

SHELBY COUNTY, ILLINOIS

**ZONING ORDINANCE
OF
SHELBY COUNTY, ILLINOIS
2005**

No. 05 – 05-0

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Prepared For

The Shelby County Zoning Commission
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The County Board of Shelby County

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ZONING ORDINANCE

SHELBY COUNTY, ILLINOIS

AN ORDINANCE REVISING THE ZONING REGULATIONS AND PROVIDING FOR THE ADMINISTRATION OF SAID REGULATIONS AND PRESCRIBING PENALTIES FOR THE VIOLATIONS THEREOF.

WHEREAS, The County Board of the County of Shelby, State of Illinois, deems it necessary to the end that adequate light, pure air, safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the unincorporated territory of the County outside of villages, cities and incorporated towns may be conserved, that congestion in the public streets may be lessened or avoided, and that the public health, morals and welfare may otherwise be promoted, in accordance with a Comprehensive Plan for the use and development of all property in the unincorporated area; and,

WHEREAS, The County Board of the County of Shelby, State of Illinois, has determined that the Zoning Ordinance should be up-dated and revised to conform to the changes in the laws and the changes in the use of the lands since the original zoning ordinance was enacted and that said Ordinance should be published in pamphlet form.

NOW THEREFORE, be it ordained by the County Board of the County of Shelby, State of Illinois:

ARTICLE I. PROCEDURAL REQUIREMENTS

§ 1. SHORT TITLE

This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of Shelby County, Illinois - 2005".

§ 2. ADOPTION OF REGULATIONS AND WHERE APPLICABLE

The Land Use Control Standards contained in Article II. of this Ordinance are hereby adopted as the Zoning Regulations of Shelby County and declared to be a part of this ordinance. Zone Maps for each of the townships, contained in Article IV. of this Ordinance, entitled, "Zoning Map of Shelby County, Illinois; Township Zoning Maps", dated 2005, and as thereafter have been amended from time to time since their original adoption, are declared to be parts of this ordinance, and the notations, references, indications and other details shown thereon are as much a part hereof as if they were fully described in the text of this ordinance.

This ordinance shall apply to all of the territory of Shelby County, Illinois, outside of villages, cities and incorporated towns, said area to be known as the Jurisdictional Area for the purposes of this ordinance.

§ 3. OFFICE AND DUTIES OF THE ZONING ADMINISTRATOR

- A. CREATION OF OFFICE. There is hereby established and created the office of Zoning Administrator in the County of Shelby, Illinois.
- B. APPOINTMENT, REMOVAL FROM OFFICE, AND COMPENSATION. The Zoning Administrator shall be appointed by the County Board of Shelby County. The appointment to the office of Zoning Administrator shall be for a period of four (4) years, and the person so appointed to the office may be reappointed for subsequent terms at the discretion of the County Board. The Zoning Administrator may be removed from office for good cause after full opportunity has been given to him/her to be heard on specific charges. Compensation for the Zoning Administrator shall be determined by the County Board.
- C. AUTHORITY TO ENFORCE REGULATIONS. The Zoning Administrator is hereby authorized to enforce the Zoning Regulations as adopted herein and according to the directions contained in the Zoning Regulations, as now or as may be hereafter adopted by Ordinance of the County. The Zoning Administrator shall be the custodian of the Zone Map.

§ 4. BOARD OF APPEALS

- A. CREATION, MEMBERSHIP, REMOVAL, AND FILLING OF VACANCIES. A Board of Appeals is hereby established. The word "Board" when used in this Ordinance shall be construed to mean the Board of Appeals.

The members of the Board shall be appointed by the Chairman of the County Board of Shelby County, upon approval by the members of the County Board. The Board shall consist of five (5) members, and the County Board may appoint two (2) alternate members, the five (5) members to serve respectively for the following terms: one for one year, one for 2 years, one for 3 years, one for 4 years, and one for 5 years, the successor to each member so initially appointed to serve for a term of 5 years; and the alternate members to serve respectively for 4 years and 5 years. All members of the Board shall be residents of separate townships at the time of their appointments. Alternate members, if appointed, shall serve as members of the Board only in the absence of regular members, with the alternate member who has the greatest amount of time remaining in his/her term to have priority over the other alternate member in determining which alternate member shall serve in the absence of a regular member.

The Chairman of the County Board of Shelby County shall name one of the members so appointed as Chairman at the time of his/her appointment. In the

case of a vacancy in the Chairmanship, the Chairman of the County Board shall designate a Chairman. In the absence of the Chairman, the Board may elect an Acting Chairman.

The County Board of Shelby County may remove any member of the Board for cause after public hearing.

A vacancy on the Board shall be filled for the unexpired term of the member whose place has become vacant, such vacancy to be filled under the same procedure as in an original appointment.

The members of the Board shall be compensated on a per diem basis with a mileage allowance for travel, the amounts to be determined by the County Board.

B. MEETINGS, RULES OF PROCEDURE, HEARINGS. All meetings of the Board shall be held at the Shelby County Courthouse, Courtroom B, Shelbyville, Illinois, unless otherwise designated, at the call of the Chairman and at such times as the Board may determine. By definition, a “public hearing” is a formal proceeding mandated by law for the purpose of taking evidence with a view to formulating a decision or recommendation of an issue within the jurisdiction of the Board. A “public hearing” is distinguished from a “meeting” in that all hearings are meetings, but not all meetings are hearings. The Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. The general rules of procedure for all public hearings shall be as follows:

1. All hearings of the Board shall be subject to the Illinois Open Meetings Act.
2. The Chairman may impose reasonable limitations on evidence or testimony presented by persons and parties, such as time limits and barring repetitious, irrelevant, or immaterial testimony. Time limits, if imposed, shall be fair, and equally administered. The Board shall not be bound by strict rules of evidence; however, irrelevant, immaterial, or unduly repetitious evidence shall not be admissible. The Chairman shall rule on all questions related to the admissibility of evidence, which ruling may be overruled by a majority of at least a quorum of the Board. The Chairman may impose reasonable conditions on the hearing process based upon the following factors:
 - a. The complexity of the issue.
 - b. Whether the witness possesses special expertise.
 - c. Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.

- d. The degree to which the witness's testimony relates to the factors to be considered in approving or denying the proposal.
 - e. Such other factors appropriate for the hearing.
3. The Chairman may take such actions as are required to maintain an orderly and civil hearing. The Chairman may consult with the Board's legal counsel on any and all matters before the Board.
4. Proof of lawful notice shall be introduced into evidence before the Board.
5. A record of proceedings shall be made as directed by the Board, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact.
6. At a public hearing, a Petitioner may appear on his or her own behalf or may be represented by an attorney.
7. The County of Shelby shall be a party in every proceeding, and need not appear.
8. In addition to the Petitioner, any person may appear and participate at the hearing.
9. People participating shall identify themselves for the record, either orally or in writing, and indicate if an attorney represents them. Any person participating, other than the Petitioner, shall be referred to in these rules as Interested Person.
10. The examination of a witness shall not be used by a questioner to offer testimony or evidence of the questioner.
11. All persons offering testimony at a hearing shall testify under oath. An attorney shall be sworn if he or she offers testimony but not if he or she is questioning witnesses, summarizing testimony of witnesses, or addressing the Board.
12. The order of presentation of evidence at a public hearing shall be as follows, but may be modified as determined appropriate by the Chairman:
 - a. Identification of Petitioner and Interested Persons.
 - b. Submittal of proof of notice.
 - c. Testimony and other evidence by Petitioner.

- d. Board examination of Petitioner's witnesses and other evidence.
 - e. Cross-examination of Petitioner's witnesses and other evidence by Interested Persons.
 - f. Testimony and other evidence by Interested Persons.
 - g. Board examination of Interested Persons' witnesses and other evidence.
 - h. Cross-examination of Interested Persons' witnesses and other evidence by Petitioner.
 - i. In some cases re-examination may be allowed.
 - j. Report by Zoning Administrator and/or County Engineer, if any.
 - k. Summary/Closing by Petitioner.
 - l. Summary/Closing by Interested Persons.
 - m. Rebuttal/Closing by Petitioner.
13. At the conclusion of an evidentiary portion of the public hearing, the Board may, among other actions, move to deliberate its decision on the evidence presented, or continue the hearing to a date, time and location certain.
14. A written decision shall be prepared which shall include findings of fact and the Board's recommendation or decision upon the record.
15. These general rules may be amended by a vote of a majority of the Board.
16. Motions to continue a public hearing may be made by the Board, the Petitioner or Applicant or any Interested Party. The Board may, upon such motion and good cause shown, grant a continuance upon such circumstances and subject to such conditions as the Chairman deems reasonable.
- C. APPEAL AND REVIEW. The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator, who is charged with the enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under any the terms of this Ordinance.

An appeal may be taken from the Zoning Administrator by any person aggrieved or by an officer, department, board or bureau of the County. Such appeal shall be taken within fifteen (15) days after the date of the decision appealed from by filing

with the Zoning Administrator and with the Board, a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal has been filed with him/her that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

The Board shall fix a time within thirty (30) days for the hearing of the appeal, and shall give due notice thereof to the parties by publication in a newspaper of general circulation published in the county and having circulation where such property is located. The notice shall give the time and place of the hearing, and shall be published at least once not more than thirty (30) and not less than fifteen (15) days before the hearing.

The costs or charges of the publication notice required above shall be paid by the petitioner or applicant.

The Board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have the power of the Zoning Administrator from whom the appeal is taken.

The concurring votes of four (4) of the five (5) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance or to recommend any variation or modification in this Ordinance to the County Board of Shelby County.

In case an appeal is taken from the decision of the Board, such testimony shall be transcribed and a copy thereof shall be furnished to the party appealing from the decision of the Board. The cost of taking and transcribing such testimony and furnishing a copy thereof to the party so appealing from the decision of the Board shall be borne by the applicant for zoning or rezoning, or other alterations, as the case may be.

All final administrative decisions of the Board shall be subject to Judicial review pursuant to the provisions of the Illinois Compiled Statutes, 735 ILCS 5/3-101, et seq, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "Administrative decision" is defined as in 735 ILCS 5/3-101.

D. VARIANCES. Where in specific cases permits are applied for and there are practical difficulties or particular hardships in the way of carrying out the provisions of this Ordinance the Board may determine and vary their application in accordance with the following rules, **except** the Board shall not grant variations in respect to the classification, and location of trades and industries and the location of buildings designed for specified industrial, business, residential and other uses.

Variations shall be permitted by the Board only when they are in harmony with the general purpose and intent of the regulations and only in cases where there are practical difficulties or particular hardship in the way of carrying out the provisions of any of those regulations relating to the construction, or alteration of buildings or structures or the use of land.

Variances from the regulations and standards of this ordinance shall be granted by the Board only in accordance with the regulations and standards set forth in this ordinance and may be granted in the following instances only and in no others:

- (a) To permit any YARD, COURT, BUFFER STRIP, SETBACK LINE, or spacing between BUILDINGS of less dimension than required by the applicable regulations;
- (b) To permit any STRUCTURE to exceed the HEIGHT limitations imposed by the applicable regulations;
- (c) To permit greater LOT COVERAGE than required by the applicable regulations;
- (d) To permit the USE of a LOT for a USE otherwise prohibited solely because of the insufficient AREA of the LOT;
- (e) To permit a reduction in the number of OFF-STREET PARKING SPACES or LOADING BERTHS required about or in connection with a USE;
- (f) To permit a reduction in the minimum GROUND FLOOR BUILDING SIZE of a dwelling;
- (g) To permit the extension, change or reconstruction of a NONCONFORMING STRUCTURE pursuant to the, Nonconforming Use Specifications of this ordinance.

In its consideration of the standards of practical difficulties or particular hardship, the Board shall require evidence that such variation will not

- (1) impair an adequate supply of light and air to adjacent property,
- (2) increase the hazard from fire and other dangers to said property,

- (3) diminish the taxable value of land and buildings in the vicinity and throughout the jurisdictional Area,
- (4) increase or cause congestion in the public streets,
- (5) otherwise impair the public health, safety, comfort, morals and welfare of the inhabitants of the Jurisdictional Area; and that
- (6) the plight of the owner is due to unique circumstances; and
- (7) the variation, if granted, will not alter the essential character of the locality,
- (8) give the owner or occupant of the property in question privileges not generally held by other property owners or occupants in the some vicinity and district.

A variation shall be permitted only if the evidence, in the judgment of the Board, sustains each of the conditions enumerated. The findings of the Board must include facts based on the evidence presented to the Board as they relate to these requirements. The rules of procedure provided above in § 4, Section B shall apply in all variance hearings.

The Board shall fix a time within thirty (30) days for the public hearing on the variance, and shall give due notice thereof by publication in a newspaper of general circulation published in the county and having circulation where such property is located. The notice shall give the time and place of the hearing, and shall be published at least once not more than thirty (30) and not less than fifteen (15) days before the hearing. The notice shall contain: (1) the particular location of the real estate for which the variation is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection; (2) whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual or true principal; (3) whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation; (4) whether the petitioner or applicant, or his principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity; (5) whether the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association; and (6) a brief statement of what the proposed variation consists.

The costs or charges of the publication notice required above shall be paid by the petitioner or applicant.

Written notice of any proposed variance shall be given to all land owners of record within 250 feet of the property line of the area sought to be varied by certified mail, return receipt requested, at least 15 days prior to the public hearing with proof of mailing or waiver of receipt of notice by such land owner to be provided to the Board prior to the hearing.

Upon report of the Board decision, the County Board may by ordinance or resolution without further public hearing adopt any proposed variation or may refer it back to the Board for further consideration and any proposed variation which fails to receive the approval of the Board shall not be passed except by the favorable vote of three-fourths (3/4ths) of all the members of the County Board. Every variation made by ordinance or resolution shall be accompanied by a finding of fact specifying the reason for making such variation. Appeals from final zoning decisions of the County Board must be filed within one (1) year unless a shorter filing period is required by another law.

All final administrative decisions of the Board shall be subject to Judicial review pursuant to the provisions of the Illinois Compiled Statutes, 735 ILCS 5/3-101, et seq, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "Administrative decision" is defined as in 735 ILCS 5/3-101.

A fee may be assessed and collected for an Application or Petition For A Variance, the amount thereof shall be determined and set from time to time by the County Board.

§ 5. PLAN COMMISSION

A. CREATION, MEMBERSHIP, REMOVAL, AND FILLING OF VACANCIES. A Plan Commission is hereby established. The word "Commission" when used in this Ordinance shall be construed to mean the Plan Commission of Shelby County.

The members of the Commission shall be appointed by the Chairman of the County Board of Shelby County, upon approval by the members of the County Board. The Board shall consist of nine (9) members, one of which shall be the Zoning Administrator, who shall act as Secretary for said Commission, the remaining eight (8) members shall serve respectively for the following terms: two for one year, two for 2 years, two for 3 years, and two for 4 years, the successors to each member so initially appointed to serve for a term of 4 years. All members of the Commission shall be residents of the County with a diversity of interests and expertise and geographic disbursement as determined by the Chairman and County Board at the time of their appointments.

The Chairman of the County Board of Shelby County shall name one of the members so appointed as Chairman at the time of his/her appointment. In the case of a vacancy in the Chairmanship, the Chairman of the County Board shall designate a Chairman. In the absence of the Chairman, the Commission may elect an Acting Chairman.

The County Board of Shelby County may remove any member of the Commission for cause after public hearing.

A vacancy on the Commission shall be filled for the unexpired term of the member whose place has become vacant, such vacancy to be filled under the same procedure as in an original appointment.

B. MEETINGS, RULES OF PROCEDURE, HEARINGS. All meetings of the Commission shall be held at the Shelby County Courthouse, Courtroom B, Shelbyville, Illinois, unless otherwise designated, at the call of the Chairman and at such times as the Commission may determine. The rules of procedure provided above in § 4, Section B shall apply in all Commission hearings. Whenever there is no business to be considered at any regular meeting, the Chairman may cancel such meeting by notifying each member not more than 5 days nor less than 24 hours prior the time set for such meeting.

C. DUTIES OF THE SECRETARY. The Secretary shall conduct all correspondence of the Commission; receive and file all applications, papers and records, prepare, publish and mail all notice required by law, ordinance, rule or request of the Commission or Chairman; prepare and keep calendars, dockets and minutes of Commission proceedings; and generally attend to all clerical work of the Commission.

D. APPLICATIONS.

1. **TIME OF FILING.** Applications, properly filed, for approval of Preliminary Plats accompanied by all supporting data received by the Commission Secretary from the County Clerk not less than twenty (20) days prior to a regular meeting shall be reviewed by the Commission at that regular meeting.

2. **APPLICATION FORM.** Every application shall be made upon forms furnished by the Secretary, which have been approved by the Commission. The applicant shall provide all information requested on the form and any additional information requested in writing by the Chairman or Secretary which is necessary to inform the Commission of the facts of the application. Failure to supply such information shall be grounds for dismissal of the application.

3. **FEE.** All applications filed with the Secretary shall be accompanied by a receipt from the County Clerk showing payment of such fee as determined and required by resolution the County Board.

4. INSUFFICIENT APPLICATION. No application shall be considered by the Commission unless it is made on the required form with all the required information provided. Upon receipt of any communication purporting to be an application, the Secretary shall supply the applicant with the proper forms which must be filed as specified by this section in order to be considered by the Commission.

5. ADJOURNMENTS. When all applications cannot be heard on the day set, the Commission may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Commission.

6. WITHDRAWAL. An applicant may withdraw his/her application at any time prior to a decision thereon, but if a motion is pending to grant or dismiss the application, such motion shall have precedence. Withdrawal of the application shall not entitle the applicant to remission of the filing fee.

E. RECONSIDERATION.

1. RESUBMISSION. No application which has been dismissed or denied shall be considered again within one year of the Commission's decision except by motion to reconsider made by a member voting with the majority or as provided in subsection 2. of this section.

2. REHEARING. No rehearing shall be held except by the affirmative vote of five (5) or more members of the Commission upon finding that substantial new evidence is submitted which could not reasonably have been presented at the previous hearing. Requests for rehearing shall be in writing, duly verified and shall recite the reasons for the request and be accompanied by necessary data and diagrams. Rehearings shall be subject to the same requirements as to notice as original hearings.

§6. IMPROVEMENT LOCATION PERMITS AND CERTIFICATES OF OCCUPANCY

A. IMPROVEMENT LOCATION PERMITS

- (1) Within the Jurisdictional Area no structure or improvement or use of land may be altered, changed, placed, erected or located on platted or unplatted lands, unless the structure, improvement or use, and its location, conform with this ordinance, and an Improvement Location Permit for such structure, improvement or use has been issued. It is hereby declared that the intent of the permit requirements of the ordinance shall not prevail with respect to buildings and uses which are clearly incidental to agricultural operations; however, buildings and structures for agricultural uses shall conform to the building setback line requirements of this ordinance.

The Zoning Administrator shall issue an Improvement Location Permit upon written application, when the proposed structure, improvement or use and its location conform in all respects to this ordinance. Improvement Location Permits issued by the Zoning Administrator shall be effective for a period of one (1) year from and after its date of issuance, and if the proposed structure, improvement or use has not been completed or reasonable progress has not been made towards completion, the applicant must re-apply for a new Improvement Location Permit.

- (2) Any person who shall make application for an Improvement Location Permit shall furnish the Zoning Administrator with a site plan or development plan of the real estate upon which said application for an Improvement Location Permit is made. Said site plan shall be drawn to scale showing the following items:
 - (a) Legal or site description of the real estate involved.
 - (b) Location and size of all buildings and structures.
 - (c) Width and length of all entrances and exits to and from said real estate.
 - (d) All adjacent and adjoining roads or highways.
 - (e) The manner in which the location is to be improved.
- (3) Site plans so furnished to the Zoning Administrator shall be filed by the Zoning Administrator and shall become a permanent record.
- (4) The Zoning Administrator may require the relocation of any proposed building or structure or exit or entrance shown on said site plan and/or the location of new exits or entrances not shown on said site plan before issuing an Improvement Location Permit when such action is necessary to carry out the purpose and intent of these regulations.
- (5) An application for an Improvement Location Permit for any industrial use subject to the provisions of these regulations shall be accompanied by a "Certificate of Compliance" subscribed by a registered professional engineer of the State of Illinois, certifying that the use intended will satisfy the performance standards of the District in which it is to be located. The Zoning Administrator may take ten (10) days in which to review the application, during which time he/she may consult with appropriate technical consultants. If, after the ten (10) day period, the Zoning Administrator has not required any additional information or stated any objections in writing, he/she shall issue the Improvement Location Permit.

- (6) The Zoning Administrator shall issue an Improvement Location Permit for a Special Exception only following receipt of notice from the Board that the application therefor has been approved by the Board.
- (7) The Zoning Administrator either shall grant or deny an Application for an Improvement Location Permit within ten (10) days of the receipt of the Application and all supporting plans and certificates required in this §5; provided, however, that the procedure for review and action on applications for Special Exceptions contained in Article II, §15 of this Ordinance shall be an exception to this requirement; provided further, that the Zoning Administrator may extend a decision beyond the ten-day period upon due cause shown before the Board.

The Zoning Administrator shall notify in writing the Applicant, and any person who has filed a written objection to the application, of his/her decision. In the event that an application is denied, the Zoning Administrator shall specify the action which the applicant may take for an appeal from the decision of the Zoning Administrator to the Board.

- (8) A fee may be assessed and collected for an Improvement Location Permit; the amount thereof shall be determined and set from time to time by the County Board.

B. CERTIFICATES OF OCCUPANCY

- (1) No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered, shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Zoning Administrator stating that the building and use comply with all of the provisions of these regulations applicable to the building or premises or the use in the District in which it is to be located.
- (2) Upon completion of the Improvement covered by the Improvement Location Permit, the Zoning Administrator shall inspect the premises, and, if his/her inspection shall reveal that the improvement has been completed in substantial conformity with the site plan, and "Certificate of Compliance" when required, submitted pursuant to paragraphs A and B of this §6, and any approved amendments thereto, shall issue a Certificate of Occupancy.
- (3) Pending the issuance of such a certificate, a temporary Certificate of Occupancy may be issued by the Zoning Administrator for a period of not more than 90 days during the construction of a building or of alterations which are required under the terms of any law or ordinance. The temporary Certificate may be given one renewal for a period not to exceed 90 days by the Board when the evidence available to it clearly demonstrates that the construction or alteration shows responsible progress and that at least twenty-five (25) per

cent of the work, as measured in relation to the bulk of the structure being constructed or altered, for which the original application was made, has been completed. Such temporary Certificate shall not be construed in any way to alter the respective rights, duties or obligations of the applicant or of the County relating to the use or occupancy of the land or building under these regulations, and such temporary Certificate shall not be issued except under such restrictions and provisions as will insure adequately the safety of the occupants.

- (4) No change shall be made in the use of land (except agricultural) or in the use of any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued by the Zoning Administrator, and no such permit shall be issued to make such change unless it is in conformity with the provisions of these regulations.
- (5) A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed.
- (6) A record of all Certificates of Occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.
- (7) No Improvement Location Permit shall be issued for excavation for or the erection, reconstruction or structural alteration of any building, before application has been made for a Certificate of Occupancy.
- (8) A fee may be assessed and collected for a Certificate of Occupancy; the amount thereof shall be determined and set from time to time by the County Board.

C. REVIEW BY BOARD

Any order, requirement, decision or determination made by the Zoning Administrator may be reviewed by the Board upon appeal and pursuant to the terms of this Ordinance and to the general rules prescribed by the Board.

§7. AMENDMENTS AND CHANGES

The regulations imposed and the Districts created by this Ordinance may be amended from time to time by ordinance or resolution, but no such amendments shall be made without a public hearing before the Board of Appeals. For purposes of this section, the term "text amendment" means an amendment to the text of a zoning ordinance, which affects the whole county, and the term "map amendment"

means an amendment to the map of a zoning ordinance, which affects an individual parcel or parcels of land. All applications for an amendment shall first be heard by the Planning Commission to determine the compatibility thereof with the Comprehensive Plan and make a recommendation to the Board of Appeals.

Notice of such public hearing shall be published not more than thirty (30) nor less than fifteen (15) days in advance thereof in at least one newspaper of general circulation in the County. The notice shall indicate the changes proposed to be made in the regulations or in the District boundary lines, describing the boundaries of the territory to be affected. Such notice shall state the time and place of the public hearing for consideration of such proposed amendment, supplement or change, and the place where maps of the proposed amendment, supplement or change will be accessible for examination by interested parties.

The costs or charges of the publication notice required above shall be paid by the petitioner or applicant.

Hearings on text amendments shall be held in the Shelby County Courthouse, Courtroom B, Shelbyville, Illinois; hearings on map amendments shall be held in the Shelby County Courthouse, Courtroom B, Shelbyville, Illinois, provided, that if the owner of any property affected by such proposed map amendment so requests in writing, such hearing shall be held in the township or road district affected by the terms of such proposed amendment. Written notice of any proposed map amendment shall be given to all land owners of record within 250 feet of the property line of the area sought to be rezoned by certified mail, return receipt requested, at least 15 days prior to the public hearing with proof of mailing or waiver of receipt of notice by such land owner to be provided to the Board prior to the hearing.

The Board may of its own motion or upon instruction from the County Board, cause to be prepared an amendment or change in the text or maps of this Ordinance and notice and hearing thereon shall be as herein provided.

The Board shall report its findings and recommendations to the County Board on the proposed amendment, supplement, or change. Text amendments may be passed at a county board meeting by a simple majority of the elected county board members, unless written protests against the proposed text amendment are signed by five percent (5%) of the land owners of the county, in which case such amendment shall not be passed except by the favorable vote of three-fourths (3/4ths) of all the members of the County Board. Map amendments may be passed at a county board meeting by a simple majority of the elected county board members, except that in the case of written protest against any map amendment that is either: (A) signed by the owner or owners of at least twenty percent (20%) of the land to be rezoned, or (B) signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from, at least twenty percent (20%) of the perimeter of the land to be rezoned, or in

cases where the land affected lies within one and one-half (1-1/2) miles of the limits of a zoned municipality, or in the case of a proposed text amendment to this zoning ordinance, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the County Clerk, such amendment shall not be passed except by the favorable vote of three-fourths (3/4ths) of all members of the County Board. In such cases, the written protests shall be filed with the County Clerk within fifteen (15) days after the public hearing and a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. Notwithstanding any other provision in this section, if a map amendment is proposed solely to correct an error made by the county as a result of a comprehensive rezoning by the county, the map amendments may be passed at a county board meeting by a simple majority of the elected board.

At the time application is made to amend, change, or modify either the text or map of the zoning ordinance, the applicant shall be assessed and pay a fee, the amount thereof shall be determined and set from time to time by the County Board.

§ 8. VIOLATION AND REMEDY

In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance or other regulation made under the authority conferred thereby, the County Board, the Board of Appeals, or the Zoning Administrator, acting through their legal counsel, or any owner of real property in the some contiguous zoning district as the building or structure in question where such owner's value or use of property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceeding in equity (1) to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, (2) to prevent the occupancy of the building, structure, or land, (3) to prevent any illegal act, conduct, business, or use in or about the premises, or (4) to restrain, correct, or abate the violation.

The violation of the terms of this ordinance, or any amendments thereto, shall be deemed a petty offense punishable by a fine not to exceed five hundred dollars (\$500), with each week the violation remains uncorrected constituting a separate offense.

§ 9. VALIDITY

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

§ 10. EFFECTIVE DATE

This Ordinance shall be in effect from and after its passage.

ARTICLE II. LAND USE CONTROL STANDARDS

SHELBY COUNTY, ILLINOIS

§ 1. DEFINITIONS

As used in these regulations, certain words and terms are defined as follows. Words in the present tense include the future and vice versa; the word "building" includes the word "structure" and vice versa; the word "shall" is mandatory.

ACCESSORY BUILDING AND USE

- A. A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy.
- B. Local public utility facilities, including electric current, sewer gas and water distribution wires, lines, and conduits, with their supports, poles, guy wires, transformers, wire, cables and other incidental equipment, and also including public telephone booths.

AGRICULTURE – Crops, livestock and aquatic products include but are not limited to the following: legume, hay, grain, fruit, and truck of vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry, greenhouses and aquatic products as defined in the Aquaculture Development Act; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, beef cattle, pony and horse production, fur and wildlife farms, farm buildings used for 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 and for preparing livestock or poultry products for

market; farm dwellings occupied by farm owners. Agricultural uses, as defined herein, require a minimum lot size of ten (10) acres.

ALLEY - A permanent public service way providing a secondary means of access to abutting lands.

BLOCK - Property having frontage on one side of a street and located between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way or other barrier.

BOARD - The Board of Appeals of Shelby County, Illinois, with membership appointed pursuant to an ordinance of the county, with the powers and duties granted thereto by the ordinance creating the Board, and by ordinances amendatory thereto.

BUILDING, DETACHED - A building having no structural connection with another building.

BUILDING, FRONT LINE OF - The line of the face of the building nearest the front lot line.

BUILDING, HEIGHT OF - The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof to the deck of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

BUILDING, TEMPORARY – A building that is not permanently affixed to the land.

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

BUILDING AREA - The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet.

BUILDING LINE - BUILDING SET BACK LINE - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and front lot line.

BUSINESS (ALSO COMMERCIAL) - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

CAMP, PUBLIC - Any area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents, or other camping outfits.

CEMETERY- Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATE OF OCCUPANCY - A certificate stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of these regulations.

CLINIC OR MEDICAL HEALTH CENTER - An establishment where patients are admitted for special study and treatment by two or more licensed physicians and/or dentists and their professional associates.

COMMISSION - The Plan Commission of Shelby County, Illinois, with membership appointed pursuant to an ordinance of the county, with the powers and duties granted thereto by the ordinance creating the Commission, and ordinances amendatory thereto.

COMPREHENSIVE PLAN - The complete plan, or any of its parts, for the present and future development of the unincorporated territory of Shelby County, Illinois, prepared and recommended by the Commission and adopted in accordance with the Illinois Revised Statutes.

CONTINGENT USE – Uses which are likely or possible, but not certain, to occur, and which are not inappropriate to the principal use of the District in which located.

COUNTY - The County of Shelby, Illinois.

COUNTY BOARD – The County Board of Shelby County, Illinois.

DEVELOPMENT PLAN - A drawing, including a legal or site description, of the real estate involved which shows the location and size of all buildings, structures and yards; location and dimensions of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets; all of which presents a unified and organized arrangement of buildings and service facilities and other improvements such as planting areas, which shall have a functional relationship to the real estate comprising the planned development and to the uses of properties immediately adjacent to the proposed development.

DISTRICT- An area which is included in the territory covered by the Comprehensive Plan for the Shelby County, Illinois, for which district uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and the open spaces about buildings are herein established.

DWELLING- A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels, motels, lodging or houses or tourist homes.

DWELLING UNIT- A dwelling or a portion of a dwelling used by one family for cooking, living and sleeping purposes.

EFFECTIVE DATE- The effective date of these regulations shall be the effective date of the ordinance adopting these regulations.

FAMILY- One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nurses home, fraternity or sorority house.

GARAGE, PRIVATE- An accessory building with capacity for not more than three (3) motor vehicles per family, not more than one (1) of which may be a commercial vehicle of not more than one and one-half (1 ½) tons capacity. A garage designed to house two (2) motor vehicles for each family housed in an apartment shall be classed as a private garage.

GARAGE, PUBLIC- Any building, or premises, except those defined herein as a Private Garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept, for remuneration, hire or sale.

GROUND FLOOR AREA -The square-foot area of a residential building within its largest outside dimensions, computed on a horizontal plane at the ground floor level, exclusive of open porches, breeze-ways, terraces, garages, exterior and interior stairways.

HOME OCCUPATION- An accessory use of a service character conducted entirely within a dwelling which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOTEL OR MOTEL- A building or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.

IMPROVEMENT LOCATION PERMIT- A permit stating that the proposed erection, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of the Comprehensive Plan.

JUNK YARD - Any place at which personal property is or may be salvaged for re-use, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted, including, but not limited to used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter, and used motor vehicles, machinery or equipment which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

JURISDICTIONAL AREA - That area which includes the territory of Shelby County, Illinois, outside of villages, cities and incorporated towns, all of which area is included in the territory covered by the Comprehensive Plan for Shelby County, Illinois.

KENNEL - Any lot or premises on which four (4) or more dogs, or other small animals, at least four (4) months of age, are kept.

LOADING AND UNLOADING BERTH, - The off-street area required for the receipt or distribution by vehicles of material or merchandise, which for the purpose of these regulations is held to be a twelve (12) foot by fifty (50) foot loading space with a fourteen (14) foot height clearance, paved with a suitable dust preventive or hard surface.

LOT - A parcel, tract or area of land accessible by means of a street or place, and for residential uses, abutting upon a street or place for at least sixty (60) per cent of the lot width prescribed for the District in which the lot is located. It may be a single parcel separately described in a deed or plat, and when in an unincorporated area with an area of not less than one (1) acre, which is recorded in the office of the County Recorder, or it may include parts of, or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines no part thereof within the limits of a street shall be included.

LOT, CORNER - A lot at the junction of and abutting two or more intersecting streets.

LOT, INTERIOR - A lot other than a Corner Lot or Through Lot.

LOT, THROUGH - A lot having frontage on two parallel or approximately parallel streets.

LOT COVERAGE - The percentage of the lot area covered by the building area.

LOT GROUND LEVEL - For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets; for buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to, and not more than five (5) feet from a street, is to be considered as adjoining the street.

LOT LINE, FRONT - In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

LOT LINE, REAR - A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the lot line.

LOT LINE, SIDE - Any lot boundary line not a front lot line or a rear lot line.

LOT WIDTH - The dimension of a lot, measured between side lot lines on the building line.

MOBILE HOME – A movable or portable unit no less than 8 feet, but not greater than 18 feet in width, and is 32 feet or more in length, and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, subject to the provisions of Chapter 15 of the Illinois Vehicle Code, and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. The term shall include units containing party that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity.

MOBILE HOME PARK - An area of land upon which two or more mobile homes are harbored for the purpose of being occupied 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 mobile home park.

MODULAR HOME – A building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation on the building site with a permanent foundation, and which shall have a yellow seal of the State of Illinois, or similar seal of the State of Indiana, on the electrical panel box of the home indicating compliance with the Illinois Department of Public Health regulations and codes. A permanent foundation means a closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground below the frost line.

PARKING AREA, PUBLIC - An open area, other than a street or alley designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers, paved with a suitable dust preventive or hard surface.

PARKING SPACE - A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 9 feet wide and 20 feet long exclusive of passageways.

PERSON - A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

PLACE - An open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

PLAT - A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

PRIVATE SCHOOL - Private preprimary, primary, grade, high or preparatory school or academy.

PROFESSIONAL OFFICE - Office of members of recognized professions, such as an architect, artist, dentist, engineer, lawyer, musician, physician, surgeon, or other professional person.

RECREATIONAL VEHICLE (RV) – Any camper trailer, motor home, mini motor home, travel trailer, truck camper or van camper and any towed recreational equipment such as boats, snowmobiles and motorcycles, including the trailers for same, used privately for recreational purposes and not used commercially as defined in 625 ILCS 5/1-169. Recreational vehicle definitions are specified as follows:

Camper Trailer (Folding Tent): A recreational trailer not used commercially, constructed with partial side walls which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use and are of a size or weight not requiring an over-dimension permit when towed on a highway.

House Trailer: A recreational trailer or semi trailer equipped and used for living quarters for human habitation (temporarily or permanently) rather than for the transportation of freight, goods, wares and merchandise.

Motor Home, mini motor home or van camper: Any self-contained motor vehicle, not used commercially, designed or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk-through access to the living quarters from the driver's seat.

Travel Trailer: A recreational trailer, not used commercially, designed to provide living quarters for recreational camping, or travel use, and of a size or weight not requiring an over-dimension permit when towed on a highway.

Truck Camper: A recreational truck, not used commercially, when equipped with a portable unit designed to be loaded on to the bed which is constructed to provide temporary living quarters for recreational, travel or camping use.

SIGN - Any board, device or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

SPECIAL EXCEPTION – A non-conforming use that is permitted only with the consent of the County Board on the recommendation of the Plan Commission.

STREET - A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property.

STRUCTURE - Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

STRUCTURAL ALTERATION - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

TOURIST HOME - A building in which one but not more than five guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

TRADE OR BUSINESS SCHOOL - Secretarial or Business School or College when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical arts.

USE - The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

USE, NONCONFORMING - An existing use of land or building which fails to comply with the requirements set forth in these regulations applicable to the District in which such use is located.

USE, OPEN - The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five (5) per cent or less of the area of the lot.

VARIANCE - A modification of the specific requirements of these regulations granted by the Board in accordance with the terms of these regulations for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and District.

VISION CLEARANCE ON CORNER LOTS - A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above established grade, determined by a diagonal line connecting two points measured 15 feet equidistant from the street corner along each property line.

YARD - A space on the some lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in these regulations.

YARD, FRONT - A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the street right-of-way line and building line.

YARD, REAR - A yard extending across the full width of the lot between the rear of the main building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30 per cent of the required space, the depth of which is the least distance between the rear lot line and the rear of such main building.

YARD, SIDE - A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required; to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest part of the main building.

ZONING ADMINISTRATOR - The employee of Shelby County, Illinois, designated and authorized by ordinance of the county to enforce these regulations.

ZONE MAP - Maps dated January 2005 and entitled: Zoning Map of Shelby County, IL, Township Zoning Maps, accessory maps, and any amendments thereto.

§ 2. DETERMINATION AND INTERPRETATION OF DISTRICT BOUNDARIES

In determining the boundaries of Districts, and establishing the regulations applicable to each District, due and careful consideration has been given to existing conditions, the character of buildings erected in each District, the most desirable use for which the land in each District may be adapted, and the conservation of property values throughout the Jurisdictional Area. Where uncertainty exists as to the exact boundaries of any District as shown on the Zone Map, the Zoning Administrator shall interpret the intent of the Zone Map as to the location of the boundary in question.

§3. VACATED AND FILLED AREAS

The following procedure relates to vacated or filled areas:

- A. Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the Districts adjoining each side of such street, alley, public way, railroad right-of-way, waterway, or similar areas shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended Districts.
- B. Whenever any underwater or submerged area, not shown in the Zone Map as included in any District, is filled in, as authorized by law, the Districts adjoining such filled in area shall be extended automatically to include such filled in area and such filled in area shall then and thenceforth be subject to all appropriate regulations of the extended Districts.

§ 4. USE

No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in the District in which such building or land is located.

§ 5. HEIGHT

No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the District in which such building is located, except as hereinafter provided in these regulations.

§ 6. YARD, LOT AREA AND SIZE OF BUILDING

No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use and the District in which such building is located. No lot area shall be so reduced, diminished and maintained than the yards, other open space or total lot area shall be less than specified for the use and District in which the lot is located.

§ 7. LOTS

Every building hereafter erected shall be located on a lot. In no case shall there be more than one principal building used for residential purposes and its accessory buildings, located on one lot platted and/or subdivided as a single lot.

§ 8. PARKING SPACE, LOADING AND UNLOADING BERTHS

Every building hereafter erected, and every use shall have provided therefor parking space for motor vehicles and loading and unloading berths as specified hereinafter.

§ 9. ESTABLISHMENT OF DISTRICTS, ZONE MAP AND DESCRIPTION OF DISTRICTS

A. The Jurisdictional Area is hereby classified and divided into new zoning Districts as follows:

District Designation:

Primarily Use:

A
R1
RR
GB

Agriculture
Residential
Rural Residential
General Business

- B. The Zone Map that accompanies this ordinance is hereby declared to be a part of these regulations. The map shows the boundaries of and the area covered by each district. Notations, references, indications and other matters shown on the Zone Map are as much a part hereof as if they were fully described herein.
- C. The Districts identified above are described as follows:
1. A - This District is intended for agricultural cultivation and associated uses as defined in §1. It includes that part of the Jurisdictional Area which at present is rural in character. The minimum size of lots is greater than that of other Districts.
 2. R1 This District will be used primarily for single-family dwellings. Two-family and multifamily buildings may be permitted on a density of use basis. The minimum lot and building areas required in this district recognize current desirable residential construction practices for medium-density residential development. The minimum lot size will increase for each additional dwelling unit included in a multi-family building. Specific requirements for residential use are shown in §11 Figure 1. Certain non-residential contingent uses and special exceptions may be permitted in the District with the approval of the Board as seen in §15 Figure 5.
 3. RR This District is established to provide larger acreage home sites as a buffer area between agricultural zones and higher density urban areas. The District shall be permitted in any portion of the Jurisdictional Area that is suitable for low density residential development. The minimum lot size is five (5) acres for this classification with its benefits and requirements; any lot, of less than five (5) acres in an RR zoned area, shall be restricted to R1 zoning with the benefits and the requirements of such classification; mobile homes and two-family / multifamily housing is not permitted regardless of lot size.
(The above paragraph 3. was amended by Ordinance No. 05-06-0 adopted September 14, 2005)
 4. GB This District is established to meet the specific requirements of business uses, as defined in §12, needed to give adequate service throughout the Jurisdictional Area as related to present and future development. The District provides for all types of business and service uses including retail shopping, warehouse and storage facilities, as well as some light industrial operations as defined in §13. The specific requirements for business uses are given in §12 Figure 2; contingent uses and special exceptions are shown in §15 Figure 5.
 5. I1 This District is provided for industrial operations utilizing enclosed space for storage, fabricating and manufacturing, as well as planned industrial parks developed on tracts of twenty (20) or more acres. Both light and general industrial uses as defined in §13 shall be permitted in the I1 District.

Residential uses are excluded from the I1 District. Where permitted, business uses will conform to the requirements set forth for them in §13 Figure 3. The specific requirements for industrial uses are given in §13 Figure 3; contingent uses and special exceptions are shown in §15 Figure 5.

6. FPO The overlay is established in those parts of the Jurisdictional Area within the 100-year flood plain as defined by the Shelby County flood zone data from the Illinois Natural Resources Geospatial Data Clearinghouse, as maintained by the Illinois State Geological Survey. It meets the need for control of lands which have excessively high water tables or which are subject to frequent and periodic floods and overflow. As an overlay, it provides for additional restrictions on land use based on the area of the flood plain, rather than lot boundary lines as stated in §14.

§ 10. AGRICULTURAL USES AND REQUIREMENTS

- A. The uses defined below are permitted in the Agricultural District, subject to the provisions of Subsection B, herein.
 1. Agricultural Use - The art or science of cultivating the ground, the production of crops and the production of livestock, and for the purpose of these regulations shall include such operations as forestry; the growing of crops; pasturage; the production of livestock and poultry; the growing of trees, shrubs and plants; and other recognized agricultural pursuits.
 2. Farm - A tract of land comprising an area of at least ten (10) acres, which is devoted to agricultural operations including accessory structures essential to the operation of the farm.
 3. Mobile Homes – Homes of these types, as defined in §1, shall be permitted in Agricultural Districts subject to the use requirements hereinafter designated in paragraph B5. Notwithstanding any other regulations regarding placement of mobile homes, all existing homes in the Jurisdictional Area as of July 9, 1997, may not be replaced with units of less than a minimum ground floor area of 900 square feet.
 4. Non-Farm Residential Dwellings – Homes of this type shall be permitted in Agricultural Districts subject to the requirements hereinafter designated in Figure 1, §11 Residential Uses & Requirements. The Minimum lot size for non-farm residential dwellings in an Agricultural District is one (1) acre.
- B. Other provisions for Agricultural Use and Farms are as follows:

1. Accessory Structures may include farm residences for the owner, operator or farm assistants; fences; barns; structures for the storage of equipment and sheltering of animals; roadside structures for the sale of products produced on the farm.
2. Signs displaying subject matter related directly to the name and products of the farm are permitted uses.
3. Building setbacks shall be maintained for all structures along the public rights-of-way as follows:

Abutting: Major Street40 feet
 Collector Street.....30 feet
 Local Street.....25 feet

4. A side-yard shall be maintained as follows: Minimum measurement of Ten (10) feet.

5. Mobile Home Use Requirements:

- | | |
|-----------------------------|--|
| A. Minimum Lot Size: | One (1) acre. |
| B. Minimum Lot Width: | Eighty (80) feet. |
| C. Maximum Building Height: | Twenty-five (25) feet. |
| D. Minimum Front Yard: | Major Street40 feet
Collector Street.....30 feet
Local Street.....25 feet. |
| E. Minimum Side Yard: | Fifteen (15) feet. |
| F. Minimum Rear Yard: | Twenty (20) feet. |
| G. Minimum Square Feet: | Nine Hundred (900) feet. |
| H. Minimum Street Frontage: | Forty (40) feet |

6. Outdoor advertising shall be permitted as specified in §12 Subsection C.

§ 11. RESIDENTIAL USES AND REQUIREMENTS

The following table, Figure 1, shows requirements for residential uses in various zoning categories. For example, if a request is made for residential use in the General Business zone, then the minimum lot size would be 6,000 square feet.

Figure 1. Residential Uses and Requirements				
Requirements	in A	in R1	in RR	in GB
Minimum front yard when lot abuts (feet):				
Major street	40	40	40	40
Collector street	30	30	30	30
Local street	25	25	25	25
Minimum side yard (one) (feet)	15	6	20	5

Minimum side yard (both or two) (feet)	30	12	40	10
Minimum rear yard (feet)	20	20	40	20
Maximum building height (feet)	35	35	35	75
Maximum height for accessory building at the top of the side walls (feet)	35	25	25	35
Minimum lot width (feet)	100	60	300	50
Minimum road frontage	40	40	40	40
Minimum ground floor building size (square feet)	900	900	900	900
Minimum lot size per dwelling unit with community sewage disposal system (square feet)	435,600 (10 acres)	7,200	217,800 (5 acres)	6,000
Minimum lot size per non-farm dwelling unit	43,560 (1 acre)			
Additional lot area per dwelling unit required with individual sewage disposal system (square feet)	not required	5,000	not required	5,000
Minimum number of vehicle parking spaces	2	2	2	2
Maximum lot coverage as percentage of lot	n/a	25	n/a	25

- A. The residential uses defined below, including accessory buildings and uses are permitted in the Districts indicated in Figure 1, when complying with the requirements listed therein, subject to the provisions of paragraph B, herein.
1. A single-family dwelling is a detached building designed for or occupied by one family exclusively.
 2. A two-family dwelling is a detached building designed for or occupied by two families. A duplex dwelling has one family unit above the other and a double dwelling has one family unit beside the other.
 3. A multi-family dwelling is a building designed for or occupied by three or more families, exclusively for dwelling purposes.
 4. Mobile Homes, as defined in §1, with a minimum ground floor area of 900 square feet shall be permitted in agricultural districts subject to the use requirements hereinbefore designated in §10 Subsection B5.
 5. A two-family dwelling, or duplex, may be constructed with a zero lot line setback as to that side yard boundary line separating the two-family dwelling or duplex into two living units. A separate variance request shall not be required. However, if the two-family dwelling, or duplex, is to be constructed on a single lot, the lot shall be subdivided pursuant to this ordinance, as amended from time to time, and the Illinois Plat Act.

6. Recreational Vehicles (RVs), as defined in §1, shall not be used as dwelling units. They may not be used for living, sleeping, or housekeeping, except in locations lawfully established for such use.

B. Other Provisions for Residential Uses are as follows:

1. Area and Width - A single-family dwelling may be located on any lot in any District in which single family dwellings are permitted if the lot was in single ownership or included in a subdivision which was of record in the office of the County Recorder prior to the original effective date of these regulations (September 8, 1964) even though the lot does not have the minimum lot width or the minimum lot area specified for the District; provided, however, that no dwelling structure may be located on any lot having a width of less than fifty (50) feet, or is within the 100-year flood plain, as defined in the Comprehensive Plan.
2. Rear Yard - One-half of an alley abutting the rear lot may be included in the required rear yard.
3. Accessory Buildings are not permitted prior to the erection of principal building. No accessory building shall be located closer to a side lot line than 3 feet nor exceed 18 feet in height and, if detached from the principal building, shall be set back of the front line of the principal building on the lot.
4. Accessory Uses such as public utility local distribution facilities, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard. Fences, lattice-work screens, hedges or walls, not more than 7 feet in height, may be located in the required side or rear yard, and a hedge, maintained so as not to exceed 3 feet in height may be located in any front yard. Trees, shrubs, flowers, or plants are permitted in any required front, side or rear yard.
5. Front Yard - Where 25% or more of the lots in the block are occupied by buildings on the effective date of these regulations, the average setback of such buildings determines the dimensions of the front yard in the block; however, front yard lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in such subdivisions, except when such building setback lines may be less restrictive than as provided in these regulations. On through lots a front yard is required on each street.
6. Projections into Yards -

a. Architectural features (cornice, eave, sill, canopy or similar feature) may extend or project into a required side yard not more than two (2) inches for each one (1) foot width of such side yard, and may extend or project into a required front or rear yard not more than thirty-six (36) inches. Chimneys may project into any required yard not more than two (2) feet, provided that the width of any side yard is not reduced to less than three (3) feet thereby.

b. An open platform or landing which does not extend above the level of the first floor of the building may extend or project into any required front or side yard not more than four (4) feet or into any required rear yard not more than twenty-five (25) per cent of the required rear year depth.

7. Tapered Yard on Corner Lot - Where the rear lot line of a corner lot abuts the side lot line of an interior lot, or abuts an alley separating the corner lot from the interior lot, an accessory building to be located on the rear lot line of the corner lot shall set back from the street upon which the interior lot fronts as far as the building line on the interior lot. For each foot that such accessory building is to be placed from the rear lot line toward the front lot line of the corner lot, the accessory building may be placed four (4) inches closer to the side street line, but in no case closer than ten (10) feet.
8. Height - In the Districts limiting height to 25 feet, a multi-family dwelling may be increased in height not to exceed 35 feet; provided, the required side yards are- increased an additional 2 feet for each foot such structure exceeds 25 feet in height.
9. Vision Clearance - is required to be provided on all corner lots. The distance from the corner to a straight line base of a triangle shall be a minimum of 25 feet, where the sides of the triangle are equal lengths along the two streets or road right of way lines.
10. Frontage – Each lot shall have a minimum street or road frontage of not less than forty (40) feet.

C. The Rural Residential (RR) Zone is established for the following purposes:

1. To provide larger acreage home sites which will be a buffer area between farmland and higher density urban areas, reducing the conflicts between residential use and usual and normal farming practices.
2. To meet the needs to a segment of the population for non-urban, non-farm home sites.
3. To provide for the above, yet not adversely affect fish and wildlife resources and habitat areas, natural areas, and scenic areas.

To provide for the effectiveness of the RR zone, all lots should have a minimum lot size of five (5) acres. Where current ownership of less than five (5) acres exists as of the adoption of this Ordinance within the RR zoned areas, current uses may continue as a nonconforming use, but future development should be in conformance with this restrictions and requirements.

Within any Rural Residential zone no building or structure shall be used or arranged, designated, erected, or maintained to be used except for the following purposes:

- 4) Single-family dwelling excluding mobile homes, as defined in §1;
- 5) Agricultural Use;
- 6) Public parks, playgrounds;
- 7) Accessory uses and structures:
 - a) Customary residential accessory building for private use, such as pergola, greenhouse, hothouse, hobby house, summer house, patios, enclosed or covered patios, woodshed, quarters for domestic animals maintained as pets;
 - b) Fences;
 - c) Garages and parking areas for the storage and protection of the automobiles of the residents of the dwelling, including a private garage for each single-family dwelling on the same lot with or within the dwelling to which it is an accessory and in which no business or industry is conducted;
 - d) Storage for a commercial vehicle, maximum of one per dwelling;
 - e) Sleeping quarters in a garage for domestic employees of the main building to which the garage is attached;
 - f) Guest houses and guest quarters not in the main building are permitted if such quarters are, and remain, dependent upon the main building for either of both kitchen and bathroom facilities and the guest facilities are not used for residential purposes;
 - g) Swimming pools for private use (requires building permit); and
 - h) Outbuildings for stock animals, including but not limited to horses, cows, goats, and sheep.
- 8) Home occupation as defined in Article I, §5 B;

9) The taking of boarders or leasing of rooms by a resident family providing the total number of boarders and roomers does not exceed two in a single-family dwelling not more than four (4) in any legally established two-family dwelling;

11) Privately operated kindergartens or day nurseries, providing the residential character of the building is maintained.

D. SPECIAL EXCEPTIONS – RURAL RESIDENTIAL

When authorized under the procedure provided for special exceptions in §15 of this ordinance, the following uses will be permitted in an RR zone:

A) The following allied farm commercial processing and similar activities may be permitted as a separate business or enterprise, not operated in conjunction with a farm:

- 1) feed mixing and storage facilities;
- 2) agricultural produce storage, i.e., grain elevators and similar facilities;
- 3) feed lots;
- 4) any other similar processing and allied farm commercial activities (includes roadside stand for selling of produce).

B) Kennels;

C) Community or neighborhood club buildings, including swimming pools, and other allied facilities, when erected by a non-profit community club for the improvements of the community or social recreational of the member;

D) Boat, camper and trailer storage areas or lot (see §6)

E) Use of an accessory building for conducting a home occupation.

§ 11 1/2. PLANNED RESIDENTIAL DEVELOPMENTS

A. Purpose

To encourage good land and building site design, to encourage and allow a variety of housing types, but subject to the general density of the applicable zoning district with respect to the total area to be developed under this procedure, and to allow the development of land areas so located or situated as to require special consideration by granting specific exceptions to the required standards.

B. Procedure

The authorization of a planned residential development as described in this section shall be subject to the following conditions in addition to the regular procedure for zoning or platting approval. (See Figure 9)

(1) Preliminary Consultation and Preliminary Plan

The owner or owners proposing to develop land as a planned development shall consult with the Zoning Administrator before submitting the Development Plan to the Commission for approval. At this consultation, two copies of a Preliminary Plan of the proposed development, containing the following information, shall be presented for staff advice:

- (a) Proposed layout of streets, buildings, lots and other elements basic to the proposed use in relationship to site conditions.
- (b) Proposed locations of commercial, industrial, residential, park, school, recreational and other public and semi-public uses within or near the area proposed to be developed.
- (c) Proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply and other pertinent site development features.

The Preliminary Plan may be a freehand pencil drawing but shall be superimposed upon a print of a topographic survey of the area proposed to be developed and may include any other graphic mediums which will explain the features to be contained within the development.

- (2) At the conclusion of the consultation the Zoning Administrator shall make note in writing on the Preliminary Plans his/her unofficial agreement or disagreement with the Preliminary Plans and the other information presented. One copy of the Preliminary Plans shall be retained in the offices of the Commission for filing and one copy furnished to the applicant.
- (3) Application for approval of a planned development may then be made to the Commission by the submittal of three (3) copies of a Development Plan and any other desired supporting documents to a regular meeting of the Commission. At this meeting the Commission shall carefully consider said Development Plan

and recommendations thereto of the Zoning Administrator. The Commission may approve, recommend the development as submitted, disapprove, or may modify, alter, adjust or amend the plan. The Development Plan, if approved, shall be stamped "Conditionally Approved. Development Plan" and be signed by the officers of the Commission and one copy shall be retained in the offices of the Commission for filing and one copy furnished to the applicant.

- (4) These recommendations and all conditions if any shall be recorded in the minutes of the Commission meeting and said plan with any amendments thereto, shall become a part of the records of the Commission, and shall include a finding as to whether the proposed development is consistent with the Comprehensive Plan of the County.
- (5) Approval by the Commission shall expire after a period of three years unless all portions of the development have been platted and recorded, unless an extension of time is granted by the Commission.
- (6) After the Development Plan has been conditionally approved by the Commission, application may then be made to the Commission for plat approval of all or any portion of the land designated on the Development Plan by the submittal of a plat or plats which shall set forth all the conditions as required under Subsection E of this Section and the Subdivision Control Regulations of the County.

To carry out the design and conditions as shown or set forth in the Development Plan and supporting documents, the applicant may be required by the Commission to reserve or to provide for the reservation of land for park and school purposes and the dedication of land for streets and other rights-of-way; and by appropriate covenants, to restrict areas perpetually as open space, private roads or other public or semi-public uses, etc., for common use.

C. Conditions

- (1) If in approving any plat, the Commission finds that it is desirable or necessary that there be special exceptions to this zoning ordinance, the Commission may recommend to the Board that special consideration be given to the granting of specific exceptions to the required standards of this zoning ordinance. The Commission shall transmit to the Board a report setting forth the reasons for its recommendations and indicating the suggested limit to any special exceptions granted.
- (2) The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all property included (the holder of a written option to purchase land shall for purposes of such application be deemed to be an owner of such land) or by any governmental agency. It must constitute an area of at least 3.5 acres, or be bounded on all sides by

streets, or by public open spaces, or the boundary lines of less restrictive use Districts.

- (3) The Development Plan may indicate a proposed subsequent division of the land into separate units under one ownership or into one or more separately owned and operated units. Such proposed subsequent divisions, if approved along with the Development Plan, shall be permissible without further approval of said plan; otherwise, subsequent division of the land shall be permitted only upon re-application to the Commission for approval of a revised Development Plan and resubmittal to the Board. The separation of units for purposes of platting shall follow the rules of the Subdivision Control Regulations of the County.
- (4) The proposed development must be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design, and must provide standards of open space and areas for parking adequate for the occupancy proposed, or equal to the requirements of this ordinance. It must include provisions for recreation areas to meet the needs of the anticipated population or as specified in the Comprehensive Plan.
- (5) A Planned Residential Development may contain commercial, industrial, professional, or special uses as an integral part of a residential development; but such uses shall be planned and gauged primarily for the service and convenience of the residents of the Planned Development, except that when such a development will interfere with the general pattern of commercial, industrial, professional or special use zoning, such uses shall not be permitted.
- (6) Upon the abandonment of a particular project authorized under this section, or upon the expiration of three years from the authorization hereunder of a Planned Development which has not been completed (or commenced with an extension of time for completion granted according to the requirements of section B(5) the authorization shall expire and the land and the structures thereon shall only be used for any other lawful purpose permissible within the zoning district in which the Planned Development is located.
- (7) No Improvement Location Permit, or Certificate of Occupancy shall be issued unless all requirements, conditions and facilities shown on the Development Plan and supporting documents are adhered to.

D. Development Plan

The Development Plan shall consist of at least the following documents: Site Plan, Area Map, and Topographic Map. Additional graphic or explanatory materials may be included to explain or document the proposed development. These plans may be prepared in such a manner that they may subsequently be used to satisfy the requirements of the platting procedure, and shall present the information and data

specified for the submittal of a plat by the Subdivision Control Regulations of the County.

E. Covenants

Covenants when required by the Commission shall provide for at least the following provisions satisfactory to the Commission:

(1) Organization

Adequate provision for some type of organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of any and all common facilities jointly shared by said property owners.

(2) Financial Guarantee

Financial guarantee that satisfactory maintenance shall be provided for all common facilities jointly shared by said property owners, providing that these common facilities shall be maintained to agreed upon standards prescribed by the organization or property owners of the area and set forth in the covenants and to be operated and maintained at no expense to the county or any other governmental unit.

(3) Private Streets

For private streets hereinafter established in the county, the following procedure shall be followed:

(a) Construction Standards

All private street rights-of-way and pavement shall be constructed in conformance with the Minimum Street Specifications as set forth in the Subdivision Control Regulations unless special exceptions are recommended by the Commission to the Board as a part of the Development Plan and Plat, and such special exception is granted by the Board. The Board may, in approving a development plan which is proposed to contain private streets, permit a narrower width of paved surface than is required by the above specifications. Such approval for reduced widths shall be based upon the street circulation system as shown in the development plan. In no event shall the permitted pavement width be less than eighteen (18) feet.

(b) Posting

At or near the entrance of each intersection of a private street with a dedicated public street there shall be erected and maintained by applicant or organization

a sign post to which is attached a sign having an area of at least 15 inches by 21 inches upon which is printed and clearly legible in at least 2 inch letters the name of the private street and the words "PRIVATE STREET" and in at least 1 inch letters the words "NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC". The words, letters and figures of the sign shall be arranged in substantially the following manner:

(NAME OF STREET)
PRIVATE STREET
NOT DEDICATED FOR PUBLIC USE
OR MAINTAINED BY THE PUBLIC

(c) Maintenance

All private streets shall be maintained by the owners of property contiguous or adjacent thereto or by aforesaid private organization in such a manner that adequate access by vehicular traffic is provided at all times so that fire, police, health and sanitation vehicles and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.

§ 12. BUSINESS USES AND REQUIREMENTS

The following table, Figure 2, shows requirements for business uses in the General Business Zone and in the Industrial Zone. For example, if a request is made for a business use in the Industrial Zone, the maximum building height would be 75 feet. A table showing parking requirements, Figure 3, is located at the end of this section.

Figure 2. Business Uses and Requirements		
Requirements	in GB	in I1
Minimum front yard when lot abuts (feet):		
Major street	40	40
Collector street	30	30
Local street	25	25
Minimum side yard in blocks not including a residential district (feet)	0	0
Minimum side yard along the side street line of a corner lot where block is adjoined by a residential district (feet)	5	5
Minimum side yard where a commercial district adjoins a residential district within a block (feet)	10	10
Minimum rear yard (feet)	15	15
Maximum building height (feet)	75	75
Vision clearance on corner lots required	yes	yes

Number of loading berths with gross floor area of business use of (square feet):		
Retail Stores with 3,000 to 15,000	1	1
Department Stores or Wholesale with 15,001 to 40,000	2	2
Office Buildings with 100,000 or less	1	1
with 100,001 to 336,000	1	1
each 200,000 additional	2	2
All other establishments and storage uses	2	2
Each 25,000 additional	1	1

A. Business use is defined as engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, as well as the maintenance or operations of offices or recreational and amusements enterprises for profit. The following uses and categories are appropriate within a General Business district:

1. Retail Uses: facilities for the sale of durable goods, including but not limited to the following:

- a. Automobile/Vehicle Sales
- b. Department Store / Shopping Center
- c. Discount Retail Store
- d. Electronic / Computer Store
- e. Hardware / Home Improvement Store
- f. Drug Store
- g. Office Supply Store
- h. Bookstore
- i. Boutique
- j. Specialty Shop, such as toy store, flower shop, sporting good store, etc.

2. Business and Personal Service uses: facilities for the provision of services, including but not limited to the following:

- a. Gas Station
- b. Automotive Repair Services Office
- c. Bank / Financial Services Office
- d. Office Building
- e. Post Office / Shipping Service Facility
- f. Trade / Business Education Facility
- g. Telecommunications Facility, not including towers
- h. Newspaper Publishing Office
- i. Healthcare Facility, including veterinarians
- j. Laundry and Tailor Services
- k. Dry cleaning establishments using cleaning fluid which is non-explosive and non-inflammable, and using not more than two (2) clothes cleaning units of not more than forty (40) pounds capacity
- l. Specialty Repair Service, including shoes, computers, luggage, etc.
- m. Electrical Equipment Service and Repair

- n. Barbershop and Beauty Salon
- o. Personal Fitness Facility
- p. Photography Studio
- q. Convenience Store

3. Food Service: facilities for the provision or sale of perishable goods, including but not limited to the following:

- a. Grocery Store
- b. Meat Market / Butcher Shop
- c. Supermarket
- d. Restaurant
- e. Delicatessen
- f. Cold Storage Lockers, for individual use
- g. Bakery

4. Recreational Services: facilities principally for entertainment uses, including but not limited to the following:

- a. Indoor Theater
- b. Bowling Alley
- c. Billiard Room
- d. Dancing Academy
- e. Tavern or Night Club, only in conformity with requirements of laws or ordinances governing such use.

These uses are permitted only when conducted within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.

5. Accommodation Services: facilities primarily for short term visitors to the County, including but not limited to the following:

- a. Hotel or Motel
- b. Tourist Home / Bed & Breakfast
- c. Campground
- d. Resort
- e. Conference Center

6. Operations Facilities: facilities functioning as logistical centers, including but not limited to the following:

- a. Office Building
- b. Storage Warehouse
- c. Storage Area
- d. Bus or Railroad Terminal
- e. Parking facility, including garages

7. Infrastructure: facilities incidental to business uses, including but not limited to the following:

- a. Cellular or Radio Transmission Tower
- b. Communications / Satellite Dish
- c. Water Tower
- d. Fire Tower
- e. Power Transmission Tower
- f. Wind Turbine

8. Private Club or Lodge

9. Accessory Building or Use - customarily incidental to the above uses. Any building used primarily for accessory purposes may not have more than forty (40) per cent of its floor area devoted to storage purposes incidental to such primary use, and provided that no more than five (5) persons are employed at one time or on any one shift in connection with such incidental use.

10. Advertising Sign or Billboard, including Accessory Signs on the some premises as the use advertised, Non-accessory Signs not on the some premises as the use advertised and Outdoor Advertising Structures.

11. Any Business Use not specifically stated or implied elsewhere in these regulations and complying with the above definition.

12. Light industrial Use complying with definition and requirements of §13.

B. Other Provisions and Requirements for Business Uses are as follows:

1. Plans for the erection or structural alteration of a Gasoline Service Station and Public Parking Area shall be approved by the Commission. The Commission may require such changes therein with respect to yards, location of driveways, pumps and buildings as it may deem best suited to insure safety, minimize traffic hazards and safeguard adjacent properties.
2. Parking spaces shall be provided on the lot, or within 300 feet thereof in the District and on a site approved by the Board, as indicated in Figure 3.
3. Parking Space Requirements shall not apply in a block where 50% or more of the area was occupied by business or industrial structures prior to the effective date of these regulations unless the area is to be cleared and new structures erected.

4. Groups of uses requiring Parking Space may join in establishing group Public Parking Area, together with parking spaces for employees, with capacity aggregating that required for each participating use.
5. Gasoline Service Station driveways and similar use areas subject to vehicular traffic shall be paved with a dustproof or hard surface.
6. One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.
7. Loading and unloading berths shall not be required for Business Uses which demonstrably do not receive or transmit goods or wares in quantity by truck delivery.
8. Where 25% or more of the lots in a block are occupied by buildings, the setback of such buildings shall determine the dimension of the front yard in the block.
9. The maximum building height requirement in Figure 2 may be increased if buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum building height requirement.
10. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by state laws or city ordinances.
11. No business operation or activity shall discharge, or cause to be discharged, liquid or solid wastes into public waters unless in conformance with the provisions of the regulations promulgated by The Illinois State Department of Health. Plans and specifications for proposed sewage and other waste treatment and disposal facilities shall be submitted to and approval obtained from the Illinois Department of Health.
12. Any exterior Accessory Sign displayed shall pertain only to a use conducted on the premises, shall not include flashing light or animated fixtures, advertising banners, pennants, spangles or similar devices, may not extend over any street line, and shall be located 50 feet or more from an R District boundary line. In no case shall a sign project above the roof line, or exceed 3 square feet in area for each front foot of the building displaying such sign, or exceed 360 square feet in overall size.

C. In the Jurisdictional Area only one Non-accessory Sign or Outdoor Advertising Structure as defined herein shall be permitted on a lot or tract of land having a minimum frontage of one thousand (1000) feet. One additional Outdoor Advertising Structure shall be permitted for each additional one thousand (1000) feet of frontage. A permit shall be issued by the Zoning Administrator for Non-accessory Signs and Outdoor Advertising Structures in such District, such sign to be built up to the established building line or existing building line whichever is closer to the right-of-way. Such permit shall require the relocation or removal of the structure within sixty (60) days notice by the Zoning Administrator that an Improvement Location Permit for residential use has been issued for the land upon which structure is located; or a plot of such land is recorded as a residential subdivision; and provided further that no sign may be located closer than one hundred (100) feet to an adjacent residential structure; and provided further that no such sign shall be erected opposite a residential structure closer than one hundred (100) feet from a line drawn at right angles to the center line of such residential structure.

All categories in the following table refer to those shown in Subsection A of this section.

Figure 3. Business Uses Parking Space Standards

Type of General Business Use	Parking Spaces Required
Business Service	one for each 500 square feet of floor area
Clothing Service, Equipment Service, Food Service, Personal Service, Retail Service, excepting:	one for each 125 square feet of floor area
Department Store	one for each 200 square feet of floor area
Indoor Theater	one for each 6 seats
Bowling Alley	three for each lane, plus one for each 6 spectator seats
Private Club or Lounge	space to accommodate 50% of the active membership at one space per each 3 members
Automobile or Trailer Sales Area	one for each 1000 square feet of the premises used for retail purposes
Automobile and Truck Repair	one for each 200 square feet of floor area
Hotel or Motel	one for each 2 employees, plus one for each two sleeping rooms
Storage Warehouse, Wholesale Establishment, and Newspaper Publishing	one for each 3 employees or occupants, based on the maximum number of employees or occupants
Motor Bus or Railroad passenger station	one for each 3 employees, plus one for each 10 seats in the waiting room. Other associated retail uses shall provide one space for each 2 employees
Veterinary Hospital or Kennel	one space for each 3 animals to be confined in pens or cages

Accessory Buildings	as determined by the Board
Advertising Sign	As per Section 13

§13. INDUSTRIAL USES AND REQUIREMENTS

The following table, Figure 4, shows requirements for industrial uses in the General Business Zone and in the Industrial Zone. For example, if a request is made for an industrial use in the Industrial Zone, the maximum building height would be 75 feet.

Figure 4. Industrial Uses and Requirements		
Requirements	in GB	in I1
Minimum front yard when lot abuts (feet):		
Major street	40	40
Collector street	30	30
Local street	25	25
Minimum side yard, if provided (feet)	6	6
Minimum side yard required when adjoining a residential district (feet)	30	30
Minimum rear yard (feet)	15	15
Maximum building height (feet)	75	75
Vision clearance on corner lots required	yes	yes
Number of loading berths required for buildings with gross floor area of industrial use of (square feet):		
15,000 or less	1	1
15,001 to 40,000	2	2
40,001 to 100,000	3	3
each 40,000 additional	1	1

The Industrial Uses zone shall be applied to current industrial facilities and new industrial development in the county. The industrial uses defined below, including accessory buildings and uses, are permitted in the Districts indicated in Figure 4 in accordance with the requirements of this section.

A. Requirements for establishing an Industrial Zone:

1. The site shall have adequate water and sewer services, as defined by the Comprehensive Plan;
2. The site shall be located on a county road or above, with service levels high enough to handle additional traffic created by the industrial use placed on the site. Industrial uses shall not be allowed on township roads;
3. Each industrial use shall provide a minimum of one Parking Space for each 3 employees thereof located on the same lot as the use of within 300 feet in the District and on a site approved by the Board. The number of spaces to be provided shall be calculated for the largest working shift; and

4. Each industrial use shall provide loading and unloading berths located on the same lot as the use, as specified in Figure 4.

B. Exceptions and Procedures:

- (1) Vehicle parking requirements may be waived by the Board where 50 per cent or more of the area in a block was occupied by business or industrial structures prior to the effective date of these regulations.
- (2) Groups of uses requiring Parking Space may join in establishing group parking areas with capacity aggregating that required for each participating use.
- (3) Open parking area and loading and unloading berths shall be paved with a dustproof or hard surface.
- (4) One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.
- (5) The maximum height requirement in Figure 5 may be increased if the buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum height requirements.
- (6) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
- (7) The restrictions of this section shall not apply in the following circumstances:
 - a. The activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line; the operation of motor vehicles or other facilities for the transportation of personnel, materials or products.
 - b. Conditions beyond the control of the user such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies; safety or emergency warning signals or alarms necessary for the protection of life, limb or property.
- (8) Fertilizer storage areas and facilities must be surrounded by a fence of not less than five (5) feet. The fence must be a distance of at least four (4) feet from the fertilizer storage area or facility. The entire area within the fence must be externally lit during periods of darkness.

C For the purpose of this section, certain terms and words shall be interpreted and defined as follows:

DECIBEL - A unit of measurement of the intensity or loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

RINGELMANN NUMBER - The number of the area on the Ringelmann chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke or Ringelmann No. 0.

SMOKE - Small gas borne particles resulting from incomplete combustion, consisting predominantly of carbon and other incombustible material, excluding metallurgical fume and dust, and present in sufficient quantity to be observable independently of the presence of other solids.

SMOKE UNIT - The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

VIBRATION - Oscillatory motion transmitted through the ground.

B. A Light Industrial Use is one which can operate within the performance standards enumerated below, is conducted entirely within enclosed, substantially constructed buildings, does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose, other than employee parking and loading and unloading operations, and provided the use conforms to the following performance standards.

- (1) Smoke. No smoke is emitted of a density greater than No. 1 according to the Ringelmann's Scale, except that smoke of a density not in excess of No. 2 of Ringelmann's Scale shall be permitted for a period not in excess of six minutes in any hour.
- (2) Fly Ash. No particles from any flue or smokestack shall exceed 0.2 grains per cubic foot of flue gas at a stack temperature of 500° Fahrenheit.

- (3) Dust. No dust of any kind produced by the industrial operations shall be permitted to escape beyond the confines of the building in which it is produced.
- (4) Odor. No noxious odor of any kind shall be permitted to extend beyond the lot lines.
- (5) Gases and Fumes. No gases or fumes, toxic to persons or injurious to property shall be permitted to escape beyond the building in which they occur.
- (6) Glare. No glare shall be seen from any street or any residential area.
- (7) Vibration. No intense earth shaking vibration shall be created or maintained by any industry beyond the boundary lines of the tract on which it is located.

D. A General Industrial use is one which can operate within the performance standards enumerated below, and which requires both buildings and open area for manufacturing, fabricating, processing, extraction, repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes, and provided the use conforms to the following performance standards:

- (1) Smoke. No smoke is emitted of a density greater than No. 2 according to the Ringelmann's Scale, except that smoke of a greater density shall be permitted for a period of not in excess of six minutes in any one hour.
- (2) Fly Ash. No particles from any flue or smokestack shall exceed 0. 3 grains per cubic foot of flue gas at a stack temperature of 500° Fahrenheit.
- (3) Dust. No dust of any kind produced by the industrial operations shall be permitted to escape beyond the limits of the property being used.
- (4) Odor. No noxious odor of any kind shall be permitted to extend beyond the lot lines.
- (5) Gases and Fumes. No gases or Fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which it occurs.
- (6) Glare. No glare shall be seen from any street or any residential area.
- (7) Vibration. No intense earth shaking vibration shall be created or maintained by any industry beyond the boundary line of the tract on which it is located.
- (8) Noise and Sound. A maximum of 70 decibels at the property line is permitted. Noise is required to be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Sound

may equal but not exceed street traffic noise in the vicinity during a normal day shift work period.

E. Hazardous Materials No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five per cent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

§ 14. FLOOD PLAIN OVERLAY

The Overlay is intended to protect the public health and to reduce the financial burdens imposed on the community, its governmental units and its individuals which may result from improper use of lands having excessively high water tables or which are subject to frequent and periodic floods and overflow. The boundaries of the Overlay have been drawn according to information provided by the Shelby County flood zone data from the Illinois Natural Resources Geospatial Data Clearinghouse, as maintained by the Illinois State Geological Survey. The following regulations shall apply in the Flood Plain Overlay.

- A. Permitted Uses, include all of the following, so long as the use does not require the erection of a structure intended for year-round occupancy. All uses other than those permitted herein are prohibited.
 - (1) General Agricultural Operations, including crop or tree farming and truck gardening
 - (2) Forestry,
 - (3) Public Parks, Playgrounds, Recreational Areas, and Private Recreational Developments, subject to requirements of Figure 5 - So long as a structure intended for regular occupancy is not erected.
 - (4) Public Utilities, subject to requirements of Figure 5.
 - (5) Other Uses

In the event that the owner of land which is located in the Flood Plain Overlay District, shall demonstrate to the Board that such land is, or may be, adequately drained and that the water table elevation will permit successful utilization of the land, the Board may grant a permit for a use other than the uses enumerated above in this Section, and only under all of the following conditions:

- (a) The use shall be compatible with the District adjoining the Flood Plain District and nearest to the location for which a permit is sought;
- (b) Adequate drainage and supporting structures, when needed, shall be installed prior to the use and occupancy of the land;
- (c) The use and structures related thereto shall be installed in accordance with the regulations of the District adjoining the Flood Plain District and nearest to the location for which a permit is sought;
- (d) If needed, adequate, safe and year-round access can be had through the Flood Plain District to the land; and,
- (e) There shall be no present or probable danger to the health and safety of persons or property occupying the land or to the public by reason of intermittent, periodic or frequent high water levels.
- (f) Any changes to land within the flood plain should have insignificant effect on the flood storage volume of the flood plain.

§ 15. CONTINGENT USES, SPECIAL EXCEPTIONS AND REQUIREMENTS

The following table, Figure 5, shows various uses that may be permitted under the procedure for a contingent use or special exception as reviewed by the Plan Commission or the Zoning Board of Appeals as described in this section. The figure provides guidance as to the appropriate category for a variety of possible uses: C refers to contingent use, S to special exception, and R to matter of right (allowed at all times).

Figure 5. Contingent Uses and Special Exceptions						
Use	A	R1	RR	GB	I1	FPO
Agriculture, excluding keeping of livestock or the erection and operation of stands for sale of commodities raised on premises	R	C	C	C	C	R
Airport or heliport	S			S	S	
Boarding or lodging house	S	C	S	C		
Bulk oil or bottled gas storage above ground, petroleum tank farm, and fertilizer storage and distribution	S			S	S	

Cemetary or crematory	S			S		
Church or temple	C	C	C	C		
Clinic or medical health center	S	S		S		
Conversion of single-family dwelling to two-family dwelling	R	S		S		
County club	S		S	S		
Fraternity, sorority and student cooperatives		C		C		
Golf course	S		S	S		
Golf driving range / practice field	S			S		
Greenhouse, commercial	S					
Home occupation	R	S	S	S		
Housing for tenant and seasonal workers engaged in agricultural operations	C	R		R	C	
Industrial park					R	
Industry, general					R	
Industry, light				R	R	
Junk yard	S				S	
Kindergarten or day nursery	S	S	S	S		
Lake, artificial, 3 or more acres	S	S	S	S	S	S
Landing site, hospital or ambulance helicopter	S			S		
Mineral extraction, burrow pit, top soil removal and storage area	S				S	
Mobile home park	S	R		S		
Mortuary				C		
Municipal or government building		C		C		
Nursing home or homes for the aged		R		C		
Outdoor commercial recreational enterprise	S			S		
Parking, public or employee	S	S	S	R	S	
Penal or correctional institution	S					
Plant nursery	C	C	C	C	C	
Produce terminal, wholesale				R	S	
Public library or museum	C	C		C		
Public park or public recreational facility	C	C	C	C	C	C
Radio or television tower	S	S	S	S	S	S
Railroad right of way / operational use	S	S	S	S	S	S
Residential development, planned		R				
Sanitary fill or refuse dump, public or commercial	S				S	
School, public or private	C	C		C		
Sewage disposal plant, public or private	S			S	S	
Shopping center				R		
Stadium or coliseum				S		
Theater, indoor				S		
Theater, outdoor	S			S		
Truck or freight terminal				R	S	

Utility substation or exchange, not including distribution facilities	S	S	S	S	S	S
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Key to Figure 5

- C = Contingent Use as defined below
- R = Matter of right (always permitted)
- S = Special Exception as defined below
- Blank = never permitted

Figure 6 on the following two pages references the requirement designations. Uses with no requirements listed are considered contingent.

Figure 6. Requirements	
Use	Requirements
Agriculture, excluding keeping of livestock or the erection and operation of stands for sale of commodities raised on premises	
Airport or heliport	b6 (airport), b12 (heliport), g, h2, i1 (airport), i2 (heliport), ji, ki, l2, n2, p, r1, s, t, u, v, w, y
Boarding or lodging house	
Bulk oil or bottled gas storage above ground, petroleum tank farm, and fertilizer storage and distribution	c12*, e, h1 *a set back of not less than 400 feet from any schools hospitals or other existing places of public or private assembly
Cemetary or crematory	b6, c2, i1, p, r1, v, w, y
Church or temple	
Clinic or medical health center	b11, c3, h4, j1, k3, l1, r1, v, w, y
Conversion of single-family dwelling to two-family dwelling	b14, c1, f5, h1, k27, p, y
Country club	c1, d3, j1, k5, l1, p, r1, v, w, y
Fraternity, sorority and student cooperatives	
Golf course	c6, i7, j3, k16, l2, r1, v, y
Golf driving range / practice field	c6, i7, j3, k16, l2, r1, v, y
Greenhouse, commercial	b4, c6, f2, h1, k7, m4, n1, r1, v, w, y
Home occupation	b1, c1, f1, h1, k8, v, y
Housing for tenant and seasonal workers engaged in agricultural operations	
Industrial park	a1, b10, c7, d3, g, h3, j2, k10, l2, m6, n2, a, p, q, r1, s, t, v, w, y
Industry, general	
Industry, light	
Junk yard	c1, e, h1, i4, k11, l5, m2, n3, r1, u1, v, w, y
Kindergarten or day nursery	b3, c8, f3, h1, i3, j1, k12, p, r1, v, y
Lake, artificial, 3 or more acres	c1, i1, j1, k2, p, r1
Landing site, hospital or ambulance helicopter	b7, c6, g, h5, j1, k9, l2, m5, n1, p, s, t, v, y

Mineral extraction, burrow pit, top soil removal and storage area	c9, e, h1, i5, j1, n3, r1, s, t, u3, v, w, y
Mobile home park	b8, c6, d2, g, h1, j1, k13, l2, o, p, q, r1, s, u1, v, w, y
Mortuary	
Municipal or government building	b1, c1, h1, j1, k6, l1, s, y
Nursing home or homes for the aged	
Outdoor commercial recreational enterprise	c4, d1, h1, i1, j3, k14, l2, n1, p, r2, s, t, w, y
Parking, public or employee	b2, p, r1, s, t, v, x, y, z
Penal or correctional institution	b13, c10, e, g, k15, l5, n3, p, r1, y
Plant nursery	
Produce terminal, wholesale	b10, c7, d3, e, h1, i8, j1, k11, l4, m3, n2, p, r1, s, t, w, y
Public library or museum	
Public park or public recreational facility	
Radio or television tower	k19, r1, v
Railroad right of way / operational use	h1, k20, r1, v
Residential development, planned	
Sanitary fill or refuse dump, public or commercial	b11, c11, e, i9, j5, r1, u1, v, w
School, public or private	
Sewage disposal plant, public or private	c11, e, k19, r1, u1, v, w
Shopping center	a2, b9, g, j1, k23, l2, m3, n1, o, p, s, t, u1, v, y
Stadium or coliseum	b7, c2, j1, k24, l2, m2, n1, p, r2, s, t, v, y
Theater, indoor	
Theater, outdoor	c6, i6, k11, p, r1, s, t, v, w, y
Truck or freight terminal	c1, e, j1, k25, l4, n2, p, r1, s, t, v, w, y
Utility substation or exchange, not including distribution facilities	c1, g, j4, k18, r1, v, y

Note: Use of # symbol in this Figure indicates that the requirements of the District apply to the Special Exception where located.

a. Classification of use permitted

1. Light Industrial
2. Local Business

b. Minimum lot area

1. #
2. 1500 sq. ft.
3. 110 sq. ft. per child
4. 25,000 sq. ft.
5. 20,000 sq. ft. plus 5,000 sq. ft. per horse over four (4) horses
6. One acre
7. 5 acres
8. 5 acres including 2500 sq. ft. per mobile home stand
9. 6 acres
10. 20 acres
11. '40 acres
12. 80 acres
13. 320 acres
14. Two times requirement for Single-Family Dwelling

c. Minimum yards (Feet)

Front Side (each) Rear

1. #	#	#	
2. #	50	50	
3. #	10	30	
4. #	40	40	
5. #	--	--	
6. 100	40	40	
7. 100	Abutting Residential = 75		Abutting Other Use = 35
8. #	20	#	
9. 150	150	150	
10. 100	100	100	
11. 300	300	300	
12. 100	50	50	

d. Building setback from center line of interior road (Feet)

1. 40
2. 50
3. 85

e. Use permitted not closer than 300 feet to a residential district

f. Minimum gross floor area of principal building(s) (Square Feet)

1. #
2. Over 1000
3. Determined by Number of Children to be Accommodated
4. 400
5. Two times Single-Family Dwelling

g. Plan of landscape development to be submitted with application

h. Minimum height of structure (Feet)

1. #
2. As required by appropriate State or Federal Agency
3. Same as Light Industrial
4. 45
5. 70

i. Fence

1. 6-foot wire mesh where accessible to the public
2. 6-foot wire mesh when located at ground level
3. 4-foot wire mesh around play area
4. Solid wall or solid painted Fence 8 feet high
5. 4-foot wire mesh in Residence Area
6. Painted board fence 8 feet high
7. Adequate to protect abutting use
8. 6-foot wire mesh
9. 6-foot solid pointed for Refuse Dump

j. Screen planting where abutting residential use (Tight screen, effective at all times)

1. 6-foot height by 6-foot width
2. 25 feet abutting Residential District or Use
3. 8-foot height by 6-foot width
4. Adequate to screen Power Substation from Street View
5. 6 feet high along streets for Refuse Dump

k. Parking spaces

1. 1 per 2 employees plus 1 per 4 seats in waiting room

2. 1 per 2 customers or members
3. 1 per 2 employees plus 3 per doctor
4. 1 per 3 employees plus 1 per 6 students
5. 30
6. 1 per 3 employees per shift
7. 1 per 3 employees plus 1 per 125 square feet of sales area
8. 1 additional
9. 1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle
10. 1 per 2 employees on largest shift
11. 1 per 2 employees
12. 1 per 2 employees plus 1 per 5 children to be accommodated
13. 1 per 2 employees plus 1 per mobile home stand
14. 1 per 3 employees plus 1 per 500 square feet of use area
15. 1 per 3 employees plus 1 per 10 inmates at estimated capacity
16. 1 per 3 employees plus 1 per driving use
17. 1 per camp site and 1 per cabin
18. Telephone Exchange- 1per employee
19. 1 per employee per shift
20. 1 per 2 employees where headquartered
21. 1 per 5000 square feet
22. One
23. 1 per 60 square feet of sales area
24. 3 per 4 employees plus 1 per 4 seats
25. 1 per 2 employees plus 4 for customers
26. 1 per employee plus 1 per sleeping accommodation
27. Two

I. Distance of parking area from residential district (Feet)

1. 10
2. 25
3. 50
4. 100
5. 300

m. Number of loading and unloading berths (Shall not face on bordering highway)

1. 1
2. 2
3. Per development plan
4. 15,000 square feet – 1, Over 15,000 feet – 2
5. Up to 200 beds – 1 200 to 500 beds – 2 over 500 beds - 3
6. Per Figure 6

n. Distance of loading and unloading berth from residential district (Feet)

1. 50
2. 100
3. 300

o. Plat approved by the commission to be submitted with application

p. Development plan to be submitted with application

q. Covenant by owners to perpetuate maintenance and approve future improvements

r. Maximum number of principal entrances from major thoroughfare

1. 1

2. 2

s. Acceptable relationship to major thoroughfare

t. Thoroughfares must be adequate to carry additional traffic engendered by use

u. Other authority approval required

1. State Board of Health

2. State Aeronautics Commission

v. Outdoor advertising signs and outdoor artificial lighting shall be approved by the commission.

w. Disposal of liquid and other wastes shall meet the approval of the state board of health

x. No sales, dead storage, repair work or dismantling on the lot

y. No parking in the front yard, except as provided in section 12

z. Except for approved exits and entrances, a masonry wall 4-feet in height and 6-inches thick erected at required front line of building and may be required along boundaries of parking area as determined by the commission for the protection of residentially zoned or used property

1. Contingent Uses, Requirements and Procedure

A. Contingent Uses, as defined in §1, listed in Figure 5 and their accessory buildings and uses may be permitted by the Zoning Board of Appeals (ZBA), in accordance with the requirements listed in Figure 6.

B. Upon receipt of an application for an Improvement Location Permit for a Contingent Use by the Zoning Administrator, it shall be referred to the ZBA for approval.

C. A Contingent Use is one which is likely or liable, but not certain, to occur, and which is not inappropriate to the principal use of the district in which it may be located. When so permitted it shall conform to the requirements of the District in which the contingent use is permitted, except that the number of parking spaces shall be provided on the same lot with the use, or within 300 feet thereof on a site approved by the ZBA.

D. The maximum building height for Contingent Uses shall be 35 feet in agricultural, residential, and rural residential zones, and 75 feet in business and industrial zones.

E. Whenever a Contingent Use is expanded or enlarged, parking space shall be provided for the expanded or enlarged portion thereof in accordance with the requirements of this section.

F. Other Provisions and Requirements for Contingent Uses are as follows:

1. The maximum building height requirement in Subsection D above may be increased if buildings are set back, from front and rear property lines, one

foot for each two feet of additional height above the maximum building height requirement.

2. In all Districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
3. A church or temple requiring public parking area at times when nearby uses do not need their parking facilities may, by agreement approved by the ZBA, utilize such facilities in lieu of providing their own parking facilities.

2. Special Exceptions, Requirements and Procedures

- A. The Special Exceptions, as defined in §1, listed in Figure 5 and their accessory buildings and uses may be permitted by the County Board on the recommendation of the Plan Commission, in accordance with the requirements listed in Figure 6 .

When a proposed non-conforming use is not listed in Figure 5, it shall be referred to the Plan Commission for consideration. With the consent of the Plan Commission, the County Board may determine the non-conforming use to be a special exception, at which point it shall be amended to Figure 5, with modifications to Figure 6 as needed. Denial of an application for an Improvement Location Permit for a Special Exception by the Plan Commission may be appealed to the County for review.

- B. Upon receipt of an application for an Improvement Location Permit for a Special Exception by the Zoning Administrator, it shall be referred to the Plan Commission for investigation as to the manner in which the proposed location and character of the Special Exception will affect the Comprehensive Plan. The Commission shall then approve or deny the permit within forty-five days following receipt of the application. Approved applications shall be referred to the County Board for action. Denied applications may be appealed to the County Board for review.

The rules of procedure provided above in Article I § 4B shall apply in all Special Exception hearings.

The Plan Commission shall fix a time for the public hearing on the Special Exception, and shall give at least fifteen (15) days due notice thereof by publication in a newspaper of general circulation published in the county and having circulation where such property is located. The notice shall give the time, place and date of the hearing, and shall be published at least once not more than thirty (30) and not less than fifteen (15) days before the hearing.

The notice shall contain:

- (1) the particular location of the real estate for which the Special Exception is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection;
- (2) whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual or true principal;
- (3) whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation;
- (4) whether the petitioner or applicant, or his principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity;
- (5) whether the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association; and
- (6) a brief statement of the proposed Special Exception.

In addition to any other notice required by this section, notice must be given at least fifteen (15) days before the hearing to (i) any municipality whose boundaries are within 1-1/2 miles of any part of the property proposed as a Special Exception and (ii) the owner or owners of any land adjacent to or immediately across any street, alley, or public right-of-way and to all land owners of record within 250 feet of the property line of the area where the special exception is sought certified mail, return receipt requested, with proof of mailing or waiver of receipt of notice by such land owner(s) to be provided to the Board prior to the hearing.

The costs or charges of the publication notice required above shall be paid by the petitioner or applicant.

The County Board shall order the Zoning Administrator to issue an Improvement Location Permit for the Special Exception following a hearing of the circumstances of the Special Exception by the Plan Commission, and upon an affirmative finding by the County Board that:

1. The proposed Special Exception is to be located in a District wherein such use may be permitted, and
 2. The requirements set forth in Figure 6 for such Special Exception will be met, and
 3. The Special Exception is consistent with the spirit, purpose and intent of these regulations, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare.
- C. An Existing Use which is listed herein as a Special Exception, and which is located in a District in which such Special Exception may be permitted, is a conforming use.

Any expansion of such Special Exception involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this section.

§ 16. WIND ENERGY CONVERSION SYSTEM STANDARDS Resolution 23-06 –“0”

A. DEFINITIONS

1. **Abandonment** - Occurs when Deconstruction has not been completed within 18 months after the wind energy facility reaches the end of its Useful Life.
2. **Aboveground Cable** - Means Electrical power lines installed above grade to be utilized for conveyance of power from the Wind Turbine(s) to the Wind Facility substation.
3. **Agricultural Impact Mitigation Agreement (AIMA)** - The Agreement between the Commercial Wind Energy Facility Owner and the Illinois Department of Agriculture.
4. **Agricultural Land** - Land used for Cropland, hayland, pasture land, managed woodlands, truck gardens, farmsteads, commercial ag-related facilities, feedlots, livestock confinement systems, land on which farm buildings are located, and land in government set-aside programs used for purposes as set forth above.
5. **Applicant/Petitioner** - Means the entity or person who submits to the county an application for the siting of any Wind Energy Conversion System or supporting facilities.
6. **Commercial Operation Date** -The calendar date on which the Commercial Wind Energy Facility produces power for commercial sale, not including test power.

Within ten (10) calendar days of the Commercial Operation Date, the Commercial Wind Energy Facility Owner shall notify the County of the Commercial Operation Date in writing.

- 7. Commercial Wind Energy Facility** - Means a Wind Energy Facility constructed for the primary purpose of wholesale, retail sale, or any other form of monetary gain from the sale of electricity.
- 8. Construction** – The installation, preparation for installation and/or repair of a Wind Energy Facility.
- 9. County** – Shelby County, Illinois.
- 10. Cropland** – Land used for growing row crops, small grains, or hay; includes land which was formerly used as cropland, but is currently in a government set-aside program and pastureland comprised of Prime Farmland.
- 11. Deconstruction** - The removal of a Wind Energy Facility from the property of a Landowner and the restoration of that property. The terms “Deconstruction” and “Decommissioning” have the same meaning and, therefore, may be interchanged with each other.
- 12. Department** - The Illinois Department of Agriculture (IDOA).
- 13. FAA** - Federal Aviation Administration
- 14. Facility** - A Wind Energy Conversion System consisting of two or more Wind Towers and any substations or supporting facilities.
- 15. Facility Owner** - Means:
 - a.** A person with a direct ownership interest in a Wind Energy Facility regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility.
 - b.** A person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.
- 16. Financial Assurance** - Means a financial security in the form of a surety bond (performance and payment bond), or a cash escrow account that names Shelby County as the beneficiary.
- 17. Landowner** - Any person with an ownership interest in real property.

- 18. Nonparticipating property** - Means real property that is not a participating property.
- 19. Nonparticipating residence** - Means a residence that is located on Nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the Wind Energy Conversion System is filed with the county.
- 20. Occupied Community Building** - Means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop any Wind Energy Conversion System is filed with the county: a school, place of worship, day care facility, public library, or community center.
- 21. Operator** - Means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third-party subcontractors.
- 22. Owner** – A person with a direct ownership interest in a Wind Energy Conversion System.
- 23. Participating Property** - Means real property that is the subject of a written agreement between a Facility Owner and the owner of the real property that provides the Facility Owner an easement, option, lease, or license to use the real property for the purpose of constructing a Wind Energy Conversion System or Supporting Facilities. Also includes real property that is owned by a Facility Owner for the purpose of constructing a Wind Energy Conversion System or Supporting facilities.
- 24. Participating Residence** - Means a residence that is located on Participating property and that is existing and occupied on the date that an application for a permit to develop any Wind Energy Conversion System is filed with the county.
- 25. 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 buildings, hospitals, and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.
- 26. Private use** - Means a single Wind Energy Conversion System that is to be constructed for the sole purpose of generating energy for the property it is constructed on.
- 27. Professional Engineer** - An engineer licensed to practice engineering in the State of Illinois, and who is determined to be qualified to perform the work

described herein by mutual agreement of the County and the Commercial Wind Energy Facility Owner.

28. Protected Lands - Means real property that is:

- a. Subject to a permanent conservation right consistent with the Real Property Conservation Rights Act; or
- b. Registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

29. Setback - Means distance measured from base or foundation of Wind tower to adjoining property line, Right-of-Way line, foundation of occupied or existing residence or any other measurement point referenced in these regulations.

30. Substation - Means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.

31. Supporting Facilities – Means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by a Wind Energy Conversion System.

32. Underground Cable - Electrical power lines installed below grade to be utilized for conveyance of power from the Wind Turbine(s) to the Wind Facility substation.

33. Underlying Agreement - The written agreement with a Landowner(s) including, but not limited to, an easement, option, lease, or license under the terms of which another person has constructed, constructs, or intends to construct a Commercial Wind Energy Facility on the property of the Landowner.

34. Unincorporated Municipality - Means any region or campground not governed by a local municipal corporation with fifty (50) or more inhabitants residing within the region, and which falls into the jurisdiction of Shelby County.

35. Wind Energy Conversion System (WECS) - Means any device or assembly of devices that convert wind into electricity, including the rotor, nacelle, generator, tower, electrical components, foundation, transformer, and electrical cabling from the Wind Tower to the Substation(s).

36. Wind Energy Facility - Means any device or assembly of devices that converts wind into electricity and not solely for consumption on the property on which the device or devices reside.

37. Wind Tower - Includes the wind turbine tower, nacelle, and blades.

B. APPLICIBILITY

1. No person shall construct or operate a Wind Energy Conversion System without having fully complied with the provisions of this section.
2. Wind Energy Conversion Systems are only allowed pursuant to a Special Use Building Permit on Agriculturally zoned areas as determined by the Shelby County Zoning Administrator.

C. DESIGN STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS

1. Wind Energy Facilities shall construct, decommission, and deconstruct facilities based on the regulations of the required Agricultural Impact Mitigation Agreement through the Illinois Department of Agriculture.
2. All Wind Energy Conversion Systems shall follow these Setback distances.
 - a. Installation of any WECS may not be nearer than 1.1 times the maximum blade tip height of the Wind Tower to the center point of any dedicated roadway or public right of way.
 - b. Installation of any WECS may not be nearer than 2.1 times the maximum blade tip height of the Wind Tower to any nonparticipating residences.
 - c. Installation of any WECS may not be nearer than 1.1 times the maximum blade tip height of the Wind Tower to any participating residences.
 - d. Installation of any WECS may not be nearer than 2.1 times the maximum blade tip height of the Wind Tower to the nearest point on the outside of any Occupied Community Building.
 - e. Installation of any WECS may not be nearer than 1.1 times the maximum blade tip height of the Wind Tower to the nearest point on the property line of any nonparticipating property.
 - f. Installation of any WECS may not be nearer than 1.1 times the maximum blade tip height of the Wind Tower to any railroad right of way or overhead communication lines or electrical transmission or distribution lines.
 - g. Installation of any WECS may not be nearer than 1.1 times the maximum blade tip height of the Wind Tower to any commercial underground pipeline or supporting facility.
 - h. Installation of any WECS may not be nearer than 1.5 miles from any unincorporated municipality.

- i. The minimum setback distance between Wind Towers shall be no less than 1.1 times the maximum blade tip height of the Wind Tower.
 - j. Incorporated communities have the sole authority to regulate the construction of WECS in their jurisdictional boundary and within a 1.5-mile radius of their community. If a community wishes to defer to regulations by the County, an intergovernmental agreement must be approved by both the County and the incorporated community granting the County the authority to regulate that area.
 - k. For any Wind 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 wind tower will be placed or, if it does, that the village or municipality approves the placement of the Wind Tower whether as a permitted use, special use, or variance, or has adopted an ordinance waiving its authority to regulate the placement of the wind tower.
 - l. Installation of any WECS shall not be nearer than 2.1 times the maximum blade tip height of the wind tower to the nearest point of any Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands.
- 3. A Facility Owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission.
- 4. No part of a Wind Tower or foundation shall encroach on a public or private sewage disposal (septic) system.
- 5. Each WECS shall be equipped with climb prevention and/or locks to prevent entry by anyone other than authorized personnel.
- 6. Shadow flicker from any WECS shall not be allowed to exceed 30 hours within one year on a Primary Structure.
- 7. All WECS shall comply with applicable FAA requirements.
- 8. A Wind Energy Facility is required to have vegetative screening of at least 6 feet around all sides of the proposed Energy Facility or Facilities unless that land is to be used for agricultural purposes.
- 9. Wherever applicable, DC power lines shall be buried beneath the ground in accordance with the Agricultural Impact Mitigation Agreement.

D. PERMITTING PROCESS

1. Anyone wishing to construct, modify, move, or replace a wind energy conversion system or any of its components shall obtain a special use building permit before commencing such work.
2. Applications for a private use Wind Energy Conversion System may be granted by the Zoning Administrator.
3. All applications made for a Wind Energy Facility shall be referred to the Shelby County Planning Commission for a public hearing.
 - a. Notice of the hearing shall be given by the applicant or Facility Owner to all property owners within 250 feet of the proposed project by certified mail with return receipt no less than 15 days before the hearing.
 - b. Notice shall be published in a paper of general circulation in Shelby County no less than 15 days before the hearing.
 - c. The Shelby County Planning Commission, after reviewing the proposed project, shall either recommend approval, approval with modifications or denial to the Shelby County Board. The County Board, at their next regularly scheduled meeting, shall approve, approve with modifications, or deny the proposed project.

E. APPLICATION REQUIREMENTS

1. The following information shall be provided with all applications for a Special Use Permit for a Wind Energy Conversion System.
 - a. Project summary, including the general location of the project as well as individual location, quantity, and spacing of Wind Towers.
 - b. Existing property lines and property lines extending 250 feet from exterior boundaries, including the names of adjacent property owners.
 - c. Dimensional representation of the structural components of the wind tower construction including the base, footings, height, diameter, and blade tip height of each individual Wind Tower.

- d.** Planned location of underground and/or overhead electric lines, distribution lines, and communication lines connecting the wind energy conversion system to a building, substation, or other electric load.
 - e.** Name plate generating capacity of each Wind Tower and the overall output of the Wind Energy Facility.
 - f.** Public, private, and proposed access roads, showing widths of the roads and any associated easements.
 - g.** Location and size of any abandoned wells, sewage treatment facilities, mines, or any other underground features that could result in subsidence.
 - h.** Existing buildings and any impervious surfaces.
 - i.** Waterways, watercourses, lakes, and public water wetlands including any delineated wetland boundaries.
 - j.** Location of any pipelines within 500 feet of the Wind Towers.
 - k.** Manufacturer's contact information and specifications for each WECS as well as recommended installation methods for all major equipment.
 - l.** Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Building Officials and Code Administrators.
 - m.** Applicants must agree and sign a written acknowledgement that WECS, wind towers, are considered a permanent structure for tax assessment purposes.
 - n.** Applicants must provide certification to the Shelby County Planning Commission that all turbines shall be new equipment commercially available; no used, experimental, or proto-type equipment, still in testing, shall be approved by the Zoning Board of Appeals.
 - o.** The Applicant shall immediately notify Shelby County of any changes to the information provided in that occur while the special use permit application is pending.
- 2.** All applications for a special use permit for a wind energy facility shall also provide the following.
- a.** A copy of the underlying agreement with the landowner.

- b.** Executed interconnection agreements.
- c.** All contact information including name, phone number, and address of the Facility Owner, current property owner, lessor, lessee, the interconnecting utility company, and buyer of the power, if applicable and if this information can be disclosed publicly.
- d.** Upon application submission, Applicants shall provide proof of all applicable state and federal regulatory standards including the Uniform Building Code as adopted by the State of Illinois, The Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture, the National Electrical Code as adopted by the State of Illinois, The National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, FAA requirements, EPA regulations (noise, hazardous waste, construction, storm water; etc.) and any other statutory or regulatory requirements.
- e.** Existing vegetation study including type and percent of coverage such as Cropland, grassland, wooded areas, etc.
- f.** The Facility Owner shall provide results and recommendations from the consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool.
- g.** The Facility Owner shall provide 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 U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines.
- h.** The Facility Owner shall provide evidence of consultation with the Illinois State Historic Preservation Office in order to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
- i.** The Facility Owner, using a certified professional accepted by the Illinois Pollution Control Board, as part of the siting approval application process, shall appropriately demonstrate compliance with all applicable noise requirements set by the Illinois Pollution Control Board and provide contour maps at intervals of not greater than 5 feet on request by the Zoning Administrator or ZBA. The noise levels should be measured at least 25 feet from the property line noise source.
- j.** The Facility Owner, using a certified engineer in the State of Illinois, shall provide a vibration study determining the impact the WECS and supporting facilities will have on non-participating property, local wells,

mines, former mines, and pipelines. The study will include the project site and extend 1500 feet in all directions.

- k.** At the expense of the Facility Owner, the County may at any time seek certified third-party verification of any studies provided during the application process.

F. Operations

1. Interference

- a.** If, after construction of any WECS, the Owner, Operator, or Zoning Administrator for Shelby County 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.

2. Coordination with Local Fire Department

- a.** A Facility Owner shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for a Wind Energy Facility so that the local service providers and emergency management service providers that have clear jurisdiction control over each site may evaluate and coordinate their emergency response plans with the Facility Owner of the Wind Energy Facility
- b.** The Facility Owner shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24-hour contact information including names, titles, email addresses, and cell phone numbers for the Facility Owner and Operator.
- c.** The Facility Owner shall be responsible for any interference caused by the Wind Energy Facility on any applicable Emergency Response entity. Such interference shall be cause for immediate shutdown of the facility until the source of interference can be removed, altered, or replaced.
- d.** Nothing in this section shall alleviate the need to comply with all other applicable life safety, fire / emergency laws and regulations.

3. Inspections

- a. Inspections may be made by the Zoning Administrator or by the Shelby County Board annually to certify the safety and maintenance of the WECS and accessory structures.
- b. Each WECS or Wind Energy Facility will maintain compliance with the applicable Illinois Pollution Control Board regulations and this Ordinance throughout the entire operational period of the WECS. If at any time throughout the life of the WECS, the noise levels are found to not be in compliance with this section, the Applicant or Facility Owner 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.

G. PROCEDURES

1. **Financial Assurance** - The Facility Owner shall provide the County with Financial Assurance to cover the estimated costs of Deconstruction of the Commercial Wind Energy Facility. Provision of this Financial Assurance shall be phased in over the first 11 years of the Project's operation as follows:
 - a. On or before the first anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover ten (10) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan provided during the county permit process.
 - b. On or before the sixth anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover fifty (50) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan provided during the county permit process.
 - c. On or before the eleventh anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover one hundred (100) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan provided during the tenth year of the Commercial Operation Date.
 - d. Financial Assurance shall not release the surety from liability until the Financial Assurance is replaced. The salvage value of the Facility may only be used to reduce the estimated costs of Deconstruction in the Deconstruction Plan if the County agrees that all interests in the salvage

value are subordinate or have been subordinated to that of the County if Abandonment occurs.

2. Arbitration

- a. In the event a dispute arises as to satisfaction of the forgoing conditions to this ordinance, such dispute may be resolved judicially or may at the request of the petitioner, county, or the aggrieved party, be resolved pursuant to binding arbitration in accordance with the procedures of the American Arbitration Association by an independent arbitrator acceptable to petitioner and the County or aggrieved party, as applicable. If petitioner and the County or the aggrieved party, as applicable, are unable to agree on an arbitrator, then each such party shall choose an independent arbitrator and their respective choices shall then choose an arbitrator. This condition shall not bind an aggrieved party, other than the County or petitioner, to submit to arbitration. The applicant is responsible for any and all arbitration costs and expenses.

3. Violations

- a. Any person, firm, corporation, agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance shall be in violation, and shall be subject to a fine of not more than five hundred dollars (\$500.00) for each offense. Each week a violation continues to exist shall constitute a separate offense. The Shelby County Zoning Administrator shall be responsible for the administration and enforcement of the regulations of this Ordinance. The Shelby County State's Attorney shall prosecute violations of this Ordinance for the County.

4. Public Participation

- a. Nothing in this Ordinance is meant to augment or diminish existing opportunities for public participation.

5. Severability

- a. If any section, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the remaining portions of this Ordinance.

6. Indemnification

- a. The Applicant or Facility Owner 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 Wind Energy Conversion System 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 States Constitution (including without limitation strict liability or negligence) or any acts or omissions of the Applicant, Facility 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.

7. Re-imbusement

- a. Applicant, Facility 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 Wind Energy Conversion System Application Process and for the lifetime of the facility.

8. Delegation

- a. Notwithstanding any other provision in this Zoning Code, the Chairman of the Zoning Board of Appeals, 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 Wind Energy Conversion System for the purpose of ensuring an orderly public hearing consistent with Illinois statutes and Constitution, Shelby 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 Zoning Board of Appeals, such authority being expressly reserved to the ZBA. Applicant, Owner, or Operator shall pay the fees of the Presiding Officer and shall deposit a 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, Facility Owner, or Operator.

9. Remedies

- a. The Applicant's, Facility 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, Facility Owner, and Operator, setting forth the alleged default(s). Such written notice shall provide a time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- 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 Wind Energy Conversion System, take the actions allowed in the County Ordinance or take any other action permitted by law or in equity.

10. Fees

1. A fee may be assessed and collected for a Building Permit for the placement of any Wind Energy Conversion System dependent on energy production.
 - 0-50 Kw \$125.00
 - 51-250 Kw \$500.00
 - 251-500 Kw \$1000.00
 - 501kw-999Kw \$2500.00
 - 1Mw-2Mw \$5000.00 plus \$500 for each additional 100 kw or \$5000 per MW

§ 16 1/2. SOLAR ENERGY CONVERSION SYSTEMS STANDARDS Resolution 23-05 – “O”

A. DEFINITIONS

1. **Abandonment** - When Deconstruction has not been completed within 12 months after the Solar Energy Facility reaches the end of its useful life. For purposes of this definition, a Solar Energy Facility shall be presumed to have reached the end of its useful life if the Solar Energy Facility Owner fails, for a period of 6 consecutive months, to pay the Landowner amounts owed in accordance with an Underlying Agreement.
2. **Aboveground Cable** - Electrical power lines installed above ground surface to be utilized for conveyance of power from the solar panels to the solar facility inverter and/or point of interconnection to utility grid or customer electric meter.
3. **Agricultural Impact Mitigation Agreement (AIMA)** - The Agreement between the Facility Owner and the Illinois Department of Agriculture (IDOA).
4. **Commercial Solar Energy Facility** - Means any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside.
5. **Commercial Solar Energy Facility Owner** - Means a person or persons with a direct ownership interest in a commercial solar energy facility regardless of whether that person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility and/or the person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility regardless of whether the person will own or operate the facility.
6. **Construction** - The installation, preparation for installation and/or repair of a Solar Energy Facility.
7. **County** - Shelby County, Illinois
8. **Deconstruction** - The removal of a Solar Energy Facility from the property of a Landowner and the restoration of that property as provided in the AIMA.
9. **Financial Assurance** - Means a financial security in the form of a surety bond

(performance and payment bond), or a cash escrow account that names Shelby County as the beneficiary.

- 10. Facility Owner** - Means a person or persons with a direct ownership interest in a solar energy facility regardless of whether that person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility and/or the person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility regardless of whether the person will own or operate the facility.
- 11. Landowner** - Any person with an ownership interest in real property.
- 12. Non-Participating Property** - Means real property that is not participating property.
- 13. Occupied Building** - Means a residence or community building that is existing and occupied on the date that the application for a permit to develop a Solar Energy Conversion System is filed with the county; houses, schools, places of worship, day care facility, public library, community center, etc.
- 14. Participating Property** – Means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of construction a Solar Energy Facility or supporting facilities. Also includes real property that is owned by an individual or a facility owner, for the purpose of constructing a Solar Energy Facility or any Solar Energy Conversion System.
- 15. Private use** – A Solar Energy Conversion System that is to be constructed for the sole purpose of generating energy for the property it is constructed on.
- 16. Professional Engineer** - An engineer licensed to practice engineering in the State of Illinois.
- 17. Solar Energy Conversion System** – Means any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity.
- 18. Solar Energy Facility** - Means any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity and not solely for consumption on the property on which the device or devices reside.
- 19. Underlying Agreement** - The written agreement between the Facility Owner and the Landowner(s) including, but not limited to, an easement, option, lease, or license under the terms of which another person has constructed, constructs, or intends to construct a Facility on the property of the Landowner.
- 20. Underground Cable** - Electrical power lines installed below the ground surface

to be utilized for conveyance of power within a Solar Energy Facility or from a Commercial Solar Energy Facility to the electric grid.

B. APPLICABILITY

1. No person shall construct or operate a ground mounted Solar Energy Conversion System without having fully complied with the provisions of this section.
2. Ground mounted Solar Energy Conversion Systems are only allowed pursuant to a Special Use Building Permit on Agriculturally zoned areas as determined by the Shelby County Zoning Administrator.

C. DESIGN STANDARDS FOR SOLAR ENERGY CONVERSION SYSTEMS

1. Solar Energy Facilities shall construct, decommission, and deconstruct facilities based on the regulations of the required Agricultural Impact Mitigation Agreement through the Illinois Department of Agriculture.
2. All Solar Energy Conversion Systems shall adhere to the following setbacks.
 - a. No less than 50 feet to the nearest point on the property line of nonparticipating property.
 - b. No less than 150 feet from the nearest point on the outside wall of any Occupied Community Buildings and Dwellings on Nonparticipating Properties.
 - c. No less than 50 feet from the nearest edge of any Public Road Right-of-Way.
 - d. No less than 150 feet from any underground pipeline or supporting facility.
3. Any Solar Energy Conversion System shall not produce noise pollution greater than the standards set by the Illinois Pollution Control Board.
4. Any Solar Energy Conversion System shall be enclosed by fencing having a height of at least 6 feet and no more than 25 feet.

5. Any Solar Energy Conversion System shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission.
6. Wherever applicable, DC power lines shall be buried beneath the ground in accordance with the Agricultural Impact Mitigation Agreement.

D. PERMITTING PROCESS

1. Anyone wishing to construct, modify, move, or replace a solar energy conversion system or any of its components shall obtain a special use building permit before commencing such work.
2. Applications for a special use building permit for a private use Solar Energy Conversion System may be granted by the Zoning Administrator.
3. All applications for a special use building permit for a Solar Energy Facility shall be referred to the Shelby County Planning Commission for a public hearing and;
 - a. Notice of the hearing shall be given by the applicant or Facility Owner to all property owners within 250 feet of the proposed project by certified mail with return receipt no less than 15 days before the hearing.
 - b. Notice shall be published in a paper of general circulation in Shelby County no less than 15 days before the hearing.
 - c. The Shelby County Planning Commission, after reviewing the proposed project, shall either recommend approval, approval with modifications or denial to the Shelby County Board. The County Board, at their next regularly scheduled meeting, shall approve, approve with modifications, or deny the proposed project.

E. APPLICATION REQUIREMENTS

1. The following information shall be provided with all applications for a special use building permit for ground mounted Solar Energy Conversion Systems.
 - a. Project summary, including, to the extent available: The general location of the project including location, quantity, and spacing of solar panels.

- b.** Existing property lines, and property lines extending 150 feet from the exterior boundaries, including the names of adjacent property owners.
 - c.** The maximum generation capacity.
 - d.** Maximum height.
 - e.** Public, private, and proposed access roads, showing widths of the roads and any associated easements.
 - f.** Existing buildings and any impervious surfaces.
 - g.** Waterways, watercourses, lakes, and public water wetlands including any delineated wetland boundaries.
 - h.** Planned location of underground and/or overhead electric lines connecting the solar farm to a building, substation, or other electric load.
 - i.** The manufacturer of the Solar Energy Conversion System and contact information.
 - j.** A description of the method of connecting the solar array to a building or substation.
 - k.** Location of any underground Pipelines within 500 feet of the facility.
- 2.** All Applications for a special use permit for a Solar Energy Facility shall also provide the following.
- a.** A copy of the underlying agreement with the landowner.
 - b.** Proof of all applicable state and federal regulatory standards including the Uniform Building Code as adopted by the State of Illinois, The Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture, the National Electrical Code as adopted by the State of Illinois, The National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, EPA regulations (noise, hazardous waste, construction, storm water; etc.) and any other statutory or regulatory requirements.
 - c.** All contact information including name, phone number, and

address of the Facility Owner, current property owner, lessor, lessee, the interconnecting utility company, and buyer of the power, if applicable and if this information can be disclosed publicly.

- d. A Commercial Solar Energy Facility Owner shall provide proof of a Vegetative Management Plan that, for the life of the facility, establishes and maintains vegetative ground cover consistent with the goals of the Pollinator-Friendly Solar Site Act.
- e. A Commercial Solar Energy Facility Owner shall provide evidence of entering into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- f. A Commercial Solar Energy Facility Owner shall provide results of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
- g. A Commercial Solar Energy Facility Owner shall provide 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.
- h. A Commercial Solar Energy Facility Owner shall provide results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool.

F. OPERATIONS

4. Interference

- a. If, after construction of the SECS, 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.

5. Coordination with Local Fire Department

- a. A Facility Owner shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for a Solar Energy Facility so that emergency management services that have clear jurisdiction control over each site may evaluate and coordinate their emergency response plans with the Facility Owner of the Solar Energy Facility
- b. The Facility Owner shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24-hour contact information including names, titles, email addresses, and phone numbers for the Facility Owner and/or Operator.
- c. The Facility Owner, at its expense, shall be responsible for any interference caused by the Solar Energy Facility on any applicable Emergency Response entity. Such interference shall be cause for immediate shutdown of the facility until the source of interference can be removed, altered, or replaced.
- d. Nothing in this section shall alleviate the need to comply with all other applicable life safety, fire / emergency laws and regulations.

G. PROCEDURES

1. **Financial Assurance.** The Facility Owner shall provide the County with Financial Assurance to cover the estimated costs of Deconstruction of the Solar Energy Facility. Provision of this Financial Assurance shall be phased in over the first 11 years of the Project's operation as follows:
 - a. On or before the first anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover ten (10) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
 - b. On or before the sixth anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover fifty (50) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
 - c. On or before the eleventh anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover one hundred (100) percent of the estimated costs of

Deconstruction of the Facility as determined in the updated Deconstruction Plan provided during the tenth year of commercial operation.

- d. Financial Assurance shall not release the surety from liability until the Financial Assurance is replaced. The salvage value of the Solar Energy Facility may only be used to reduce the estimated costs of Deconstruction if the Shelby County Board agrees that all interests in the salvage value are subordinate or have been subordinated to that of Shelby County if Abandonment occurs.

2. Arbitration

- a. In the event a dispute arises as to satisfaction of the forgoing conditions to this special ordinance, such dispute may be resolved judicially or may at the request of the petitioner, county, or the aggrieved party, be resolved pursuant to binding arbitration in accordance with the procedures of the American Arbitration Association by an independent arbitrator acceptable to petitioner and the County or aggrieved party, as applicable. If petitioner and the County or the aggrieved party, as applicable, are unable to agree on an arbitrator, then each such party shall choose an independent arbitrator and their respective choices shall then choose an arbitrator. This condition shall not bind an aggrieved party, other than the County or petitioner, to submit to arbitration. The applicant is responsible for any and all arbitration costs and expenses.

3. Violations

- a. Any person, firm, corporation, agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance shall be in violation, and shall be subject to a fine of not more than five hundred dollars (\$500.00) for each offense. Each week a violation continues to exist shall constitute a separate offense. The Shelby County Zoning Administrator shall be responsible for the administration and enforcement of the regulations of this Ordinance. The Shelby County State's Attorney shall prosecute violations of this Ordinance for the County.

4. Public Participation

- a. Nothing in this Ordinance is meant to augment or diminish existing opportunities for public participation.

5. Severability

- a. If any section, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the remaining portions of this Ordinance.

6. Indemnification

- a. The Applicant or Facility Owner 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 Solar Energy Conversion System/s 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 States Constitution (including without limitation strict liability or negligence) or any acts or omissions of the Applicant, Facility 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.

7. Re-imbusement

- a. The Applicant, Facility 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 Solar Energy Conversion System/s Application Process and for the lifetime of the facility.

8. Delegation

- a. Notwithstanding any other provision in this Zoning Code, the Chairman of the Zoning Board of Appeals, 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 Solar Energy Conversion System for the purpose of ensuring an orderly public hearing consistent with Illinois statutes and Constitution, Shelby 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 Zoning Board of Appeals, such authority being expressly reserved to the ZBA. Applicant, Owner, or Operator shall pay the fees of the Presiding Officer and shall deposit a 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, Facility Owner, or Operator.

9. Remedies

- a. The Applicant's, Facility 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, Facility Owner, and Operator, setting forth the alleged default(s). Such written notice shall provide a time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- 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 Solar Energy Conversion System, take the actions allowed in the County Ordinance or take any other action permitted by law or in equity.

10. Fees

- a. A fee may be assessed and collected for a special use building permit for the placement of a ground mounted Solar Energy

Conversion System dependent on energy production.

- 0-50 Kw \$125.00
- 51-250 Kw \$500.00
- 251-500 Kw \$1000.00
- 501kw-999Kw \$2500.00
- 1Mw-2Mw \$5000.00 plus \$500 for each additional
100 kw or \$5000 per MW

§ 17. NONCONFORMING USE SPECIFICATIONS

The lawful use of a building or premises, existing at the time of the original effective date of these regulations, September 8, 1964, may only be continued although such use does not conform to all the provisions thereof, except as hereinafter provided.

- A. A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.
- B. A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a District of greater restrictions, it shall not thereafter be changed to a nonconforming use of a less restricted District.
- C. No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with these regulations.
- D. The Board may authorize, by written permit, in a residentially-zoned District for a period of not more than one (1) year from the date of such permit, a temporary building for commercial or industrial use incidental to the residential construction and development of said District.

- E. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and the construction of which has been diligently prosecuted within ninety (90) days of the date of such permit, and which entire building shall be completed according to such plans filed within three (3) years from the effective date of these regulations.
- F. In the event that a nonconforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the District in which it is located if the building is adaptable to a permitted use.
- G. When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty (50) per cent of its assessed value it shall not be restored except in conformity with the regulations of the District within which it is located.
- H. These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to these regulations.
- I. Notwithstanding the above, any existing unimproved non-conforming tract of real estate, and any single-family residential structure located on an improved non-conforming tract or any single-family residential structure hereafter constructed on an existing unimproved non-conforming tract, within the Rural Residentially zoned (RR) area shall be permitted to be improved within the R-1 classifications and requirements and any single-family residential structure improvements may be altered, remodeled, extended, enlarged, replaced, reconstructed, or restored upon application to the Zoning Administrator. Nothing herein shall be construed to allow the further division of any non-conforming tract nor the addition of any additional residential structures on such non-conforming tract without application for rezoning or subdivision approval as provided in this Ordinance.

(This paragraph I. added by Ordinance No. 05-06-0 adopted September 14, 2005.)

§18. SATELLITE RECEIVING DISHES

The following regulations shall apply to the placement of all television satellite dishes and similar devices whether attached to a building or structure or mounted on a permanent foundation or mounted on a temporary foundation or placed on the ground:

Satellite receiving dishes shall not be located in a required front yard, or in a side yard which adjoins a street or road. Satellite receiving dish post or legs may not be closer to any side or rear property line than the diameter of the dish and at all times be in compliance with applicable minimum yard requirement. Ground mounted dishes may be no greater than fifteen (15)

feet in height. Roof mounted dishes and dishes mounted on poles which are bolted to principal buildings must conform to the zoning district's height limit. No form of advertising or identification is allowed on the dish or framework other than the manufacturer's small identification plate or other identifying marks which shall not exceed one square foot in size. Satellite receiving dishes must be neutral in color.

§19. Communications Towers and Antennae

A. DEFINITIONS

1. "Residential Zoning District" means a zoning district that is designated under a county zoning ordinance and is zoned for residential uses;
2. "Non-Residential Zoning District" means the county jurisdiction of Shelby County, except for those portions within a residential zoning district;
3. "Residentially Zoned Lot" means a zoning lot in a residential zoning district;
4. "Non-Residentially Zoned Lot" means a zoning lot in a non-residential zoning district;
5. "Telecommunications Carrier" means a telecommunications carrier as defined in the public utilities act as of January 1, 2009;
6. "Facility" means that part of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas, (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) ancillary equipment such as signal transmissions cables and miscellaneous hardware;
7. "FAA" means the Federal Aviation Administration of the United States Department of Transportation;
8. "FCC" means the Federal Communications Commission;
9. "Antenna" means an antenna device by which radio signals are transmitted, received, or both;
10. "Supporting Structure" means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility;

11. "Qualifying Structure" means a supporting structure that is (i) an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed; or (ii) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed;
12. "Equipment Housing" means a combination of one or more equipment buildings or enclosures housing equipment that operated in conjunction with the antennas of a facility, and the equipment itself;
13. "Height" of a facility means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure;
14. "Facility Lot" means the zoning lot on which a facility is or will be located;
15. "Principal Residential Building" has its common meaning but shall not include any building under the same ownership as the land of the facility lot. "Principal Residential Building" shall not include any structure that is not designed for human habitation;
16. "Horizontal Separation Distance" means the distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a principal residential building; and
17. "Lot Line Set Back Distance" means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right of way.

B. APPLICABILITY

1. Applicable Area

The requirements of this Ordinance shall apply only in the unincorporated area of Shelby County, Illinois.

2. Other Applicable Rules

Nothing contained in the Ordinance shall be construed as reducing, abridging or eliminating the requirements of other applicable rules,

regulations, ordinances or laws as they may legally apply, including but not limited to the following Shelby County Zoning Ordinance:

- Federal Communications Commission (FCC) regulations
- Federal Aviation Administration (FAA) regulations

Where a conflict exists between this Ordinance and any other applicable rule, the more strict regulation shall govern.

3. Amateur Radio/Receive-Only Antennas

The regulations of this Ordinance shall not apply to the construction or modification of any antenna facility that is owned and operated by a federally licensed amateur radio station operator or that is used exclusively for receive-only antennas.

C. RADIO FREQUENCY RADIATION AND INTERFERENCE

1. Radio Frequency Radiation

All antenna facilities shall comply with the radio frequency radiation standards of the Federal Communications Commission (FCC). Application for a building permit for an antenna facility shall include a written statement from a radio frequency engineer, or licensed engineer stating that the facility complies with these standards.

2. Interference with Public Safety Telecommunications

No new or existing antenna shall interfere with public safety telecommunications. An application for a building permit for a new antenna or antenna facility shall include a written statement from a licensed engineer that the proposed antennae will not interfere with public safety telecommunications.

D. SUBDIVISION OF PROPERTY

1. An antenna facility may be located on a parcel of land without requiring the subdivision of the parcel, provided that an accurate legal description of the property leased for, or otherwise dedicated to, the antenna facility is provided with the application for building permit.

E. CONSTRUCTION STANDARDS

1. Structural Certification

Each application for building permit for the construction or modification of an antenna facility shall include a certification of the structural integrity of the facility and foundation plans sealed by a licensed engineer. (G. 2) d))

2. Signs and Lighting

- a. The use of any portion of an antenna facility for advertising purposes, including but not limited to signs, banners, streamers, company name, etc., is prohibited. An antenna may be attached to an existing sign structure.
- b. Warning signs and equipment information signs shall be permitted on an antenna facility.
- c. Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility.

F. LOCATION

1. In choosing a location for a facility, a telecommunications carrier shall consider the following:
 - a. A non-residentially zoned lot is the most desirable location.
 - b. A residentially zoned lot that is not used for residential purposes is the second most desirable location.
 - c. A residentially zoned lot that is 2 acres or more in size and is used for residential purposes is the third most desirable location.
 - d. A residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.
2. The size of a lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.
3. No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
4. No facility should encroach onto an existing septic field.

5. No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line.

G. APPLICATION FOR BUILDING PERMIT

1. Permits Required

Anyone wishing to construct or modify an antenna facility, including but not limited to

- erection, modification, extension, moving or replacement of a tower;
- placement or replacement of an antenna; and
- placement or replacement of an equipment shelter

shall be required to obtain a Shelby County Building Permit before commencing such work.

2. Application Prerequisites

In addition to the information required to be submitted by the Shelby County Building Ordinance, as now adopted and as amended from time to time, an applicant for a Shelby County Building Permit for an antenna facility shall be required to submit the following information from a professional engineer licensed to practice in the State of Illinois:

- a. a statement as specified in section C. 1) of this Ordinance.
- b. a statement as specified in section C. 2) of this Ordinance.
- c. a site plan, drawn to scale, showing the location of all proposed improvements, and the location of all pertinent existing buildings, structures, right-of-way and easement lines, property lines, above ground power lines or telephone lines, and similar relevant features within a radius distance around the proposed tower site, equal to the height of the proposed antenna facility.
- d. a detailed description of the proposed antenna facility, indicating the proposed tower height, antenna facility height, and the number and type of antennas that the proposed tower can accommodate, and including certification of the structural integrity of the facility.
- e. foundation plans sealed by the engineer.

- f. an accurate legal description of the property leased for, or otherwise dedicated to, the antenna facility.

H. NON-CONFORMING FACILITIES

Towers, antennas and antenna facilities in existence on, or approved prior to, the effective date of adoption or amendment of this Ordinance which do not conform to or comply with the regulations of this Ordinance shall be allowed to continue to exist and to be used subject to the following provisions:

- a. Routine repairs and maintenance shall be permitted and encouraged, to prevent structural failure, to an extent not to exceed one-half ($\frac{1}{2}$) of the fair market value of the non-conforming tower, antenna or antenna facility.
- b. Non-conforming towers, antennas or antenna facilities shall not be moved, replaced, enlarged, structurally altered or modified unless such action decreased its non-conformity.
- c. Non-conforming towers, antennas or antenna facilities which are damaged or destroyed by any means to an extent exceeding one-half ($\frac{1}{2}$) of the fair market value of the non-conforming tower, antenna or antenna facility shall not be replaced or reconstructed except in conformance with all of the requirements of the Ordinance.

I. ABANDONMENT

The owner(s) of the real property on which an antenna facility is placed shall be ultimately responsible for all costs of dismantling or removal of the antenna facility. Unused antenna facilities or portions of antenna facilities, such as a section of a tower above a manufactured connection, shall be removed by the owner or operator within one (1) year of the cessation of use or operation. Antenna facilities or portions of antenna facilities that remain unused for more than one (1) year shall be deemed to have been abandoned. In the event that an antenna facility or portion of an antenna facility is deemed to have been abandoned, then it may be dismantled and removed by the County of Shelby and the costs of such action assessed against the real property.

J. VIOLATIONS

Any person, firm or corporation, or agent, employee or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance shall be in violation, and shall be subject to a fine of not more than five hundred dollars (\$500.00) for each offense. Each week a violation continues to exist shall constitute a separate offense.

The Shelby County Zoning Department shall be the agency responsible for the administration and enforcement of the regulations of this Ordinance. The Shelby County State's Attorney shall prosecute violations of this Ordinance for the County.

K. SEVERABILITY

If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the remaining portions of this Ordinance.

L. FEE

A fee may be assessed and collected for a Building Permit for a Communication Tower and Antenna Facility; the amount thereof shall be determined and set from time to time, by resolution, by the County Board.

Resolution No. 13-13, passed April 10th, 2013, provides that a fees for towers shall be \$500 for a tower of 0-50ft, with \$15/ft. over 50 feet.

Tower Permit Requirement Checklist

Permit # _____

Date: _____

____ 1. No County Board action needed if:

- a. Tower less than 200' (350' if over 1½ mile from an incorporated municipality); AND
- b. Tower is at least the height of from nearest Residence or, if over 99' tall, at least 100' or 80% of tower height, whichever is greater.

____ 2. Engineer's written statement that antenna(s) complies with FCC regulations or radio frequency radiation (RFR). (C. 1))

____ 3. Engineer written statement that antenna(s) will not interfere with public safety telecommunications. (C. 2))

- ___ 4. Legal description of leased/dedicated land for tower. (G. 2 f))
- ___ 5. Certification by engineer as to structural integrity. (G. 2 d))
- ___ 6. Certification by engineer as to foundation plans. (G. 2 e))
- ___ 7. No part of “supporting structure or equipment housing” shall be less than 15’ from front lot line of facility lot or 10’ from any other lot line. (F. 5))
- ___ 8. Site plan, to scale. (G. 2 c))
- ___ 9. Detailed description: tower height, facility height, number and type of antennas that the proposed tower can accommodate. (G. 2 d))

ARTICLE III. SUBDIVISION REGULATIONS

TITLE 1. DEFINITIONS

For the purpose of these regulations certain terms or words used herein shall be interpreted or defined as follows: Words used in the present tense include the future tense. The term "shall" is always mandatory.

ALLEY: A permanent service way providing a secondary means of access to abutting lands.

BLOCK: Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

BUILDING SET BACK LINE: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

COMMISSION: The Shelby County Plan Commission.

COMPREHENSIVE PLAN.- The complete plan, or any of its parts, for the development of the Jurisdictional Area prepared by the Commission and adopted in accordance with the Illinois Revised Statutes.

COUNTY: Shelby County, Illinois.

COUNTY BOARD: The County Board of Shelby County, Illinois

COUNTY CLERK: The County Clerk of Shelby County, Illinois.

CUL DE SAC: (Court or Dead End Street): A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

DEVELOPER: Any person engaged in developing or improving a lot or group of lots or structures thereon for use or occupancy.

EASEMENT: A grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specified purposes.

JURISDICTIONAL AREA: The unincorporated territory of Shelby County, Illinois.

LOT: A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

OFFICIAL PLAN.- A drawing, now or hereafter adopted by the County Board of Shelby County, Illinois, which represents, to scale, the Jurisdictional Area over which the County Board exercises subdivision jurisdiction. The Official Plan sets forth the location, alignment and classification of existing and proposed major public streets and highways, the location of existing and proposed public school, park and playground sites and other public grounds.

PERSON: A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

PLACE.- An open, unoccupied, officially-designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

PLAT.- A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

STREET: A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name.

STREET, ARTERIAL.- A street designated for large volumes of traffic movement. Certain Arterial Streets may be classed as Limited Access Highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

STREET, FEEDER: A street planned to facilitate the collection of traffic from local streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach Arterial Streets.

STREET, LOCAL.- A street designated primarily to provide access to abutting properties. Marginal Access Streets are local streets designed and constructed parallel to Arterial Streets, which provide access to abutting property and ways for traffic to reach access points on Arterial Streets.

STREET IMPROVEMENT: Shall mean the construction of a street to its full thickness, commencing at the subgrade according to the specifications contained in Title II, Article 4, Section 2, hereinafter. The placing of a new surface over an existing paved or closed surface street shall not be considered as an improvement but as maintenance.

SUBDIVIDER.- Any person engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in these regulations.

SUBDIVISION: The division of any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof, into two or more parcels, sites, or lots, any one of which is less than two acres in area, for the purpose, whether immediate or future, of transfer of ownership; Provided, however, that the division or partition of land into parcels of more than two acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision, or,

The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities.

SUPERINTENDENT OF HIGHWAYS.- The Shelby County Superintendent of Highways.

ZONING REGULATIONS.- The part of the Comprehensive Plan, now or hereafter adopted, including an ordinance and zone map which divides the Jurisdictional Area into Districts, with regulations, requirements and procedures for the establishment of land use controls.

TITLE II. SUBDIVISION CONTROL

ARTICLE 1. ESTABLISHMENT OF CONTROL

§ 1. No plat or replat of a subdivision of land located within the Jurisdictional Area shall be recorded until it shall have been approved by the County Board, and a certified copy of the order of approval shall have been attached to the plat by the County Clerk.

ARTICLE 2. PROCEDURE

§ 1. FILING OF PLATS AND APPLICATIONS

A. - Filing of Plats and Supporting Data

Any person requesting approval either of a preliminary or final plat of a subdivision or re-subdivision shall file four copies of a plat thereof with the County Clerk, and shall furnish therewith four copies of all data necessary to show compliance with all applicable regulations of the County and shall make application for preliminary or final approval of the proposed plat, all in accordance with the requirements set forth in these regulations.

All applications for the preliminary approval of plats shall be referred by the County Clerk to the Commission for review and action thereon. All applications for final approval of plats shall be referred by the County Clerk to the County Board for review and action thereon.

§ 2. PRELIMINARY PLAT

Maps, Data and Inspection Fees to be Submitted

A. The applicant shall provide a preliminary plan of the subdivision, as follows, which shall show the manner in which the proposed subdivision is coordinated with the Comprehensive Plan and its provisions; specifically with relation to the requirements for thoroughfares, school and recreation sites, shopping centers, community facilities, sanitation, water supply and drainage, and

other developments, existing and proposed, in the vicinity; Provided, however, that no land shall be subdivided for use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents in the subdivision and to the community as a whole.

B. The applicant shall provide four (4) copies of each of the following:

1. A Location Map (which may be prepared by indicating the required data by notations on available maps) showing:

- a. Subdivision name and location.
- b. Any thoroughfares related to the subdivision.
- c. Existing public schools, parks and playgrounds serving the area proposed to be subdivided, and other community facilities.
- d. Any storm and flood water run-off channels and basins related to the subdivision.
- e. Title, scale, north point and date.

2. A Preliminary Plot showing:

- a. Proposed name of the subdivision.
- b. Names and addresses of the owner, subdivider and the land planning consultant, engineer or surveyor who prepared the plan.
- c. Streets and rights-of-way, on and adjoining the site of the proposed subdivision, showing the names (which shall not duplicate names of other streets in the Jurisdictional Area, except as designated by the County Board) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross-walks, tree-planting and other pertinent data.
- d. Easements: Locations, widths and purposes (i.e. public utilities, storm water runoff channels, etc.).
- e. Statement concerning the location, type and approximate size or capacity of utilities to be installed by the subdivider.
- f. Layout of lots, showing dimensions and numbers.

- g. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
 - h. Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten per cent (10%) and at vertical intervals of five (5) feet if the general slope is greater than ten per cent (10%).
 - i. Ground water levels stated in inches below ground surface and given at points of lowest ground surface elevation (data to be given for depth of at least five (5) feet).
 - j. Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners.
 - k. Building setback lines.
 - l. Legend and notes.
 - m. Other features or conditions which would affect the subdivision favorably or adversely.
 - n. Scale*, north point and date.
3. A description of the protective covenants or private restrictions to be incorporated in the plot of the subdivision.

Preliminary Plat Approval

Within ninety (90) days from the date of application for approval of a preliminary plat of a subdivision, or the filing by the applicant of the last item of required supporting data, whichever is later, the Commission shall review the preliminary plat and give its approval or return the plat to the applicant with a written statement setting forth the reason for disapproval and specifying the particular aspects in which the plat fails to conform to the County ordinances including the Official Plan. After a preliminary plat has been approved by the Commission, the County Board shall accept or reject the plat within thirty (30) days after its next stated regular meeting following the action of the Commission.

* The Preliminary Plat of the subdivision shall be drawn to a scale of fifty (50) feet to one (1) inch, or one hundred (100) feet to one (1) inch; provided; however, that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale as recommended by the Commission may be used.

§ 3. FINAL PLAT

Time Limitation on Filing, Specifications and Surety

Application for final approval of a plat shall be made within one (1) year from the date of preliminary approval of the plat by the Commission. The applicant may elect to have final approval of all or a geographic part or parts of the plat, and may delay application for approval of other parts of the plat until a later date or dates beyond one year with the approval of the County Board. Only that part of the plat receiving final approval shall be recorded.

The Final Plat shall meet the following specifications:

- A. The original drawing of the Final Plat of the subdivision shall be prepared to a scale of fifty (50) feet to one (1) inch; provided, that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. Three black or blue line prints shall be submitted with the original Final Plat, or, in order to conform to modern drafting and reproduction methods, three black line prints and a reproducible print shall be submitted.
- B. The following basic information shall be shown:
 1. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5000) feet.
 2. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plat.
 3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 4. Accurate metes and bounds description of the boundary.
 5. Source of title of the applicant to the land as shown by the last entry in the books of the County Recorder.
 6. Street Names.
 7. Complete curve notes for all curves included in the plan.

8. Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.
9. Lot numbers and dimensions.
10. Accurate locations of easements for utilities and any limitations on each easement.
11. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
12. Building set back lines and dimensions.
13. Locations, type, material and size of all monuments and lot markers.
14. Plans and specifications for the improvements required in these regulations.
15. Restrictions of all types which will run with the land and become covenants in the deeds for lots. Restrictions may become a part of the plat only with the approval of the Board of Supervisors.
16. Name of the subdivision.
17. Name and address of the owner and the subdivider.
18. North point, scale and date.
19. Certification by a registered professional engineer or registered land surveyor.
20. Certification of dedication of streets and other public property.
21. Certificates for approval by the Commission and County Board, as required.

Final Plat Approval

Within sixty (60) days from the date of filing of the application for approval of a final plat of a subdivision, or the filing of the last document or other paper, whichever is later, the County Board shall approve or disapprove the plat. Such sixty (60) day period may be extended by mutual agreement between the applicant and the County Board.

Surety for Installation of Improvements

- A. As a condition of the final approval of a plat of a subdivision, the applicant shall post a good and sufficient bond with the County Clerk in a penal sum sufficient to cover the estimate of the expenditures, including but not limited to reasonable inspection fees to be borne by the applicant, necessary for the completion of improvements and installations in compliance with these regulations. The bond shall:
- (a) Run to the County Board.
 - (b) Be with surety satisfactory to the County Board.
 - (c) Specify the time for completion of the installations and improvements.

Prior to the final approval by the County Board of a plat of a subdivision, a qualified Engineer appointed by the County Board shall prepare an estimate of the expenditures, including but not limited to reasonable inspection fees to be borne by the applicant, necessary for the completion of improvements and installations in compliance with these regulations, and the amount of the surety bond posted by the applicant with the County Clerk shall equal the amount of the Engineer's estimate. The applicant shall reimburse the County for the expense of the Engineer's estimate.

- B. In lieu of the surety bond required above, the County Board may permit the depositing of cash or other security acceptable to the County Board to complete the installations and improvements.

§ 4. FILING OF ORDERS AND RESOLUTIONS

If the preliminary or final plat is approved, the County Clerk shall attach a certified copy of the order or resolution of approval to a copy of the plat. If the proposed plat is disapproved, the order or resolution shall state the reasons for disapproval, specifying with particularity the aspects in which the proposed plat fails to conform to the Official Plan and the ordinances of the County. A copy of the order or resolution shall be filed in the office of the County Clerk.

ARTICLE 3. PRINCIPLES AND STANDARDS OF DESIGN

The Final Plat of the subdivision shall conform to the following principles and standards of design.

§ 1. GENERAL

The subdivision plan shall conform to the principles and standards which are generally exhibited in the Comprehensive Plan.

§ 2. STREETS

- A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.
- B. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
- C. Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- D. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision,,
- E. Widths of Streets shall conform to the widths specified in the Comprehensive Plan and these regulations.
- F. The minimum right-of-way of Local Streets, Marginal Access Streets or Culs-de-Sac, shall be sixty (60) feet. All Culs-de-Sac shall terminate in circular rights-of-way with a minimum diameter of one hundred (100) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way.
- G. Alleys should be included in commercial and industrial areas where needed for loading and unloading or access purposes and where platted shall be at least twenty (20) feet in width,
- H. The center lines of streets should intersect as nearly at right angles as possible.
- I. If the smaller angle of intersection of two streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be thirty (30) feet or longer.
- J. Intersections of more than two (2) streets at one point shall be avoided.

- K. Where parkways or special types of streets are involved, the Superintendent of Highways may apply special standards to be followed in their design.
- L. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a Marginal Access Street, or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.
- M. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center line as follows:
 - 1. Arterial Streets: Five hundred (500) feet.
 - 2. Feeder Streets and Parkways: Three hundred (300) feet.
 - 3. Local Streets: One hundred and fifty (150) feet.
- N. Curvature measured along the center line shall have a minimum radius as follows.-
 - 1. Arterial Streets: Five hundred (500) feet.
 - 2. Feeder and Parkways: Three hundred (300) feet.
 - 3. Local Streets: Two hundred (200) feet.
- O. Between reversed curves on Arterial Streets there shall be a tangent of not less than one hundred (100) feet and on Feeder and Local Streets such tangent shall be not less than forty (40) feet.
- P. Maximum Grades for streets shall be as follows.-
 - 1 Arterial Streets, not greater than six (6%) per cent.
 - 2. Feeder and Local Streets and Alleys, not greater than eight (8%) per cent,
- Q. The Minimum Grade of any street gutter should not be less than three-tenths (0.3%) per cent where possible.

§ 3. BLOCKS

- A. Blocks should not exceed eight hundred (800) feet in length.

- B. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth except where an interior street parallels a Limited Access Highway, an Arterial Street or a Railroad Right-of-Way.

§ 4. LOTS

- A. All lots shall abut on a street or a place.
- B. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.
- C. Double frontage lots should not be platted, except that, where desired along Arterial Streets, lots may face on an Interior street and back on such thoroughfares. In that event a planting strip for a screen, at least twenty (20) feet in width shall be provided along the back of each lot.
- D. Widths and areas of lots shall be not less than that provided in the Zoning Regulations for single-family dwellings for the district in which the subdivision is located,
- E. Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for individual commercial use.
- F. Corner residential lots shall be wider than normal in order to permit appropriate setbacks from abutting streets,

§ 5. EASEMENTS

Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of twelve (12) feet and be located along lot lines. Before determining the location of utility easements, the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of such services.

§ 6. BUILDING SET BACK LINES

Shall be as provided in the Zoning Regulations or as established by the Superintendent of Highways.

§ 7. PUBLIC OPEN SPACES

Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown in the Comprehensive Plan, the County Board shall require their designation for such purposes, or their reservation, for a period of one year following the date of approval of the final plat. If the appropriate governmental body concerned does not arrange for the purchase of the lands so reserved within the time specified, the subdivider may devote the sites to the principal use of the subdivision in conformance with the applicable ordinances of the County.

ARTICLE 4. STANDARDS OF IMPROVEMENTS

The Final Plat of the subdivision shall conform to the following standards of improvements.

§ 1. MONUMENTS AND MARKERS

- A. Shall be placed so that the center of the pipe or marked points shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
- B. Monuments shall be set:
 - 1. At the intersection of all lines Forming angles in the boundary of the subdivision.
 - 2. At the intersection of street property lines.
- C. Markers shall be set:
 - 1. At the beginning and ending of all curves along street property lines.
 - 2. At all points where lot lines intersect curves, either front or rear.
 - 3. At all angles in property lines of lots.
 - 4. At all other lot corners not established by a monument.
- D. Monuments shall be of stone, pre-cast concrete, of concrete poured in place with minimum dimensions of four (4) inches by four (4) inches by thirty (30) inches. They shall be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross. Markers shall consist of iron pipes or steel bars at least thirty (30) inches long, and not less than five-eighths (5/8) inch in diameter.

§ 2. STREETS

- A. Streets (and alleys where provided) shall be completed to the grades shown on plans, profiles, and cross-sections, provided by the subdivider and prepared by a registered professional engineer and approved by the County Board.
- B. The streets shall be graded, surfaced and improved to the dimensions required by such plans, profiles and cross-sections and the work shall be performed in the manner prescribed in "Standard Specifications for Road and Bridge Construction" adopted by the Department of Public Works and Buildings, Division of Highways of the State of Illinois.
 - 1. In a subdivision proposed to contain an average of more than two (2) lots per gross acre, or in a subdivision proposed to have a street or streets which are extensions of existing paved streets which are surfaced to a width of at least thirty (30) feet, the street shall be surfaced to a minimum width of thirty (30.) feet. Alleys may be surfaced to their full width.
 - 2. In a subdivision proposed to contain an average of two (2) or less lots per gross acre, the streets shall be surfaced to a minimum width of twenty (20) feet. Alleys may be surfaced to their full width.
- C. The Streets shall be constructed of Portland cement concrete, soil-cement, or of flexible paving materials, and shall be constructed in accordance with design characteristics at least equal to those given in Table 1.
- D. Prior to placing the street and alley surfaces, adequate subsurface drainage for the street shall be provided by the subdivider. Subsurface drainage pipe, when required, shall be coated corrugated pipe or a similar type not less than twelve (12) inches in diameter approved by the County Board. Upon the completion of the street and alley improvements, plans and profiles as built shall be filed with the Superintendent of Highways.

3. SEWERS

- A. In this Section 3, SEWERS, and the next Section 4, WATER, the phrase "the Subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that such facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.

- B. The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with an existing approved sanitary sewer outlet, except that when such approved outlet is not available, one of the following methods of sewage disposal shall be used:
 - 1. A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with the minimum requirements of the State of Illinois Department of Public Health,
 - 2. A private sewage disposal system on individual lots consisting of a septic tank and tile absorption field or other approved sewage disposal system, when laid out in accordance with the minimum standards of the State of Illinois Department of Public Health; Provided, however, that a private sewage disposal system on individual lots consisting of a septic tank and tile absorption field shall not be permitted if the water table is less than thirty (30) inches below the ground surface.
- C. The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the State of Illinois Department of Public Health. Upon the completion of the sanitary sewer installation, the plans for such system as built shall be filed with the Superintendent of Highways.

§ 4. WATER

- A. The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to an existing approved municipal or community water supply, except that when such municipal or community water supply is not available, the subdivider shall provide one of the following:
 - 1. A complete community water supply system to be provided in accordance with the minimum requirements of the State of Illinois Department of Public Health.
 - 2. An individual water supply on each lot in the subdivision in accordance with the minimum requirements of the State of Illinois Department of Public Health.
- B. The plans for the installation of a water main supply system shall be provided by the subdivider and approved by the State of Illinois Department of Public Health. Upon completion of the water supply installation, the plans for such system as built shall be filed with the Superintendent of Highways.

§ 5. STORM DRAINAGE

- A. The subdivider shall provide the subdivision with an adequate storm water sewer system whenever curb and gutter is installed and whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided. Deep open ditches for drainage are not permitted in the street, but where curb and gutter are not provided, a shallow swale with its low point at least three inches (3") below the elevation of the subgrade of the pavement may be permitted.
- B. In a subdivision where curbs and gutter are not provided, the subdivision shall furnish the following type of improvement to facilitate roadside drainage and to assure suitable entrances for private driveways which are proposed to intersect the roadway:
 - 1. A concrete or corrugated iron pipe, at least ten (10) inches in diameter and fourteen (14) feet in length to be placed where required for each driveway.

§ 6. CURB AND GUTTER

- A. Wherever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with curb and gutter, and whenever the proposed subdivision will average more than three and one-half (3-1/2) lots per gross acre included in the subdivision, the subdivider shall install curb and gutter on each side of the street surface.
- B. The curb and gutter shall be of one of the construction types shown in Standard Specifications Number 179OF of the Illinois Division of Highways, and shall be constructed according to the following specifications:
 - 1. The base for the curb and gutter shall be well-compacted on the existing base or grade.
 - 2. The minimum specifications shall be as shown for the types of cross-sections in the Standard Specifications.
 - 3. All concrete used in the curb and gutter shall meet the Specifications of the Illinois State Division of Highways.

- C. Integral or monolithic curb of the same dimensions as shown in the Standard Specifications may be built on concrete pavement, provided the pavement widths as set out elsewhere in these regulations are maintained.

§ 7. SIDEWALKS

- A. Wherever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks, and whenever the proposed subdivision will average more than three and one-half (3-1/2) lots per gross acre included in the subdivision, the subdivider shall install sidewalks on each side of the street.
- B. When sidewalks are required, they shall be constructed of Portland Cement Concrete, at least four (4) inches thick, and four (4) feet wide and placed immediately inside the street property line.
- C. All concrete used in the sidewalks shall meet the Specifications of the Illinois State Division of Highways.

§ 8. STREET SIGNS

The subdivider shall provide the subdivision with standard County street signs at the intersection of all streets.

§9. STREET TREES, SCREEN PLANTING

- A. Any trees or shrubs proposed to be installed in the street by the subdivider or developer and any screen planting required pursuant to these regulations shall be approved by the County Board as to types and placement.
- B. Trees and shrubs planted so as to form a tight screen, effective at all times, shall be installed along the rear line of any lot in a subdivision which backs upon an Arterial Street, Limited Access Highway or Parkway.

ARTICLE 5. PLAT CERTIFICATES AND DEED OF DEDICATION

The following forms shall be used in Approval of Plats.

§ 1. COMMISSION AND COUNTY BOARD CERTIFICATE (Preliminary Plat)

Under authority provided by the Illinois Revised Statutes and a Resolution of the County Board of Shelby County, Illinois, the application of _____ for a Preliminary Plat of the Subdivision described as follows:

is given approval.

Approved by the (Shelby County Plan Commission) (County Board) at a meeting held on the _____ day of _____, _____.

(SEAL)

§ 2. COUNTY BOARD'S CERTIFICATE FOR FINAL PLAT (To be made a part of the original drawing on the Final Plat, and used whenever a subdivision is located wholly or in part outside of an incorporated municipality)

Under authority of the Illinois Revised Statutes, this plat was given approval by the County Board of Shelby County at a meeting held on the _____ day of _____, _____.

County Board Shelby County

Chairman

(SEAL)

§ 3. ENGINEER'S CERTIFICATE (To be made a part of the original drawing on the Final Plat)

I, _____, hereby certify that I am a professional engineer (or a registered land surveyor), licensed in compliance with the laws of the State of Illinois, that this plat correctly represents a survey completed by me on _____, that all the monuments shown thereon actually exist: and that the location, size, type and material of said monuments are accurately shown.

Signature

(SEAL)

§ 4. DEED OF DEDICATION

Each final plot submitted to the County Board for approval shall carry a deed of dedication in substantially the following form:

"We, the undersigned, _____ owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as _____. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground ____ feet in width as shown on this plat and marked "Easement" reserved for the use of public utilities for the installation of water and sewer mains, surface drainage, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easements herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or upon the recommendation of the County Board. Important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area).

The foregoing covenants, (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, _____ (a twenty-five year period is suggested), at which time said covenants, (or restrictions), shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof

erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Witness our Hands and Seals this ____ day of _____, _____.

Signature

Signature

State of Illinois)
)
County of Shelby)

Before me the undersigned Notary Public, in and for the County and State, personally appeared _____, _____, _____, and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seat this _____ day of _____, _____.

Signature

ARTICLE 6. VARIANCE

Where the subdivider can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to and where, in the opinion of the County Board, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the County Board may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the County Board and the reasoning on which the departure was justified shall be set forth.

TABLE I

DESIGN CHARACTERISTICS FOR STREET AND ALLEY PAVEMENTS

Pavement type and materials used*	Minimum Thickness---by street classification			
	Arterial	Feeder	Local	Alley
Portland Cement Concrete				

(uniform thickness)	To conform	7"	6"	6"
Soil-Cement Base	to	7"	6"	6"
Bituminous Mat Surface	Illinois Division of Highway Standards and Specifications	2"	2"	2"
Flexible Base (Gravel or Crushed Stone)		9"	8"	8"
Bituminous Mat Surface		2"	2"	2"
Flexible Base (Gravel or Crushed Stone)			8"	8"
Bituminous Surface Treatment & Subclass A3		N/A	A-3	A-3

* All paving materials shall conform to Illinois Department of Highways specifications.

** When a Local Street serves industrial or commercial development use Feeder Street design characteristics
ARTICLE IV. ZONE MAPS