOR VEHICLE OWNER

Any person who holds legal title of a motor vehicle.

2. APPLICATION

This ordinance applies to any motor vehicle within the limits of Christian 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.

3. ENFORCEMENT

- A. It is the duty of the Christian County Zoning Consultant or his agent to inspect motor vehicles which may constitute inoperable motor vehicles as defined in this ordinance.
- B. The Christian County Zoning Consultant or his agent shall, by certified mail, notify the person to 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 Christian County, Illinois.
- E. The Christian County Zoning Consultant and the Christian County Sheriff or his officers are hereby authorized to issue citations to the offender for a violation of this ordinance.

4. EXCLUSIONS

This ordinance shall not apply to the following:

- A. 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.

5. PENALTY

- A. A violation of this ordinance by any person shall be punishable by a fine not exceeding \$200.00 for each offense.
- B. Each day a violation continues to exist shall constitute a separate offense.

6. REPEALER

All Christian County Inoperable Motor Vehicle Ordinances passed prior to the date of the passing and approval of this ordinance are hereby repealed.

APPENDIX D
CHRISTIAN COUNTY ORDINANCE REGULATING THE SITING OF
SUSTAINABLE ENERGY SYSTEMS
ORDINANCE NO. 2003 ZB 039

Battery Storage Systems

1. **Purpose:** The purpose of this Section is to provide regulations for the construction, installation, and operation Battery Energy Storage Systems (BESS) in unincorporated Christian County, no matter how the parcel is zoned, while ensuring the health, safety, and welfare of the residents of Christian County. This ordinance shall not be deemed to nullify any provision of local, state, or federal law. The contents of this Section shall apply to all BESS installations in unincorporated Christian County.
2. **Definitions:** The following words, terms, and phrases, when use in this Section, shall have the meanings ascribed to this Section except when the context clearly indicates a different meaning.

Battery Energy Storage Management System: An electronic system that protects energy storage systems from operating outside of their safe parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Battery Energy Storage System (BESS): One or more devices, assembled together, capable of receiving electrical energy from the grid or other electrical resource and storing it for later injection back to the grid.

BESS Commissioning: A systematic process that provides documented confirmation that a BESS functions according to the intended design criteria and complies with applicable code requirements.

BESS Dedicated-Use Building: A building or structure that is built for the primary intention of housing BESS equipment as defined in the International Building Code, and complies with the following:

- 1: The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- 2: No other occupancy types are permitted in the building.
- 3: Occupants in the rooms and areas containing BESS are limited to personnel that operate, maintain, service, test, and repair the BESS and other energy systems.

BESS Participating Property: A BESS host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the BESS owner (or affiliate) regardless of whether any part of a BESS is constructed on the property.

BESS, Tier 1: Tier 1 BESS have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

BESS, Tier 2: Tier 2 BESS have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

3. **Types of BESS:**

- a. Tier 1 BESS:** A Tier 1 BESS shall be permitted as an accessory use in all zoning districts and shall be subject to the regulations for accessory uses.
- 1). Tier 1 BESS incorporated into the primary structure or building shall be considered an addition/alteration said structure, and subject to all regulations governing said structure.
 - 2). Intermodal storage containers may not serve as the dedicated-use building for Tier 1 BESS in a residential district.
- b. Tier 2 BESS:** A Tier 2 BESS is allowed as a Special Use in the A-1 and shall require a Special Use Permit. Except as otherwise noted in this Section, a Tier 2 BESS must comply with all standards for structures un the district in which the system is located.
- 1). **Ground Cover, Screening, and Buffer Areas:**
 1. Areas within ten (10) feet on each side of the BESS shall be cleared of combustible vegetation and other combustible growth.
 2. Any part of the BESS that is within five hundred (500) feet of a property line or right-of-way, or within one thousand five hundred (1,500) feet of an occupied structure, shall be screened. Additional screening may also be required, if the County Board deems such is necessary.
 3. Required screening shall consist of native trees, shrubs, berms, or a combination thereof.
 4. All screening must be installed prior to the commencement of construction of the BESS.
 5. All screening shall be maintained by the BESS owner for the life of the facility, with replacement plantings and/or berm maintenance conducted as necessary. Failure to do so will be a violation of the special use ordinance.
 - 2). **Power and Communication Lines.** Power and communication lines running to and from the BESS shall be buried underground, except at the interconnection point to the electrical grid. Exemptions may be granted by Christian County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Christian County Zoning Administrator. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.
 - 3). **Setbacks:**
 1. All components of the BESS shall be setback at least two hundred (200) feet from a property line or right-of-way.
 2. All components, except the interconnection point, installed as part of the BESS shall be setback at least five (500) hundred feet from the nearest outer wall of an occupied structure not located on the subject property. However, if the developer of the facility can obtain and record with the Christian County Recorder a written, signed, and notarized statement from the owner of the property containing said structure waiving this setback, the minimum setback from said structure shall be reduced to two hundred (200) feet.

3. If the BESS is to be installed in conjunction to a new solar farm or solar garden, the BESS shall be sited so as to be located within the interior of said facility, with the banks of solar panels lying between the BESS and the edges of the facility.
- 4). **Interconnection Point.** The interconnection point to the electrical grid shall be located no further than twenty (20) feet from a right-of-way or existing power line. Any poles used as part of the interconnection point shall be placed such that they run parallel to said right-of-way or existing power line. A variation from this standard may be granted by the Christian County Board, provided the applicant can adequately demonstrate the unique circumstances and particular hardships that would merit such a variation being granted
- 5). **AIMA.** A signed copy of the Agricultural Impact Mitigation Agreement shall be submitted prior to the issuance of any building permits.
4. **Content of a BESS Special Use Permit Application:** In addition to those requirements listed under Article 9: Special Use Permit Procedures, a Special Use Permit application shall also require the following:
 - a. The application shall include eighteen (18) printed copies and one electronic copy of the entire application (including: the application forms and any attachments or other submittals included therein).
 - b. **Site Plan.** A detailed site plan for both existing and proposed conditions must be submitted, showing location of the BESS, other structures, property lines, rights-of- way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by Christian County.
 - c. **Endangered Species and Wetlands.** A BESS d e v e l o p e r shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online, EcoCat program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer.
 - d. **Legal Descriptions:** Two (2) legal descriptions shall be submitted: the first will be of the subject property(s) on which the facility will be located, which will be used for the public notice; and, the second will be of the specific leased/purchased area(s) to be occupied by the BESS.
 - e. **Tile Investigation Report.** A BESS developer must submit a Tile Investigation Report for the entire area of the BESS, identifying all drain tiles located therein. The BESS developer shall maintain and protect all drain tiles located within the project area, and shall repair or replace any drain tiles damaged as a consequence of the installation or removal of the BESS.
 - f. **Landscape Plan:** A detailed Landscape Plan providing specific information about the native species that are proposed for the screening, where they will be located, and how they will be installed and established, shall be submitted to the Christian County Soil and Water Conservation District for review and approval.
 - g. **Fire Safety Compliance Plan.** Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with Code.
 - h. **Emergency Operations Plan.** A copy of the approved Emergency Operations Plan shall

be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

- 1). Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- 2). Procedures for inspection and testing of associated alarms, interlocks, and controls.
- 3). Procedures to be followed in response to notifications from the BESS Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- 4). Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- 5). Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- 6). Procedures for dealing with BESS equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- 7). Other procedures as determined necessary by the County to provide for the safety of occupants, neighboring properties, and emergency responders.
- 8). Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

- i. **Emergency Operations Training.** The developer shall be responsible for training and preparing the local fire departments, local fire code officials, and emergency responders to implement the Emergency Operations Plan. The developer shall be responsible for bearing the costs of the training, and for providing the necessary equipment needed to implement the Emergency Operations Plan. This training must be substantially completed and the equipment provided for use prior to the facility coming online.

5. Design and Installation Requirements:

a. Setback Requirements

- 1). No BESS shall be allowed in the front yard of any residentially used or zoned property.

b. Height Requirements

- 1). A BESS shall not exceed the maximum height for the zoning district in which it is located.

- c. **Stormwater:** BESS are subject to Christian County's Stormwater Management regulations, erosion and sediment control provisions.

- d. **Standards and Codes:** All BESS shall be in compliance with all applicable local, state and federal regulatory codes, including, but not limited to: the State of Illinois Plumbing

Code; The State of Illinois Electric Code; The State of Illinois Energy Code; the State of Illinois Uniform Building Code, as amended; the National Electric Code, as amended; the most current version, or successor language thereof, of the National Fire Protection Association (NFPA) 855, 1142, and 2001; and, all Christian County Health Department requirements.

- e. In all undeveloped areas, the BESS developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the Christian County Community Development Department. before a permit or Special Use Permit will be issued.
- f. **Fencing.** Tier 2 BESS, including all mechanical equipment, shall be enclosed in fencing, with a maximum height of eight (8) feet with a self-locking gate, and shall be a primarily woven wire or agricultural style fencing. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.
 - 1). The warning signage shall include the type of technology associated with the BESS, any special hazards associated, the type of suppression system installed in the area of the BESS, and 24-hour emergency contact information, including reach-back phone number.
- g. **Lighting.** Any lighting for BESS shall be installed for security and safety purposes only. All lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
- h. **Approved BESS Components.** Electric BESS components must have a UL listing, or approved equivalent.
- i. **Noise.** The one (1) hour average noise generated by from the BESS, components, and associated ancillary equipment shall not exceed a noise level of sixty (60) dBA as measured at the outside wall of any non-participating occupied building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the BESS to demonstrate compliance with the standard.
- j. **Utility Notification:** All grid-intertie BESS shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- k. **Plan Approval Required:** All BESS shall require administrative plan approval by the Christian County Building official via the review of the application for a building permit
 - 1). Plan Applications. Plan applications for BESS shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the property, including the property lines.
 - 2). Plan Approvals. Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the Christian County Zoning Administrator.
- l. Road Use Agreements shall be established with all appropriate road authorities prior to the issuance of a building permit.

6. Operation and Maintenance

- a. Upon request from the Christian County Community Development Department, an owner of a commercial BESS must provide documentation, within thirty (30) days, that the BESS is still in use. If it is not, the owner of the System will have 180 days, after notification from the Zoning Department, to remove the BESS from the property.
- b. Upon request from the Christian County Community Department, the owner or operator of a BESS must submit, within 14 days, a current operation and maintenance report to the Department.
- c. All active BESS shall meet approval of county building code officials, consistent with the State of Illinois Building Code. Any county adopted building codes will apply and take precedence where applicable

7. Decommissioning or Abandonment of the BESS and Site Reclamation Plan

Requirements: At the time of the Special Use application, the County and the applicant, owner, and/or operator must formulate a decommissioning and site reclamation plan to ensure that the BESS project is properly decommissioned. The decommissioning and site reclamation plan shall be binding upon all successors of title to the land. A signed decommissioning and site reclamation plan must be submitted to the Community Development Director prior to the granting of the Special Use Permit. The applicant or subsequent project operator shall ensure that the BESS facilities are properly decommissioned within six (6) months of the end of the project life or the facility abandonment. The applicant or subsequent project operator's obligations shall include removal of all equipment and physical materials (concrete, rebar, etc., but excluding fill), negotiable by the landowner with a minimum equal to the amount set in the signed AIMA agreement, and the restoration of the area as near as practicable to the same condition prior to construction.

a. A decommissioning and site reclamation plan shall be prepared by an independent Illinois Certified Professional Engineer and shall include:

- 1) Provisions describing the triggering events for decommissioning the project;
- 2) A description of the methodology and cost to remove all above ground and below ground facilities of the approved Special Use Permit;
- 3) Provisions for the removal of all above ground and below ground facilities of the approved Special Use Permit;
- 4) Methodology and cost to restore all areas used for construction, operation, and access to a condition equivalent to the land prior to the BESS construction;
- 5) A work schedule and a permit list necessary to accomplish the required work;
- 6) Methodology to identify and manage any hazardous or special materials;
- 7) Proof that the necessary amount and form of financial security has been received by the County in the form of an escrow account that names Christian County as the Beneficiary. The amount of security shall be equal to the positive difference between the total cost of all decommissioning and restoration work and the net salvage value of all removed BESS equipment or materials, plus a twenty-percent contingency. To determine that amount, the BESS owner and the Christian County Board shall:
 - a) Obtain bid specifications provided by a professional structural engineer;
 - b) Request estimates from construction/demolition companies capable of

completing the decommissioning of the BESS project; the Christian County Engineer, and an independent engineer of the County's choosing, the Christian County Zoning Administrator will review all estimates and make a recommendation to the Christian County Board for an acceptable estimate. Christian County reserves the right to pursue other estimates;

- c) Certification of the selected estimate by a professional structural engineer. All costs to secure the estimates will be funded by the BESS owner.
- 8) A provision that the terms of the decommissioning plan shall be binding upon the BESS owner or operator and any of their successors, assigns, or heirs;
- 9) Confirmation by affidavit that the obligation to decommission the BESS facilities is included in the lease agreement for every parcel included in the Special Use application. A list of all landowners should be kept current and affidavits shall be secured from future BESS owners and landowners stating their financial understanding;
- 10) A provision that allows the County to have legal right to transfer applicable BESS material to salvage firms;
- 11) Identification of and procedures for Christian County to access the financial assurances; and
- 12) A provision that Christian County shall have access to the site, pursuant to reasonable notice to affect or complete decommissioning. A portion of the escrow account will be required to be held for one year past the decommissioning to settle any potential disputes.

b. Provisions triggering the decommissioning of any portion of the BESS project due to abandonment:

- 1) Inactive construction for six (6) consecutive months or if there is a delay in obtaining electrical certification for six (6) consecutive months, unless a signed document is provided by the utility company claiming responsibility for the delay.
- 2) The company dissolves or chooses to walk away from the project.
- 3) The principal company dissolves or chooses to walk into disrepair, is in threat of collapsing or any other health and safety issue.

c. Provisions for the removal of structures, debris, and cabling; both above and below the soil surface:

- 1) Items required to be removed include, but are not limited to: panels; inverters; foundation pads; electrical collection systems and transporters; underground cables; fencing; access roads and culverts. A landowner must sign an agreement if they wish for the access roads or culverts to remain.

d. Provisions for the restoration of soil and vegetation:

- 1) All affected areas shall be inspected, thoroughly cleaned, and all construction related debris shall be removed.
- 2) Items required to be restored include but are not limited to: windbreaks; waterways; site grading; drainage tile systems; and, topsoil to former productive levels.
 - a) The below-surface excavation area shall be filled with clean sub-grade material of similar quality to that in the immediate surrounding area.
 - b) All sub-grade material will be compacted to a density similar to surrounding

- grade material.
- c) All unexcavated areas compacted by equipment used in decommissioning shall be de-compacted in a manner that adequately restores the topsoil and sub-grade material to the proper density consistent and comparable with the surrounding area.
 - d) Where possible, the topsoil shall be replaced to its original depth and surface contours.
 - e) Any topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of the effective site.
- 3) Disturbed areas shall be reseeded to promote re-vegetation of the area to a condition reasonably similar to the original condition. A reasonable amount of wear and tear is acceptable.
 - 4) Restoration measurements shall include: leveling, terracing, mulching, and other necessary steps to prevent soil erosion; to ensure establishment of suitable grasses and forbs; and to control noxious weeds and pests.
 - 5) Items required to be repaired after decommissioning include but are not limited to: roads; bridges; and culverts.
 - 6) An independent drainage engineer shall be present to ensure drainage tiles, waterways, culverts, etc. are repaired as work progresses.
 - 7) A soil erosion control plan shall be approved by the County Engineer and the Christian County Soil and Water Conservation District.
 - 8) All stormwater management, floodplain, and other surface water codes and ordinances shall be followed.

e. Estimating the Costs of Decommissioning:

- 1) Costs shall include but not be limited to engineering fees, legal fees, accounting fees, insurance costs, decommissioning and site restoration.
- 2) When factoring the BESS salvage value into decommissioning costs, the authorized salvage value may be deducted from decommissioning costs if the following standards are met:
 - a) The net salvage value shall be based on the average salvage price of the past five (5) consecutive years, this includes any devaluation costs.
 - b) The maximum allowable credit for the salvage value of any BESS shall be no more than the estimated decommissioning costs of removal of the above ground portions of that individual BESS or up to seventy percent (70%) of the total estimated decommissioning costs, whichever is greater.
- 3) Adjustments to the financial assurance amount that reflect changes in the decommissioning costs and salvage values shall be resubmitted every five (5) years and shall be adjusted for inflation and other factors. The escrow account shall be adjusted accordingly within six (6) months of receiving the updated information as determined by an Illinois professional engineer. Failure to provide financial assurance as outlined herein shall be considered a cessation of operation.
- 4) When determining salvage values – demolition costs, transportation costs, and road permits shall be a consideration.

- 5) If salvage value items are removed prior to decommissioning, then the escrow account must be credited.

f. Financial Assurance:

- 1) The County shall have access to the decommissioning fund secured by the escrow account in a bank of the County's choosing if:
 - a) The BESS operator fails to address a health and safety issue in a timely manner;
or
 - b) The BESS operator fails to decommission the BESS project in accordance with the decommissioning and site reclamation plan.
- 2) The applicant and/or BESS owner shall grant perfected security in the escrow account by use of a control agreement establishing the County as an owner of record pursuant to the Secured Transit Article of the Uniform Commercial Code, 810 ILCS 9/101 et seq.
- 3) The escrow agent shall release the decommissioning funds when the BESS owner or operator has demonstrated and Christian County concurs that decommissioning has been satisfactorily completed, or upon written approval of the County to implement the decommissioning plan. Ten percent of the fund shall be retained one (1) year past the decommissioning date to settle any outstanding concerns.
- 4) Any interest accrued on the escrow account that is over and above the total value as determined by the Illinois professional structural engineer shall go to the BESS owner.
- 5) The applicant shall identify procedures for Christian County to assess the financial assurances, particularly if it is determined that there is a health and/or safety issue with the BESS and the principal company fails to adequately respond as determined by the County Board.
- 6) The County shall be listed as a debtor but shall not be responsible for any claims against the BESS owner and/or operator.
- 7) The applicant shall agree that the sale, assignment in fact or at law, or other transfer of the applicant's financial interest in the BESS shall in no way effect or change the applicant's obligation to continue to comply with the terms, covenants, and obligations of this agreement and agrees to assume all reclamation liability and responsibility.
- 8) Christian County and its authorized representatives have the right of entry onto the BESS premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.

g. Remedies:

- 1) The applicant's, owner's, or operator's failure to materially comply with any of the above provisions shall constitute a default under this ordinance.
- 2) Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate county body shall first provide written notice to the owner and operator, setting forth the alleged default(s). Such written notice shall provide the owner and operator a reasonable time period, not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default(s).

- 3) If the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing county ordinance provisions addressing the resolution of such default(s) shall govern.

h. Future Operators: Future operators, successors, assignees, or heirs shall agree in writing to accept and to conform to all provisions of the Special Use Permit. Prior notice to the County of the intent to sell or transfer ownership shall be done in a timely manner. Such agreement shall be filed with and accepted by the County before the transfer to a new operator, successor, assignees, or heirs shall be effective.

8. Liability Insurance and Indemnification

- a. For BESS, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$3 million per occurrence and \$5 million in the aggregate. Such insurance may be provided pursuant to a plan of self-insurance, by a party with a net worth of \$20 million or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.
- b. For Private / Individual BESS, commencing with the issuance of building permits, the Applicant or Owner shall maintain a current liability policy covering bodily injuries and any damage that may occur, on their home owner's policy or other applicable policy as approved by the Christian County Zoning Administrator.
- c. Any BESS, Applicant, Owner, or Operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant, Owner, or Operators selection, construction, operation, and removal of the BESS and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the county's other indemnification rights available under the law.

9. Fees

- a. Special Use Permit Application Fees
 - 1) Upon submittal of the Application for a BESS special use, Applicant shall submit a certified check to Christian County equal to \$5,000 per megawatt (mW) of the proposed nameplate storage capacity, up to a maximum fee of \$500,000. This amount shall be placed in a guaranteed money market account that will be used to cover the County's cost incurred in processing the Special Use Permit Application.
 - 2) Should the actual costs to the County exceed \$500,000, the Applicant shall be responsible for those costs and shall remit additional funds within 10 days of the notice from the County. Applicant shall file eighteen paper copies of the BESS special use application upon submittal of the BESS special use application fee. A

minimum of one copy shall be filed in electronic format.

b. Building Permit Fees

1) Prior to issuance of building permits, the Building Permit Applicant must deposit a Building Permit Fee equating to \$10,000 per megawatt (mW) of nameplate capacity. If the project is less than 1 mW in nameplate capacity, the building permit fee is \$10.00 per kilowatt (kW)

c. In addition to all fees noted above, the Applicant of Facility Owner shall pay all costs incurred by the County, including but not limited to, the costs associated with all offices, boards, and commissions for the County, or third parties performing work on behalf of the County. This includes, but is not limited to, the direct or indirect costs associated with the permitting, operations, inspections, decommissioning, litigation, disputes, and/or negotiations involving the county.

10. SEPARABILITY

Nothing in this article is intended to preempt other applicable state and federal laws and regulations. The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance. If any provision of the article is determined to be illegal or unenforceable, that provision will be reformed only to the extent necessary to make the provision legal and enforceable with all remaining provisions continuing in full force and effect.

PASSED AND APPROVED this 11th day of September, 2001.



JoF

**ATTEST:4 G-
Terry Ryan, Christian County Clerk**