



# SANGAMON COUNTY

# ZONING ORDINANCE

Sangamon County, Illinois  
1969 as amended



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## **Title 17 - ZONING**

### **SANGAMON COUNTY ZONING ORDINANCE**

#### **1969 AS AMENDED**

##### **Amended**

<b>Res. 17, April 22, 1969</b>	<b>Res. 9, March 10, 1998</b>	<b>Res. 6, August 14, 2018</b>
<b>Res. 4, July 22, 1969</b>	<b>Res. 8, April 11, 2000</b>	<b>Res. 3, September 11, 2018</b>
<b>Res. 6, October 27, 1970</b>	<b>Res. 8, November 14, 2000</b>	<b>Res. 12, January 14, 2020</b>
<b>Res. 5, March 14, 1972</b>	<b>Res. 12, May 8, 2001</b>	
<b>Res. 9, February 13, 1973</b>	<b>Res. 15, August 14, 2001</b>	
<b>Res. 11, July 10, 1973</b>	<b>Res. 7, December 11, 2001</b>	
<b>Res. 5, April 16, 1974</b>	<b>Res. 13, June 11, 2002</b>	
<b>Res. 5, October 12, 1976</b>	<b>Res. 16, July 8, 2003</b>	
<b>Res. 8, November 15, 1977</b>	<b>Res. 12, November 12, 2003</b>	
<b>Res. 9, January 10, 1978</b>	<b>Res. 9, September 14, 2004</b>	
<b>Res. 10, February 7, 1978</b>	<b>Res. 21, June 14, 2005</b>	
<b>Res. 17, May 5, 1980</b>	<b>Res. 11, August 8, 2006</b>	
<b>Res. 8, June 9, 1980</b>	<b>Res. 8, January 9, 2007</b>	
<b>Res. 9, July 8, 1980</b>	<b>Res. 9, February 13, 2007</b>	
<b>Res. 1, November 16, 1982</b>	<b>Res. 4, October 9, 2007</b>	
<b>Res. 7, March 8, 1983</b>	<b>Res. 9, July 8, 2008</b>	
<b>Res. 16, November 19, 1985</b>	<b>Res. 15, February 10, 2009</b>	
<b>Res. 7, April 7, 1987</b>	<b>Res. 13, August 14, 2012</b>	
<b>Res. 9, July 12, 1988</b>	<b>Res. 11, February 13, 2013</b>	
<b>Res. 14, August 8, 1989</b>	<b>Res. 7, December 10, 2013</b>	
<b>Res. 15, December 3, 1990</b>	<b>Res. 11, May 12, 2015</b>	
<b>Res. 7, November 19, 1991</b>	<b>Res. 9, December 13, 2016</b>	
<b>Res. 69, December 7, 1992</b>	<b>Res. 10, December 13, 2016</b>	
<b>Res. 10, October 5, 1993</b>	<b>Res. 5, November 14, 2017</b>	
<b>Res. 12, May 2, 1994</b>	<b>Res. 5, August 14, 2018</b>	
<b>Res. 15, March 11, 1997</b>		



## **Chapter 17.02 - GENERAL PROVISIONS**

### **17.02.010 - Title—Effective date—Jurisdiction.**

The ordinance codified in this title shall be known, cited, and referred to as "The Sangamon County Zoning Ordinance." It shall be effective from the twenty-second day of April, 1969, and it shall be effective for the entire county outside the limits from time to time of cities, villages, and incorporated towns which have or which may have from time to time in effect municipal zoning ordinances. It shall also be effective for all properties subject to an annexation agreement which are located, in whole or in part, more than 1.5 miles from the corporate boundaries of the annexing municipality.

(Res. 9, Exh. A, 12-13-2016; Res. 1-1 §1, November 16, 1982).



## **Chapter 17.04 - DEFINITIONS**

### **17.04.005 - Definitions generally.**

When used in this Title, unless the context requires otherwise, the terms defined in this chapter shall have the meanings ascribed to them herein.

(Res. 1 §(part), November 16, 1982).

### **Adult-use cannabis business establishment.**

"Cannabis business establishment" means a craft grower, cultivation center, dispensing organization, infuser organization, processing organization, or transporting organization.

(Res. 12, January 14, 2020).

### **Adult-use cannabis craft grower.**

"Craft grower" means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

(Res. 12, January 14, 2020).

### **Adult-use cannabis cultivation center.**

"Cultivation center" means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

(Res. 12, January 14, 2020).

### **Adult-use cannabis dispensing organization or dispensary.**

"Dispensing organization" or "dispensary" means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

(Res. 12, January 14, 2020).

**Adult-use cannabis infuser organization or infuser.**

"Infuser organization" or "infuser" means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

(Res. 12, January 14, 2020).

**Adult-use cannabis processing organization or processor.**

"Processing organization" or "processor" means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

(Res. 12, January 14, 2020).

**Adult-use cannabis transporting organization or transporter.**

"Transporting organization" or "transporter" means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under Illinois' Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

(Res. 12, January 14, 2020).

**Agriculture.**

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

Retail sales, other than sales of seed, seed stock, animal feed or any other agriculture product by a farmer dealer on land owned or leased by him or her, are considered accessory to agriculture uses and a permitted use in the A Agricultural District only where the majority of the materials

sold are produced on the premises. Any establishment where there are retail or wholesale sales of materials not produced on the premises is not considered an agricultural use.

An activity, structure or parcel of land shall be determined to be an agriculture use if gross sales of agriculture products is greater than two thousand five hundred dollars (\$2,500) annually.

(Res. 12(part), May 2, 1994: Res 1 §2(part), November 16, 1982).

**Alley.**

"Alley" means a public way with a width not exceeding twenty (20) feet in right-of-way used primarily as a service access to the rear or side of a property which abuts on a street.

(Res. 1 §2(part), November 16, 1982).

**Auction house.**

"Auction house" means an area or building where the business of selling property to the highest bidder is conducted.

(Res. 1 §2(part), November 16, 1982).

**Berm.**

"Berm" means a raised barrier or mound constructed of compacted soil, composted material, loose gravel, stone, crushed rock or other earthen materials.

(Res. No. 11, Exh. A(1), 2-13-2013)

**Block.**

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

(Res. 1 §2(part), November 16, 1982).

**Building.**

"Building" means any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

(Res. 1 §2(part), November 16, 1982).

**Building, accessory.**

"Accessory building" means a subordinate building or a portion of a principal building, the use of which is incidental and customary to that of the principal building. Where an accessory building is attached to and made a part of the principal building, such accessory building shall comply in all respects with the requirements of this title applicable to the principal building.

(Res. 1-1 §2 (part), November 16, 1982).

**Building area.**

"Building area" means the area bounded by the exterior dimensions of the outer walls at the ground line.

(Res. 1-1 §2(part), November 16, 1982).

**Building/structure, principal.**

"Principal building/structure" means the main structure erected on a lot or parcel as distinguished from an accessory (subordinate) structure.

(Res. 1-1 §2(part), November 16, 1982).

**Building, temporary.**

"Temporary building" means any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

(Res. 1-1 §2(part), November 16, 1982).

**Bulk.**

"Bulk" means the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and including the following:

- A. Size and height of buildings;
- B. Location of exterior walls at all levels in relation to the lot lines, streets or to other buildings;
- C. Gross floor area of buildings in relation to lot area (floor area ratio);
- D. All open spaces allocated to buildings;
- E. Amount of lot area provided per dwelling unit.

(Res. 1-1 §2(part), November 16, 1982).

**Business.**

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

(Res. 1-1 §2(part), November 16, 1982).

**Cannabis.**

"Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or

cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

(Res. 12, January 14, 2020).

**Cannabis-infused product.**

"Cannabis-infused product" means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.

(Res. 12, January 14, 2020).

**Cargo container.**

Cargo container. A pre-manufactured structure of metal construction that is designed as a shipping container for portable storage. Cargo containers are considered accessory structures in all zoning districts and are subject to the requirements of the Sangamon County Building Code. One container may be placed on a parcel that is between one (1) acre and five (5) acres in size. If a parcel is greater than five (5) acres in size, two (2) containers may be placed on the parcel. The size of the containers may not exceed eight and one-half feet (8'6") in height, eight feet (8'0") in width, and forty (40'0") feet in length. Containers may not be stacked and must be a solid color with all numbering and lettering removed. Containers are prohibited from being located in the required front yard. Required side and rear yard setbacks must be a minimum of ten (10') feet each in all zoning districts.

(Res. No. 5, Exh. A, 08-14-2018)

**Club or lodge, private.**

"Private club or lodge" means a nonprofit association, of persons who are bona fide members paying dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

(Res. 1-1 §2(part), November 16, 1982).

**Commercial day-care centers.**

A "commercial day-care center" means any child care facility receiving more than eight (8) children for daytime care during all or part of a day. The term "commercial day-care center" includes facilities commonly called child-care centers, day nurseries, nursery schools and kindergartens.

(Res. 1-1 §2(part), November 16, 1982).

**Common open space.**

"Common open space" means all open space within the boundaries of a planned development designed and set aside for use by all residents of the planned development or by residents of a designated portion of the planned development, and not dedicated as public lands.

(Res. 1-1 §2(part), November 16, 1982).

**Composting.**

"Composting" means a controlled process that decomposes waste into a humus-like product that may be used as a soil conditioner.

(Res. 7 §1(part), November 19, 1991).

**Composting facility, general.**

"General composting facility" means a commercial or public venture authorized by the Illinois Environmental Protection Agency where landscape waste and/or material other than landscape waste are composted.

(Res. 7 §1(part), November 19, 1991).

**Composting facility, landscape waste.**

"Landscape waste composting facility" means a commercial or public venture authorized by the Illinois Environmental Protection Agency, where landscape wastes are accepted for:

- A. Composting;
- B. Agronomical application directly to the soil; or
- C. Burial in the soil.

(Res. 7 §1(part), November 19, 1991).

**Dedicated open space.**

"Dedicated open space" means all open space within the boundaries of a planned development which is dedicated or conveyed to the park district or an appropriate public agency for public use.

(Res. 1-1 §2(part), November 16, 1982).

**Developed recreation space.**

"Developed recreation space" means that portion of open space within the boundaries of a planned development, whether common open space or dedicated open space, which is improved for recreational purposes, such improvements to include but not be limited to pedestrian ways and bridle paths, play lots and playgrounds, and sports facilities such as tennis courts, golf courses, boating docks and shuffleboard courts.

(Res. 1-1 §2(part), November 16, 1982).

**District.**

"District" means a section or part of the unincorporated portion of the county for which the use regulations are uniform.

(Res. 1-1 §2(part), November 16, 1982).

**Dog kennel.**

"Dog kennel" means an establishment where payment is accepted for the breeding or boarding of dogs.

(Res. 1-1 §2(part), November 16, 1982; Res. 9, February 13, 1973).

**Dog obedience school.**

"Dog obedience school" means an establishment where payment is accepted for the training of dogs where dogs are not boarded overnight.

(Res. 1-1 §2(part), November 16, 1982).

**Drive-in establishment.**

"Drive-in establishment" means an establishment which accommodates patron's automobiles, at which the occupants may be served.

(Res. 1-1 §2(part), November 16, 1982).

**Dwelling.**

"Dwelling" means a residential building, or portion thereof, but not including hotels, motels, rest homes, rooming houses, tourist homes, tents, or recreational trailer.

(Res. 1-1 §2(part), November 16, 1982).

**Dwelling, multiple-family (apartment).**

"Multiple-family dwelling (apartment)" means a building or portion thereof containing three (3) or more dwelling units.

(Res. 1-1 §2(part), November 16, 1982).

**Dwelling, two-family (duplex).**

"Two-family dwelling (duplex)" means a residential building containing two dwelling units, including detached, semidetached and attached dwellings.

(Res. 1-1 §2(part), November 16, 1982).

**Dwelling unit.**

"Dwelling unit" means a group of rooms constituting all or part of a structure, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers, and which includes complete kitchen facilities permanently installed.

(Res. 1-1 §2(part), November 16, 1982).

**Family.**

"Family" means one or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit.

(Res. 1-1 §2(part), November 16, 1982).

**Family care facility.**

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

(Res. 16a §10(part), November 19, 1985).

**Family day-care home.**

"Family day-care home" means family homes which receive not more than eight (8) children for care during the day.

(Res. 1-1 §2(part), November 16, 1982).

**Farm dwelling.**

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

(Res. 13 Exh. A (part), June 11, 2002; Res. 1-1 §2(part), November 16, 1982).

**Fence.**

"Fence" means a barrier intended to prevent escape or intrusion, to mark a boundary or to create a sense of privacy and security.

(Res. 1-1 §2(part), November 16, 1982).

**Flood crest elevation.**

"Flood crest elevation" means the maximum instantaneous elevation of the water surface during the period of a one hundred (100) year flood as established by the National Flood Insurance Program or the best available data.

(Res. 1-1 §2(part), November 16, 1982).

**Floor area, gross.**

- A. For the purpose of determining floor-area ratio, the "gross floor area" of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings, measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, "gross floor area" shall include:
  - 1. Basement space, if at least one-half of the basement story height is above the established curb level;
  - 2. Elevator shafts and stairwells at each floor;
  - 3. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7½) feet; except equipment, open or enclosed, located on the roof; i.e., bulkheads, water tanks, and cooling towers;
  - 4. Attic floor space where the structural headroom exceeds seven and one-half (7½) feet;
  - 5. Interior balconies and mezzanines;
  - 6. Enclosed porches, but not terraces and breezeways;
  - 7. Accessory buildings.
- B. For the purpose of determining requirements for off-street parking and off-street loading, the "gross floor area" means the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for purpose of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

(Res. 1-1 §2(part), November 16, 1982).

**Floor area ratio.**

"Floor area ratio" means the numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

(Res. 1-1 §2(part), November 16, 1982).

**Frontage.**

"Frontage" means that portion of a lot line or property line which is coterminous with a highway right-of-way line.

(Res. 15, March 11, 1997; Res. 1-1 §2(part), November 16, 1982).

**Garage, private.**

"Private garage" means an accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service, or industry connected directly or indirectly with automotive vehicles is carried on; provided, that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one-car or two-car capacity may be so rented.

(Res. No. 11, Exh. A(1), 2-13-2013; Res. 1-1 §2(part), November 16, 1982).

**Grade, natural.**

"Natural grade" means the elevation of the ground level in its natural or original state, before construction, filling, or excavation.

(Res. No. 11, Exh. A(1), 2-13-2013)

**Grade plane.**

"Grade plane" means the average of finished ground level adjoining the building or structure at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building or structure and the lot line, or, where the lot line is more than six (6) feet from the building or structure, between the building or structure and a point six (6) feet from the building or structure.

(Res. No. 11, Exh. A(1), 2-13-2013)

**Group care facility.**

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

(Res. 7 §1, April 14, 1987; Res. 16a §10(part), November 19, 1985).

**Hazardous materials.**

"Hazardous materials" means any substance or material in a quantity or form which may be harmful or injurious to humans, domestic animals, wildlife, economic crops or property when

released into the environment. "Hazardous materials" may be classified as chemical, biological, radiological, or explosive.

(Res. 7 §5(part), April 14, 1987).

**Height, building or structure.**

"Height," with reference to a building or structure, is the vertical distance measured in feet from the average grade to the highest point of the roof adjacent to the street for flat roofs, to the deck of mansard roofs and to the crown for gable, hip, gambrel or pent roofs.

(Res. 1-1 §2(part), November 16, 1982).

**Highway.**

"Highway" means any public way for vehicular travel which has been laid out in pursuance of any law of this state, or of the territory of Illinois, or which has been established by dedication, or used by the public as a highway for fifteen (15) years, or which has been or may be laid out and connect a subdivision or platted land with a public highway and which has been dedicated for the use of the owners of the land, included in subdivision or platted land where there has been an acceptance and use under such dedication by such owners, and which has not been vacated in pursuance of law. The term "highway" includes rights-of-way, bridges, drainage structures, signs, guard rails, protective structures and all other structures and appurtenances necessary or convenient for vehicular traffic. A highway in a rural area may be called a "road," while a highway in a municipal area may be called a "street."

(Res. 1-1 §2(part), November 16, 1982; Res. 5, April 16, 1974).

**State highway.**

"State highway" means any highway that is part of the state highway system described in Section 2-101 of the Illinois Highway Code, as amended.

(Res. 1-1 §2 (part), November 16, 1982; Res. 5, April 16, 1974).

**County highway.**

"County highway" means any highway that is part of the county highway system described in Section 2-102 of the Illinois Highway Code, as amended.

(Res. 1-1 §2(part), November 16, 1982; Res. 5, April 16, 1974).

**Township road.**

"Township road" means any highway that is part of the township and district road system described in Section 2-103 of the Highway Code, as amended, and which, under the provisions of this code, is under the immediate jurisdiction of a road district comprised of a single township in a county having township organization.

(Res. 1-1 §2 (part), November 16, 1982; Res. 5, April 16, 1974).

**District road.**

"District road" means any highway that is part of the township and district road system described in Section 2-103 of the Illinois Highway Code, as amended, and which, under the provisions of this code, is under the immediate jurisdiction of a road district other than a road district comprised of a single township in a county having township organization.

(Res. 1-1 §2(part), November 16, 1982; Res. 5, April 16, 1974).

**Street.**

"Street" means any highway that is part of the municipal street system described in Section 2-104 of the Illinois Highway Code, as amended.

(Res. 1-1 §2 (part), November 16, 1982; Res. 5, April 16, 1974).

**Federal aid highway.**

"Federal aid highway" means any highway heretofore or hereafter designated by the Illinois Department of Transportation and approved by the appropriate authority of the federal government as such under the Federal Aid Road Act.

(Res. 1-1 §2(part), November 16, 1982; Res. 5, April 16, 1974).

**Home occupation.**

"Home occupation" means an occupation conducted in a dwelling unit or accessory structure subordinate to a dwelling unit, provided that:

- A. No person other than members of the family residing on the premises and/or one other person shall be engaged in such occupation;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding three (3) square feet in area, announcing the name and address of the business, non-illuminated, and mounted flat against the wall of the principal building or accessory structure; except on a corner lot, in which case two (2) such signs may be used—one (1) facing each street;
- D. No home occupation shall be conducted, in whole or in part, within any accessory structure nor shall there be any exterior storage of materials, unless the following conditions are met:

1. A home occupation conducted in an accessory structure must be limited to an area of four hundred (400) square feet designated for the business operation;
  2. Outside storage is permitted only on Agriculture (A) zoned lots of five (5) acres or more and only if the storage area does not exceed four hundred (400) square feet and is enclosed with a fence of standard fencing material, not to exceed six (6) feet in height, which otherwise complies with Chapter 17.44 of this ordinance. Items stored within the fenced area must not be visible.
  3. Legal, licensed, unattached trailers stored outside may not exceed a gross vehicle weight of eighteen thousand (18,000) pounds.
  4. A detailed list of equipment to be stored on the property, including the equipment's function, must be on file with the office of the zoning administrator.
  5. All home occupations conducted in an accessory structure are subject up to three (3) unscheduled inspections per year.
- E. There shall be no sales in connection with such home occupation except those clearly incidental to the home occupation;
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- G. The conduct of the home occupation shall not generate noise, odors, fumes, electrical interference, vibrations, or any other condition detrimental to adjacent properties;
- H. Wholesale distribution centers shall not be a permitted home occupation;
- I. Home occupations shall be registered in the office of the zoning administrator on the forms provided. This registration shall act as a letter of official approval of the home occupation by the zoning office. Any home occupation found to be in violation of these provisions shall be subject to revocation if the violation is not corrected within thirty (30) days of notification by the zoning administrator.

(Res. No. 11, Exh. A, 5-12-2015; Res. 1-1 §2(part), November 16, 1982).

**Hotel.**

"Hotel" means a building containing lodging rooms, a general kitchen and dining room, a common entrance lobby, halls and stairway, where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies; and where more than fifty (50) percent of the

lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than thirty (30) days.

(Res. 1-1 §2(part), November 16, 1982).

**Industrial hemp.**

"Industrial hemp" means the plant Cannabis sativa L. and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3% on a dry weight basis that has been cultivated under a license issued under the Industrial Hemp Act [505 ILCS 89] or is otherwise lawfully present in this State, and includes any intermediate or finished product made or derived from industrial hemp.

(Res. 12, January 14, 2020)

**Institution.**

"Institution" means a facility or establishment providing shelter, counseling, general or specialized care, or nursing care, dedicated to public service, education, fraternal or philanthropic purposes. An "institution" includes uses such as nursing homes, sanitariums, all types of facilities for children, the aged, mentally and physically disabled.

(Res. 16a §10(part), November 19, 1985).

**Junkyard.**

"Junkyard" means an open area or fenced-in enclosure, where used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.

(Res. 1-1 §2(part), November 16, 1982).

**Landscape waste.**

"Landscape waste" means all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

(Res. 7 §1 (part), November 19, 1991).

**Large scale development.**

"Large scale development" means any tract of land on which more than one principal building will be located. Examples of "large scale developments" include but are not limited to manufactured home courts and apartment complexes.

(Res. 13 Exh. A (part), June 11, 2002; Res. 1-1 §2(part), November 16, 1982).

**Loading, off-street.**

"Off-street loading" means a space, accessible from a street, alley or way, in a building or on a lot, for the use of trucks while loading or unloading merchandise or materials.

(Res 1-1 §2(part), November 16, 1982).

**Lodging room.**

"Lodging room" means a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

(Res. 1-1 §2(part), November 16, 1982).

**Lot.**

"Lot" means a parcel of land, whether legally described or subdivided as one or more lots or parts of lots, and which is occupied or intended for occupancy by one principal use, together with any accessory buildings and such open spaces as are required by this ordinance; and having its principal frontage upon and contiguous to a highway.

(Res. No. 11, Exh. A, 5-12-2015; Res. 15, March 11, 1997; Res. 1-1 §2(part), November 16, 1982; Res. 5, April 16, 1974).

**Lot area.**

"Lot area" means the area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

(Res. 1-1 §2(part), November 16, 1982).

**Lot, corner.**

"Corner lot" means a lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

(Res. 1-1 §2(part), November 16, 1982).

**Lot depth.**

"Lot depth" means the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries. For parcels less than forty (40) acres, in no case shall the lot depth exceed two and one-half (2½) times the lot width.

(Res. 12 §2(part), May 8, 2001; Res. 1-1 §2(part), November 16, 1982).

**Lot, irregularly shaped.**

"Irregularly shaped lot" means any lot that is not rectangular.

(Res. 15, March 11, 1997).

**Lot line.**

"Lot line" means a property line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting state highway, county highway, township road, district road, street or federal aid highway, the lot line shall be deemed to be the state highway, county highway, township road, district road, street or federal aid highway right-of-way line.

(Res. 1-1 §2(part), November 16, 1982; Res. 5, April 16, 1974).

**Lot line, front.**

The "front lot line" is the line between the highway and the contiguous lot and shall mean that lot line which is most distant from and approximately parallel to (opposite) the rear and/or assumed rear lot line.

For the purpose of determining the front yard setback and building line for lots with curved front lot lines, a line tangent to the front lot line at its midpoint shall be assumed to be the front lot line. Said line may or may not be within the lot. A line parallel to the assumed front lot line which meets or exceeds the minimum required front yard setback and which is not less than the required lot width and which is entirely within the lot shall be the front yard setback and building line for the purpose of this ordinance.

In no case shall the front lot line be less than twenty (20) feet.

(Res. 15, March 11, 1997; Res. 16a §21, November 19, 1985; Res. 1-1 §2(part), November 16, 1982; Res. 5, April 16, 1974).

**Lot line, rear.**

"Rear lot line" means that boundary of a lot which is most distant from and is, or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot; parallel to and at the maximum distance from the front lot line.

(Res. 1-1 §2(part), November 16, 1982).

**Lot line, side.**

"Side lot line" means any boundary of a lot which is not a front or rear lot line.

(Res. 1-1 §2(part), November 16, 1982).

**Lot, manufactured home.**

"Manufactured home lot" means the area assigned to a manufactured home in a manufactured home park.

(Res. 13 Exh. A (part), June 11, 2002; Res. 1-1 §2 (part), November 16, 1982).

**Lot, reversed-corner.**

"Reversed-corner lot" means a corner lot, the side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

(Res. 1-1 §2 (part), November 16, 1982).

**Lot, through.**

"Through lot" means a lot which has a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

(Res. 1-1 §2 (part), November 16, 1982).

**Lot width.**

"Lot width" means the distance from side lot line to side lot line. In the case of an irregularly shaped lot, the lot width shall be met at a distance from the front lot line that is no greater than two (2) times the required minimum front yard.

(Res. 15, March 11, 1997; Res. 1-1 §2 (part), November 16, 1982).

**Manufactured home.**

"Manufactured home" means a transportable, factory built dwelling unit that was manufactured or constructed either under the authority of 42 United States Code Sec. 5401 (Federal Manufactured Home Construction and Safety Standards Act of 1974, effective date June 15, 1976) or prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974. Manufactured homes are commonly referred to as mobile homes or doublewide mobile homes. If the structure was manufactured after June 15, 1976 a red seal that states compliance with the Act, is generally placed on the rear of the structure or on the electrical panel box.

(Res. 13 Exh. A (part), June 11, 2002)

**Manufactured home park.**

"Manufactured home park" means any premises on which are parked three (3) or more manufactured homes or any premises used or held out for the purpose of supplying to the public a parking space for three (3) or more such manufactured homes. A manufactured home park does not include areas where manufactured homes are located for inspection and sale.

(Res. 13 Exh. A (part), June 11, 2002; Res. 1-1 §2 (part), November 16, 1982).

**Mine.**

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

(Res. 1-1 §2 (part), November 16, 1982; Res. 9, February 13, 1973).

**Modular home.**

"Modular home" means a transportable, factory built dwelling unit that is built to comply with the standards of the local or state building code, the Illinois State Plumbing Code, the National

Electrical Code and the Model Energy Code. Modular homes can be identified by a yellow seal on the electrical panel box of the unit or on the inside of the kitchen sink cabinet. Modular homes can be sectional (the home is shipped as a box-like configuration) or panelized (floor, wall and roof panels assembled at the final site.).

(Res. 13 Exh. A (part), June 11, 2002; Res. 1-1 §2 (part), November 16, 1982).

**Motel.**

"Motel" means a building containing lodging rooms having adjoining individual bathrooms, where each lodging room has a doorway opening directly to the outdoors, and where more than fifty (50) percent of the lodging rooms are for rent to transient tourists for a continuous period of less than thirty (30) days.

(Res. 1-1 §2(part), November 16, 1982).

**Nameplate.**

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

(Res. 1-1 §2(part), November 16, 1982).

**Noncomplying building or other structure.**

"Noncomplying building or other structure" means any lawful building or other structure which does not conform with the applicable bulk regulations for the district, either on the effective date of the ordinance codified in this title or as a result of a subsequent amendment thereto.

(Res. 1-1 §2(part), November 16, 1982).

**Nonconforming use.**

"Nonconforming use" means any lawful use of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either on the effective date of the ordinance codified in this title or as a result of a subsequent amendment thereto. However, no principal use shall be deemed nonconforming because of failure to provide required accessory off-street parking spaces or required accessory off-street loading spaces, nor because of the existence of accessory signs, business entrances, or show windows which are themselves nonconforming uses.

(Res. 1-1 §2 (part), November 16, 1982).

**On-premise consumption.**

"On-premise consumption" means the use or consumption of cannabis, cannabis concentrate, or cannabis-infused products or solutions at the location where such product is sold. The on-premise consumption of cannabis at cannabis dispensing organizations in unincorporated Sangamon County is prohibited.

**Open sales lot.**

"Open sales lot" means any land used or occupied for the purpose of buying and selling second-hand passenger cars and/or trucks, motor scooters, motorcycles, boats, trailers, aircraft, monuments, and portable sheds.

(Res. 1-1 §2 (part), November 16, 1982).

**Open space.**

"Open space" means the total area of land, water, or land and water within the boundaries of a planned development designed and intended for use and enjoyment as open areas, and either: (1) not improved with a building, structure, street, road or parking area; or (2) improved only to the extent that such improvements are complementary, necessary or appropriate to the use or enjoyment of the areas as open areas. "Open space" includes dedicated public open space, common open space and developed recreation space.

(Res. 1-1 §2 (part), November 16, 1982).

**Planned unit development.**

"Planned unit development" means any area or tract of land under single or common ownership to be developed as a single entity and classified in the PUD zoning district.

(Res. 1-1 §2 (part), November 16, 1982).

**Prime agricultural land.**

"Prime agricultural land" means land which has soils with a productivity index under a high level of management of one hundred thirty (130) or greater as determined by the University of Illinois productivity indexes. In Sangamon County, the following soils are so classified and may be located by reference to the Soil Survey of Sangamon County:

Tama 36A	Radford 74	Kendall 242
Tama 36B	Huntsville 77	Hartsburg 244
Ipava 43	Sawmill 107	Edinburg 249
Viriden 50	Shiloh 138	Tice 284
Harpster 67	Elburn 198	Lawson 451
Sable 68	Plano 199A	
Ross 73	Plano 199B	

(Res. 1-1 §2 (part), November 16, 1982).

**Private outdoor recreation center.**

"Private outdoor recreation center" means an area of land in private ownership upon which the general public may participate in organized or unorganized leisure activities. Includes but is not limited to trailer camps, playing fields, campgrounds, amusement parks, and similar activities.

(Res. 1-1 §2 (part), November 16, 1982).

**Public open space.**

"Public open space" means any publicly owned open area, including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

(Res. 1-1 §2 (part), November 16, 1982).

**Public outdoor recreation center.**

"Public outdoor recreation center" means an area of land in public ownership upon which the general public may participate in organized or unorganized leisure activities. Includes but is not limited to trailer camps, playing fields, campgrounds, amusement parks, and similar activities.

(Res. 1-1 §2 (part), November 16, 1982).

**Public road.**

For definition of "public road," see highway.

(Res. 1-1 §2 (part), November 16, 1982).

**Public sanitary sewer.**

"Public sanitary sewer" means a constructed conduit connected with the sewer system that is designed to carry liquids and solids other than storm water to the Sangamon County Water Reclamation District sanitary sewer treatment plants or other lawful treatment plant, including central or cluster systems approved by the Sangamon County Department of Public Health or the Illinois Environmental Protection Agency.

(Res. 12 §3, May 8, 2001).

**Refuse.**

"Refuse" means all waste products resulting from human habitation, except sewage.

(Res. 1-1 §2 (part), November 16, 1982).

**Rehabilitation center.**

"Rehabilitation center" means a public or privately operated facility for the refuge or rehabilitation of persons suffering from emotional, drug, alcohol, and/or family problems.

(Res. 1-1 §2 (part), November 16, 1982).

**Retail.**

"Retail" means the sale of relatively small quantities of commodities and services directly to customers.

(Res. 1-1 §2 (part), November 16, 1982).

**Rooming house (tourist home).**

"Rooming house (tourist home)" means a building, or portion thereof, containing lodging rooms which accommodate three (3) or more persons who are not members of the keeper's family and where lodging rooms, or meals, or both, are provided for compensation.

(Res. 1-1 §2 (part), November 16, 1982).

**Self-service storage facility (mini-warehouse).**

"Self-service storage facility (mini-warehouse)" means a facility designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property. It shall not be permissible to use such facilities for the storage of hazardous materials.

(Res. 7 §5 (part), April 14, 1987).

**Sensitive areas.**

"Sensitive areas" means pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day childcare facility, religious institution, public park, private park, or a residential zoning district.

(Res. 12, January 14, 2020)

**Setback.**

"Setback" means the minimum horizontal distance permitted from the front, side or rear lot lines to a building or structure, disregarding steps and unroofed porches.

(Res. 1-1 §2(part), November 16, 1982).

**Sign.**

"Sign" means a name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization, or business. "Sign" does not include any display of official court or public office notices nor does it include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

(Res. 1-1 §2(part), November 16, 1982).

**Sign, advertising.**

"Advertising sign" means a sign which directs attention to a business, commodity, service, or entertainment not necessarily sold upon the premises where such sign is located, or to which it is affixed.

(Res. 1-1 §2(part), November 16, 1982).

**Sign, business.**

"Business sign" means a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered, upon the premises where such sign is located, or to which it is affixed.

(Res. 1-1 §2(part), November 16, 1982).

**Sign, flashing.**

"Flashing sign" means any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this title, any moving illuminated sign shall be considered a flashing sign.

(Res. 1-1 §2(part), November 16, 1982).

**Sign, gross surface area of.**

"Gross surface area of sign" means the entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

When a sign consists only of letters, designs or figures engraved, painted, projected or fixed on a wall, or freestanding in front of a wall, the total area of the sign shall be the area of the smallest rectangle or circle within which all of the fixed lettering, designs or figures may be included.

(Res. 7 §1(part), April 14, 1987: Res. 1-1 §2(part), November 16, 1982).

**Single-family residence.**

"Single-family residence" means a residential building containing only one (1) dwelling unit, including a modular home but not including a manufactured home.

(Res. 13 Exh. A (part), June 11, 2002: Res. 1-1 §2(part), November 16, 1982).

**Smoking lounge.**

"Smoking lounge" means a business establishment or room that is dedicated, in whole or in part, to the smoking of cannabis, cannabis concentrate, or cannabis-infused products or solutions. The on-premise consumption of cannabis at smoking lounges in unincorporated Sangamon County is prohibited.

(Res. 12, January 14, 2020)

**Solar energy system.**

"Solar energy system" means an assembly or structure, including passive designs, used for gathering, concentrating, absorbing, and/or storing radiant energy from the sun.

(Res. 1-1 §2(part), November 16, 1982).

**Standard fencing material.**

"Standard fencing material" means materials normally manufactured, used, and recognized as fencing materials, such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, chain link, metal tubing, wood planks, and vinyl or fiberglass composite manufactured specifically as fencing materials. Fencing materials must also be suitable for exterior use and must be weather- and decay-resistant. The Zoning Administrator may approve installation of an alternative material not specifically prescribed by this definition. A proposed alternative material may be approved where the Zoning Administrator finds that it is satisfactory and complies with the intent of the provisions of this ordinance, and that the material offered is, for the purpose intended, at least the equivalent of those prescribed in this definition in quality, strength, effectiveness, fire resistance, durability, and safety.

(Res. No. 11, Exh. A, 5-12-2015)

**Story.**

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story for the purposes of this title when more than one-half of such basement height is above the established curb level.

(Res. 1-1 §2 (part), November 16, 1982).

**Structural alterations.**

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

(Res. 1-1 §2 (part), November 16, 1982).

**Structure.**

"Structure" means anything erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground. A sign, billboard, or other advertising medium detached or projecting shall be construed to be a structure.

(Res. 1-1 §2 (part), November 16, 1982).

**Telecommunication facility.**

"Telecommunication facility" (TF) 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 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 transmission cable and miscellaneous hardware.

(Res. No. 9, March 10, 1998)

**Trailer.**

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

(Res. 1-1 §2 (part), November 16, 1982).

**Trailer camp.**

"Trailer camp" means an area occupied by or designed to accommodate more than one trailer.

(Res. 1-1 §2 (part), November 16, 1982).

**Use.**

"Use" means the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

(Res. 1-1 §2 (part), November 16, 1982).

**Use, accessory.**

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

(Res. 1-1 §2 (part), November 16, 1982).

**Use, principal.**

"Principal use" means the main use of land or buildings as distinguished from a subordinate or accessory use.

(Res. 1-1 §2 (part), November 16, 1982).

**Variance, use.**

"Use variance" means a grant of permission to depart from the literal enforcement of the zoning ordinance to allow property to be used in a manner otherwise not provided for by the existing zoning classification. The zoning board of appeals may only consider a use variance after it has found that an amendment to the ordinance, based on the required findings of fact, would not

serve the public interest and would not be appropriate. Use variances may only be granted if the required standards for variations have been met as contained in Section 17.66.050.

(Res. 7-1 (part), March 8, 1983).

**Watchman's quarters.**

"Watchman's quarters" means a dwelling unit provided on site for the purpose of guarding the business or industry where the dwelling unit is located. Only one watchman's quarters per business is permitted.

(Res. 1-1 §2 (part), November 16, 1982).

**Yard.**

"Yard" means an open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located. To determine if an existing structure complies with established front, side or rear yard requirements, measurement shall be made from the appropriate lot line to the foundation of the structure.

(Res. 1-1 §2 (part), November 16, 1982).

**Yard, front.**

"Front yard" means the area on a lot or parcel, which fronts a street, extending the full width of the lot and having a minimum depth measured from the street right-of-way line equal to the depth of the minimum front yard as specified for the applicable zoning district.

In the case of irregularly shaped lots where there is an assumed front line, the front yard shall be measured from the assumed front lot line.

(Res. 7 §3, April 14, 1987; Res. 1-1 §2 (part), November 16, 1982).

**Yard, rear.**

"Rear yard" means the area extending across the rear of a lot or parcel and having a minimum depth from the rear lot line as specified by the applicable district regulations, and is opposite from the front yard.

(Res. 1-1 §2 (part), November 16, 1982).

**Yard, side.**

"Side yard" means the area on a lot or parcel which extends from the required front yard to the required rear yard and having a minimum width as specified by the applicable district regulations.

(Res. 1-1 §2 (part), November 16, 1982).

**Zoning administrator.**

Wherever in this title the term "zoning administrator" is used, it shall mean the zoning administrative officer appointed by the county board, and such deputies or assistants as have

been or shall be duly authorized by the county board. That officer is hereby authorized, and it is his duty to administer and enforce the provisions of the zoning ordinance, making such determinations, interpretations, and orders as are necessary therefore, and requiring such plats, plans, and other descriptive material in connection with applications for permits as are necessary for him to judge compliance with this title.

(Res. 1-1 §2 (part), November 16, 1982).

**Zoning board.**

"Zoning board" means the Sangamon County zoning board of appeals.

(Res. 1-1 §2 (part), November 16, 1982).

**Zoning lot.**

"Zoning lot" means a parcel of land in the same zoning district considered or treated as a single unit. A zoning lot may or may not correspond with a lot of record.

(Res. 1-1 §2 (part), November 16, 1982).

**Zoning, planning, and subdivision committee.**

"Zoning, planning, and subdivision committee" means the planning, zoning, subdivision, public health and safety committee of the Sangamon County board.

(Res. 1-1 §2 (part), November 16, 1982).

## **Chapter 17.06 - APPLICABILITY OF REGULATIONS**

### **Sections:**

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### **17.06.010 - Provisions considered minimum regulations—Exceptions.**

The regulations set by this title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as provided in Sections 17.06.020 through 17.06.050.

(Res. 1-1 §3 (A) (part), November 16, 1982).

### **17.06.020 - Conformity with district regulations required—Exceptions.**

No building, structure, or land shall be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified in this title for the district in which it is located except in cases incurred due to a catastrophe when applicable to owner occupied single-family and duplex residential dwellings established prior to the adoption of the Sangamon County zoning ordinance. In no way shall the reconstruction result in a greater violation of any provisions of the zoning ordinance than the nonconformity that existed prior to the catastrophe.

(Res. 1-1 §3 (A) (1), November 16, 1982; Res. 9, January 10, 1978).

### **17.06.030 - Construction or alteration of buildings and structures permitted when.**

Unless otherwise provided, no building or other structure shall hereafter be erected or altered to:

- A. Exceed the height or bulk;
- B. Accommodate or house a greater number of families;
- C. Occupy a greater percentage of lot area;

- D. Have narrower or smaller rear yards, front yards, side yards, or other open spaces than is required in this title or in any other manner contrary to the provisions of this title.

(Res. 1-1 §3(A) (2), November 16, 1982).

**17.06.040 - Open space restrictions.**

No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this title, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

(Res. 1-1 §3(A) (3), November 16, 1982).

**17.06.050 - Yard dimensions.**

- A. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. For small lots and parcels of land of record existing at the time of the adoption of this ordinance in all residence districts and the agricultural districts, notwithstanding the minimum lot area per dwelling unit and the lot width requirements for the district, a single-family detached residence, additions to single-family dwellings, and accessory buildings may be built upon such lot provided the following conditions can be met:
  - 1. The lot has a width of at least forty (40) feet;
  - 2. Each side yard shall be at least three (3) feet in width;
  - 3. The rear yard shall be at least three (3) feet in width;
  - 4. The front yard shall be not less than the average front yard of immediately adjacent buildings facing on the same street; and,
  - 5. For lots less than one (1) acre, sanitary sewer must be available, except that for pre-existing lots of record with public water but no public sewer, a minimum of 15,000 square feet is allowed.
- B. Preexisting small lots of record which are zoned for manufactured homes may have a manufactured home placed on them provided the above five (5) conditions can be met.
- C. The following lots or parcels in the "A" agricultural district, not existing on April 22, 1969, shall be considered lawful parcels for the purpose of obtaining a certificate of zoning compliance even though they have a lot area of less than forty (40) acres but have an area of at least one (1) acre, provided all other zoning requirements are met:

1. Parcels with parcel identification numbers as of May 9th, 2001.
2. All recorded surveys and lawfully recorded final plats recorded before May 9th, 2001. All tract surveys recorded after November 1st, 1987 must have had Plat Officer approval.
3. All tract surveys approved by the Plat Officer before May 9th, 2001, and recorded within one hundred eighty (180) days of Plat Officer approval.
4. All proposed subdivision final plats with an approved location and sketch map pursuant to the land subdivision ordinance of 1984, provided said plat must be recorded by May 8th, 2002. Minor subdivisions must be recorded by November 8th, 2001.
5. Any tract used for a public purpose and owned by a local unit of government. The minimum one (1) acre lot area requirement would not apply

(Res. 13 Exh. A (part), June 11, 2002; Res. 7, December 11, 2001; Res. 12 §6(part), May 8, 2001; Res. 8, April 11, 2000; Res. 1-1 §3(A) (4), November 16, 1982).

#### **17.06.060 - One building on a lot-Exceptions.**

In all residence districts, no more than one principal building shall be located on a lot or parcel except in the case of large scale developments and planned unit developments which may have more than one principal building on a lot or parcel if it is in accord with a development plan approved for the project. This provision supersedes any covenant provision.

(Res. 1-1 §3(N), November 16, 1982).

#### **17.06.070 - Exceptions from applicability.**

The following uses are exempted by this title and permitted in any district:

- A. Agricultural uses, as defined in Chapter 17.04, except that location of farm buildings shall conform with the front lot line, lot width, and front yard setback regulations of this ordinance (certificate of compliance still required);
- B. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, temporary batch plants for use during construction only, air and noise pollution monitoring stations, and electric power, gas, water and sewer lines, provided that the installation shall conform when applicable with Federal Communications Commission and Federal Aviation Agency rules and regulations, and other authorities having jurisdiction;
- C. The temporary use of land for special events, only during the duration of the event, including but not limited to fairs, rodeos, firework stands, and seasonal fruit and vegetable stands; including associated parking. This exemption is not intended to allow general merchandise sales unrelated to special events.

This exemption includes the temporary use of land for the installation, maintenance and operation of batch plants used by contractors in the ordinary course of construction activities. Such temporary use shall be granted only if the contractor obtains written permission from all residents within one thousand (1,000) feet of the batch plant. Such temporary use shall not continue past the duration of the single contract for which such batch plant was installed and operated; and,

- D. Telephone distribution centers, exchanges and substations and electric substations and distribution centers and gas regulator stations shall be exempt from the lot area and width requirements and the front yard requirement except that a fifteen (15) foot front yard must be maintained. The requirements of 17.40.010 relative to corner lots shall also apply.

(Res. No. 5, Exh. A, 11-14-2017; Res. 15, March 11, 1997; Res. 9, December 7, 1992; Res. 16a §§11, 24(part), November 19, 1985; Res. 1-1 §3(B), November 16, 1982).

### **17.06.080 - Separability of provisions.**

It is hereby declared to be the intention of the county board that the several provisions of this title are separable, in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provisions of this title or amendments thereto to be invalid, such judgment shall not affect any other provisions of this title or amendments thereto not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of the provisions of this title to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgment.

(Res. 1-1 §3(C), November 16, 1982).

## **Chapter 17.08 - DISTRICTS AND BOUNDARIES**

### **Sections:**

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### **17.08.010 - Establishment and purpose of districts.**

In order to carry out the provisions and purposes of this title, the affected area of Sangamon County is divided into the following districts:

A. Agricultural Districts.

A-1 Agriculture. Purpose: The A-1 agriculture district consists of areas where the soil, water, vegetal, topographical and other conditions are best adapted to the pursuit of agriculture. The district is designed to prevent the intrusion of nonagricultural land use which would hinder agricultural pursuits by removing prime farmland from production, causing congestion of public roads and creating conflicts between agricultural and nonagricultural uses. It is the intent of this title to allow maximum freedom of operation of agricultural uses and to preserve conditions suitable for agricultural pursuits. No nonagricultural uses shall be permitted in the A-1 district, except for those specified in Chapter 17.10.

B. Residence Districts.

1. R-1 and R-1(A) Single-family Residence Districts. Purpose: The R-1 single-family residence district is designed to encourage and preserve low density neighborhoods within the county and to provide a suitable environment for activities associated with family life. This district is intended to be used primarily in areas where public facilities as well as public services such as fire protection are readily available. The R-1(A) single-family residence district provides for residential development of an intermediate density where both public sewer and public water are available.

2. R-2 Single-family and Two-family Residence District. Purpose: The R-2 single-family and two-family residence district is designed to encourage and preserve medium density neighborhoods within the county and to provide a suitable environment for activities associated with family life. This district is intended to be used primarily in areas where public facilities

such as sanitary sewer and public water as well as public services such as fire protection are readily available.

3. R-3 General Residence District. Purpose: The R-3 general residence district is designed to accommodate a balanced mixture of single-family, two-family and multifamily housing with appropriate standards on density and the spacing of buildings. This district is intended to be used primarily in areas where public facilities such as sanitary sewer and public water as well as public services such as fire protection are readily available.
  4. RM-4 Manufactured Home District. Purpose: The RM-4 manufactured home district is created to meet the needs of persons utilizing manufactured homes as dwelling units and to provide for their accommodation in manufactured home parks. Single-family homes on lots that meet the bulk requirements of the R-1 district or the provisions of Section 17.06.050 are also permitted. This district is intended to be used primarily in areas where public facilities such as sanitary sewers and public services such as fire protection are available.
- C. Planned Unit Development District. Purpose: The purpose of the PUD planned unit development district is to encourage the creation of a new and more desirable man-made environment. Under the PUD classification, the developer of ten (10) or more acres of land in Sangamon County is offered an opportunity to stretch for the best possible arrangement and interrelationships of streets, land use and buildings on the land through the planning, designing and layout process. The more traditional design limits imposed by zoning district use and bulk requirements and by the separate requirements of the land subdivision regulations are removed for the PUD developer. He is thus given a free hand to work towards the achievement of goals and objectives of the county comprehensive plan and to develop layouts that will result in a wider range of settings for a contemporary way of life.
- D. Office and College District. Purpose: The office and college district is designed to provide areas that permit a mixture of residential uses and compatible service uses. This district allows uses permitted in the R-3 district as well as uses such as health care facilities, higher education facilities, offices, and accompanying uses. While allowing some intensive uses, the O district is intended to exclude uses that increase noise and traffic and hence are offensive to patient care, educational, and residential uses.
- E. Business Districts.
1. B-1 Neighborhood Business District. Purpose: The B-1 neighborhood business district is established to provide basic goods and services for the

residents of the surrounding neighborhood. It provides for small scale operations which will satisfy the needs of the local consumer.

2. B-2 Retail Business District. Purpose: The B-2 retail business district is designed to provide for a wide range of retail sales and service uses, excluding such goods and services which are durable or industrial in character. Uses permitted in the B-1 district are also permitted.
3. B-3 General Business District. Purpose: The B-3 general business district is created to permit a wide spectrum of commercial uses. Permitted uses in this district are inclusive of all uses allowed in the B-1 and B-2 districts and also include goods and services which are durable or industrial in character and semi-commercial industrial services that support the retail functions in nearby major commercial centers. The B-3 district is also designed to accommodate highway oriented services. Uses permitted in the B-2 district are also permitted.

F. Industrial Districts.

1. I-1 Restricted Industrial District. Purpose: The I-1 restricted industrial district is intended to allow a compatible mixture of selected industrial uses and commercial uses. Permitted uses in this district are inclusive of all uses allowed in the B-1, B-2, and B-3 districts, except for adult uses, along with light industrial uses that are in accordance with the applicable performance standards. Dwelling and lodging units are not permitted except for watchman's quarters. Only one watchman's quarters is allowed per business.
2. I-2 General Industrial District. Purpose: The I-2 general industrial district is established to allow a wide range of both commercial and industrial uses. Permitted uses in this district are inclusive of all uses allowed in the B-1, B-2, B-3, except for adult uses, and I-1 districts and all permitted industrial uses that are in accordance with the applicable performance standards. The I-1 district is designed to accommodate the essential heavy and industrial uses. Dwelling and lodging units are not permitted except for watchman's quarters. Only one watchman's quarters is allowed per business.

(Res. 13 Exh. A (part), June 11, 2002; Res. 15 (part), December 3, 1990; Res. 1-1 §4 (A), November 16, 1982).

**17.08.020 - Districts—Location and boundaries established—Maps adopted.**

The location and boundaries of the above zoning districts are established as set forth on the Zoning District Map for the Springfield Urbanized Area (1"=800') and the individual township zoning district maps (3"=1 mile), which are adopted and are incorporated into this title. Copies

of the map are available for inspection in the office of the Sangamon County zoning administrator. Copies may be purchased in the planning commission office.

(Res. 16a §16, November 19, 1985; Res. 1-1 §4 (B), November 16, 1982).

#### **17.08.030 - District—Boundary interpretation rules.**

When uncertainty exists with respect to the boundaries of the various districts shown on the zoning district maps, the following rules shall apply:

- A. District boundary lines are either the centerlines of railroads, highways, streets, alleys, easements or streams, or are coterminous with lot lines and tract lines or such lines extended unless otherwise indicated;
- B. Where a boundary line is shown as being located a specific distance from a street or road line or other physical feature, this distance shall control;
- C. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such maps;
- D. In any case where a single lot or parcel is divided into different or separate zoning districts, the general requirements of the district of the largest size on said lot or parcel shall govern the entire area, except that (1) the resulting extension of the district requirements shall not exceed one (1) acre and (2) the lot or parcel was of record on the effective date of the zoning ordinance of 1969. If said lot or parcel is equally divided between different districts, the general requirements for the less restrictive district shall govern the entire area.

(Res. 16a §13, November 19, 1985; Res. 1-1 §4 (C), November 16, 1982).

#### **17.08.040 - Zoning of disconnected land.**

- A. Any addition to the unincorporated area of Sangamon County resulting from disconnection by a municipality, or the dissolution of a municipality, shall be automatically classified as A agriculture until otherwise reclassified by amendment.
- B. Any unincorporated land where the zoning district classification is not shown on the zoning district map shall be automatically classified as A agriculture until otherwise reclassified by amendment.

(Res. 1-1 §3(F), November 16, 1982).

#### **17.08.050 - District classification changes—Harmonious transition provisions.**

In order to make a harmonious transition from city, village and incorporated town extraterritorial zoning control in the area beyond the corporate limits of such municipalities to county control of the same area, the following exception is incorporated herein: Zoning district classification changes granted prior to the effective date of the ordinance codified in this title, by any city,

village or incorporated village in the area up to one and one-half (1½) miles beyond their corporate limits which are not shown and included on the zoning district maps of such ordinance will be allowed and included on the zoning district maps of such ordinance when brought to the official attention of the county zoning board of appeals by the owner of the property and at no cost to the owner, the zoning district classification of such changes shall be the nearest applicable county zoning district classification in the judgment of the county zoning board of appeals.

(Res. 1-1 §7(l), November 16, 1982).



## **Chapter 17.10 - A AGRICULTURAL DISTRICT**

### **Sections:**

17.10.010 - PERMITTED USES.....	10-1
17.10.020 - CONDITIONAL PERMITTED USES.....	10-2

### **17.10.010 - Permitted uses.**

Permitted uses in the A district are:

Agriculture

Antenna and utility towers (except wind energy conversion systems)

Boarding schools

Churches

Convents and seminaries

Electric distribution centers (except those that are part of a wind energy conversion system)

Electric substations (except those that are part of a wind energy conversion system)

Eleemosynary institutions

Elementary schools

Family care facilities

Family day care centers

Gas regulator stations

Grain haulers

High schools

Home occupations

Institutions for the care of the aged and for children

Junior high schools

Manufactured homes

Meeting halls

Nursery schools

Nursing homes

Oil and gas wells

Philanthropic institutions

Police and fire stations

Polling places

Religious institutions

Rest homes

Single-family residences

Telephone distribution centers  
Township offices  
Township road commissioner's equipment facility  
Truck gardening  
Unlighted golf courses  
Water well drilling  
Waterworks

**Accessory uses—incidental to the above uses**

(Res. 11 Exh. A (part), August 8, 2006; Res. 13 Exh. A (part), June 11, 2002; Res. 12 (part), May 2, 1994; Res. 15 (part), December 3, 1990; Res. 16a §10(part), November 19, 1985; Res. 1 §5(A)(part), November 16, 1982; Res. 9, February 13, 1973).

**17.10.020 - Conditional permitted uses.**

Conditional permitted uses in the A district are:

Adult-use cannabis craft growers  
Adult-use cannabis cultivation centers  
Adult-use cannabis transporting organizations  
Agricultural chemical sales  
Airports  
Antique stores  
Archery, pistol, rifle, and shotgun ranges  
Auction and wholesale establishments—restricted to sales of livestock, poultry, fur pelt, crops, plants and other similar agriculture produce  
Bait shops  
Banquet hall  
Bed and breakfasts  
Biodiesel plants  
Camping and tenting parks  
Cemeteries  
Compost facilities, general  
Compost facilities, landscape waste  
Crematories  
Disposal areas, in accord with other applicable county regulations  
Dog kennels  
Ethanol Plants  
Fairgrounds  
Farm Machinery Sales  
Feed sales  
Fertilizer sales and service installation facilities

Field tile installation and facilities  
Grain elevators  
Greenhouses  
Heliports  
Hunting, fishing and game preserves  
Landscaping companies  
Lighted golf courses and driving ranges  
Livestock buying stations  
Manufactured home parks  
Manufactured home sales incidental to operation of manufactured home parks  
Mausoleums  
Mining  
Mushroom barns  
Nurseries  
Picnic grounds  
Private outdoor recreation centers  
Public parks  
Railroad stations  
Restricted landing areas  
Riding stables  
Sawmills and lumberyards  
Seed houses  
Sewage treatment plants  
Slaughterhouses  
Veterinary hospitals  
Wind energy conversion systems

(Res. 12, January 14, 2020; Res. 9, February 13, 2007; Res. 8, January 9, 2007; Res. 11 Exh. A (part), August 8, 2006; Res. 13 Exh. A (part), June 11, 2002; Res. 15, March 11, 1997; Res. 12 (part), May 2, 1994; Res. 7 §2, November 19, 1991; Res. 15 (part), November 3, 1990; Res. 16a §§10(part), 23(part), November 19, 1985; Res. 1-1 §5(A)(part), November 16, 1982; Res. 5, April 16, 1974; Res. 9, February 13, 1973).



## **Chapter 17.12 - R-1 SINGLE-FAMILY RESIDENCE DISTRICT**

### **Sections:**

17.12.010 - PERMITTED USES.....	12-1
17.12.020 - CONDITIONAL PERMITTED USES.....	12-1

### **17.12.010 - Permitted uses.**

Permitted uses in the R-1 district are:

Home occupations

Single-family residences

Unlighted golf courses

The following institutional uses, provided that principal buildings shall be located not less than twenty (20) feet from adjoining lot lines in a residential district:

Boarding schools

Churches

Family care centers

Family day care centers

Public open space, including public parks

Schools, public or private, to be used for nursery, elementary, junior and senior high, with adjacent space for playgrounds, athletic fields, dormitories, and other accessory uses required for operation

Seminaries, convents, monasteries and other similar religious institutions, including dormitories and other accessory uses required for operation

Accessory uses incidental to the above uses

(Res. 15 (part), December 3, 1990; Res. 16a §10(part), November 19, 1985; Res. 1-1 §5(B)(part), November 16, 1982).

### **17.12.020 - Conditional permitted uses.**

Conditional permitted uses in the R-1 district are:

Cemeteries

Electric substations

Gas regulator stations

Group care facilities

Hospitals

Lighted golf courses and driving ranges

Outdoor coin telephone booths

Planned developments under single ownership on a tract of land not less than ten (10) acres

Police and fire stations

Public and private outdoor recreation centers

Railroad stations

Sewage treatment plants

Telephone exchanges

Waterworks

(Res. 15 (part), December 3, 1990; Res. 16A §10(A)(part), November 19, 1985; Res. 1 §5(B)(part), November 16, 1982).

## **Chapter 17.14 - R-2 Single-family and Two-family Residence District**

### **Sections:**

17.14.010 - PERMITTED USES.....	14-1
17.14.020 - CONDITIONAL PERMITTED USES.....	14-1

### **17.14.010 - Permitted uses.**

Permitted uses in the R-2 district are:

Uses permitted in an R-1 district

Two-family residences

(Res. 1-1 §5 (C) (part), November 16, 1982).

### **17.14.020 - Conditional permitted uses.**

Conditional permitted uses in the R-2 district are:

Conditional permitted uses in an R-1 district

(Res. 1-1 §5 (C) (part), November 16, 1982).



## **Chapter 17.16 - R-3 GENERAL RESIDENCE DISTRICT**

### **Sections:**

17.16.010 - PERMITTED USES.....	16-1
17.16.020 - CONDITIONAL PERMITTED USES.....	16-1

### **17.16.010 - Permitted uses.**

Permitted uses in the R-3 district are:

Uses permitted in an R-2 district

Aquariums

Art galleries

Attached dwelling units

Group care facilities

Multiple-family dwelling units

Museums

Public libraries

(Res. 16a §10 (part), November 19, 1985; Res. 1-1 §5 (D) (part), November 16, 1982).

### **17.16.020 - Conditional permitted uses.**

Conditional permitted uses in the R-3 district are:

Conditional permitted uses in an R-1 district

Institutions

(Res. 16a §10 (part), November 19, 1985; Res. 1-1 §5 (D) (part), November 16, 1982).



## **Chapter 17.18 - RM-4 MANUFACTURED HOME DISTRICT**

### **Sections:**

17.18.010 - PERMITTED USES.....	18-1
17.18.020 - CONDITIONAL PERMITTED USES.....	18-1

### **17.18.010 - Permitted uses.**

Permitted uses in the RM-4 district are:

Manufactured homes

Public open space

Single-family residences that meet the bulk requirements of the R-1 district

(Res. 13 Exh. A (part), June 11, 2002; Res. 1-1 §5 (E) (part), November 16, 1982; Res. 8, November 15, 1977).

### **17.18.020 - Conditional permitted uses.**

Conditional permitted uses in the RM-4 district are:

Conditional permitted uses in an R-1 district

Manufactured home parks

Manufactured home sales

(Res. 13 Exh. A (part), June 11, 2002; Res. 1-1 §5 (E) (part), November 16, 1982).



## **Chapter 17.20 - O OFFICE AND COLLEGE DISTRICT**

### **Sections:**

17.20.010 - PERMITTED USES.....	20-1
17.20.020 - CONDITIONAL PERMITTED USES.....	20-1

### **17.20.010 - Permitted uses.**

Permitted uses in the O district are:

Uses permitted in an R-3 district

Business colleges

Business schools

Commercial day care center

Dental clinics

Fraternal institutions

Fraternities

Group care facilities

Hospitals

Institutions

Medical clinics

Nursing homes

Offices

Private colleges

Public colleges

Sororities

Wholesale offices without warehousing facilities

(Res. 16a §10 (part), November 19, 1985; Res. 1-1 §5 (F) (part), November 16, 1982).

### **17.20.020 - Conditional permitted uses.**

Conditional permitted uses in the O district are:

Antennas, towers, and microwave antenna

Crematories

Electric substations

Fire stations

Funeral homes

Gas regulator stations

Hotels

Law enforcement stations

Motels

Outdoor coin telephone booths

Public and private outdoor recreation centers

Rehabilitation centers

Telephone exchanges

Television and radio transmitting and relay stations

Tourist homes

Waterworks

(Res. 1-1 §5(F) (part), November 16, 1982).

## **Chapter 17.22 - B-1 NEIGHBORHOOD BUSINESS DISTRICT**

### **Sections:**

17.22.010 - PERMITTED USES.....	22-1
17.22.020 - CONDITIONAL PERMITTED USES.....	22-2

### **17.22.010 - Permitted uses.**

Permitted uses in the B-1 district are:

Art and school supply stores  
Bait shops  
Bakery shops, but not including processing or baking  
Banquet halls  
Barber shops and beauty parlors  
Book and stationery stores  
Business schools  
Cafes  
Candy and ice cream shops  
Churches  
Club or lodge, private  
Commercial day care centers  
Craft and hobby shops  
Delicatessens  
Dog kennels and obedience schools  
Drug stores  
Dry-cleaning and laundry establishments (automatic, self-service)  
Dry-cleaning and laundry receiving and distribution stations, but not including processing  
Dwelling units, above the first floor  
Florist shops  
Food and grocery stores  
Gift shops  
Glassware stores  
Hardware stores  
Lodging rooms above the first floor  
Meat markets  
Newsstand  
Offices, business, professional, and public

Outdoor coin telephone booths  
Postal substations  
Public activities  
Religious institutions, including churches, seminaries and convents including dormitories and other accessory uses required for operation  
Restaurants, but not including drive-ins  
Shoe repair  
Signs, advertising and business  
Accessory uses customarily incidental to the above uses

(Res. 15 (part), December 3, 1990; Res. 1-1 §5 (G) (part), November 16, 1982).

**17.22.020 - Conditional permitted uses.**

Conditional permitted uses in the B-1 district are:

Community centers  
Electric substations  
Fire stations  
Gas regulator stations  
Heliports  
Law enforcement stations  
Libraries  
Regulator substations  
Rehabilitation centers  
Taverns  
Telephone exchanges

(Res. 1-1 §5(G) (part), November 16, 1982; Res. 9, February 13, 1973).

## **Chapter 17.24 - B-2 RETAIL BUSINESS DISTRICT**

### **Sections:**

17.24.010 - PERMITTED USES:.....	24-1
17.24.020 - CONDITIONAL PERMITTED USES.....	24-4

### **17.24.010 - Permitted uses:**

Permitted uses in the B-2 district are:

Uses permitted in a B-1 district

Antique shops

Art galleries

Bakers (not more than 50% of floor area to be devoted to processing)

Bicycle stores, sales, rental, and repair

Camera and photographic supply stores

Carpet and rug stores

Ceramic shops

Charitable and philanthropic institutions

China and glassware stores

Clothing stores

Clubs, private and public

Cocktail lounges

Coin and stamp stores

Costume rental shops

Currency exchanges

Custom dressmaking, millinery or tailoring

Dental clinics

Department stores

Dry cleaning, equipment not to exceed 80 pounds capacity

Dry goods stores

Electrical and household appliances

Employment agencies

Financial institutions

Frozen food lockers and shops

Furniture stores and upholstery, when conducted as a part of the retail operations and secondary to the main use

Furrier shops, including the incidental storage and conditioning of furs

Garden supply and seed stores  
Gymnasiums  
Haberdashery stores  
Hat repair shops  
Health services  
Hobby shops  
Household appliance stores  
Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as a part of retail operations and secondary to main use  
Jewelry and watch shops  
Laboratories, medical, dental, research, experimental and testing; provided no production or manufacturing of products takes place  
Leather goods and luggage stores  
Libraries  
Limousine service  
Loan offices  
Locksmith shops  
Lodges, private and public  
Lodging rooms above the first floor  
Luggage stores  
Mail order service stores  
Masseur, licensed  
Medical clinics  
Meeting halls  
Millinery shops  
Museums  
Musical instrument sales and repair  
Newspaper offices  
Office supply stores  
Optician offices  
Optometrist offices  
Orthopedic and medical appliance store, but not including the assembly or manufacture of such articles  
Paint and wallpaper stores  
Pet shops  
Photocopy establishments  
Photography studios, including the development of film and pictures when done as part of a retail business

Physical culture and health facilities  
Picture framing, when conducted for retail trade on its premises only  
Post offices  
Public baths  
Radio and television broadcasting stations  
Recording studios  
Reducing salons  
School supply stores  
Schools - music, dance business or commercial  
Secondhand stores and rummage shops  
Sewing machine sales and service, household machines only  
Shoe stores  
Sign shops  
Sporting goods stores  
Stationery stores  
Tailor shops  
Taxidermists  
Telegraph offices  
Telephone booths, outdoor  
Telephone exchange and equipment essential to its operation in the interest of public convenience and necessity and including business offices in conjunction herewith  
Temporary buildings for construction, for a period not to exceed the duration of active construction  
Theater, indoor  
Toy stores  
Travel bureau and transportation ticket office  
Typewriter and adding machine sales and service  
Variety stores  
Vehicle sales and service  
Vending machines  
Veterinary hospitals  
Wearing apparel stores  
Wholesale establishments, with storage of merchandise limited to samples only  
Accessory uses customarily incidental to the above uses

(Res. 15 (part), December 3, 1990; Res. 16a §10 (part), November 19, 1985; Res. 1-1 §5 (H) (part), November 16, 1982; Res. 9, February 13, 1973).

**17.24.020 - Conditional permitted uses.**

Conditional permitted uses in the B-2 district are:

Adult-use cannabis dispensing organizations

Antennas, towers and microwave antennas

Arenas, auditoriums, convention center, and stadiums

Automobile service stations

Electric substations

Fire stations

Garages, public and private, for the storage of private passenger vehicles and small (under three-fourths ton) commercial vehicles

Golf courses, including driving ranges

Heliports

Hospitals

Independent off-street-parking areas

Law enforcement stations

Liquor stores

Pumping stations

Radio or television transmitting or relay stations

Rehabilitation centers

Rest homes

Sanitariums

Taverns

Telephone exchanges

Waterworks

(Res. 12, January 14, 2020; Res. 16a §10 (part), November 19, 1985; Res. 1-1 §5(H) (part), November 16, 1982; Res. 9, February 13, 1973).

## **Chapter 17.26 - B-3 GENERAL BUSINESS DISTRICT**

### **Sections:**

17.26.010 - PERMITTED USES.....	26-1
17.26.020 - CONDITIONAL PERMITTED USES.....	26-3

### **17.26.010 - Permitted uses.**

Permitted uses in the B-3 district are:

Uses permitted in a B-2 district

Agricultural implement sales and service, on an open lot or within a building

Ambulance service

Auction houses and rooms

Automobile accessory stores

Automobile repairs, but not including bodywork or spray painting

Automobile sales, service and repair, but not including body repair, new and used, on an open lot or within a building

Automobile service stations

Blueprinting establishments

Boat sales and service establishments

Bowling alleys

Building material sales without outdoor storage

Business machine sales and service establishments

Car washes

Cartage and express facilities providing storage goods, motor trucks and other equipment in an enclosed structure

Casket and casket supplies

Catering establishments

Community centers

Construction offices

Contractor's offices, when fabricating is done on the premises and when all storage of material and equipment is within a building (i.e., lumberyards, contractor equipment rental, cabinet shop)

Crematories

Dance halls

Dental laboratories

Dry cleaning

Exterminating shops  
Feed stores  
Fuel sales, retail only  
Funeral homes  
Garages  
Garages, public servicing automotive vehicles, not including body repair nor painting  
Greenhouses  
Hotels  
Ice sales, retail only  
Job printing shops with presses having not more than 14" × 20" beds  
Laundries, commercial  
Lawn mower sales and repair  
Lodging houses  
Machinery sales establishments  
Mail order houses  
Manufactured home sales  
Medical appliance stores  
Medical laboratories  
Monument sales  
Motels  
Motor vehicle equipment sales  
Motor vehicle sales  
Newspaper distribution agencies  
Orthopedic appliance stores  
Paint stores  
Parking lots and garages for automobiles  
Pet shops  
Plumbing shops, stores and showrooms  
Pool halls  
Radio and television sales and repair shops  
Recreation buildings  
Research laboratories  
Restaurants, including live entertainment and dancing, and including drive-in restaurants  
Self-service storage facilities (mini-warehouses)  
Skating rinks, indoors  
Swimming pools, indoors  
Testing laboratories  
Theaters, including drive-in theaters

Trade schools  
Trailer sales and rental  
Trucking firms  
Undertaking establishments  
Vending machine sales  
Vending machine service establishments  
Veterinary hospitals  
Wallpaper stores  
Wholesale establishments  
Accessory uses customarily incidental to the above uses

(Res. 13 Exh. A (part), June 11, 2002; Res. 15 (part), December 3, 1990; Res. 7 §5, April 14, 1987; Res. 16a §§10 (part), 19, November 19, 1985; Res. 1-1 §5(I) (part), November 16, 1982; Res. 5, April 16, 1974).

### **17.26.020 - Conditional permitted uses.**

Conditional permitted uses in the B-3 district are:

Adult uses subject to the limitation of Chapter 17.54

Adult-use cannabis dispensing organizations

Antennas, towers, and microwave antennas

Archery, pistol, rifle, and shotgun ranges, provided they are in completely enclosed buildings

Automobile towing service with temporary storage limited to six (6) months

Car washes

Electric generating unit

Electric substations

Establishments engaged in "adult uses"

Heliports

Liquor stores

Public and private outdoor recreation centers

Radio or television transmitting or relay stations

Taverns including live entertainment and dancing

Water substations

(Res. 12, January 14, 2020; Res. 16a §§10 (part), 23 (part), November 19, 1985; Res. 1-1 §5 (I) (part), November 16, 1982; Res. 9, February 13, 1973).



## **Chapter 17.28 - I-1 RESTRICTED INDUSTRIAL DISTRICT**

### **Sections:**

17.28.010 - PERMITTED USES.....	28-1
17.28.020 - CONDITIONAL PERMITTED USES.....	28-2

### **17.28.010 - Permitted uses.**

Permitted uses in the I-1 district are:

Uses permitted in the B-1, B-2 and B-3 districts. Dwelling units and lodging rooms are not permitted except for a single watchman's quarters. Manufactured homes are permissible for watchman's quarters

Any establishment engaged in production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, provided operations conform with the performance standards and other general requirements applicable to this district set forth in this Chapter and Chapters 17.34 and 17.38.

Conditional permitted uses in the B-1, B-2 and B-3 districts except heliports, adult uses, and adult-use cannabis dispensing organizations.

Arenas, auditoriums, and stadiums, open or enclosed

Building material sales with outside storage

Bus stations, terminals, and garages

Car washes

Cartage and express facilities

Contractor's office, shops, and yards

Dental service facilities and clinics

Fertilizer sales and service

Fire stations

Fuel sales

Garages for storage, repair, and servicing of motor vehicles, but not including body shops or spray painting

Gas regulators

Grain elevators

Greenhouses, wholesale

Highway maintenance shops and yards

Hotels, camps for railroad labor, sleeping, lodging, eating, and related facilities

Ice sales

Medical service facilities and clinics

Microwave relay towers  
Motor freight terminals  
Offices and lodges of labor organizations  
Packing and crating  
Police stations  
Printing  
Publishing establishments  
Radar installations and towers  
Railroad passenger stations  
Television transmission equipment buildings  
Temporary real estate offices, for the purpose of conducting the sale of lots of the tract upon  
which such tract office is located, for a period not to exceed two years  
Towing service with temporary storage of vehicles limited to six (6) months  
Warehouses  
Weighing stations  
Welding shops  
Accessory uses incidental to and on the same lot and zoning district as the principal use  
(Res. 12, January 14, 2020; Res. 13 Exh. A (part), June 11, 2002; Res. 15 (part), December 3, 1990; Res. 16a §10 (part),  
November 19, 1985; Res. 1-1 § 5(J) (part), November 16, 1982; Res. 9, February 13, 1973).

**17.28.020 - Conditional permitted uses.**

Conditional permitted uses in the I-1 district are:

Adult-use cannabis craft growers  
Adult-use cannabis cultivation centers  
Adult-use cannabis dispensing organizations  
Adult-use cannabis infuser organizations  
Adult-use cannabis processing organizations  
Adult-use cannabis transporting organizations  
Airports, private and commercial including heliports and other aircraft land fields, runways, flight  
strips and flying schools, together with hangars, terminal buildings and other auxiliary  
buildings  
Compost facilities, general  
Compost facilities, landscape waste  
Concrete batch plants  
Electric generating stations  
Garages for storage, repair and servicing of motor vehicles including body shops and spray  
painting  
(Res. 12, January 14, 2020; Res. 7 §3, November 19, 1991; Res. 15 (part), December 3, 1990; Res. 1-1 §5(J) (part), November 16,  
1982).

## **Chapter 17.30 - I-2 GENERAL INDUSTRIAL DISTRICT**

### **Sections:**

17.30.010 - PERMITTED USES.....	30-1
17.30.020 - CONDITIONAL PERMITTED USES.....	30-1

### **17.30.010 - Permitted uses.**

Permitted uses in the I-2 district are:

Uses permitted in the I-1 district. Dwelling units and lodging rooms are not permitted, except for a single watchman's quarters. Manufactured homes are a permissible watchman's quarters

Any establishment engaged in production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, provided operations conform with the performance standards and other general requirements applicable to this district set forth in this chapter and Chapters 17.34 and 17.38

Air freight terminals

Fertilizer manufacturing

Railroad classification yards freight, terminals, switching yards, and roundhouses

Repair shops

Warehouses

(Res. 13 Exh. A (part), June 11, 2002; Res. 1-1 §5 (K) (part), November 16, 1982; Res. 9, February 13, 1973).

### **17.30.020 - Conditional permitted uses.**

Conditional permitted uses in the I-2 district are:

Conditional permitted uses in an I-1 district

Adult-use cannabis craft growers

Adult-use cannabis cultivation centers

Adult-use cannabis dispensing organizations

Adult-use cannabis infuser organizations

Adult-use cannabis processing organizations

Adult-use cannabis transporting organizations

Automobile wrecking yards and junk yards completely enclosed by eight (8) foot solid fencing

Disposal areas, in accord with other applicable state and county regulations

Electric generating stations

(Res. 12, January 14, 2020; Res. 15 (part), December 3, 1990; Res. 16a §27, November 19, 1985; Res. 1-1 §5 (K) (part), November 16, 1982; Res. 9, February 13, 1973).



**Chapter 17.32 - FLOODPLAIN AREA**

**Sections:**

17.32.010 - BUILDING RESTRICTIONS. .... 32-1

Footnotes:

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For provisions regarding the National Flood Insurance Act of 1968, See Res. 9, April 27, 1971, Res. 4, June 9, 1975 and Res. 5, June 9, 1975.

**17.32.010 - Building restrictions.**

No building or structure shall be erected with the elevation of a floor, including a basement floor, lower than one foot above the elevation of the base flood as established by the National Flood Insurance Program or the best available data.

(Res. 15, March 11, 1997; Res. 1-1 §3 (G), November 16, 1982).



**Chapter 17.34 - PERFORMANCE STANDARDS FOR I-1 and I-2  
DISTRICTS**

**Sections:**

17.34.010 - APPLICABILITY—CERTIFICATION OF COMPLIANCE REQUIRED WHEN. ....	34-1
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**17.34.010 - Applicability—Certification of compliance required when.**

- A. Any new industrial use established in I-1 and I-2 districts after the effective date of the ordinance codified in this title, shall be so operated as to comply with the performance standards governing:
  - 1. Noise;
  - 2. Vibration;
  - 3. Smoke and particulate matter;
  - 4. Toxic and noxious matter;
  - 5. Odorous matter;
  - 6. Fire and explosive hazards; and
  - 7. Glare and heat, as set forth in this chapter for the district in which such use shall be located. No use already established on the effective date of said ordinance shall be so altered or modified as to conflict with, or further conflict with, the applicable performance standards established hereinafter for the district in which such use is located.
- B. Certification from an engineer, registered with the state, or scientific testing laboratory approved by the county board, indicating that the use of the land and all processing either does or will comply with the applicable performance standards, shall accompany application for a zoning certificate.

(Res. 1-1 §5 (S) (1), November 16, 1982).

**17.34.020 - Noise—Sound level limitations—Standards applicable.**

- A. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive-type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this title, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- B. At no point on the boundary of a residence or business district shall the sound pressure level of any operation or plant (other than background noises not directly under the control of the manufacturer) exceed the decibel limits in the octave bands designated below:

<b>Octave Band Frequency (cycles per second)</b>	<b>Along Residence District Boundaries</b>	<b>Along Business District Boundaries</b>
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
over 4,800	32	39

(Res. 1-1 §5(S) (2), November 16, 1982).

**17.34.030 - Vibration.**

- A. Vibrations within a district shall be controlled so as not to become a nuisance to adjacent uses.
- B. No industrial operation or activity (except those not under the direct control of the manufacturer) shall cause at any time ground-transmitted vibrations in excess of the limits set forth below. Vibrations shall be measured at any point along a residence district boundary line with a three-component measuring instrument approved by the zoning administrator, and shall be expressed as displacement in inches.

<b>Frequency (cycles per second)</b>	<b>Maximum Permitted Displacement along Residence District Boundaries (Inches)</b>
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

(Res. 1-1 §5(S) (3), November 16, 1982).

**17.34.040 - Smoke and particulate matter—Restrictions generally.**

- A. Any use already established on the effective date of the ordinance codified in this chapter shall be permitted to be altered, enlarged, expanded, or modified, provided that new sources of smoke and/or particulate matter conform to the performance standards established in Sections 17.34.050 and 17.34.060 for the district in which such use is located. The total emission weight of particulate matter from all sources within the boundaries of the lot shall not exceed the net amount permitted in the district in which the use is located after such alteration, enlargement, expansion or modification.
- B. In addition to the performance standards specified in the sections cited in subsection A of this section, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is declared to be a public nuisance and shall henceforth be unlawful.
- C. For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density equal to No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter.

- D. The emission, from all sources within any lot area, of particulate matter containing more than five (5) percent by weight of particles having a particle diameter larger than forty-four (44) microns is prohibited.
- E. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and so forth, within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified in Sections 17.34.050 and 17.34.060 for the district in which such use shall be located is prohibited.

(Res. 1-1 §5 (S) (4) (a)—(e), November 16, 1982).

**17.34.050 - Smoke and particulate matter—I-1 district restrictions.**

In the I-1 district, the following additional regulations apply:

- A. The emission of more than twelve (12) smoke units per stack in any thirty (30) minute period is prohibited, including smoke in excess of Ringelmann No. 2. However, once during any three-hour period, each stack shall be permitted up to twenty (20) smoke units (not to exceed Ringelmann No. 2) in thirty (30) minutes for soot blowing and fire cleaning. Only during fire cleaning shall smoke of Ringelmann No. 3 be permitted, and then for not more than six (6) minutes.
- B. The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of three pounds per acre of lot area during any one-hour period, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

<b>Allowance for Height of Emission*</b>	
<b>Height of Emission Above Grade (feet)</b>	<b>Correction (pounds per hour per acre)</b>
50	0.0
100	0.5
150	0.8
200	1.2
300	2.0
400	4.0

\*Interpolate for intermediate values not shown in table.

- C. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

1. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre;
2. From each gross hourly rate of emission derived in subsection 1, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission;
3. Add together the individual net rates of emission derived in subsection 2, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed three pounds per acre of lot area during any one hour.

(Res. 1-1 §5 (S) (4) (f), November 16, 1982).

**17.34.060 - Smoke and particulate matter—I-2 district restrictions.**

In the I-2 district, the following additional regulations shall apply:

- A. The emission of more than sixteen (16) smoke units per stack in any thirty (30) minute period is prohibited, including smoke in excess of Ringelmann No. 2. However, once during any two (2) hour period each stack shall be permitted up to twenty-four (24) smoke units (not to exceed Ringelmann No. 2) in thirty (30) minutes for soot blowing and cleaning fires. Only during fire cleaning shall smoke of Ringelmann No. 3 be permitted, and then for not more than eight (8) minutes.
- B. The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of three pounds per acre of lot area during any one-hour period, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

<b>Allowance for Height of Emission*</b>	
<b>Height of Emission Above Grade (feet)</b>	<b>Correction (pounds per hour per acre)</b>
50	0.0
100	0.5
150	1.5
200	2.4
300	4.0
400	8.0

\*Interpolate for intermediate values not shown in table.

- C. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

1. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre;
2. From each gross hourly rate of emission derived in subsection 1 of this section, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission;
3. Add together the individual net rate of emission derived in subsection 2 of this section to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed eight pounds per acre of lot area during any one hour.

(Res. 1-1 §5 (S) (4) (g), November 16, 1982).

#### **17.34.070 - Toxic and noxious matter.**

No activity or operation shall cause, at any time, the discharge of toxic or noxious matter across lot lines in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business. Determination of such adverse effects shall be made by the zoning administrator or duly appointed agent.

(Res. 1-1 §5 (S) (5), November 16, 1982).

#### **17.34.080 - Odorous matter.**

- A. The emission of odorous matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort or welfare is declared to be a public nuisance and shall henceforth be unlawful.
- B. No activity or operation shall cause, at any time, the discharge of odorous matter in such concentration as to be detectable without the use of instruments at any point along lot lines.

(Res. 1-1 §5 (S) (6), November 16, 1982).

#### **17.34.090 - Fire and explosive hazards—Specifications applicable.**

- A. The manufacture, utilization or storage of pyrophoric and explosive dusts shall be in accordance with the safety codes of the National Fire Protection Association. Such dusts include, but are not limited to: aluminum, bronze and magnesium powder; powdered coal; powdered plastics; flour and feed; spices; starches; sugar; cocoa; sulphur; grain (storage) and wood flour.
- B. In the I-1 district, the following additional regulations shall apply:
  1. The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

2. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following condition is met: Said materials shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls, or protected throughout by an automatic fire-extinguishing system; or said materials may be stored outdoors in conformance with the regulations of the Sangamon county board, and such storage shall have fifty (50) feet clearance from all property lines.
  3. The storage and utilization of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with rules and regulations, Department of Safety, state of Illinois.
- C. In the I-2 district, the following additional regulations shall apply:
1. The storage, utilization or manufacture of solid materials, ranging from incombustible to intense burning is permitted, subject to applicable rules and regulations of the county board of supervisors.
  2. The storage and utilization of flammable liquids, or materials which produce flammable or explosive vapors or gases, shall be permitted in accordance with the regulations of the Department of Safety of the state of Illinois.

(Res. 1-1 §5 (S) (7), November 16, 1982).

**17.34.100 - Glare and heat.**

Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Determination of the nuisance factor in regard to glare or heat intensity shall be made by the zoning administrator or duly appointed agent.

(Res. 1-1 §5 (S) (8), November 16, 1982).



## **Chapter 17.36 - ACCESSORY BUILDINGS AND STRUCTURES**

### **Sections:**

17.36.010 - LOCATION..... 36-1

### **17.36.010 - Location.**

- A. No accessory building or structure except solar energy systems, unless structurally part of the principal building, shall be erected, altered or moved to a location within six (6) feet of the nearest wall of the principal building, nor within the required front yard or within the minimum area specified for side yards. No principal building shall be erected, enlarged, altered or moved to a location within six (6) feet of the nearest wall of any existing garage or accessory building.
- B. An accessory building or structure in a required rear yard shall be not less than three (3) feet from any property line. On a corner lot where the side lot line is substantially a continuation of the front lot line of the first lot to the rear, accessory buildings or structures shall be set back from the property line adjoining the street the distance required for a front yard in the district in which the accessory building or structure is located. The maximum height allowed for any detached garage or accessory building in the R-1, R-2, R-3 or RM-4 districts is eighteen (18) feet.
- C. On lots of record on the effective date of the ordinance codified in this title, a private garage or other accessory structure may be located in a rear yard not less than eighteen (18) inches from the lot line or three (3) feet from the side lot line, provided that on a corner lot no building or other structure shall be located nearer to the side street lot line than the distance required for a principal structure on the same lot. Manufactured homes, tractor trailers, vans or other inoperable motor vehicles shall not be considered to be a permissible accessory building for living purposes, storage or any other use on any residentially zoned property or property in the A district which is improved with a residence.

(Res. 13 Exh. A (part), June 11, 2002; Res. 16a §§8, 15, November 19, 1985; Res. 1-1 §3(K), November 16, 1982).



## **Chapter 17.37 - SOLAR ENERGY SYSTEMS**

### **Sections:**

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### **17.37.010 - Definitions.**

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

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

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

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

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

**Solar Farm Energy System (SFES).** A commercial facility, on a parcel(s) of five acres or more that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity.

**Solar Farm Energy System Project Area.** A single parcel of land greater than five (5) acres, or two (2) or more contiguous parcels of land totaling a minimum of five (5) acres on which a SFES will be constructed and operated.

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

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

(Res. No. 3, Exh. A, 09-11-2018; Res. No. 5, Exh. A, 11-14-2017)

### **17.37.020 - Personal Solar Energy System (PSES).**

- A. Purpose and Intent. The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of PSESs designed for on-site home, farm, and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety, and community welfare without unduly restricting the development of PSESs.
- B. Permitted Use. Personal Solar Energy Systems shall be considered an accessory use to a principal permitted use in any zoning district.
- C. Special Requirements. Personal Solar Energy Systems shall be subject to the requirements included in Section 17.38.030 Bulk Regulations unless otherwise stated herein:
  - 1. Ground Mounted PSES Height. Shall not be greater than eighteen feet at maximum tilt of the solar panel(s) in any zoning district.
  - 2. Structure Mounted PSES Height. Shall not be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed.
  - 3. Setbacks. The PSES shall maintain perimeter setbacks including: side and rear yard setbacks of ten feet. No PSES shall be permitted to be located in the required front yard.
  - 4. Building Codes. All county, state, and national construction codes shall be followed.
  - 5. Use. The PSES shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.
  - 6. Approved Solar Components. Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent.
  - 7. Certificate of Compliance. Before a building permit is issued, the following shall be submitted to the appropriate Sangamon County permitting office for review:
    - a) Site plan showing:
      - i) Name, address, and phone number of the property owner;
      - ii) Property lines;
      - iii) All structures;
      - iv) Septic field;
      - v) Setback lines;
      - vi) Location of all solar panels and associated equipment; and,

- vii) Location of the electrical disconnect for the PSES.
- b) Evidence that the local electric utility has been informed of the customer's intent to install a customer-owned solar energy system.
- c) Evidence that the site plan has been submitted to the local fire protection district.
- d) After an approved final inspection of all building permits, a certificate of compliance shall be issued.

(Res. No. 5, Exh. A, 11-14-2017)

### **17.37.030 - Solar Farm Energy System (SFES).**

- A. Purpose and Intent. The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of SFESs designed for commercial energy production. The intent of these regulations is to protect the public health, safety, and community welfare while allowing development of solar energy resources for commercial purposes.
- B. Conditional Permitted Use (CPU). Solar Farm Energy Systems shall require a CPU within the A-1, I-1, and I-2 zoning districts, and shall be subject to the procedures and standards included in Chapter 17.58 Conditional Permitted Uses unless otherwise stated in this Chapter.
- C. Special Requirements. SFESs are subject to the following requirements:
  - 1. Height. Shall not exceed eighteen feet at maximum tilt of the solar panel(s).
  - 2. Setbacks. The front, side and rear yard setbacks shall be a minimum of fifty feet from the property lines which form the outside perimeter of a SFES. The SFES shall not be located within two hundred and fifty (250) feet of an existing dwelling. For properties participating in the solar farm, no additional separation from any existing dwelling or existing principal building is required except as provided for in Chapter 17.38.010, Minimum Yard Regulations in effect on the date the SFES building permit is submitted.
  - 3. Fencing. A fence of at least six feet in height shall enclose and secure the SFES. Hazardous fencing such as barbed wire, electrically charged fencing or fencing with metal spikes is allowed providing such fencing is located at a height of at least six (6) feet above grade level.
  - 4. Screening. A landscaping screen shall be provided for any part of the SFES that is visible to and located within five hundred (500) feet of an existing dwelling. The landscaping screen shall be located between the required fencing and the perimeter of the Solar Farm Energy System Project Area.

The screening shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded area and/or plantings of tall native grasses and other native flowering plants. The landscaping shall not be required if the SFES is not visible to a dwelling by virtue of the existing topography as determined by the Sangamon County Zoning Administrator.

5. Lighting. If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
6. Noise. Noise levels measured at the property line shall not exceed fifty decibels when located adjacent to an existing residence or residential district. Noise levels shall be enforced by both the State of Illinois and Sangamon County.
7. Installation and Design. The SFES shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent highways.
8. All wiring between solar panels and the solar farm facility substation shall be underground whenever possible.
9. Outdoor Storage. Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed.
10. Proof an Agriculture Impact Mitigation Agreement (AIMA) pertaining to the construction of a commercial solar energy facility has been executed with the Illinois Department of Agriculture.
11. Annual review and reporting.
  - a) The applicant, owner, and/or operator of an SFES project shall submit to the Sangamon County Department of Zoning on the first Monday of July of each year following SFES project approval a report regarding SFES maintenance and operation. This report shall include:
    - i) Any physical modifications to the SFES and/or its infrastructure;
    - ii) Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of any public roads, received by the applicant, owner and/or operator concerning the SFES, and the resolution of such complaints;
    - iii) Calls for emergency services, including the nature of the emergency and how it was resolved;
    - iv) Status of liability insurance; and,

- v) Any other information that the county might reasonably request.
  - b) Within thirty days of the receipt of this annual report, the Department of Zoning shall review the report and conduct an on-site field review of the SFES project. The Department shall compile a written report of the findings and within sixty days of the receipt of the report submit the report to the Sangamon County Public Health, Solid Waste, and Zoning Committee or any successor committee designated to oversee zoning issues.
  - c) The Department of Zoning shall charge a fee for this annual review in the amount of no more than five hundred dollars per SFES project area. This fee shall be paid to the Department of Zoning by the SFES applicant, owner, and/or operator at the time of annual report submission. Failure to provide the annual report and required fee shall be considered a cessation of operations.
  - d) The applicant, owner, and/or operator of an SFES project shall provide the Sangamon County Department of Zoning access to the SFES project area for the purposes described in 17.37.030(C)10(b) above. Failure to provide access shall be deemed a violation of this ordinance.
- D. Certification. SFESs shall conform to applicable industry standards, including those from the UL and Federal Aviation Administration (FAA).
- All applicable county, state, and national construction and electric codes shall be followed.
- E. Safety. All SFESs shall provide the following at all locked entrances:
- 1. A visible "High Voltage" warning sign;
  - 2. Name(s) and phone number(s) for the electric utility provider;
  - 3. Name(s) and phone number(s) for the site operator;
  - 4. The facility's 911 address, GPS coordinates; and,
  - 5. A knox box with keys.
- F. Petition. The petition for a Conditional Permitted Use for a Solar Farm Energy System shall include:
- 1. A written summary of the project including a general description of the project, including its approximate generating capacity.
  - 2. The name(s), address(s), and phone number(s) of the owner and/or SFES operator.
  - 3. A site plan of the SFES site showing:

- a) Boundaries of the site;
  - b) All proposed SFES structures;
  - c) Property lines;
  - d) Setback lines; and,
  - e) Location of all existing structures with their uses identified.
4. All other information contained in Chapters 17.58, 17.66 and 17.68 of this Zoning Ordinance as may be required to file a petition.
- G. Decommissioning Plan. Prior to applying for a building permit, the SFES project owner/operator shall submit a decommissioning plan to the Sangamon County Zoning Department. The Zoning Department shall review the plan for completeness and refer it to the Sangamon County Public Health, Solid Waste, and Zoning Committee, or any successor committee(s) designated to oversee zoning issues for approval. The plan shall include:
- 1. A description of the plan to remove the SFES equipment and restore the land to its previous use upon the end of the project's life, as stated in the Ordinance granting the Conditional Permitted Use or as stated in Chapter 17.37.050;
  - 2. Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than five feet below the surface, and the sequence in which removal is expected to occur;
  - 3. Provisions for the restoration of the soil and vegetation;
  - 4. An estimate of the decommissioning costs in future dollars at the time of filing certified by a professional engineer who shall use professional standards in compliance with State of Illinois law. The engineer shall be engaged under contract by the Sangamon County Engineer with all costs borne by the applicant;
  - 5. A written financial plan approved to ensure that funds will be available for decommissioning and land restoration;
  - 6. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs;
  - 7. Upon review of the decommissioning plan, the Public Health, Solid Waste and Zoning Committee, or its successor committee(s), of the Sangamon County Board shall set an amount to be held in a bond, escrow or other acceptable form of funds approved by the Committee. The plan shall state that the project owner/operator shall provide the Sangamon County with Financial Assurance to cover the estimated costs of decommissioning of the SFES and that the county shall have access to the project and to the

funds to effect or complete decommissioning one year after cessation of operations; and,

8. The applicant shall provide the county with a new estimate of the cost of decommissioning the SFES project every five years under the same conditions as set forth in this Section above. Salvage value of structures, electrical wire and other appurtenances shall be considered with in the cost estimate calculations. Upon receipt of this new estimate, the county may require, and the applicant, owner, and/or operator of the SFES project shall provide, a new financial plan for decommissioning acceptable to the county. Failure to provide an acceptable financial plan shall be considered a cessation of operations.

H. Certificate of Compliance. Before a building permit is issued, the following shall be submitted to the appropriate Sangamon County permitting office for review:

1. Site plan with all items previously required in the petition. Additional items to be included are:
  - a) All SFES structures including, but not limited to, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines;
  - b) Ancillary equipment;
  - c) Transmission lines;
  - d) Wells;
  - e) Septic fields;
  - f) Field tile location;
  - g) Fence plan;
  - h) Landscaping screening plan;
  - i) Existing easements;
  - j) Floodplain location and elevation; and,
  - k) Wetland location, if any.
2. Emergency plan. The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the SFES project area. Any specialized training necessary will be provided at the operator's expense.
3. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance.
4. After an approved final inspection of all building permits, a certificate of compliance shall be issued.

(Res. No. 3, Exh. A, 09-11-2018; Res. No. 5, Exh. A, 11-14-2017)

**17.37.040 - Indemnification and liability.**

- A. The applicant, owner, and/or operator of the SFES project shall defend, indemnify, and hold harmless the County of Sangamon and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the SFES project.
- B. The applicant, owner, and/or operator of the SFES project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars per occurrence and two million dollars in the aggregate. Evidence of liability coverage must be reported to the Sangamon County Department of Zoning on an annual basis, and any loss of coverage must be reported within three working days of loss. Failure to maintain coverage shall be considered a cessation of operations.

(Res. No. 5, Exh. A, 11-14-2017)

**17.37.050 - Cessation of operations.**

If any SFES provided for in this chapter has not been in operation and producing electricity for at least two hundred seventy consecutive days, it shall be removed. The Sangamon County Zoning Administrator shall notify the owner to remove the system. Within thirty days, the owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the owner fails to or refuses to remove the solar energy system, the violation shall be referred to the Sangamon County State's Attorney for enforcement.

(Res. No. 5, Exh. A, 11-14-2017)

**17.37.060 - Penalties.**

A failure to obtain applicable building permit(s) for the construction of a solar energy system or failure to comply with the requirements of a building permit or the provisions of this chapter shall be deemed a violation of this chapter. The state's attorney may bring an action to enforce compliance of the requirements of this chapter by filing an action before the Sangamon County Ordinance Violation Hearing Department or by filing an action in the circuit court for an injunction requiring conformance with this chapter or seek such other order as the court deems necessary to secure compliance with this chapter.

Any person who violates this chapter shall be fined not less than twenty five dollars or more than five hundred dollars. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Nothing herein shall prevent the county from seeking such other legal remedies available to prevent or remedy any violations of this chapter.

(Res. No. 5, Exh. A, 11-14-2017)



## Chapter 17.38 - YARD REQUIREMENTS

### Sections:

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### 17.38.010 - Minimum yard regulations.

The minimum yard regulations are:

District	Front Yard	Side Yard	Rear Yard
A-1	30'	2 side yards, each must be at least 10' wide	30'
A-2			
R-1	30'	2 side yards, each must be at least 10' wide	20'
R-2	25'	2 side yards with a total of at least 15'. Neither one may be less than 5' wide	20'
R-3	20'	Same as R-2	20'
RM-4 for manufactured homes on individual lots	20'	Same as R-2	15'
O	20'	Same as R-2	20'
B-1	15'	None	20' in depth. May be reduced to 5 feet if off-street parking and loading facilities are provided and the building does not exceed 1 story
B-2	15'	None	Same as B-1

District	Front Yard	Side Yard	Rear Yard
B-3	15'	None	Same as B-1
I-1	20'	None except on a corner lot where a side yard adjoins a street, ½ of the required front yard shall be provided	5 feet if off-street parking and loading facilities are provided and the building does not exceed 1 story
I-2	20'	Same as I-1	Same as I-1

(Res. 13 Exh. A (part), June 11, 2002; Res. 7 §8, April 14, 1987; Res. 1-1 §5 (L), November 16, 1982).

**17.38.020 - Side yard requirements where a side yard adjoins a street or road.**

Where a side yard adjoins a street or road, the side yard adjacent to the street or road shall be at least one-half of the depth of the required front yard.

(Res. 1-1 §5(M), November 16, 1982).

**17.38.030 - Bulk regulations.**

The bulk regulations are:

District	Floor Area Ratio	Minimum* Lot Area	Minimum Lot Width	Maximum Height
A	0.2	40 acres	150'***	None
A-2				
R-1	0.4	10,000 sq. ft. with public sewer	80' at the required front yard line	35'
R-1(A)	0.4	8,450 sq ft. with public sewer	65' at the required front yard line	35'
R-2	0.5	8,000 sq ft. per single-family unit with public sewer; 12,000 sq. ft. per two family unit with public sewer	80' at the required front yard line	35'

District	Floor Area Ratio	Minimum* Lot Area	Minimum Lot Width	Maximum Height
R-3	0.5 for 1 family and 2 family uses; 1.0 for multiple family uses	8,000 sq ft. per single-family unit with public sewer; 12,000 sq. ft. per two family unit with public sewer; 2,000 sq ft. per multiple-family unit with public sewer	60' at the required front yard line	85'
RM-4	None	5,000 sq. ft. with public sewer	50' at the required front yard line	35'
O	0.5 for 1 family and 2 family uses; 1.0 for multiple family uses; 1.0 for all other uses	Same as R-3	60' at the required front yard line	50'
B-1	0.8	Not less than 1,500 sq. ft. for each business establishment	None	35'
B-2	1.0	Same as B-1	None	65'
B-3	1.2	Same as B-1	None	65'
I-1	1.7	None	None	None
I-2	2.2	None	None	None

\* Only where public sewer is available. Where not available, each dwelling unit shall have one acre of lot area. For multiple family units, both water and sewer must be available.

\*\* (Res. 4, 4-16-74; increased lot width from 100' to 150') For lots and parcels of land of record existing on April 22, 1969 see Section 17.06.050.

(Res. 12 §1(part), May 8, 2001; Res. 8, April 11, 2000; Res. 15 (part), December 3, 1990; Res. 16a §5, November 19, 1985; Res. 1-1 §5(N), November 16, 1982; Res. 9, February 13, 1973).

**17.38.030.1 - One time exception to bulk regulations in the A-1 district.**

- A. There shall be a one time exception to the bulk regulations in the A-1 district for owners of property of forty (40) acres or more as of the date of the passage of the amendment of this zoning ordinance increasing the minimum lot area bulk regulations in Section 17.38.030 for the A-1 district from one (1) to forty (40) acres.

- B. The exception shall be a matter of right if the requirements of the Sangamon County land subdivision ordinance are met. The exception may be applied for at any time by the property owner or owners or their executors to whom the right accrues.
- C. The exception shall only accrue to fee simple single or joint owners or their executors who own property in the A-1 district as of the date of the passage of the amendment referenced in subsection (A) above.
- D. For each forty (40) acres of land owned in fee simple by a single owner or joint owners (as to the entire forty (40) acres) in the A-1 District, the owner or joint owners shall be entitled to convey a single lot not to exceed five (5) acres from the property to a grantee for the purpose of the grantee's establishing a dwelling upon said lot area as an exception to the minimum lot area of forty (40) acres in the A-1 District established in Section 17.38.030.
- E. The forty (40) acre property references in subsection (D) above may be a contiguous parcel or a combination of parcels in the A-1 district. However when the exemption is being used for non-contiguous parcels, all parcels shall be forty (40) acres or more.
- F. At the time the exception is applied for, the property owner or owners must specifically establish the boundaries of the forty (40) acre property line for which the exception is sought.
- G. Two dwellings existing on the forty (40) acre property for which the exemption is sought at the time of the passage of the amendment referenced in subsection (A) above shall not be a bar to the exception.
- H. The excepted lot or lots shall remain zoned in the Agricultural District.
- I. Once the exception is exercised, the property owners or their successors in interest may not establish any further lots upon the property without rezoning the property into a zoning district that permits additional dwellings.
- J. The right described shall accrue to property owners as described in subsection (A) above in multiples of forty (40) acres for each forty (40) acres as follows:
  - 1. Forty to seventy-nine (40-79) acres - one single one (1) acre lot exception is permitted.
  - 2. Eighty to one hundred nineteen (80-119) acres - two single one (1) acre lot exceptions are permitted.
  - 3. One hundred twenty to one hundred fifty-nine (120-159) acres - three single one (1) acre lot exceptions are permitted.
  - 4. The right to exceptions shall accrue for greater acreage in accordance with the principles of calculation set out in subsections (J) (1-3) herein.

- K. The location of the exempted one acre lots shall be encouraged to be located on non-prime farmland and if more than one to be located adjacent to each other to preserve farmland.
- L. The applicant for the exemption or exemptions shall apply to the regional planning commission who shall review the application pursuant to the provisions of the Sangamon County land subdivision ordinance. The appropriate fee required by the Sangamon County land subdivision ordinance shall be paid by the applicant. The exempted one-acre lot or lots shall comply with the requirements of subdivisions but need not comply with the road access requirements, the fire protection district requirements and the contiguous owner requirements for subdivisions.
- M. The exception or exceptions may be granted by the regional planning commission without further review or authorization by any other county body. In its review the regional planning commission shall include input from the zoning administrator, advise him of its approval or disapproval of the application, and maintain appropriate land use records to allow successors in office to be able to identify the property for which the exception or exceptions have been granted.

(Res. 15, July 19, 2001; Res. 12 §7 (part), May 8, 2001).

**17.38.040 - Regulations along residence district boundary lines in the B-1, B-2, B-3, I-1 and I-2 districts.**

- A. Within two hundred (200) feet of a residence district boundary line, all uses, except drive-in types of business establishments, off-street parking spaces for vehicles in operable condition, and off-street loading and unloading spaces installed in accordance with requirements set forth in Chapter 17.50 shall be within completely enclosed buildings, provided that all such facilities may be out-of-doors if completely screened by a solid wall or uniformly painted solid fence at least eight feet in height. Open storage is restricted to a height no greater than that of the enclosing fence.
- B. No building, structure, or land within fifty (50) feet of a residence district boundary line shall be erected or used for the operations of any use requiring certification of compliance with performance standards, except that off-street parking and off-street loading spaces may be located within this setback area in accordance with regulations set forth in Chapter 17.50.

(Res. 16a §18, November 19, 1985; Res. 1-1 §5-(0), November 16, 1982).

**17.38.050 - Transitional yards for lots adjoining residential district.**

In any business or industrial districts, where a side lot line coincides with a side lot line or rear lot line in an adjacent residential district, a side yard shall be provided with at least the width set forth in the following table. In any business or industrial district where a rear lot line coincides

with a side lot line or rear lot line in an adjacent residential district, a rear yard shall be provided with at least the depth set forth in the following table:

<b>District</b>	<b>Minimum Width of Side Yard (In Feet)</b>	<b>Minimum Depth of Rear Yard (In Feet)</b>
B-1	10	25
B-2	10	25
B-3	10	25
I-1	15	30
I-2	15	30

No yard required by this section shall be used for storage or processing of any kind. No side yard required by this section shall be used for accessory off-street loading.

(Res. 16 §28, November 19, 1985)

## **Chapter 17.40 - PERMITTED OBSTRUCTIONS IN YARDS**

### **Sections:**

17.40.010 - STRUCTURES, TREES, SHRUBS AND OFF-STREET PARKING SPACES PERMITTED WHEN. .... 40-1

### **17.40.010 - Structures, trees, shrubs and off-street parking spaces permitted when.**

The following shall not be considered to be obstructions when located in the required yards specified:

- A. In Any Yard.
  - 1. Marquees and awnings attached to the principal building;
  - 2. overhanging roof eaves;
  - 3. chimneys, if they do not exceed twenty (20) percent of the depth of the required yard;
  - 4. dog house for single dog;
  - 5. ornamental light standards;
  - 6. flag poles;
  - 7. arbor, trellises, trees and shrubs;
  - 8. coin operated telephones;
  - 9. permitted signs;
  - 10. solar energy systems provided they do not exceed twenty (20) percent of the required yard;
  - 11. seasonal fruit and vegetable stands;
  - 12. open porches and stoops;
  - 13. terraces and decks provided they are at least two (2) feet from the adjoining property line(s);
- B. On corner lots, obstructions shall not be higher than thirty (30) inches above curb level, if located in that portion of a required front yard or side yard situated within twenty (20) feet of the lot corner formed by the intersection of any two (2) street lines;
- C. In Side Yards. Open accessory off-street parking spaces, except in a side yard abutting a street (does not include a carport); farm accessory buildings or structures in the agricultural districts; television antennas, and noncommercial radio towers and antennas;
- D. In Rear Yards.

1. Enclosed, attached or detached off-street parking spaces (refer to Chapter 17.36 on accessory buildings or structures);
2. open off-street parking spaces;
3. farm accessory buildings or structures;
4. tool rooms;
5. accessory structures customarily accessory to the principal use;
6. balconies and breezeways;
7. noncommercial television and radio towers and antennas.

(Res. 1-1 §3 (D), November 16, 1982).

## **Chapter 17.42 - SETBACK LINES**

### **Sections:**

17.42.010 - SPECIFICATIONS APPLICABLE..... 42-1

### **17.42.010 - Specifications applicable.**

- A. In addition to and not in lieu of any applicable bulk regulations otherwise prescribed in this title, setback lines are established along those streets and roads shown and illustrated on the map entitled "Setbacks for Streets and Roads, Sangamon County, Illinois, Plate No. 1," which Plate No. 1 is incorporated herein at the end of this Section.
- B. No building or other structure shall be erected or enlarged in such manner that any portion thereof is closer to the center line of the public right-of-way of any street or road shown on Plate No. 1 than one-half ( $\frac{1}{2}$ ) the applicable setback called for in the legend on Plate No. 1.

(Res. 1-1 §3 (J), November 16, 1982).



## **Chapter 17.44 - FENCES, WALLS OR HEDGES**

### **Sections:**

17.44.010 - HEIGHT, CONSTRUCTION AND RESTRICTIONS..... 44-1

### **17.44.010 - Height, construction and restrictions.**

No fence may be constructed within Sangamon County unless the following conditions are met:

- A. Hazardous fencing such as barbed wire, electrically charged fencing or fencing with metal spikes is not allowed except for (1) agricultural uses; (2) in a non-residential zoning district provided such fencing is located at a height of at least six (6) feet above grade level.
- B. In residential districts for interior lots, fences, walls, and/or hedges are allowed to a height of four (4) feet along the front property line and along the side property line between the front property line and the building setback line. Anywhere behind the required front yard, a fence, wall, and/or hedge may be placed not to exceed six (6) feet in height except that on reversed corner lots, where the rear lot line is the side lot line of the lot to the rear, a six (6) foot fence may only be constructed up to one-half the depth of the required front yard on both sides of said lot lines. Fences, walls, and hedges are subject to the restrictions on obstructions in required yards on corner lots contained in Section 17.40.010(B) of this ordinance. A clearance of three (3) inches above natural grade shall be allowed for installation purposes and shall not count in determining the height of a fence.
- C. In business and industrial districts, no fence may exceed a height of eight (8) feet above ground level. A clearance of three (3) inches above grade shall be allowed for installation purposes and shall not count in determining the height of a fence. Fences, walls and hedges are subject to the restrictions on obstructions in required yards on corner lots contained in Chapter 17.40.
- D. Fences shall be constructed of standard fencing material subject to the limitations of this chapter. Fencing which is unsightly or a threat to the public health and safety shall be removed upon order by the zoning administrator.
- E. Any Fence in a required front yard shall be at least 50% open. Any privacy fence in a side yard adjoining a street shall be set back one-half the distance required for a front yard.

(Res. No. 11, Exh. A(2), 2-13-2013; Res. 15, March 11,1997; Res. 16a § 22, November 19, 1985; Res. 1-1 §3 (O), November 16, 1982).



## **CHAPTER 17.45 - TELECOMMUNICATION FACILITIES**

### **Sections:**

17.45.010 - PROVISIONS AND EXCEPTIONS..... 45-1

### **17.45.010 - Provisions and exceptions.**

Only the following provisions and exception shall apply to telecommunication facilities (TF) established in Sangamon County as provided for in Public Act 90-0522 which is hereby adopted and made a reference to this section:

- A. TFs must have a Certificate of Zoning Compliance before construction;
- B. An existing TF can be replaced by the same or similar structure providing the height may not be more than fifteen (15) feet higher than the structure to be replaced;
- C. TFs must be set back fifteen (15) feet from the front lot line and ten (10) feet from any other lot line;
- D. TFs may be located on same zoning lot as other principal structures;
- E. Lot area, width, floor area ratio, parking and loading requirements shall not apply except that one space shall be provided for each employee at a manned site.
- F. New Telecommunication Facilities are permitted subject to the following:
  1. the height of the facility shall not exceed two hundred (200) feet, except that if a facility is located more than one and one-half (1½) miles from the corporate limits of any municipality with a population of twenty-five thousand (25,000) or more, the height of the facility shall not exceed three hundred fifty (350) feet; and
  2. the horizontal separation distance, as measured from the center of the base of the facility to the nearest vertical wall of a principal residential building that is not under the same ownership as the land of the facility lot shall not be less than the height of the supporting structure; except that if the supporting structure exceeds ninety-nine (99) feet in height, the horizontal separation distance to the nearest principal residential building shall be at least one hundred (100) feet or eighty (80) percent of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that an application for a Certificate of Zoning Compliance for the facility is submitted. If the supporting structure is not an antenna tower, this paragraph is satisfied.

G. If a TF is not permitted under paragraph F above, the facility may be permitted by the County Board after approval as a conditional permitted use in any zoning district. The method of application shall be as described in Chapter 17.58 of this ordinance except that only the standards below shall apply. Such approval shall be by a favorable vote of a majority of the County Board members present and voting. The following siting consideration shall be considered. No other standards shall apply;

1. A non-residentially zoned lot is the most desirable location.
2. A residentially zoned lot that is not used for residential purposes is the second most desirable location.
3. A residentially zoned lot that is two (2) acres or more in size and is used for residential purposes is the third most desirable location.
4. A residentially zoned lot that is less than two (2) acres in size and is used for residential purposes is the least desirable location.
5. Whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant.
6. The benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility.
7. The existing uses on adjacent and nearby properties.
8. The extent to which the design of the proposed facility reflects compliance with the following:
  - a) 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.
  - b) 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.
  - c) No facility should encroach onto an existing septic field.
  - d) Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.
  - e) Existing trees more than three (3) inches in diameter should be preserved if reasonably feasible during construction. If any tree more than three (3) inches in diameter is removed during construction, a tree three (3) inches or more in diameter of the same or a similar species shall be planted as a replacement if

reasonably feasible. Tree diameter shall be measured at a point three (3) feet above ground level.

- f) If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping should be in accordance with any county landscaping regulations of general applicability, except that paragraph e) of this subsection 8 shall control over any tree-related regulations imposing a greater burden.
- g) Fencing should be installed around a facility. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.
- h) Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.

(Res. 9, March 10, 1998)



## **Chapter 17.46 - SWIMMING POOLS**

### **Sections:**

17.46.010 - PLACEMENT—LIGHTING—ENCLOSURE .....	46-1
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### **17.46.010 - Placement—Lighting—Enclosure.**

Swimming pools and appurtenant equipment shall not extend into the required front yard and side yards. Rear yards shall be required which comply with accessory structure provisions provided for in Chapter 17.36. When a swimming pool is considered the principal structure or use on a tract of land, the setback, side and rear yard provisions shall be required as set forth for principal structures provided for in this title. Lights used to illuminate swimming pools shall be so arranged as to reflect light away from adjoining premises and away from the vision of passing motorists. In the ground swimming pools shall be enclosed with approved fencing with self-closing gates which are to be kept locked when the pool is not in use. Such fencing shall be at least four (4) feet in height above the surrounding grade level and shall be constructed in accord with the fencing provisions of this title. Above the ground swimming pools shall be either fenced in the same manner as in the ground swimming pools, or shall be equipped with removable ladders. Above the ground swimming pools with decks that do not have removable ladders or steps shall be equipped with locking gates or shall be fenced as required for in the ground swimming pools.

(Res. 9, July 12, 1988; Res. 16a § 25, November 19, 1985; Res. 1-1 §3 (L), November 16, 1982).



## **Chapter 17.47 - SATELLITE RECEIVING DISHES**

### **Sections:**

17.47.010 - SATELLITE RECEIVING DISHES. .... 47-1

### **17.47.010 - Satellite receiving dishes.**

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. 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 plates or other identifying marks which shall not exceed one square foot in size. Satellite receiving dishes must be neutral in color.

(Res. 16a § 7, November 19, 1985).



## **Chapter 17.48 - LARGE SCALE DEVELOPMENTS**

### **Sections:**

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### **17.48.010 - Large scale development generally.**

Whenever a development in Sangamon County is proposed which: (1) is a manufactured home court; or (2) would involve more than one principal structure on a lot or parcel, the developer builder must present his physical development plans to the Springfield-Sangamon County regional planning commission for review and recommendations to the Sangamon county board. The plans shall be prepared at a scale of thirty (30) to forty (40) feet per inch and shall be prepared by an Illinois registered surveyor, architect or engineer.

(Res. 13 Exh. A (part), June 11, 2002; Res. 16a § 17, November 19, 1985; Res. 1-1 § 3(R)(part), November 16, 1982).

### **17.48.020 - Required plans and supporting documentation.**

The required plans and supporting documentation may be submitted on one or more sheets of paper and must clearly indicate the following:

- A. The boundaries of the property;
- B. Existing and proposed easements;
- C. The owner(s) of the property;
- D. On-site vehicular circulation;
- E. Vehicular parking;
- F. Sidewalks;
- G. The location and size of sanitary sewers and water mains if public facilities or approved community facilities are available. If public facilities are not available, the location of on-site systems shall be shown;

- H. Proposed site grading;
- I. Stormwater drainage;
- J. The location of structures;
- K. The location of fire hydrants;
- L. Letters from serving utility companies indicating availability and adequacy of utility service for the development.

(Res. 1-1 §3 (R) (1), November 16, 1982).

**17.48.030 - Permitted uses.**

No building or land may be used and no building may be erected, converted, enlarged or structurally altered in a large scale development except for a permitted use listed in the district in which the large scale development is applied for.

(Res. 1-1 §3 (R) (2), November 16, 1982).

**17.48.040 - Spacing.**

In lieu of front, side, and rear yard requirements, buildings twenty-five (25) feet or less in height shall be no closer than ten (10) feet to any other building, street or parking area. For buildings twenty-five (25) feet or higher, spacing shall be increased two (2) feet for every four (4) feet or fraction thereof by which the building height exceeds twenty-five (25) feet. A twenty-five (25) foot yard shall be provided around the perimeter of the development. In addition, where a commercial or industrial development adjoins a residential district, an additional ten (10) feet shall be provided. No additional yard shall be required for a residential district across a street from a large scale development.

(Res. 1-1 §3 (R) (3), November 16, 1982).

**17.48.050 - Lot area per dwelling unit.**

The required lot area per dwelling unit for the district in which the proposed large scale is located shall apply. Public streets, easements of access, and parking areas shall not be included in the calculation.

(Res. 1-1 §3 (R) (4), November 16, 1982).

**17.48.060 - Off-street parking.**

The off-street parking regulations of Chapter 17.50 shall apply.

(Res. 1-1 §3(R) (5), November 16, 1982).

**17.48.070 - Height.**

The permitted height regulations for the district in which the proposed large scale is located shall apply.

(Res. 1-1 §3 (R) (6), November 16, 1982).

**17.48.080 - Procedure for filing plans and supporting documentation—Filing fee.**

The plan or plans and any supporting documentation shall be presented to the county clerk along with a filing fee of one hundred dollars (\$100). The county clerk shall transmit the material to the planning commission. Within seven days, the planning commission shall transmit copies of the proposed large scale to the Sangamon County large scale review committee which consists of the following individuals or their representatives: the Sangamon County Engineer, the appropriate township highway commissioner and the Sangamon County zoning administrator, along with a notification of the date, time and location of a meeting to review the development and to determine if the project conforms to Sangamon County standards. If the committee determines that the plans do conform to Sangamon County standards, the planning commission shall transmit a copy of the proposed large scale to the planning, zoning, and subdivision committee of the county board along with a recommendation that the planning, zoning, and subdivision committee approve the proposed large scale development subject to certification by the Sangamon County Engineer that all required improvements have been constructed satisfactorily or that a certified check or satisfactory bond guaranteeing completion of such construction has been filed in accordance with the procedures and requirements of the Sangamon County land subdivision regulations.

(Res. 1-1 §3 (R) (7), November 16, 1982).

**17.48.090 - Planning and zoning committee approval.**

When the planning, zoning, and subdivision committee determines that the large scale development has been recommended for approval by the planning commission and that the Sangamon County Engineer has certified that the required improvements either have been installed in the manner specified by the land subdivision regulations, or that said surety bonds or certified checks are in a form and amount sufficient to assure completion, the chairman of the planning, zoning, and subdivision committee may approve said large scale plan and sign the approval of said plan for and in the name of the county of Sangamon, and the county clerk to attest the same, and thereupon a copy of said plan shall be delivered to the large scale developer.

(Res. 1-1 §3 (R) (8), November 16, 1982).

**17.48.100 - Disapproval of a large scale development.**

If the large scale review committee finds that the proposed large scale does not meet the requirements of this title, the planning commission shall in writing note any deficiencies in the plan to the developer. Once the deficiency is corrected, the planning commission shall transmit the proposed large scale to the planning, zoning, and subdivision committee as called for above.

(Res. 1-1 §3 (R) (9), November 16, 1982).

### **17.48.110 - Required improvements and minimum design standards.**

All of the above plans for drives, sidewalks, water mains, etc., shall be designed and engineered in accordance with the minimum design and layout standards and the required improvements section of the Sangamon County subdivision regulations, except that private drives may be reduced in width. However, private drives must be of sufficient width to accommodate fire vehicles. Alternate pavement designs may be presented to the Sangamon County Engineer for consideration.

(Res. 1-1 § 3(R)(10), November 16, 1982).

### **17.48.120 - Special requirements for manufactured home parks.**

The following regulations shall apply to manufactured home parks:

- A. Each manufactured home court shall have a minimum area of five (5) acres. Public or Illinois Environmental Protection Agency approved community sewer and water facilities shall be available for each manufactured home and each existing manufactured home lot shall contain at least three thousand (3,000) square feet of lot area, unless a larger lot area is required by the Department of Public Health or Environmental Protection Agency.
- B. Open Space. All manufactured home parks shall provide an overall site area of one thousand (1,000) square feet per manufactured home for access roads, utility structures, parking space, and other community facilities. This space is to be in addition to the minimum three thousand (3,000) square feet of lot area mentioned in subsection A above. In addition, eight (8) percent of the gross area of the manufactured home park shall be set aside for recreational use.
- C. Spacing. Manufactured homes shall be so located on each space so that there shall be at least a twenty (20) foot clearance between manufactured homes on all four sides. No manufactured home shall be located closer than fifteen (15) feet to any building within the park or to any property line of the manufactured home park which does not abut a public street or highway.
- D. Separation. Where a manufactured home park abuts another residential district and there is no street, alley, railway, natural ditch, creek or river separating the manufactured home park from the adjacent residential district, a twenty-five (25) foot yard shall be provided along said district abutments.
- E. Setback. Manufactured homes shall be set back at least twenty-five (25) feet from the right-of-way of public streets or alleys.
- F. Each manufactured home shall be provided with a Portland Cement concrete stand or pads and a paved outdoor patio of at least one hundred eighty (180) square feet located at the main entrance to the manufactured home.

- G. A separate way of ingress or egress to a public street shall be provided for each one hundred (100) manufactured homes contained in every manufactured home park.
- H. Each manufactured home shall be installed in accordance with local building codes and manufacturer's specifications.
- I. Each manufactured home park shall contain a storm shelter with design plans, engineering calculations, diagrams, and other data prepared by a registered architect or engineer licensed to practice in Illinois and shall include the following:
  - 1. Ability to withstand wind speeds of two hundred (200) mph.
  - 2. Twelve (12) square feet of floor space per manufactured home pad in the park.
  - 3. Ceiling height not less than seven (7) feet.
  - 4. Two exits, at least one being handicap accessible.
  - 5. Underground electrical service to the shelter.
  - 6. Interior lighting is required as well as an emergency lighting system supplied from storage batteries or an on-site generator.
  - 7. Location of the shelter shall be centrally located to all manufactured homes in the park.
  - 8. A multi-purpose facility which contains an area meeting the above standards would satisfy the requirements of this section.

(Res. 4 Exh. A, October 9, 2007; Res. 13 Exh. A (part), June 11, 2002; Res. 1-1 § 3(R)(11), November 16, 1982).



## **Chapter 17.49 - WIND ENERGY CONVERSION SYSTEMS**

### **Sections:**

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### **17.49.010 - Definitions.**

As used in this chapter:

"Contiguous urban development." Development adjacent or not adjacent to an incorporated area, that makes intensive use of land for the location of buildings, other structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, fiber, or other agricultural products, or the extraction of mineral resources, and that, when allowed to spread over wide areas, typically requires urban services.

"Mini wind energy conversion system (mini WECS)." The system by which wind energy is converted to electricity including a wind turbine, one tower, support system, blades and associated control and conversion electronics which has a rated capacity less than ten (10) kW and a system height less than thirty-five (35) feet or more.

"Setback." The distance from a feature to a tower.

"Small wind energy conversion system (SWECS)." The system by which wind energy is converted to electricity including a wind turbine, one tower, support system, blades and associated control and conversion electronics which has a rated capacity of ten-one hundred (10-100) kW or a system height of thirty-five (35) feet or more.

"System height." The height above grade of the fixed portion of the tower structure plus the turbine blade at its full vertical extension.

"Wind energy conversion system (WECS)." The system by which wind energy is converted to electricity including wind turbines, towers, support systems, blades and associated control and conversion electronics which has a rated capacity over one hundred (100) kW.

"WECS perimeter." The outer boundaries of the WECS site.

"WECS project." All WECS, substations and ancillary facilities.

"WECS site." All parcels of land making up the WECS project.

**17.49.020 - Mini wind energy conversion system (mini WECS).**

- A. Purpose and Intent. The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of mini wind energy conversion systems designed for on-site home, farm, and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety and community welfare without unduly restricting the development of mini wind energy conversion systems.
- B. Permitted Use. Mini wind energy conversion systems shall be considered an accessory use.
- C. Special Requirements. Mini WECS are subject to the following requirements:
  - 1. Tower Height. Tower height shall be less than thirty-five (35) feet.
  - 2. Setbacks. All parts of the mini WECS structure shall be set back a distance equal to 1.1 times the system height from the side and rear property lines; the principal structure; and any electric or other utility lines. Mini WECS shall not be permitted in the front yard.
  - 3. Noise. Noise levels shall not exceed standards set by the Illinois Pollution Control Board for noise emissions from Class C land to Class A land regardless of the land use of the receiving land. Noise levels shall be enforced by both the state of Illinois and Sangamon County.
  - 4. Certification. All mini WECS shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a small wind certification program recognized by the American Wind Energy Association.
  - 5. Appearance. The mini WECS surface shall be a non-reflective, unobtrusive color (usually white or gray). No advertising signs or graphic designs shall be permitted on the mini WECS. The manufacturer's identification with ratings is allowed.
  - 6. Safety. All mini WECS shall be unclimbable for fifteen (15) feet above ground level. A visible "High Voltage" warning sign shall be placed on the mini WECS.
  - 7. Lighting. The mini WECS shall not be lighted except as required by the Federal Aviation Administration or other state or federal laws.
  - 8. Building Codes. All county, state and national construction codes shall be followed.

9. Use. The mini WECS shall provide electricity for on-site use only. However, the mini WECS may be connected to the commercial grid.
- D. Certificate of Compliance. Before a certificate of compliance and building permit are issued, the following shall be submitted to the Sangamon County department of zoning and building safety for review.
  1. Site plan showing:
    - a) Name, address and phone number of the property owner;
    - b) Property lines;
    - c) All structures;
    - d) Septic field;
    - e) Setback lines;
    - f) Location of the tower, guy lines or anchor bases;
    - g) Location of any above ground utility lines.
  2. Additional information to be supplied with the site plan:
    - a) Mini WECS manufacturer;
    - b) Name-plate generating capacity;
    - c) Height according to manufacturer.
  3. Evidence that the local electric utility has been informed of the customer's intent to install an interconnected customer-owned generator, if applicable.

(Res. 11 Exh. A (part), August 8, 2006).

### **17.49.030 - Small wind energy conversion system (SWECS).**

- A. Purpose and Intent. The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of small wind energy conversion systems designed for on-site home, farm, and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety and community welfare without unduly restricting the development of small wind energy conversion systems.
- B. Permitted Use. Small wind energy conversion systems shall be considered an accessory use on parcels of land three (3) acres or larger.
- C. Special Requirements. SWECS are subject to the following requirements:
  1. Tower Height. Tower height shall be thirty-five (35) feet to eighty (80) feet.
  2. Setbacks. All parts of the SWECS structure shall be set back a distance equal to 1.1 times the system height from the front, side and rear property lines; the principal structure; and any electric or other utility lines.

3. Noise. Noise levels shall not exceed standards set by the Illinois Pollution Control Board for noise emissions from Class C land to Class A land regardless of the land use of the receiving land. Noise levels shall be enforced by both the state of Illinois and Sangamon County.
  4. Certification. All SWECS shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a small wind certification program recognized by the American Wind Energy Association.
  5. Appearance. SWECS surface shall be a non-reflective, unobtrusive color (usually white or gray). No advertising signs or graphic designs shall be permitted on the SWECS. The manufacturer's identification with ratings is allowed.
  6. Safety. All SWECS shall be unclimbable for fifteen (15) feet above ground level. A visible "High Voltage" warning sign shall be placed on the SWECS.
  7. Lighting. The SWECS shall not be lighted except as required by the Federal Aviation Administration or other state or federal law.
  8. Building Codes. All county, state and national construction codes shall be followed.
  9. Use. The SWECS shall provide electricity for on-site use only. However, the SWECS may be connected to the commercial grid. Only one SWECS shall be allowed per land parcel or per principal structure.
- D. Certificate of Compliance. Before a certificate of compliance shall be issued, the following shall be submitted to the Sangamon County department of zoning and building safety for review.
1. Site plan showing:
    - a) Name, address and phone number of the property owner;
    - b) Property lines;
    - c) All structures;
    - d) Septic field;
    - e) Setback lines;
    - f) Location of the tower, guy lines or anchor bases;
    - g) Location of any above ground utility lines.
  2. Additional information to be supplied with the site plan:
    - a) SWECS manufacturer;
    - b) Name-plate generating capacity;
    - c) Height according to manufacturer.
  3. Evidence that the local electric utility has been informed of the customer's intent to install an interconnected customer-owned generator.

4. Letter from the Federal Aviation Administration (FAA) stating that the SWECS complies with FAA regulations.
5. Additional structural and anchoring information may be required before a building permit is issued.

(Res. 11 Exh. A (part), August 8, 2006).

#### **17.49.040 - Wind energy conversion system (WECS).**

- A. Purpose and Intent. The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of wind energy conversion systems designed for commercial energy production. The intent of these regulations is to protect the public health, safety and community welfare while allowing development of wind energy resources for commercial purposes.
- B. Conditional Permitted Use. WECS shall be a conditional permitted use in the "A" Agriculture zoning district on single or contiguous parcels of land totaling forty (40) acres or more in size. An existing principal structure on a parcel does not preclude placement of a WECS.
- C. Petition. All policies, procedures and standards of Chapter 17.58—Conditional Permitted Uses—shall apply. In addition, the petition for a conditional permitted use (CPU) shall include:
  1. A written summary of the project including:
    - a) A general description of the project, including its approximate name plate generating capacity;
    - b) The potential equipment manufacturer(s) and type(s) of WECS(s);
    - c) Number of WECS towers, and name plate generating capacity of each WECS;
    - d) The system height;
    - e) Diameter of the WECS(s) rotor(s); and
    - f) Description of the applicant, owner and operator, including their previous WECS experience.
  2. The name(s), address(es), and phone numbers(s) of the owner and operator.
  3. A site plan of the WECS site showing:
    - a) Boundaries of the project;
    - b) Location of each WECS tower, guy lines and anchor bases (if any);
    - c) All WECS structures including, but not limited to, the project substation, interconnect substation and location and voltage of any overhead transmission lines;
    - d) Property lines;

- e) Setback lines;
  - f) Public access roads;
  - g) Location of all existing structures with their uses identified;
  - h) Land use, zoning, public roads and structures within one thousand (1,000) feet of the WECS site; and
  - i) A visual simulation of the site showing the placement and height above grade of each WECS tower within the project area such that the visual impact of the project can be reasonably ascertained.
- D. Special Requirements. WECS are subject to the following requirements:
1. Location. A WECS shall not be located within one and one-half (1½) miles of an incorporated area. WECS shall not be located so that they interfere with contiguous urban development.
  2. Height. Height shall meet the requirements of the Federal Aviation Administration (FAA) or other state or federal laws.
  3. Setbacks.
    - a) Perimeter setback—For WECS system towers of four hundred (400) feet or less in height, one thousand two hundred (1,200) feet. For WECS system towers greater than four hundred (400) feet in height, the perimeter setback shall be increased in proportion to the height of the WECS above four hundred (400) feet. If the distance from the WECS tower to the WECS site perimeter is less than one thousand two hundred (1,200) feet, the difference may be provided through a setback easement granted to the WECS owner allowing the easement property to be included as part of the one thousand two hundred (1,200) foot setback. The easement shall clearly state that the property may be subject to adverse impacts from the WECS and no habitable structure shall be constructed. The time limit of the setback easement shall be the same as the projected life of the turbine for which the easement is providing a setback. The easement shall not be automatically renewable.
    - b) Principal structures on each parcel—For WECS systems of four hundred (400) feet or less in height, one thousand (1,000) feet or three (3) times the rotor diameter, whichever is greater. For WECS systems greater than four hundred (400) feet in height, the setback from principal structures shall be increased in proportion to the height of the WECS above four hundred (400) feet.
    - c) Third party utility lines—1.1 times the system height.

- d) Public road—1.1 times the system height.
- 4. Noise. Noise levels shall not exceed standards set by the Illinois Pollution Control Board for noise emissions from Class C land to Class A land regardless of the land use of the receiving land. Noise levels shall be enforced by both the State of Illinois and Sangamon County.
- 5. Annual review and reporting.
  - a) The applicant, owner and/or operator of a WECS project shall submit to the Sangamon County Department of Zoning on the first Monday of July of each year following WECS project approval by the Sangamon County Board, a report regarding WECS maintenance and operation. This report shall address:
    - i) Any physical modifications to the WECS and/or its infrastructure;
    - ii) Complaints pertaining to setbacks, noise, appearance, safety, lighting, use of public roads, electromagnetic interference, and shadow flicker, received by the applicant, owner and/or operator concerning the WECS, and the resolution of such complaints;
    - iii) Calls for emergency services, including the nature of the emergency and how it was resolved;
    - iv) Status of liability insurance; and
    - v) Any other information that the county might reasonably request.
  - b) Within ninety (90) days of the receipt of this annual report, the department of zoning shall review it, conduct an on-site field review of the WECS project, and within one hundred twenty (120) days of the receipt of the report, provide a summary of the report and its on-site field review to the Sangamon County Board.
  - c) The department of zoning shall charge a fee for this annual review in the amount of no more than two hundred fifty dollars (\$250.00) per turbine located within the WECS project area. This fee shall be provided to the department of zoning by the WECS applicant, owner and/or operator at the time of annual report submission. Failure to provide the annual report and required fee shall be considered a cessation of operations.
  - d) The applicant, owner and/or operator of a WECS project shall provide that the Sangamon County Department of Zoning have access to the WECS project site for the purposes described in

[Section] 17.49.040(D)(5)(b) above. Failure to provide access shall be deemed a violation of this ordinance.

- E. Certification. WECS shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

All applicable county, state and national construction and electric codes shall be followed.

- F. Appearance. WECS surface shall be a non-reflective, unobtrusive color (usually white or gray). No advertising signs or graphic designs shall be permitted on the WECS. The manufacturer's identification with ratings is allowed.

- G. Safety.

1. All wiring between wind turbines and the wind energy facility substation shall be underground whenever possible.
2. Wind turbine towers shall not be climbable up to fifteen (15) feet above ground level.
3. All access doors to wind turbine towers and electrical equipment shall be lockable.
4. Appropriate signs warning of high voltage shall be placed on wind turbine towers, electrical equipment, and wind energy facility entrances.
5. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

- H. Lighting. The WECS shall not be lighted except as required by the Federal Aviation Administration or other state or federal law.

- I. Use of Public Roads. The owner or operator shall identify all public roads to be used for transporting WECS or substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or substation(s) and shall:

1. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage;
2. Submit an acceptable financial security in an amount determined by the appropriate highway authority to be used for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS if not done by the WECS owner/operator when construction of the project is completed; and

3. Submit a public road use plan identifying periods during which roads will be used for transporting WECS or substation parts and/or equipment for construction, operation, or maintenance of the WECS or any substation(s), and any additional information that the county engineer may request relating to the use of public roads in connection with the construction and/or operation of the WECS project. The Sangamon County Engineer may revise this plan or set restrictions on it so as to establish road use priorities and provide for adequate traffic flow and safety.
- J. Electromagnetic Interference. No WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in a location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

The applicant shall provide the applicable microwave transmission providers, local emergency service providers and the Sangamon County Emergency Telephone System Department copies of the project summary and site plan. If these providers demonstrate a likelihood of interference with their communications resulting from the WECS, the applicant shall take measures to mitigate anticipated interference or relocate the WECS tower or facility.

If the WECS causes interference with local residential broadcast TV, steps to mitigate the problem must be taken.

- K. Shadow Flicker. The applicant shall conduct a study on potential shadow flicker. The study shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations. The study shall identify problem areas where shadow flicker may interfere more than one (1) hour per year with residences and other existing uses and describe measures that shall be taken to eliminate or mitigate the problems. Any safety problems identified by the county engineer caused by shadow flicker on roads shall be eliminated or mitigated.
- L. Decommissioning Plan. The WECS project must provide a decommissioning plan to insure that the WECS equipment is removed and land is restored to its previous use upon the end of the project's life or as stated in Section 17.49.060. The plan shall include:
  1. Provisions for the removal of structures, debris and cabling on the surface and at least five (5) feet below the surface, and the sequence in which removal is expected to occur;

2. Provisions for the restoration of the soil and vegetation;
3. An estimate of the decommissioning costs certified by a professional engineer in current dollars. The engineer providing this estimate shall be engaged under contract by the Sangamon County Engineer and all costs associated with this engagement shall be born by the applicant;
4. A financial plan approved by Sangamon County to ensure funds will be available for decommissioning and land restoration. The applicant shall provide the county with a new estimate of the cost of decommissioning the WECS project every five (5) years under the same conditions as set forth in [Section] 17.49.040(L)(3), above. Upon receipt of this new estimate, the county may require, and the applicant, owner and/or operator of the WECS project shall provide, a new financial plan for decommissioning acceptable to the county. Failure to provide an acceptable financial plan shall be considered a cessation of operations;
5. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs; and
6. A provision that Sangamon County shall have access to the site and to the funds outlined in [Section] 17.49.040(L)(4) above to effect or complete decommissioning one (1) year after cessation of operations.

M. Certificate of Compliance.

1. Required submission. The following items shall be submitted to the Sangamon County Department of Zoning:
  - a) Site plan with all items previously required. Additional items to be included are:
    - i) Electrical cabling from the WECS tower to the substation(s);
    - ii) Ancillary equipment;
    - iii) Third party transmission lines;
    - iv) Wells;
    - v) Septic fields;
    - vi) Field tile location;
    - vii) Existing easements;
    - viii) Floodplain location and elevation, if applicable;
    - ix) Wetland location, if any.
  - b) Noise assessment including average and maximum noise levels at perimeter property lines and at housing units within the project.

- c) Phase I Avian Screening Report by a qualified third party and all correspondence with the Illinois Department of Natural Resources and U.S. Fish and Wildlife Service regarding the project.
- d) Letter from the FAA stating the project is in compliance with FAA height and lighting requirements.
- e) Letter of compliance from the Illinois Historic Preservation Agency.
- f) Emergency plan.
  - i) The site and emergency plan shall be submitted to the local fire protection district(s) and/or departments whose jurisdiction is included in whole or in part within the WECS project area.
  - ii) The WECS project applicant, owner and/or operator shall cooperate, at its expense, with these fire protection district(s) and/or department(s) in the development of an emergency response plan(s) for the district(s) and/or department(s), and such plan(s) shall be subject to review and approval prior to the issuance of a certificate of compliance.
  - iii) The applicant, owner and/or operator shall take reasonable steps (at the applicant's, owner's and/or operator's expense) to assist any and all requesting district(s) and/or department(s) included in whole and/or part within the WECS project area, to provide training to personnel responsible for emergency response.
- g) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance.

2. Review.

- a) Due to the complexity of the project and the information submitted, it shall be reviewed by a committee consisting of one or more representatives from:
  - i) Sangamon County Departments of Zoning and Public Health (Building Safety);
  - ii) Springfield-Sangamon County Regional Planning Commission;
  - iii) Sangamon County Engineer;
  - iv) Sangamon County Emergency Telephone System Department;
  - v) Sangamon County Administrator;

- vi) Sangamon County State's Attorney;
- vii) Applicable fire protection district.
- b) Due to the complexity of the project and the information submitted for review, the county may charge the WECS project applicant, owner and/or operator for the cost of any special analytic or other review needs deemed by the committee to be reasonably necessary and incidental to adequate and timely review.
- c) If the committee determines that all requirements of the ordinance have been met, the zoning administrator shall issue a certificate of compliance. The building permit may be reviewed at the same time.

(Res. No. 13, 11-19-2012; Res. 11 Exh. A (part), August 8, 2006).

#### **17.49.050 - Indemnification and liability.**

- A. The applicant, owner and/or operator of the WECS project shall defend, indemnify and hold harmless the County of Sangamon and its officials from and against any and all claims, demands, losses, suites, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner and/or operator associated with the construction and/or operation of the WECS project.
- B. The applicant, owner and/or operator of the WECS project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars per occurrence and two million dollars in the aggregate. Evidence of liability coverage must be reported to the Sangamon County Department of Zoning on an annual basis, and any loss of coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operations.

(Res. No. 13, 11-19-2012)

#### **17.49.060 - Cessation of operations.**

If any wind energy conversion system provided for in this chapter (mini WECS, SWECS and WECS) has not been operating and producing electricity for at least two hundred seventy (270) consecutive days, it shall be removed. The Sangamon County Zoning Administrator shall notify the owner to remove the system. Within thirty (30) days, the owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the owner fails to or refuses to remove the wind energy conversion system, the violation shall be referred to the Sangamon County State's Attorney for enforcement.

(Res. No. 13, 11-19-2012; Res. 11 Exh. A (part), August 8, 2006).

### **17.49.070 - Penalties.**

A failure to obtain applicable building permit(s) for the construction of a wind energy conversion system or failure to comply with the requirements of a building permit or the provisions of this chapter shall be deemed a violation of this chapter. The state's attorney may bring an action to enforce compliance of the requirements of this chapter by filing an action before the Sangamon County Ordinance Violation Hearing Department or by filing an action in the circuit court for an injunction requiring conformance with this chapter or seek such other order as the court deems necessary to secure compliance with this chapter.

Any person who violates this chapter shall be fined not less than twenty five dollars (\$25) or more than five hundred dollars (\$500). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Nothing herein shall prevent the county from seeking such other legal remedies available to prevent or remedy any violations of this chapter.

(Res. No. 13, 11-19-2012; Res. 11 Exh. A (part), August 8, 2006).



## **Chapter 17.50 - OFF-STREET PARKING AND LOADING**

### **Sections:**

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### **17.50.010 - Purpose of provisions.**

The regulations codified in this chapter are established to increase safety and lessen congestion in the public streets, to adequately provide for parking needs associated with the development of land and increased automobile usage, to set standards for the requirements of off-street parking according to the amount of traffic generated by each use, and to eliminate the on-street storage of vehicles.

(Res. 1-1 §6(part), November 16, 1982).

### **17.50.020 - Number of spaces required for various uses.**

The following required off-street parking spaces for the particular use are minimum requirements:

Amusement parks - one per each five hundred (500) square feet of lot area for public use;

Apartment, hotels - one per dwelling unit;

Aquariums - one per eight hundred (800) square feet of floor area;

Art galleries - one per eight hundred (800) square feet of floor area;

Auction houses - one per each five (5) seats;

Auditoriums - one per five (5) seats;

Automobile service stations - one per each two employees, plus one per owner or manager plus two spaces per service stall;

Beauty and barber shops - one per each two employees, plus two per each chair;

Boarding and lodging houses - one, plus one per each two persons for whom living accommodations are provided;

Bowling alleys - five per each alley, plus three per each ten persons accommodated by affiliated uses;

Business offices and banks - one per each five employees, plus one per two hundred (200) square feet of floor area for customer, client, or patron use;

Business schools - one per each two employees, plus one per each one hundred (100) square feet of instruction space;

Churches - one per five seats;

Community centers - three per each ten persons accommodated;

Cultural and civic institutions - one per two employees, plus one per each eight hundred (800) square feet of public area;

Dance halls - three per each ten persons accommodated;

Dancing schools - one per each two employees, plus one per each one hundred (100) square feet of instruction space;

Dental offices or clinics - one per each examining or treatment room, plus one per doctor, plus one per each three other employees;

Dwelling units - one per dwelling unit;

Eating and drinking establishments - one per each one hundred (100) square feet of floor area for public use;

Elementary schools - one per classroom;

Fraternity and sorority houses - one, plus one per each two persons for whom living accommodations are provided;

Funeral parlors - one per funeral vehicle maintained on premises, plus ten per chapel or parlor;

Gymnasiums - one per five seats;

Governmental offices - one per each five employees, plus one per two hundred (200) square feet of floor area for customer, client, or patron use;

Health institutions other than hospitals or clinics - one per each four beds, plus one per each staff doctor, plus one per each other two employees;

High schools - three per classroom;

Hospitals - one per each three beds, plus one per staff doctor plus one per each four employees;

Hotels - one, plus one per each two persons for whom living accommodations are provided;

Junior high school - one per classroom;

Libraries - one per eight hundred (800) square feet of floor area;

Medical offices or clinics - one per each examining or treatment room, plus one per doctor, plus one per each three other employees;

Manufactured home parks - one per manufactured home;

Modeling schools - one per each two employees plus one per each one hundred (100) square feet of instruction space;

Motels - one per dwelling unit;

Museums - one per eight hundred (800) square feet of floor area;

Music schools - one per each one hundred (100) square feet of instruction space;

Non-business clubs - one per each three members;  
Nursing homes - one per each four beds, plus one per each staff doctor, plus one per each other two employees;  
Nursery schools - one off-street parking space per every two employees;  
Private clubs and lodges - one plus one per each two persons for whom living accommodations are provided;  
Professional offices - one per each five employees, plus one per two hundred (200) square feet of floor area for customer, client or patron use;  
Retail sales - one per three employees and one per two hundred (200) square feet devoted to the public;  
Savings and loan associations - one per each five employees, plus one per two hundred (200) square feet of floor area for customer, client, or patron use;  
Stadiums and grandstands - one per five seats;  
Swimming pools - three per each ten persons accommodated;  
Theaters, indoor - one per each six seats up to four hundred (400), plus one per each five seats over four hundred (400);  
Tourist homes and cabins - one per dwelling unit;  
Trade schools - one per each two employees, plus one per each one hundred (100) square feet of instruction space;  
Transient trailer camps - one per dwelling unit;  
Truck terminals - one per two employees;  
Undertaking establishments - one per funeral vehicle maintained on premises, plus ten per chapel or parlor;  
Wholesale, manufacturing, and industrial plants - one per three employees plus one space per company vehicle;  
Wholesale offices - one per each five employees, plus one per two hundred (200) square feet of floor area for customer, client, or patron use.

(Res. 13 Exh. A (part), June 11, 2002; Res. 1-1 §6 (1), November 16, 1982).

### **17.50.030 - Calculation of number of spaces.**

In any determination of total parking requirements, any fraction less than one-half ( $\frac{1}{2}$ ) may be dropped and any fraction of one-half ( $\frac{1}{2}$ ) or more shall be counted as one (1) parking space.

(Res. 1-1 §6 (2), November 16, 1982).

### **17.50.040 - Parking spaces—Size.**

An accessory off-street parking space must be at least eight and one-half ( $8\frac{1}{2}$ ) feet wide and be at least eighteen (18) feet long having a minimum loading area of one hundred fifty-three (153) square feet, exclusive of access drives, aisles, ramp columns, or work areas. On areas surfaced,

the parking stalls shall be marked with paint or other equivalent method. In lots containing eight (8) or more required spaces, provision of up to fifty (50) percent of the parking stalls with seven and one-half (7½) by sixteen (16) feet parking spaces will be permitted if each of the smaller parking spaces is equally convenient to the use being served as the larger spaces, if each of the parking stalls is double lined painted, and if each of the smaller spaces is signed "Small Cars Only." The zoning administrator shall determine what is equally convenient and what is not.

Handicapped parking spaces must be a minimum of twelve and one-half (12½) feet in width and eighteen (18) feet in length.

(Res. 16a §20, November 19, 1985; Res. 1-1 §6 (3), November 16, 1982).

**17.50.050 - Parking spaces—Multiple uses—Joint use permitted when.**

If groups of buildings contain uses which vary in their parking requirements, the number of parking spaces shall be the sum of the individual requirements for each use. However, where peak parking requirements occur at distinctly different times of the day or at different times of the week as determined by the zoning administrator, joint parking facilities may be shared by two or more uses.

(Res. 1-1 §6 (3), November 16, 1982).

**17.50.060 - Development of parking facilities and access ways.**

- A. All parking facilities and access ways to the parking areas shall, at a minimum, be improved with a bituminous seal coat. Parking areas located between a public street and the principal building on the lot shall be paved. Any lighting shall be arranged and maintained so that it does not shine directly upon any adjacent residence or street and does not produce excessive glare. Uncovered parking spaces must be at least three (3) feet from a side street right-of-way line and five (5) feet from a front property line.
- B. Each off-street parking facility shall be provided with an appropriate means of vehicular access to a street or alley in a forward manner only, except for single-family and duplex residences.

(Res. 15, March 11, 1997; Res. 16a §6, November 19, 1985; Res. 1-1 §6 (5), November 16, 1982).

**17.50.070 - Loading and unloading spaces requirements.**

All uses involving receipt or distribution of goods by vehicles shall have space on the premises for the pickup, delivery and service vehicles necessary for normal daily operation. These spaces shall be in addition to the parking spaces required as set forth in Section 17.50.020, and shall be subject to Section 17.50.060.

(Res. 1-1 §6 (6), November 16, 1982).

**17.50.080 - Regulations for the use of off-street parking.**

Off-street parking spaces shall be located on the same zoning lot as the use served. However, uses other than single-family or two-family dwellings which are in existence on the effective date of this ordinance may be served in accordance with the requirements of this ordinance by parking facilities located on land other than the zoning lot on which the building or use served is located, provided such parking facilities are located within three hundred (300) feet walking distance from the main entrance to the use served and are located in the same or a less restrictive district.

(Res. 15, March 11, 1997; Res. 1-1 § 6 (7), November 16, 1982).

**17.50.090 - The storage of certain vehicles in residentially zoned areas.**

Garbage trucks, construction machinery or other motor vehicles which have an adverse impact on residential areas shall not be stored on residentially zoned lots. Residents shall be allowed to have one commercial vehicle of not more than a two-ton capacity kept on a residentially zoned lot.

(Res. 15, March 11, 1997; Res. 1-1 § 6 (8), November 16, 1982).



# **Chapter 17.51 - LANDSCAPE, SCREENING, AND LIGHTING REGULATIONS**

## **Sections:**

17.51.010 - SCOPE/PURPOSE/APPLICABILITY.....	51-1
17.51.012 - DEFINITIONS FOR THE PURPOSE OF THIS CHAPTER.....	51-2
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## **17.51.010 - Scope/Purpose/Applicability.**

- A. This chapter contains the performance standards and regulations pertaining to the landscape, screening, and lighting elements for various uses and parking areas; requirements for the provision of trees along public rights-of-way; maintenance requirements for trees and other landscape components; and administration and enforcement of these regulations.
- B. The purpose of this chapter is to establish standards for the provision, installation and maintenance of landscape plantings in and around the various land uses and associated parking areas. The addition of plant material is to define parking areas, mitigate the view of cars and pavement, help to direct traffic flow, provide continuity to streetscape, minimize noise and glare, moderate heat, wind and other climate effects and to obtain the environmental benefits of increased planting. The landscape requirements are intended to provide buffering between single-family and duplex uses and multiple-family, community facility, office, commercial, and industrial uses. The overall impact of such factors is intended to enhance and protect property values for the benefit of both public and private investment.
- C. Buildings and facilities covered: This chapter applies to multiple-family, office, commercial, or industrial buildings but shall not be applicable to single-family or duplex structures or any structure in the agricultural zoning district:
  - 1. New construction of buildings or parking areas approved by the county after the effective date of this chapter;
  - 2. Additions, or accumulated total increase of twenty-five (25) percent or more, in gross square foot area of the ground floor, to any existing building;

3. Additions, or accumulated total increase of twenty-five (25) percent or more in the number of parking spaces provided to any existing parking facility.

(Res. 16, July 2003).

**17.51.012 - Definitions for the purpose of this chapter.**

- A. General
  1. Landscaping required by this ordinance shall mean living plants in a combination of trees, shrubs, and/or ground cover.
  2. Unless otherwise stated in this ordinance, all size specifications for plant materials shall be based upon the time of planting. When caliper is specified for tree planting, the caliper of the tree trunk shall be measured at twelve (12) inches above the ground level.
  3. Community Facilities shall be those non-residential uses other than home occupations permitted in residential districts.
- B. Planting types
  1. Canopy (medium-tall) trees. A self-supporting woody, deciduous plant having not less than one and three quarter (1¾) inch caliper and reaches a mature height of not less than twenty (20) feet and a mature spread of not less than fifteen (15) feet.
  2. Ornamental trees (small). A self-supporting woody, deciduous plant having not less than a one and one-half (1½) inch caliper and normally attains a mature height of at least fifteen (15) feet and usually has one main stem or trunk and many branches. Several species may appear to have several stems or trunks.
  3. Evergreen trees. A tree having foliage that persists and remains green throughout the year and having a height of not less than five (5) feet and maturing to a height of not less than twenty (20) feet.
  4. Shrub. A self-supporting woody perennial plant (deciduous or evergreen) of low to medium height characterized by multiple stems and branches continuous from its base and having a height of not less than two (2) feet and normally maturing to a height of not more than ten (10) feet.
  5. Ground cover. Plants, other than turf grass, which normally reaches an average of maximum height of not more than twenty-four (24) inches at maturity. Ground cover does not include plants commonly referred to as weeds.

6. Mulch. Non-living organic and synthetic materials customarily used in landscaping designed to retain moisture, stabilize soil temperatures, control weed growth and retard erosion.

(Res. 16, July 2003).

#### **17.51.014 - Performance standards.**

All landscape plans shall fully meet the following performance standards in order to receive approval from the Zoning Administrator.

- A. Landscaping shall not hinder the vision of motorists and pedestrians necessary for safe movement into, out of, and within the site (see Sec. 17.40.010.B - Permitted Obstructions - On Corner Lots).
- B. Landscaping materials shall be selected and placed in such a manner that they do not interfere with or damage existing utilities.
- C. Landscaping should be designed and installed in such a manner so as not to interfere with drainage or storm water runoff from the subject property or adjoining properties.
- D. In those instances where onsite sewage disposal is required, the landscaping must not encroach on the area used as the onsite waste water treatment system nor interfere with the performance of said system. This area shall be free from encroachment by plants, shrubs, trees, and buried irrigation systems. The landscape materials shall not block access to the system so as to interfere with maintenance, service or proper operation. Surface water shall be directed away from the vicinity of the onsite disposal area.
- E. Landscaping materials shall be selected and placed so that the safe and enjoyable use of surrounding properties is not inhibited.
- F. Landscaping shall be selected and placed with sensitivity toward the ultimate size that will be achieved over time.
- G. Landscaping with thorns, berries, and other harmful plant characteristics shall be carefully placed to avoid potential harm to people or property on and off-site.

(Res. 16, July 2003).

#### **17.51.016 - Landscape plan required.**

- A. General
  1. Applications for approval of a landscape plan should be submitted to the Zoning Administrator at least thirty (30) days prior to the date when the plan is needed. Construction or implementation of landscaping prior to approval is done at the applicant's own risk.

2. An application for approval of a landscaping plan may be denied by the Zoning Administrator if it is incomplete or if its approval would cause a violation of this chapter.
  3. If a landscaping plan is deemed to be incomplete, the Zoning Administrator shall inform the applicant within thirty (30) days, of those elements of the application that are missing but which if supplied would cause the plan to be approved.
  4. If a landscaping plan application is denied because the Zoning Administrator believes its approval would cause a violation of the ordinance, the Zoning Administrator shall identify those portions of the ordinance that he believes would be violated and explain why those portions would be violated.
  5. In conjunction with the requirements of other provisions of this division and the zoning code with respect to site plan review prior to the start of any construction or upon application of any building permit, or culvert or curb cutting permit (issued by the appropriate highway authority), a landscape plan shall be submitted to, reviewed by, and approved by the Zoning Administrator and the appropriate highway authority.
- B. Plan requirements and required elements.
1. Be drawn to scale, including dimensions and distances, location of all property lines, north arrow, date of preparation and revisions, name of designer/drafter;
  2. Delineate the location of all buildings, structures and pavement that are proposed or will remain on the site as well as the location of all existing or proposed watercourses, ponds, or lakes;
  3. Identify the location of any existing or proposed signs, walls, fences, berms (one-foot contour intervals), site furniture, lights, fountains, and sculptures on the site;
  4. Delineate the existing and proposed parking spaces, or other vehicular areas, access aisles, driveways and similar features;
  5. Show the location of above ground and underground utilities to be located on or adjacent to the site. Private sewage disposal facilities, if any, should also be shown;
  6. Show the location of all sidewalks or other pedestrian ways that are proposed for or currently adjoin the site;
  7. Designate by name and location the plant material to be installed or preserved in accordance with the requirements of this division. Plants to be installed should be shown at one-half ( $\frac{1}{2}$ ) of mature size;

8. Identify and describe the location and characteristics of all other landscape materials to be used. Include a plant list that describes the common name (available in any nursery catalog), quantity, and size at installation for each proposed plan;
9. Show all landscapes features, including areas of vegetation to be preserved, in context with the location and outline of existing and proposed buildings and other improvements on the site, if any. In instances where healthy plant material exists on a site prior to its development, in part or in whole, the requirements may be adjusted to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this chapter;
10. Include tabulation clearly displaying the relevant statistical information necessary for the Zoning Administrator to evaluate compliance with the provisions of this division. This includes gross acreage, area of preservation areas, number of trees to be planted or preserved, square footage of paved areas, and such other information as the Zoning Administrator may require.

C. Installation and maintenance of landscaping

1. Immediately upon planting, all trees shall conform to the American Standard for Nurserymen, published by the American Association of Nurserymen, Inc. as revised from time to time.
2. All new landscaped areas shall be installed prior to the occupancy or use of the premises or if the times of the season or weather conditions are not conducive to planting, the Zoning Administrator may authorize a delay for such planting up to six (6) months after occupancy or use of the buildings or premises. Dead plant material shall be replaced in a timely fashion with living plant material, taking into consideration the season of the year, and shall have at least the same quality of landscaping as initially approved.
3. The owner of the premises shall be responsible for the care, maintenance, repair of all landscaping, fences, and other visual barriers including refuse disposal area screens etc. All landscaping and screening shall be maintained in a healthy, neatly trimmed, clean and weed-free condition. The ground surface of landscaped areas shall be covered with either grass and/or other types of pervious ground cover located beneath and surrounding the trees and shrubs.
4. All required shrubs and trees shall be mulched and maintained to a minimum depth of three (3) inches with shredded hardwood bark, cypress, or gravel mulch. Plant groups shall be mulched in a continuous bed in

which the edge of the mulching bed does not extend any more than four (4) feet beyond the edge of the plantings. When required shrubs or trees are planted individually and away from nearby plants, they shall be encircled in a mulched area with a diameter of no more than five (5) feet. Evergreen trees are allowed a mulched circle with a diameter large enough to accommodate the spread of the tree and up to four (4) additional feet of mulch beyond the edge of the tree. All mulched areas within or adjacent to pedestrian areas, parking lots, or driveways shall be edged in such a manner so as to minimize scattering of mulch material into such walkway or vehicular areas. Gravel mulch shall also be of a size and shape so as to minimize scattering and being less susceptible to creating a pedestrian hazard. Mulch shall be applied as a weed barrier. Plastic sheeting is not permitted as weed barrier, but filter or landscape fabric that is totally covered by the mulch may be used but is not encouraged under organic mulches (see incentives).

5. Penalty for non-compliance with maintenance standards. A property owner, notified by the Zoning Administrator, that their landscaping violates the provisions of this chapter shall be granted a reasonable period of time within which to restore or replace said plant material, fence, wall and/or other barrier. If said violation is not corrected within the given period of time, the property owner shall be subject to those provisions as set forth in Chapter 17.78 - Violation - Penalty).
- D. Calculation of minimum requirements. The amount of all required landscaping shall be calculated by utilizing the point system described herein. If the applicant decides to create a landscape design by a different means than the point system, they may do so through the Alternative Compliance provisions described below. The landscaping requirements of this section shall be based on formulas found herein. The requirements for a given yard or parking lot shall be the total of all equations listed under the applicable section. In calculating any requirement in this section, should a fraction result of one-half (0.5) or greater, it shall be rounded up to the next whole number.

1. The following point allocations shall apply for all required landscaping:

<b>Tree Classification</b>	<b>Base Value</b>
Shade (tall or canopy) Trees	18 points
Evergreen Trees	18 points
Intermediate (small, medium or ornamental) Trees	12 points
<b>Shrub classification</b>	<b>Base Value</b>
Evergreen Trees	18 points
Evergreen Shrubs	3 points
Deciduous Shrubs	2 points
<b>Ground cover classification</b>	<b>Base Value</b>
Flowering perennials or annuals	8 points per 100 sq ft
Green perennials or annuals	4 points per 100 sq ft

2. Incentives for preserving existing landscaping. Existing landscaping that is in a vigorous growing condition and is not specifically prohibited by this chapter may count toward meeting the point requirements of this ordinance. Furthermore the following plant materials will be awarded five (5) additional points (added to base value) per tree when preserved:

Shade (tall or canopy) Trees	12+ inches diameter trunk
Intermediate (small, medium or ornamental) Tree	15 feet height or taller
Evergreen Tree	15 feet height or taller

Additional points may be credited to the owner of "monumental, historic, champion or rare" trees. The Zoning Administrator shall determine the specific point value at the recommendation of the Field Forester for the Urban and Community Forestry Program of the Illinois Department of Natural Resources.

3. Incentive for planting larger landscaping. Planting of landscaping larger than the minimum required sizes specified in Section 17.51.012B will be

rewarded with five (5) additional points (added to base value) per tree when the proposed sizes are as follows:

Shade (tall or canopy) Tree	4 inches diameter (5 inches in Transitional Yards) or greater
Intermediate (small, medium or ornamental) Trees	10 feet height or taller

4. Incentive for planting native plant materials and/or recommended trees. Use of plant materials identified as "native" to the area by the Illinois Department of Natural Resources Natural History Survey and/or trees listed by the Urban and Community Forestry Program of the Illinois Department of Natural Resources and/or the State Tree (White Oak) will be rewarded with five (5) additional points (added to base value) per tree, three (3) additional points per shrub, and one (1) point per ground cover or perennial plant.
  5. Incentive for use of organic mulches without filter or landscape fabric. Use of hardwood cypress mulch without underlying filter or landscape will be rewarded with five (5) additional points for every one hundred (100) square feet of planting bed area mulched in this manner.
  6. Alternative compliance. Petitioners may choose to follow the point system described above or to submit a landscape plan to the Zoning Administrator under the alternative compliance provisions of this chapter. The alternative compliance provisions are intended to give the petitioner the flexibility needed to respond to unique site issues and still meet the intent of this section. Utility conflicts topography problems, and additions to existing structures are examples where alternative compliance may be deemed applicable.
  7. Basis for review. Landscape plans submitted through the alternative compliance process shall fully achieve the Performance Standards and Landscape Plan Requirements as described in Sections 17.51.014 and 17.51.016, A., B., and C.
- E. Front yard, corner side yard and through lot landscaping. All developed zoning lots other than those zoning lots that are developed as single-family or duplex or located in an agricultural zoning district, shall provide front and corner side yard landscaping as provided for in this chapter. (Three (3) or more townhouses and condominiums shall not be considered as single-family or duplexes).

1. The number of points that must be achieved through landscaping for front and corner side yards shall be based on the overall length of the lot frontage as measured along the property line divided by two (2). For example, if the front or corner side lot frontage of a property is two hundred twenty (220) feet in length, and then one hundred ten (110) points must be achieved through landscaping. One-half ( $\frac{1}{2}$ ) of the points for front and corner side yard landscaping must be achieved by utilizing plants from the tree classification and one-half ( $\frac{1}{2}$ ) must be from the shrub or ground cover classification.
  2. Front yard, corner side yard and through lot frontage landscaping shall be planted in the required front yard, corner side yard and through lot yard. If there is additional area between the required front or corner side yard and the closest on-site parking lot or building all or some of the required landscaping may be planted within such area subject to approval by the Zoning Administrator.
- F. Parking lot landscaping. The number of points that must be achieved for parking lots through landscaping shall be equal to the total number of parking spaces provided. The points may be achieved through the use of any combination of trees, ground cover and/or shrubs.
1. When a parking lot has less than one hundred (100) parking spaces, the landscaping may be placed within interior curbed parking islands and/or within ten (10) feet of the perimeter of the parking lot.
  2. When a parking lot has one hundred (100) or more parking spaces, one-half ( $\frac{1}{2}$ ) of the required points shall consist of canopy (medium-tall) trees planted in curb islands within the interior of the parking lot. The intent of this provision is to break up large expanses of pavement and to provide shading by locating canopy (medium-tall) trees away from the perimeter and within the interior of parking lots.
  3. Parking lot islands shall be curbed with concrete, asphalt or a functionally equivalent material that must be approved by the Zoning Administrator. The following materials are not considered functionally equivalent to concrete curbs and are therefore unacceptable for use as curbs within Sangamon county:
    - Landscape timbers
    - Railroad ties
    - Wood/lumber
    - Concrete wheel stops

4. The minimum area for planting all types of trees within parking lots shall not be less than one hundred fifty-three (153) square-feet. Shade trees and intermediate trees shall not be planted in any area with a width of less than five (5) feet. Evergreen trees shall not be planted in an area with a width of less than ten (10) feet. Shrubs and ground cover shall not be planted in areas with a width of less than two (2) feet. When plants are proposed to be planted within curbed islands or adjacent to curbs, the width of such planting areas shall be measured from inside of curbs. The locations of the parking lot landscaping will be subject to review by the Zoning Administrator.
  5. No landscaping or walls that exceed thirty (30) inches in height shall be located within ten (10) feet of any parking lot access drive or otherwise located so as to interfere with the sight distance visibility of vehicular traffic or pedestrians.
  6. Walls and fences shall be wrought iron, or simulated wrought iron, wood, stucco or architectural quality brick, stone or textured and pigmented concrete that is compatible within the adjoining building design and architectural integrity of the area.
  7. Vehicles may not overhang the minimum required landscape area. However, planting areas adjacent to parking may be increased by a minimum of two (2) feet, exclusive of the curbing, to allow vehicles to overhang. The adjacent parking space overhanging the planting area may be reduced in size by the same amount, and the parking space overhanging the planting area shall not be required to provide wheel stops in addition to the curbing. Any plant material in the planting area shall be located outside the overhang area and out of the way from danger from vehicles, or shall be ground cover material, no greater than twelve (12) inches in height at maturity.
  8. Other applicable regulations. All other applicable regulations for parking lots apply. The Illinois Accessibility Code will be enforced for all parking lots.
- G. Transitional yard landscaping. Where a multifamily residential, manufactured home, business or industrial district side lot line or a rear lot line coincides with the side lot line or a rear lot line of a parcel in a single family or duplex residential district or where a business or industrial district side lot line or a rear lot line coincides with the side lot line or a rear lot line of a parcel in any residential district or developed with a single family residence a transitional yard as required by Section 17.38.050 must be provided. Where no transitional yard is required by

Section 17.38.050, a minimum side yard of eight (8) feet and rear yard of twenty (20) feet shall be required in situations as described above. Any such transitional yards shall be landscaped as follows:

1. The number of points that must be achieved through landscaping in a transition yard shall be based on the overall length of the transitional yard as measured along the transitional yard property line. For example, If the property line running the length of the transitional yard is one hundred eighty (180) feet long, then one hundred eighty (180) points must be achieved through landscaping.
2. One-half ( $\frac{1}{2}$ ) of the points for transitional yard landscaping must be achieved by utilizing plants from the tree classification and one-half ( $\frac{1}{2}$ ) must be from the shrub or ground cover classification.
3. One half ( $\frac{1}{2}$ ) of the total points for transitional yard landscaping must also be evergreen or broadleaf evergreen plantings.
4. All shade trees in a transitional yard must be one and three quarter ( $1\frac{3}{4}$ ) inches caliper size or larger.

H. Screening of activity areas.

1. On-site activity areas as described below that are within direct view from an adjoining property in a more restrictive zoning district are required to be visually screened with a fence, wall, berm, evergreen planting or combination thereof which achieves a substantially solid six (6) foot visual barrier. If a fence or wall is used to meet this requirement, it must be located between the activity area and the transitional yard. Topography and adjacent uses shall be taken into account to determine the most effective means of screening. This visual barrier shall be required when all or any portion of the subject site that is adjacent to the required transitional yard is planned or used for the following activities:
  - Refuse container/dumpster loading, unloading, or storage;
  - Storage of materials or merchandise;
  - Loading or unloading of goods;
  - Production, assembly, processing, or demolition of goods;
  - Parking temporary or permanent of vehicles.
    - a) These requirements shall be in addition to all other landscaping requirements of any type.
    - b) When plantings are utilized to meet this requirement, they must be capable of achieving a substantially solid visual barrier within two (2) years from the date of the issuance of a Certificate of Occupancy

by the Sangamon County Department of Zoning and Building Safety.

2. Refuse disposal area screens. All refuse disposal areas shall be screened from public view by a solid, commercial-grade wood fence, wall, or equivalent material or compact evergreen plantings with a minimum height of six (6) feet and not greater than eight (8) feet in accordance with the provisions of Chapter 17.44 Fences, Walls or Hedges.
3. Screening for scrap, junk, salvage, reclamation or similar yards. Any scrap, junk, salvage, reclamation or similar yard, or any auto salvage yard shall provide a solid fence or wall on all lot lines with only such openings as are necessary for ingress or egress. Said fence or wall shall be maintained in a neat and orderly appearance and shall be of such height that any materials stored within the confines of the fence cannot be seen above a line of sight established between a point four and one-half (4½) feet above the centerline of the street nearest to that fence, and the top of said fence.

(Res. 16, July 2003).

**17.51.018 - Site and parking area lighting requirements.**

- A. Scope of provisions. Lights shall be installed in all parking areas containing ten (10) or more parking spaces and shall be illuminated between dusk and dawn whenever said premises are open for operation. Open for operation shall be any time that a retail business is open for the sale of goods or services or a retail or office actually has employees working within or upon said premises, other than guards, watchmen, or home occupation. For all parking areas with more than twenty (20) parking spaces the illumination may be provided through the use of pole mounted light fixtures. Building mounted fixtures shall be primarily for aesthetic and security purposes and shall comply with general standards as noted below.
- B. Definitions
  1. Disability glare. Stray light produced within the eye by luminance source (usually light source) within the field of view. This light alters the apparent brightness of any object within the visual field and the background against which it is viewed, thereby impairing the ability of a driver to perform visual tasks due to partial blindness.
  2. Full cut-off type fixture. A luminaire or light fixture that by the design of the housing, does not allow any light dispersion or direct glare to shine above a ninety (90) degree, horizontal plane from the base of the fixture.

Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated, and disability glare will result.

3. Light trespass. Light from an artificial light source that intrudes into or spills over to adjoining sites, streets, public and private property.
4. Up lighting. Any light source that distributes illumination above a ninety (90) degree horizontal plane.

C. General standards

1. Site lighting shall include all lighting on property, other than lighting within a fully enclosed building.
2. Site lighting fixtures shall be compatible with the building design and the adjoining landscape and shall not be used in such a manner as to turn the building itself into "signage."
3. Parking lot poles/fixtures of the same style, height, color and intensity of lighting shall be used throughout the development area. Varying styles of fixtures may be permitted if it is demonstrated that the styles contribute to an overall theme for the area.
4. Site lighting shall not result in light trespass by spilling over to adjacent sites or properties to an amount equal to or greater than one (1) lumen.
5. Site lighting shall not result in disability glare that is directed toward or reflected onto adjoining properties.
6. Site lighting shall not result in disability glare that is directed toward or reflected onto streets, or interior drives where such glare could negatively impact vehicular or, pedestrian safety.
7. Except when displaying the flags of the United States of America, State of Illinois or Sangamon county or as may be provided elsewhere in this chapter, site lighting shall at no time be directed upward (up lighting), in a radiating pattern and/or moving or sweeping pattern, or at any angle which will light surfaces other than building walls, parking or pedestrian areas, and landscaped area, and shall not create lighting patterns which will direct light toward residential areas.
8. All site lighting shall be installed utilizing underground cable.
9. Except where otherwise provided, fixture heads shall be of full cut-off type which controls the lighting pattern and shields abutting property from direct view of the light source. All fixtures shall be located and oriented in such a manner so as to minimize light trespass to the maximum extent possible.
10. Site lighting, other than security lighting, shall be turned off when a facility is closed, vacant or otherwise occupied solely by security employees.

11. Outdoor display lots for vehicles and similar sales facilities shall reduce display fixture illumination within thirty (30) minutes after closing so the remaining illumination levels are sufficient for security purposes only; however, that any illumination used after 11:00 p.m. shall be reduced to levels sufficient for security purposes only.
- D. Plan submission requirements. A site plan of the proposed lighting layout and fixtures shall be submitted with foot-candle values noted.

(Res. 16, July 2003).

## **Chapter 17.52 - INOPERABLE MOTOR VEHICLES**

### **Sections:**

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### **17.52.010 - Definitions**

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

(Res. 7 §6, April 14, 1987; Res. 1-1 §3(P)(1)(a), November 16, 1982; Res. 9, July 8, 1980).

"Historic vehicle" means an antique vehicle or bona fide replica thereof which is on the highways only going to and returning from an antique show or exhibit or demonstration.

(Res. 1-1 §3(P)(1)(b), November 16, 1982; Res. 9, July 8, 1980).

"Owner of motor vehicle" means any person whose right, title or interest is of record in the office of the Secretary of State.

(Res. 1-1 §3(P)(1)(c), November 16, 1982; Res. 9, July 8, 1980).

Control. The phrase "under his or her control" as used in this chapter is defined to mean and include, but is not limited to:

- A. The owner of the motor vehicle;
- B. The custody of, the possession of, the taking or carrying away of the wheels or certain other parts, an interest in, or dominion over;
- C. The owner or person with a possessory interest in the real property upon which the vehicle is located.

(Res. 1-1 §3(P)(1)(d), November 16, 1982; Res. 9, July 8, 1980).

### **17.52.020 - Applicability.**

Any vehicle within the county whether on public or private property, which is an inoperable motor vehicle within the definition contained in Section 17.52.010 shall be considered a nuisance pursuant to Chapter 34, Section 3151.1, Illinois Revised Statutes (1979).

(Res. 1-1 §3(P)(2), November 16, 1982; Res. 9, July 8, 1980).

**17.52.030 - County zoning administrator.**

It shall be the duty of the county zoning administrator or his agent, who shall be directed by the zoning, planning and subdivision committee of the county board, to inspect vehicles which may constitute inoperable motor vehicles as defined in Section 17.52.010.

(Res. 1-1 §3(P)(3), November 16, 1982; Res. 9, July 8, 1980).

**17.52.040 - Notification to dispose.**

The county zoning administrator shall notify the zoning, planning and subdivision committee in writing, on forms prescribed by the committee of inoperable motor vehicles as defined in Section 17.52.010. Upon direction by the zoning, planning and subdivision committee of the county board, the zoning administrator, or his agent, shall notify the person or persons to dispose of any inoperable motor vehicles under his or her control and to do so within twenty (20) days of the date of mailing of the notice to dispose.

(Res. 1-1 §3(P)(4), November 16, 1982; Res. 9, July 8, 1980).

**17.52.050 - Disposal.**

Any person who receives a notice to dispose, shall dispose of all inoperable motor vehicles under his or her control within twenty (20) days of the date of mailing of the notice.

(Res. 1-1 §3(P)(5), November 16, 1982; Res. 9, July 8, 1980).

**17.52.060 - Exclusions.**

This chapter shall not apply to the following inoperable motor vehicles:

- A. Historic vehicles over twenty-five (25) years of age;
- B. Motor vehicles kept within a building when not in use, maintained or serviced;
- C. Motor vehicles on the premises of a place or business engaged in the wrecking or junking of motor vehicles.

(Res. 1-1 §3(P)(6), November 16, 1982; Res. 9, July 8, 1980).

**17.52.070 - Violation—Penalty.**

The violation of any provision of this chapter by any person shall be punishable by a fine not exceeding two hundred dollars (\$200) for each offense; each day a violation continues to exist shall constitute a separate offense.

(Res. 1-1 §3(P)(7), November 16, 1982; Res. 9, July 8, 1980).

## Chapter 17.54 - ADULT USES

### Sections:

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### 17.54.010 - Protection of public from detrimental effects.

Certain uses because of their emphasis on the depiction of specified sexual activities are associated with a significant blighting or downgrading effect on surrounding neighborhoods, particularly when such uses are allowed to concentrate in a given area. It is, therefor, the intent of the ordinance codified in this title to protect the public health, safety, and welfare of Sangamon County from the detrimental effects of adult uses as defined in Section 17.54.020.

(Res. 1-1 §3(Q)(part), November 16, 1982).

### 17.54.020 - Definitions.

"Adult uses" means the term used in describing the following activities:

- A. "Adult book store" means an establishment having a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined in subsection E and F of this section); or, an establishment having a segment or section devoted to the sale or display of such material.
- B. "Adult drive-in theater" means a drive-in theater for presenting material distinguished or characterized by emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined in subsection E and F of this section) for observation by patrons.
- C. "Adult night club" means an establishment which serves food or beverages and which presents any form of entertainment which has an emphasis on "specified sexual activities" or "specified anatomical areas" (as defined in subsection E and F of this section).
- D. "Adult theater" means an enclosed building used primarily for presenting films or other presentations distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified

anatomical areas" (as defined in subsection E and F of this section) for observation by patrons of the theater.

- E. "Specified anatomical areas" means 1. Less than opaquely covered: a. Human genitals, public region; b. Buttock; and c. Female breast below a point immediately above the top of the areola; and 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- F. "Specified sexual activities" means human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(Res. 1-1 §3(Q) (1), November 16, 1982; Res. 8, June 9, 1980).

#### **17.54.030 - Required zoning district for adult uses.**

The adult uses as defined in Section 17.54.020 shall be permitted only as a conditional permitted use in the B-3 service business district. Persons desirous of using I-1 and I-2 property for said use as defined in Section 17.54.020 shall petition for a conditional permitted use in the B-3 classification.

(Res. 1-1 §3(Q) (2), November 16, 1982; Res. 8, June 9, 1980).

#### **17.54.040 - Required distances for adult uses.**

- A. No adult uses as defined in Section 17.50.020 may be operated within five hundred (500) feet of a residential zoning district or an agriculture zoning district that is improved with residential uses and/or schools and/or churches.
- B. No adult uses as defined in Section 17.50.020 may be operated within one thousand (1,000) feet of any two other adult uses.

(Res. 1-1 §3(Q) (3), November 16, 1982; Res. 8, June 9, 1980).

## **Chapter 17.56 - NON-COMPLYING BUILDINGS**

### **Sections:**

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### **17.56.010 - Continuation of use.**

The use of a non-complying building or other structure may be continued except as otherwise provided in Sections 17.56.020 and 17.56.030.

(Res. 1-1 §3(l) (1), November 16, 1982).

### **17.56.020 - Damage or destruction.**

If a non-complying building or other structure is destroyed or damaged by any means to the extent of more than seventy-five (75) percent of its value, it shall be reconstructed only in accordance with the bulk regulations specified for the district in which it is located, except in cases incurred due to a catastrophe when applicable to owner occupied single-family and duplex residential dwellings and accessory buildings established prior to the adoption of the Sangamon County zoning ordinance. In no way shall the reconstruction result in a greater violation of any provision of the zoning ordinance than the non-compliance that existed prior to the catastrophe.

(Res. 7 §4, April 14, 1987; Res. 1-1 §3(l) (2), November 16, 1982).

### **17.56.030 - Enlargements.**

- A. A non-complying building or other structure may be enlarged, provided that no enlargement is permitted which would either create a new non-compliance or increase the degree of non-compliance of any portion of the building or structure. Normal maintenance, repairs, or structural alterations are permitted in a non-complying building provided the non-compliance is not increased.
- B. If a residential building is non-complying as to lot area per dwelling unit, such residential building may be enlarged or extended; provided that the amount by which the area of the zoning lot is smaller than required is not increased and that an additional non-compliance is not created.

(Res. 1-1 §3(l) (3), November 16, 1982).

**17.56.040 - Non-complying lots in an Agricultural (A) zoning district.**

An existing lot that is non-complying in an agricultural zoning district due to lot size only, may have its lot area reduced through the contiguous owner exemption of the State Plat Act if all other provisions of the County Zoning Ordinance and State Plat Act are met. No new building site would be created.

(Res. 12 §4(part), May 8, 2001).

## **Chapter 17.58 - CONDITIONAL PERMITTED USES**

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### **17.58.010 - Purpose—Procedure.**

To provide for the location of special classes of uses which are desirable for the public welfare within a given district or districts that are potentially incompatible with typical uses herein permitted within them, a classification of conditional uses is established. Procedures for conditional uses are set forth in Sections 17.58.030 through 17.58.090.

(Res. 1-1 §3(E)(1), November 16, 1982).

### **17.58.020 - Existing conditional permitted uses—Continuance permitted when.**

Where a use exists on the effective date of the ordinance codified in this title, and it is classified as a conditional use in the district in which it is located by said ordinance, it shall be considered to be a lawful conditional use. Additions or alterations to existing buildings, the construction of accessory buildings or land improvements for expansion of lawful conditional uses shall be permitted within the area of the lot included in the ownership existing at the time of adoption of said ordinance; and they shall be subject to yard, floor area ratio, building height, and screening regulations set forth in the ordinance for permitted uses in the district in which they are located. Any such lawful conditional use shall be allowed to reconstruct in the event of destruction by catastrophe.

(Res. 16a §26, November 19, 1985; Res. 1-1 §3(E)(2), November 16, 1982).

### **17.58.030 - Classification.**

The execution of the zoning ordinance is based upon the division of the affected area of the county into zoning districts within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses of the land which, because of their unique

character, cannot be properly classified in any particular zoning district or districts without consideration, in each case, of the impact of those uses upon neighboring lands, and upon the public need for the particular use or the particular location. These special uses, termed "conditional permitted uses" in this ordinance, fall into two categories.

- A. Uses operated by a public agency or public-regulated utilities, or uses traditionally affected with a public interest.
- B. Uses entirely private in character, but of such nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(Res. 1-1 §7(H)(1), November 16, 1982).

#### **17.58.040 - Authorization—Public hearing and report required.**

Conditional permitted uses shall be authorized by the Sangamon County board, provided that no application for a conditional permitted use shall be acted upon by the county board until after a public hearing has been held by the zoning board of appeals, after due notice by publication as provided by state statutes for amendments, and its report of findings and recommendations has been transmitted to the county board.

The vote required of the county board to grant a conditional permitted use is a majority of the members present and voting.

After an application for a conditional permitted use has been acted upon by the county board, another application requesting the same relief shall not be accepted or considered by the county board for a period of six (6) months after such action, unless the application shows that there has been a substantial change in circumstances as determined by the zoning board of appeals, since such action.

(Res. 14, August 8, 1989; Res. 1-1 §7(H)(2), November 16, 1982).

#### **17.58.050 - Initiation.**

A petition for a conditional permitted use may be filed by any interested property owner or contract purchaser. In cases where a contract purchaser is the petitioner, the contract purchaser shall provide a letter from the owner which states that the owner is aware of the petition and the request(s) contained therein, that the petitioner is indeed a contract purchaser, and that the owner approves the action. Such petition for a variation shall be filed in writing and shall contain such information as the zoning board of appeals may require by rule.

(Res. 1-1 §7(H)(3), November 16, 1982).

### **17.58.060 - Petition filed—Map.**

A petition for a conditional permitted use shall be filed with the zoning administrator at least twenty (20) days prior to the date of the hearing. The zoning administrator shall forward such petition to the Sangamon County zoning board of appeals in accordance with the applicable statutes of the state of Illinois and forward a copy of the petition to the Springfield-Sangamon County regional planning commission. The petition shall include a list of adjacent property owners, including owners across the street and across the alley as well as their mailing address(es). A map shall also be submitted which shows the boundaries of the property, the location existing and/or proposed structures of in relation to property lines and adjacent land uses.

(Res. 1-1 §7(H)(4), November 16, 1982).

### **17.58.070 - Hearing on petition.**

No conditional permitted use shall be granted by the county board except after a public hearing before the zoning board of appeals of which there shall be a notice of the time and place of the hearing published at least once, not more than thirty (30) days or less than fifteen (15) days before the hearing, in one or more newspapers with a general circulation within Sangamon County. A written notice shall be served at least ten (10) days before the hearing on the owners of the properties located adjacent to and across the street or alley from the location where the conditional permitted use is requested. In addition, at least fifteen (15) days prior to each hearing, notice of such hearing shall be posted on the street frontage of the land proposed as a conditional permitted use. The notice need only to be placed in one place on the site. In the event the hearing is postponed, the property shall be reposted with the new time, place and date, and shall be republished as in the initial case, but with the new time, place and date for the hearing. A copy of such notice shall be mailed to the clerk of each municipality, the corporate limits of which lie within one-and-one-half (1½) miles of the land proposed to be reclassified with a conditional permitted use. If the real estate subject to the petition shall be situated within a township in which there is a newspaper regularly published or in which there is a newspaper generally circulated that is not published in the city of Springfield, Illinois, then there shall be published in said newspaper, a legal publication identical to and in addition to that above stated. Meetings of the zoning board of appeals on conditional permitted uses may be held in the county building.

(Res. 7 §7(part), April 14, 1987; Res. 16a §14(part), November 19, 1985; Res. 1-1 §7(H)(5), November 16, 1982).

### **17.58.080 - Standards for granting—Generally.**

No conditional permitted use shall be granted by the county board unless the conditional permitted use:

- A. Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area;
- B. Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected;
- C. Will not cause substantial injury to the value of other property in the vicinity in which it is located;
- D. In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:
  - 1. Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.
  - 2. Manufactured home parks - must meet the requirements of Chapter 17.48, Large Scale Development, of this title.
  - 3. Tourist homes, motels, hotels - that the proposed use must be located on or within four hundred (400) feet of a major thoroughfare.
  - 4. Taverns and liquor stores - that the following distances be maintained: 1) schools - one hundred (100) feet from the property line of the school to the property line of the tavern or liquor store; 2) churches - one hundred (100) feet from the church building to the tavern or liquor store building; and 3) residences - one hundred (100) feet from the tavern or liquor store property line to the residential structure or institutional care facility.
  - 5. Wind energy conversion systems - A WECS shall not be located within one and one-half (1½) miles of an incorporated area with a population over ten thousand (10,000) or within one-half (½) mile of an incorporated area with a population of less than ten thousand (10,000). WECS shall not be located so that they interfere with contiguous urban development.
  - 6. Adult-use cannabis business establishments as defined in Chapter 17.04:
    - a) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a “sensitive area”:
      - i) Adult-use cannabis craft grower – 1,500 feet
      - ii) Adult-use cannabis cultivation center – 1,500 feet
      - iii) Adult-use cannabis dispensing organization (dispensary) – 250 feet

- iv) Adult-use cannabis infuser organization (infuser) – 1,500 feet
  - v) Adult-use cannabis processing organization (processor) – 1,500 feet
  - vi) Adult-use cannabis transporting organization (transporter) – 1,500 feet
- b) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

(Res. 12, January 14, 2020; Res. 11 Exh. A (part), August 8, 2006; Res. 13 Exh. A (part), June 11, 2002; Res. 16a §9, November 19, 1985; Res. 1-1 §7(H)(6), November 16, 1982).

**17.58.090 - Additional restrictions authorized when.**

The zoning board of appeals may recommend, and the county board may provide, such restrictions upon the location, construction and operation of a conditional permitted use, including, but not limited to, provisions for off-street parking and loading, as may be deemed necessary to promote the general objectives of this title and to minimize the injury to the value of property in the vicinity.

(Res. 1-1 §7(H)(7), November 16, 1982).

**17.58.100 - Waiting period for new applications following county board action.**

After any application for conditional permitted use has been acted upon by the county board, another application requesting the same relief shall not be accepted or considered by the county board for a period of six (6) months after such action, unless the application shows that there has been a substantial change in circumstances as determined by the zoning board of appeals, since such action.

(Res. 9, Exh. A (part), September 14, 2004).



## **Chapter 17.60 - CERTIFICATES OF COMPLIANCE**

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### **17.60.010 - Required when—Recordkeeping required.**

Zoning certificates of compliance shall be required before any new use of land is established, before the construction of any new structure or building is initiated and before the alteration of any existing structure or building is initiated. The certificate shall be issued or denied within two weeks after all the facts and pertinent data have been properly presented to the zoning administrator by the lawful land owner or owners. The fee for the same shall be paid to the county treasurer except fees shall not be collected for agricultural uses of land or buildings. A record of all certificates shall be kept on file in the office of the zoning administrator and copies shall be furnished, on request, to any person having proprietary or tenancy interest in the building or property affected.

(Res. 1-1 §7(B)(1)(a), November 16, 1982).

### **17.60.020 - Issuance conditions.**

No certificate pertaining to the use of land or building for a lot shall be issued unless the zoning administrator is satisfied that the proposed use of land or building complies in all respects with all the provisions of this title. No certificate pertaining to the use of land or building shall be issued in an I-1 or I-2 district until a notice of certification by a licensed engineer or scientific laboratory approved by the county board has been presented to the zoning administrator by the owner or manufacturer certifying that the use of the land and all processing either does or will comply with the applicable performance standards noted in Chapter 17.34.

(Res. 1-1 §7(B)(1)(b), November 16, 1982).

### **17.60.030 - Presentation to public utility prerequisite to service.**

Zoning certificates shall be required to be presented by the property owner or his agent to the appropriate public utility company serving lands in Sangamon County before the respective

company shall provide initial or increase service as may be requested by the property owner or his agent.

(Res. 1-1 §7(B)(1)(c), November 16, 1982).

#### **17.60.040 - Conformance to State Plat Act.**

Zoning certificates of compliance shall only be issued in legally recorded subdivisions or for parcels that are not the result of an illegal land division. Tracts less than five (5) acres may only be created off of a larger tract once, as determined by the configuration of the larger tract on October 1, 1973, in accordance with the State Plat Act. The zoning administrator may refuse to issue a zoning certificate of compliance for any parcel that the determines is the result of an illegal division. Any individual, corporation or other entity which obtains a zoning certificate of compliance for an illegally created parcel shall be in violation of the ordinance codified in this title and subject to the penalties contained in Chapter 17.76 in addition to having the zoning certificate of compliance revoked.

(Res. 1-1 §7(B)(1)(d), November 16, 1982).

#### **17.60.050 - Frontage on public road.**

Zoning certificates of compliance shall only be issued for lots or parcels that have frontage on a public road which is under the regular care and maintenance of the appropriate local or state agency or which is included in an approved large scale development. In addition, applicants are required to have their driveway culverts approved by the appropriate township road commissioner or proof of an access permit to a state or county highway.

(Res. 16a §12, November 19, 1985; Res. 1-1 §3(M), November 16, 1982).

#### **17.60.060 - Penalty for late application.**

In the event construction of any structure is commenced prior to application being made to the zoning administrator's office for a certificate of compliance, an additional thirty dollars (\$30.00) will automatically be assessed on the A, R-1, R-1(A), R-2 and R-3 districts (total sixty dollars (\$60.00)) and in the O, B-1, B-2, B-3, I-1 and I-2 districts, an additional fifty dollars (\$50.00) will be charged (total one hundred dollars (\$100.00)).

(Res. 10 §1(part), October 5, 1993; Res 1-1 §7(K)(2)(a), November 16, 1982).

#### **17.60.070 - Expiration of applications.**

Applications for certificate of compliance shall expire six (6) months from the date of application. After expiration, a new certificate shall be applied for before work is started.

(Res. 1-1 §7(B)(1)(e), November 16, 1982).

**17.60.080 - Applicability of provisions.**

Nothing in this chapter shall prevent the continuance of the present occupancy or use of any building except as may be necessary for safety of life and property.

(Res. 1-1 §7(B)(1)(f), November 16, 1982).



## Chapter 17.62 - SIGNS

### Sections:

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### 17.62.010 - Definitions.

Certain terms are defined for the purposes of this Ordinance as follows:

"Abandoned sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

"Administrator" means the Sangamon County zoning administrator or his designated representative.

"Animated sign" means any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare "Flashing sign").

"Area" see "Sign, Area of."

"Awning" means a shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework. An awning will not project more than five (5) feet from the wall or closer than two (2) feet to any curb line.

"Awning sign" means a sign painted on, printed on, or attached flat against the surface of an awning.

"Banner sign" means a sign made of fabric or any nonrigid material with no enclosing framework.

"Billboard" see "Off-premise sign."

"Building" means as defined in Section 17.04.030 of this ordinance.

"Building frontage" means that building elevation that fronts on a public street, plaza, mall, parking area or private drive.

"Canopy" means a structure made of metal or other material intended to be freestanding or affixed to a building that serves as an overhang intended to shield persons from the elements.

"Changeable copy sign (automatic)" means a sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electric time and temperature units.

"Changeable copy sign (manual)" means a sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.

"County" unless the context clearly discloses a contrary intent, the word "county" shall mean the County of Sangamon.

"Clearance (of a sign)" means the smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

"Construction sign" means a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

"Copy" means the wording on a sign surface in either permanent or removable letter form.

"Directional/information sign" means an on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.

"Double-faced sign" means a sign constructed to display its message on the outer surfaces of two identical, opposite and parallel planes.

"Electrical sign" means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

"Electronic message center" see "Changeable copy sign, automatic."

"Elevation" means one entire exterior face of a building.

"Face of sign" means the area of a sign on which the copy is placed.

"Festoons" means a string of ribbons, tinsel, small flags, or pinwheels.

"Flashing sign" means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare "Animated sign," "Changeable copy sign, automatic").

"Freestanding sign" means a pole sign or monument sign.

"Ground sign" means a freestanding sign, which is permanently anchored directly to the ground by any means, including, but not limited to pole, pylon, monument-type signs and wall like structures.

"Government sign" means any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

"Height (of a sign)" means the vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare "Clearance").

"Identification sign" means a sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

"Illegal sign" means a sign which does not meet the requirements of this code and which has not received legal non-conforming status. This shall include any sign that was not lawfully erected or maintained, or was not in conformance with the ordinance in effect at the time of erection of the sign, or which was not installed with a valid permit from the County.

"Illuminated sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

"Incidental sign" means a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

"Maintenance" for the purposes of this ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

"Marquee" means a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building (compare "Awning").

"Marquee" means a sign Any sign attached to or supported by a marquee structure.

"Monument sign" means a freestanding sign in which the bottom of the sign is flush with the ground and the vertical dimension which must be less than four (4) feet is less than the horizontal dimension.

"Nameplate" means a nonelectric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

"Nonconforming sign" means (1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. (2) A sign which does not conform to the sign code requirements but for which a special permit has been issued.

"Occupancy" means the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

"Occupancy frontage" means the building frontage of that portion of a multi-tenant building occupied by a single tenant.

"Off-premise sign" means a sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising."

"On-premise sign" means a sign which pertains to the use of the premises on which it is located.

"Owner" means a person recorded as such on official records. For the purposes of this ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company.

"Pennant" means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

"Person" for the purposes of this ordinance, any individual, corporation, association, firm, partnership, or similarly defined interest.

"Point of purchase display" means advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

"Pole cover" means covers enclosing or decorating poles or other structural supports of a sign.

"Pole sign" means a freestanding sign supported by one or more columns, uprights or braces in the ground surface and having a height in excess of six (6) feet.

"Political sign" for the purposes of this ordinance, a temporary sign used in connection with a local, state, or national election or referendum.

"Portable sign" means a sign not permanently anchored or secured to either a building, structure, columns, braces or the ground such as, but not limited to A frame signs, T-shaped and inverted T-shaped signs, signs affixed to a chassis with wheels for towing.

"Premises" means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

"Real estate sign" means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

"Roof sign" means any sign erected over or on the roof of a building or painted on a roof.

"Rotating sign" means a sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

"Searchlight" means an apparatus on a swivel that projects a strong beam of light.

"Sign" means any announcement, declaration, display, billboard, illustration and insignia when designed and placed so as to attract general public attention. Such shall be deemed to be a single sign whenever the proximity, design, or content or continuity reasonably suggest a single unit, notwithstanding any physical separation between parts. "Sign" includes any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind, weather bearing lettering or not.

"Sign area of" means:

- A. When a sign is on a plate or framed, all of the plate or frame shall be included in the dimensions.

- B. When a sign is not on a plate or framed, but is partly or entirely outlined by a line or area of artificial light, or if on a plate or frame and circumscribed by a larger line or area of artificial light, all of the area circumscribed by a line or area of artificial light shall be included in the dimensions.
- C. When a sign consists only of letters, designs, or figures engraved, painted, projected, or fixed on a wall, or freestanding in front of a wall, the total area of the signs shall be the area of the smallest ninety (90) degree geometric shape or circle within which all of the fixed lettering, designs, or figures may be included.
- D. When a sign is double-faced, only one face shall be used for the purpose of calculating sign area.
- E. In the case of two-sided, multi-sided, or three dimensional signs, other than when the sides are back-to-back and parallel (double-faced), the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information.

"Snipe sign" means a temporary sign or poster affixed to a tree, fence, etc.

"Street frontage" means the length of the property line of any one premise along a public right-of-way on which it borders.

"Subdivision identification sign" means a freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

"Temporary sign" means a sign not permanently affixed to the ground or any structure, including, but not limited to any sign, banner, pennant, balloons, or other display constructed of cloth, canvas, light fabric, cardboard, wallboard, sheet metal or other light materials, "A" frame, "T" shaped and inverted "T" shaped signs, or any sign intended to be displayed for a limited period of time. Temporary signs include, garage sale, special event, construction, election, yard sale and similar signs intended for a temporary period of posting. "temporary sign" does not include a "portable sign" or a real estate sign.

"Under-canopy sign" means a sign suspended beneath a canopy, ceiling, roof, or marquee.

"Use" means the purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

"Wall sign" means a sign attached parallel to and extending not more than eighteen (18) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs.

"Window sign" means a sign installed inside a window and intended to be viewed from the outside.

(Res. 12 Ex. D(part), May 8, 2001).

### **17.62.020 - General provisions.**

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the County of Sangamon except in accordance with the provisions of this ordinance.

(Res. 12 Ex. D(part), May 8, 2001).

### **17.62.030 - Signs prohibited.**

The following types of signs are prohibited in all districts:

- A. Abandoned Signs. An abandoned sign that is located on a site and the sign was used by an establishment that has not occupied that site for a period of ninety (90) days or more shall be removed. However, any sign structure or supports that are in conformance with provisions of this chapter may remain in place, provided the sign face is removed.
- B. Banners, Pennants, Festoons, Searchlights (except as allowed in Section 17.62.100).
- C. Signs imitating or resembling official traffic or government signs or signals.
- D. Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way.
- E. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
- F. Roof Signs.
- G. Portable Signs.
- H. Off-Premise Signs.
- I. Flashing signs except digital display signs which indicate the time, temperature or weather or other similar information shall not be considered flashing signs, provided that the total area of such sign is not greater than sixteen (16) square feet.
- J. Animated Signs.
- K. Signs which move or give the appearance of movement. This category includes signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means.
- L. Signs in violation of Section 17.40.010 (B) concerning obstructions on corner lots at the intersection of any two streets. In this restricted area pole signs with a sixteen (16) inches maximum pole diameter and clearance of ten (10) feet between the bottom of the sign and grade shall be permitted.

(Res. 12 Ex. D(part), May 8, 2001).

### **17.62.040 - Permits Required.**

Unless otherwise provided by this ordinance, all signs shall require permits and payment of fees as described in Chapters 17.60 and 17.70 of this ordinance. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs. All permitted signs shall permanently display stickers as issued by the county zoning administrator.

(Res. 12 Ex. D(part), May 8, 2001).

### **17.62.050 - Signs not requiring permits.**

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this ordinance:

- A. Construction signs of sixteen (16) square feet or less.
- B. Directional/Information signs of two (2) square feet or less.
- C. Temporary Signs.
- D. Nameplates of one (1) square foot or less.
- E. Government signs or public notices, or any sign relating to an emergency.
- F. Window signs.
- G. Incidental signs.

(Res. 12 Ex. D(part), May 8, 2001).

### **17.62.060 - Maintenance.**

All signs shall be maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

(Res. 12 Ex. D(part), May 8, 2001).

### **17.62.070 - Lighting.**

Unless otherwise specified by this Ordinance, all signs in the A, B-1, B-2, B-3, I-1 and I-2 Districts may be illuminated. However, no sign regulated by this ordinance may utilize:

- A. An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion.
- B. Any exposed incandescent lamp unless a screen is attached or unless the sign is placed over fifteen (15) feet above the ground.
- C. Any revolving beacon light.
- D. Lighting which beams upon any part of any residential building or into a residential district or into a street.

(Res. 12 Ex. D(part), May 8, 2001).

### **17.62.080 - Changeable copy.**

Unless otherwise specified by this ordinance, any sign herein allowed may use manual or automatic changeable copy.

(Res. 12 Ex. D(part), May 8, 2001).

### **17.62.090 - Indemnification.**

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the County, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this ordinance has not specifically directed the placement of a sign.

(Res. 12 Ex. D(part), May 8, 2001).

### **17.62.100 - Signs permitted in all zoning districts.**

The following signs are allowed in all zoning districts:

- A. One (1) construction sign for each street frontage of a construction project, not to exceed twelve (12) square feet in sign area in residential zoning districts or sixteen (16) square feet in sign area in all other zoning districts. Such signs may be erected seven (7) days prior to beginning of construction and shall be removed seven (7) days following completion of construction.
- B. One (1) attached nameplate per occupancy, not to exceed one (1) square foot in area.
- C. Any number of political signs not to exceed a total of twelve (12) square feet in residential zoning districts or sixteen (16) square feet in all other zoning districts. Such signs must be removed seven (7) days following the election.
- D. Temporary special events signs and decoration for special events, grand openings, or holidays. Such signs and decorations may be erected seven (7) days prior to a special event or holiday and shall be removed seven (7) days following the event or holiday. For grand openings such signs may be used for no more than thirty (30) days. In residential zoning districts, one temporary sign not to exceed twelve (12) square feet is permitted per zoning lot. In all other districts two (2) temporary signs, not to exceed sixteen (16) square feet each are allowed. In the Agricultural District, agricultural test/demonstration plots shall be considered special events, which run from planting to harvest. Any number of political signs are permitted per zoning lot. No political sign shall exceed thirty-two (32) square feet.
- E. Directional/information sign, not to exceed two (2) square feet in sign area or eight (8) feet in height.

(Res. No. 11, Exh. A(3), 2-13-2013; Res. 9, Exh. A (part), September 14, 2004; Res. 12 Exh. D (part), May 8, 2001).

### **17.62.110 - Signs permitted in the R-1, R-2, R-3, RM-4 and O zoning districts.**

Signs are allowed as follows in residential and office zoning districts:

- A. All signs as permitted in Section 17.62.100.
- B. One (1) subdivision identification sign per neighborhood, subdivision, or development entrance not to exceed twenty-five (25) square feet in sign area.
- C. One (1) identification sign per apartment or condominium complex entrance, not to exceed twenty-five (25) square feet in sign area.
- D. For permitted nonresidential uses, including churches and synagogues, one (1) freestanding sign, not to exceed twenty-five (25) square feet in sign area, and one (1) wall sign up to ten (10) percent of wall area or a maximum of twenty-five (25) square feet. On corner lots, two (2) such wall signs shall be allowed.
- E. All allowed freestanding signs shall have a maximum height limit of twelve (12) feet, no part of a sign shall be within ten (10) feet of a street right-of-way line including the overhanging parts of pole signs as projected vertically from property lines.

(Res. 12 Exh. D (part), May 8, 2001).

### **17.62.120 - Signs permitted in the A, B-1 and B-2 zoning districts.**

Signs are allowed as follows in the A, B-1 and B-2 zoning districts:

- A. All signs as permitted in Section 17.62.100.
- B. One (1) freestanding sign per zoning lot, not to exceed one (1) square foot in sign area for each linear foot of narrowest street frontage up to a maximum of one hundred (100) square feet. Such signs may not exceed a height of twenty-five (25) feet.
- C. For each occupancy up to three (3) wall signs or awnings for each elevation, up to ten (10) percent of wall area or a maximum of one hundred (100) square feet and limited to two (2) occupancy frontages.
- D. One (1) under-canopy sign per occupancy, not to exceed three (3) square feet in sign area.
- E. Incidental signs, not to exceed five (5) square feet in aggregate sign area per occupancy.
- F. No part of a freestanding sign shall be within ten (10) feet of a street right-of-way line, including overhanging parts of pole signs as projected vertically from the property line. A minimum clearance of ten (10) feet over any vehicular use area or pedestrian use area shall be provided.
- G. No freestanding sign shall be placed closer to a lot improved with a residence or residentially zoned than the height of the sign.

**17.62.130 - Signs permitted in the B-3, I-1 and I-2 zoning districts.**

Signs are allowed as follows in the B-3, I-1 and I-2 zoning districts.

- A. All signs as permitted in Section 17.62.100.
- B. One (1) freestanding sign per street frontage limited to two (2), not to exceed one (1) square foot in sign area for each linear foot of street frontage up to a maximum of two hundred (200) square feet. Such signs shall not exceed a height of thirty-five (35) feet.
- C. For each occupancy up to three (3) wall signs or awnings for each elevation, up to ten (10) percent of wall area or a maximum of one hundred fifty (150) square feet and limited to two (2) occupancy frontages.
- D. One (1) under-canopy sign per occupancy, not to exceed three (3) square feet in sign area.
- E. Incidental signs not to exceed five (5) square feet in aggregate sign area per occupancy.
- F. No part of a freestanding sign shall be within ten (10) feet of a street right-of-way line including projecting parts of pole signs as measured vertically from property lines. A minimum clearance of ten (10) feet over any vehicular use area and ten (10) feet over any pedestrian use area shall be provided.
- G. No freestanding sign shall be placed closer to a lot improved with a residence or residentially zoned than the height of the sign.

(Res. 12 Ex. D(part), May 8, 2001).

**17.62.140 - Nonconforming Signs-Determination of legal nonconformity.**

Existing signs which do not conform to the specific provisions of the Ordinance shall be eligible for the designation "Legal nonconforming" provided that:

- A. The administrator determines that such signs are properly maintained and do not in any way endanger the public.
- B. The sign was covered by a valid permit or variance or complied with all applicable laws on the date of adoption of this ordinance.

(Res. 12 Ex. D(part), May 8, 2001).

**17.62.150 - Loss of legal nonconforming status.**

A legal nonconforming sign will lose this designation if:

- A. The sign is relocated or replaced.
- B. The structure or size of the sign is altered in any way except towards compliance with this ordinance. This does not refer to change of copy or normal maintenance.

(Res. 12 Ex. D(part), May 8, 2001).

**17.62.160 - Maintenance and repair of nonconforming signs.**

The legal nonconforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. However, if the sign suffers more than fifty (50) percent appraised damage or deterioration, it must be brought into conformance with this code or removed.

(Res. 12 Ex. D(part), May 8, 2001).

**17.62.170 - Replacement of non-conforming signs displaced by governmental acquisition or right-of-way.**

Where otherwise prohibited by the ordinance, the owner of a sign removed by acquisition of right-of-way may apply for relief to allow relocation under Chapter 17.66 — Variations. In such instances, Section 17.66.050 (A)(2) shall be found in the affirmative in that the removal of such sign shall be the result of governmental action and not the action of the property owner. All other findings and conditions of the section shall apply.

(Res. 12 Ex. D(part), May 8, 2001).



## **Chapter 17.64 - NON-CONFORMING USES**

### **Sections:**

17.64.010 - GENERALLY.....	64-1
17.64.020 - PROCEDURES FOR CHANGE, ENLARGEMENT OR EXTENSION OF A NON-CONFORMING USE.....	64-2
17.64.030 - REQUIREMENTS FOR APPROVAL OF ENLARGEMENT OR EXTENSION OF A NON-CONFORMING USE.....	64-2
17.64.040 - DISCONTINUANCE OF USE.....	64-2
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17.64.060 - DAMAGE OR DESTRUCTION.....	64-3
17.64.070 - REPAIRS OR ALTERATIONS.....	64-3

### **17.64.010 - Generally.**

- A. Any use of a building or land lawfully existing on the effective date of the ordinance codified in this title, but which does not conform with the use regulations of the district in which the building or land is situated, may be continued under the regulations of said ordinance. However, this section shall not be interpreted as authorizing the continuation of any use of a building or land which was not lawfully existing on the effective date of said ordinance.
- B. If a conforming use of a building or land becomes non-conforming by virtue of an amendment of said ordinance, then such use shall be considered to be a lawful use which may continue as a non-conforming use under this chapter.
- C. No use of a building or land which neither conforms with the use regulations of the district in which the building or land is situated nor qualified as an authorized non-conforming use under the provisions of this chapter shall be considered a lawful use or be permitted to continue under the provisions of this title.
- D. No use of a building which conforms with the use regulations of the district in which the building is situated shall be considered to be non-conforming merely because the building occupied by the use does not comply with the height regulations of the district in which the building is situated or because the building is so located on the zoning lot that it does not comply with yard regulations of such district.
- E. The regulations of this title, pertaining to a building occupied by a non-conforming use shall apply not only to a building which is completely occupied by such a use, but shall also apply to one in which the non-conforming use occupies only a portion of the building.

(Res. 1-1 §3 (H)(part), November 16, 1982).

**17.64.020 - Procedures for change, enlargement or extension of a non-conforming use.**

- A. Application for a change of one non-conforming use to another or for an enlargement or extension of a non-conforming use shall be made in the same manner as is provided in Chapter 17.66 for applications for variations and shall be accompanied by the fee required for variations except that lawful non-conforming manufactured homes may be replaced by a newer manufactured home if it does not violate the provisions of Section 17.64.050.
- B. The board of appeals may permit a non-conforming use to be changed to another non-conforming use if the board finds:
  - 1. That the substitution or addition will not be detrimental to or tend to alter the character of the neighborhood;
  - 2. That the substitution or addition will not increase congestion in the streets;
  - 3. That the district the new use would be permitted in is no less than the district the existing use would be permitted in.

(Res. 13 Exh. A (part), June 11, 2002; Res. 1-1 §3(H)(1), November 16, 1982).

**17.64.030 - Requirements for approval of enlargement or extension of a non-conforming use.**

Except in a residential district, the board of appeals may permit the enlargement or extension of a non-conforming use if the board finds that:

- A. The enlargement or extension does not exceed twenty-five (25) percent of the area that the non-conforming use occupied on the effective date of the ordinance codified in this title;
- B. The enlargement or extension does not exceed the applicable bulk regulations for the district;
- C. The applicable off-street parking requirements are complied with for the enlarged portion of the use;
- D. The enlargement or extension will not be detrimental to or tend to alter the character of the neighborhood.

(Res. 1-1 §3(H)(2), November 16, 1982).

**17.64.040 - Discontinuance of use.**

Whenever a non-conforming use has been discontinued for a period of six (6) months, such use shall not thereafter be reestablished and any subsequent use shall conform to the provisions of this title, except in cases incurred due to a catastrophe, when applicable to owner occupied single-family and duplex-residential dwellings established prior to the adoption of the Sangamon

County zoning ordinance codified in this title. In no way shall the reconstruction result in a greater violation of any provision of said zoning ordinance than the non-conformity that existed prior to the catastrophe.

(Res. 1-1 §3(H)(3), November 16, 1982; Res. 9, January 10, 1978; Res. 5, April 16, 1974).

#### **17.64.050 - Transfer of a non-conforming use.**

Any use of a building or land lawfully existing on the effective date of the ordinance codified in this title, but which does not conform with the use regulations of the district in which the building or land is situated may be transferred to a new owner if all of the other restrictions on non-conforming uses are complied with.

(Res. 1-1 §3(H)(4), November 16, 1982).

#### **17.64.060 - Damage or destruction.**

If a building containing a non-conforming use is by any means destroyed or damaged to the extent of more than sixty (60) percent of its value, such building or reconstruction thereof shall thereafter be occupied and used only for a conforming use except in cases incurred due to a catastrophe when applicable to owner occupied single-family and duplex-residential dwellings established prior to the adoption of the Sangamon County zoning ordinance codified in this title. In no way shall the reconstruction result in a greater violation of any provision of the zoning ordinance than the non-conformity that existed prior to the catastrophe.

(Res. 1-1 §3(H)(5), November 16, 1982).

#### **17.64.070 - Repairs or alterations.**

- A. Normal Maintenance. Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs or incidental alterations.
- B. Structural Alterations. No structural alterations shall be made in a building or other structure containing a non-conforming use, except:
  - 1. When required by law or by a regulatory authority pursuant to law;
  - 2. When made pursuant to an enlargement or extension authorized by the board of appeals as described herein; or
  - 3. When made to accommodate a conforming use. However, in any district, a building containing residential non-conforming uses may be altered in any way to improve interior livability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

(Res. 1-1 §3(H)(6), November 16, 1982).



## **Chapter 17.66 - VARIATIONS**

### **Sections:**

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17.66.050 - CONDITIONS FOR GRANTING A VARIANCE—ZONING BOARD OF APPEALS AUTHORITY. ....	66-3
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### **17.66.010 - Authority generally.**

The county board shall decide variations of the provisions of this ordinance in harmony with the general purpose and intent of this ordinance and shall vary them only in the specific instances hereinafter set forth where the zoning board of appeals shall have made findings of fact based upon the standards hereinafter prescribed that there are practical difficulties or a particular hardship in the way of carrying out the strict letter of the regulations of this ordinance. Any proposed variation which fails to receive the approval of the board of appeals shall not be passed except by the favorable vote of three-fourths ( $\frac{3}{4}$ ) of all members of the county board.

(Res. 1-1, § 7(F)(1), November 16, 1982)

### **17.66.020 - Initiation—Petition required.**

- A. A petition for a variation may be filed by any interested property owner or contract purchaser or their agent. In cases where a contract purchaser is the petitioner, the contract purchaser shall provide a letter from the owner which states that the owner is aware of the petition and the request(s) contained therein, that the petitioner is indeed a contract purchaser and that the owner approves the action. Such petitions for a variation shall be filed in writing and shall contain such information as the zoning board of appeals may require by rule.
- B. A petition for a use variation may be filed ONLY IF:
  - 1. A petition for an amendment is recommended for denial by the zoning board of appeals; or
  - 2. A petition for an amendment is denied by the county board.
  - 3. A fee of one hundred fifty dollars (\$150.00) must accompany the petition.
- C. A separate petition for a use variance is not required if the exception provided in 17.68.050(d) applies. In such cases the Zoning Board of Appeals may recommend to the County Board that a use variance be granted.

**17.66.030 - Petition—Processing—Map included.**

A petition for a variation shall be filed with the zoning administrator at least twenty (20) days prior to the date of the hearing. The zoning administrator shall forward such petition to the Sangamon County zoning board of appeals in accordance with the applicable statutes of the State of Illinois and forward a copy of the petition to the Springfield-Sangamon County regional planning commission. The petition shall include a list of adjacent property owners, including owners across the street and across the alley, as well as their mailing addresses. A map shall also be submitted which shows the boundaries of the property, the location of existing and/or proposed structures in relation to property lines, and adjacent land uses.

(Res. 1-1, § 7(F)(3), November 16, 1982)

**17.66.040 - Petition—Public hearing required—Notice requirements.**

No variation shall be made by the county board except after a public hearing before the zoning board of appeals of which there shall be a notice of time and place of hearing published at least once, not more than thirty (30) or less than fifteen (15) days before the hearing, in one or more newspapers with a general circulation within Sangamon County. A written notice shall be served at least ten (10) days before the hearing on the owners of the properties located adjacent to and across the street or alley from the location for which the variation is requested. In addition, at least fifteen (15) days prior to each hearing, notice of such hearing shall be posted on the street frontage of the location for which the variation is requested. If the real estate subject to the petition shall be situated within a township in which there is a newspaper regularly published or in which there is a newspaper generally circulated that is not published in City of Springfield, Illinois, then there shall be published in the said newspaper a legal notice identical to and in addition to that above-stated.

However, if the variation sought is ten (10) percent or less of the regulations of this title as to location of structures or as to bulk requirements no public hearing is required and such variation may be granted by the zoning administrator provided that a notice of the intent to grant such variation shall be sent by certified mail to all adjoining landowners. If any adjoining landowner files a written objection with the zoning administrator within fifteen (15) days of receipt of such notice, the variation shall only be considered by the zoning board of appeals and county board in the manner provided in this chapter. When the zoning administrator decides whether to grant this type of variation, consideration shall be given to the extent to which the petitioner has demonstrated compliance with the standards set forth in Section 17.66.050. The action of the zoning administrator in granting, granting with conditions, or denying the variation shall contain or be accompanied by a finding of fact specifying the reason for the decision.

**17.66.050 - Conditions for granting a variance—Zoning board of appeals authority.**

- A. The zoning board of appeals shall not recommend to the Sangamon County board that the regulations of this ordinance be varied as authorized in Section 17.66.010 hereof, unless it shall make findings of fact specifying the reason for the recommended variation in accordance with the standards provided in sections B and C below.
- B. Standards to be considered for an area variance request are:
  - 1. That the property in question cannot be economically used or cannot yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations;
  - 2. That the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area; and
  - 3. That the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.
- C. Standards to be considered for a use variance request are:
  - 1. That the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the zoning regulations, and
  - 2. That the variance is compatible with the trend of development in the area, and
  - 3. That the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations, and
  - 4. That the variance will not create a negative impact on the area, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.
- D. In making a decision and findings, the zoning board of appeals shall take into consideration the following factors:
  - 1. Variations should not be used to make major changes in the permitted uses in a zoning district. If a use is not permitted in the zoning district for the property, a variation for an unpermitted use should be the exception, for such a variation will permit a use that will be incompatible with the legitimate uses in the district, and may create a bad precedent.

2. Variations should not impact upon the character of the surrounding neighborhood in a detrimental manner.
  3. Variations should be evaluated by comparing the relative gain to the property that seeks the variance against the gain to the public and surrounding neighborhood if the variance is not granted.
  4. Variances are less likely to be justified if the "hardship" or "practical difficulty" has been created by the petitioner.
  5. Variances are less likely to be justified if the property has been economically and/or successfully used in the past without the need for a variation.
  6. Variation decisions should be based upon the characteristics of the property as opposed to the person who is presenting the petition.
  7. Variation decisions should consider previous precedents established for the neighborhood and the County.
  8. Variation decisions should consider whether they will create bad or good precedent for the future.
- E. The zoning board of appeals may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the above standards.

(Res. 12, Exh. A, 11-12-2003; Res. 16a, § 4, November 19, 1985; Res. 1-1, § 7(F)(5), November 16, 1982)

**17.66.060 - Compliance with use variations.**

A use variation shall become void and the property owner will be notified by certified mail if:

- A. A person does not comply with the use variation granted and/or any of its conditions;
- B. The use variation is not utilized within one year from the date the variation is granted; or
- C. The use variation ceases to be utilized for two years.

(Res. 12, Exh. A, 11-12-2003; Res. 7-1, March 8, 1983; Res. 1-1, November 16, 1982)

Editor's note— Res. 12, passed November 12, 2003, amended Section 17.66.060 in its entirety to read as herein set out. Former Section 17.66.060 pertained to permitted variations standards and derived from Res. 1-1, passed November 16, 1982; and Res. 7-1, passed March 8, 1983.

**17.66.070 - Waiting period for new applications following county board action.**

After any application for a variance has been acted upon by the county board, another application requesting the same relief shall not be accepted or considered by the county board for a period of six (6) months after such action, unless the application shows that there has been a substantial change in circumstances as determined by the zoning board of appeals, since such action.

(Res. 9, Exh. A (part), September 14, 2004).

## **Chapter 17.68 - AMENDMENTS**

### **Sections:**

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### **17.68.010 - Standards and authority.**

The Sangamon County Board may from time to time, in the interest of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the county, and avoiding or lessening congestion in the public streets and highways, amend the regulations and the districts created in the manner set forth in this chapter. With respect to amendments relating to the agricultural district, the Sangamon County Board shall utilize the Land Evaluation and Site Assessment System (LESA) set out in Section 17.68.091 to this Chapter 17.68.

(Res. 12 §5(part), May 8, 2001; Res. 1-1 §7(G) (1), November 16, 1982).

### **17.68.020 - Initiation.**

A petition for an amendment may be filed by an interested property owner, contract purchaser, county board member or the executive director of the Springfield-Sangamon County regional planning commission. In cases where a contract purchaser is the petitioner, the contract purchaser shall provide a letter from the owner, which states that the owner is aware of the petition and the request(s) contained therein, that the petitioner is indeed a contract purchaser, and that the owner approves of the action. Such petitions for amendments shall be filed in writing and shall contain such information as the zoning board of appeals may require by rule.

(Res. 1-1 §7(G) (2), November 16, 1982).

### **17.68.030 - Petition-Filing and processing-Map included.**

A petition for an amendment shall be filed with the zoning administrator at least twenty (20) days prior to the date of the hearing. The zoning administrator shall forward such petition to the

Sangamon County zoning board of appeals in accordance with the applicable statutes of the state of Illinois and forward a copy of the petition to the Springfield-Sangamon County regional planning commission. The petition shall include a list of adjacent property owners, including owners across the street and across the alley, as well as their mailing address. A map shall also be submitted which shows the boundaries of the property, the location of existing and/or proposed structures in relation to lot lines and adjacent land uses.

(Res. 1-1 §7(G)(3), November 16, 1982).

**17.68.040 - Public hearing—Notice requirement.**

- A. No amendment shall be granted by the county board except after a public hearing before the zoning board of appeals of which there shall be a notice of the time and place of the hearing published at least once, not more than thirty (30) or less than fifteen (15) days before the hearing, in one or more newspapers with a general circulation within Sangamon County. A written notice shall be served at least ten (10) days before the hearing on the owners of the properties located adjacent to and across the street or alley from the location where the amendment is requested. In addition, at least fifteen (15) days prior to each hearing, notice of such hearing shall be posted on the street frontage of the land proposed to be reclassified by amendment. The notice need only to be placed in one place on the site. In the event the hearing is postponed, the property shall be reposted with the new time, place, and date, and shall be republished and as in the initial case, but with the new time, place, and date for the hearing. A copy of such notice shall be mailed to the clerk of each municipality, the corporate limits of which lie within one and one-half miles of the land proposed to be reclassified. If the real estate subject to the petition shall be situated within a township in which there is a newspaper regularly published or in which there is a newspaper generally circulated that is not published in the city of Springfield, Illinois, then there shall be published in said newspaper, a legal publication identical to and in addition to that above stated. Meetings of the zoning board of appeals on amendments may be held in the County Building.
- B. Where the amendment is initiated by a member of the county board or the planning commission, a true copy of the application or of the county board's order shall be served upon the owner or owners of record in person or by certified United States mail within ten (10) days after the filing of the application or order initiating the proceedings. The foregoing notice and service requirements shall be in addition to the posting and publishing requirements noted in subsection A of this section. No filing fee shall be required for a petition from the county board or the planning commission.

(Res. 7 §7(part), April 14, 1987; Res. 16a §14(part), November 19, 1985; Res. 1-1 §7(G) (4), November 16, 1982).

**17.68.050 - Proposed amendment—Review and report by regional planning commission staff.**

Prior to a public hearing to be held before the Zoning Board of Appeals on each and every proposed amendment to the regulations and the districts created by this title, the staff of the Regional Planning Commission shall study the proposed amendment and transmit to the Zoning Board of Appeals a written report setting forth pertinent planning facts and summary statements of the anticipated effect the proposed amendment may have on the particular locality and the region. The report will be of an advisory nature and may suggest any one of the following conclusions:

- A. That the proposed amendment is advantageous to the immediate vicinity, the community or the region; or
- B. That the proposed amendment with modification would be advantageous to the immediate vicinity, the community or the region; or
- C. That the proposed amendment would be disadvantageous to the immediate vicinity, the community or the region; or
- D. That the proposed amendment would be disadvantageous to the immediate vicinity, the community or the region, however, because of special circumstances related to the property, the Regional Planning Commission may in its written report suggest a use variance upon finding the standards for use variations have been met, in which case the Zoning Board of Appeals may recommend this use variance to the County Board and the petitioner is not required to file a petition for a use variance as required under Section 17.66.020(C).

(Res. 9 Exh. A (part), July 8, 2008; Res. 1-1 § 7(G)(5), November 16, 1982).

**17.68.060 - Proposed amendment—Findings of fact and recommendations of the zoning board of appeals.**

- A. Within thirty (30) days after the close of the hearings on a proposed amendment, the zoning board of appeals shall make written findings of fact on eight and one-half by eleven inch (8.5" x 11") paper and shall submit the same together with its recommendations to the Sangamon County board. If the proposed amendment is to change the zoning classification of a particular property, the zoning board of appeals shall make findings based upon evidence presented to it in each specific case with respect to the following matters:
  - 1. Existing uses of property within the general vicinity of the property in question;

2. The zoning classification of property within the general area of the property in question;
  3. The suitability of the property in question for the uses permitted under the existing zoning classification;
  4. The trend of development within the vicinity since the property was originally classified.
- B. The zoning board of appeals shall only recommend the adoption of a proposed amendment when it finds that the public interest will be served in addition to the interest of the applicant.

(Res. 1-1 § 7(G)(6), November 16, 1982).

### **17.68.070 - Action by the county board—Prerequisites.**

The Sangamon County board shall act on a proposed amendment only when it has received a written report and recommendation from the zoning board of appeals on the proposed amendment. In the event that such report does not recommend passage of the proposed amendment, such amendment shall not be passed except by the favorable vote of a majority of all the members of the county board.

(Res. 1-1 § 7(G)(7)(a), November 16, 1982).

### **17.68.080 - Waiting period for new applications following county board action.**

After any application for an amendment has been acted upon by the county board, another application requesting the same relief shall not be accepted or considered by the county board for a period of six (6) months after such action, unless the application shows that there has been a substantial change in circumstances as determined by the zoning board of appeals, since such action.

(Res. 1-1 §7(G)(7)(b), November 16, 1982; Res. 9, February 13, 1973).

### **17.68.090 - Protests against proposed amendments.**

In case of written protest filed with the county clerk against any proposed amendment, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, or by resolution of the corporate authorities of a zoned municipality where the land affected, either by map amendment or text amendment, lies within one and one-half miles of the limits of the municipality, such amendment shall not be passed except by the favorable vote of three-fourths ( $\frac{3}{4}$ ) of all members of the county board. In such cases, a copy of the written protest or resolution 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. In order to perfect its protest, the protestor(s) or municipality shall file its protest or resolution with the Sangamon County clerk and the Sangamon County zoning administrator at least twenty-four (24) hours before the county board meeting.

(Res. 1-1 §7(G)(7)(c), November 16, 1982; Res. 9, February 13, 1973).

**17.68.091 - Land evaluation and site assessment system.**

**Agricultural Land Evaluation**

<b><u>Soil #</u></b>	<b><u>Mapping Unit Description</u></b>	<b><u>Productivity Index</u></b>	<b><u>Capability Class</u></b>	<b><u>Prime/ Important Farmland</u></b>
<b>Group #1 - Total Acres: 166,030 - Average Productivity Index: 159</b>				
36A	Tama	150	1	Prime
43	Pave	160	1	Prime
198	Elburn	155	1	Prime
<b>Group #2 - Total Acres: 131,695 - Average Productivity Index: 151</b>				
36B	Tama	148	2E	Prime
73	Ross	145	1	Prime
77	Huntsville	146	1	Prime*
199A	Plano	145	1	Prime
68	Sable	155	2W	Prime
451	Lawson	155	2W	Prime*
<b>Group #3 - Total Acres: 27,730 - Average Productivity Index 143</b>				
134A	Camden	120	1	Prime
36C2	Tama	143	2E	Prime
199B	Plano	144	2E	Prime
284	Tice	145	2W	Prime*
<b>Group #4 - Total Acres: 88,440 - Average Productivity Index: 138</b>				
50	Viriden	135	2W	Prime

<u>Soil #</u>	<u>Mapping Unit Description</u>	<u>Productivity Index</u>	<u>Capability Class</u>	<u>Prime/ Important Farmland</u>
67	Harpster	135	2W	Prime
74	Radford	140	2W	Prime*
107	Sawmill	140	2W	Prime*
138	Shiloh	135	2W	Prime
144	Hartsburg	140	2W	Prime
684B	Broadwell	139	2E	Prime
<b>Group #5 - Total Acres: 63,995 - Average Productivity Index: 122</b>				
17	Keomah	125	2W	Prime
45	Denny	110	2W	Prime
112	Cowden	120	2W	Prime
134B	Camden	119	2E	Prime
242	Kendall	130	2W	Prime
249	Edinburg	130	2W	Prime
259C	Assumption	123	2E	Prime
280B	Fayette	125	2E	Prime
567C	Elkhart	123	2E	Prime
685B	Middletown	104	2E	Prime
131C	Alvin	103	3E	Prime
131D	Alvin	101	3E	Prime
208	Sexton	115	3W	Prime
684C2	Broadwell	133	2E	Prime
<b>Group #6 - Total Acres: 37,680 - Average Productivity Index: 114</b>				
19C2	Sylvan	105	2E	Important
134C2	Camden	115	2E	Important
280C2	Fayette	119	2E	Important

<u>Soil #</u>	<u>Mapping Unit Description</u>	<u>Productivity Index</u>	<u>Capability Class</u>	<u>Prime/ Important Farmland</u>
685C2	Middletown	105	2E	Important
19D	Sylvan	106	3E	Important
36D2	Tama	140	3E	Important
119D	Elco	102	3E	Important
250D2	Assumption	113	3E	Important
80D2	Fayette	113	3E	Important
567D2	Elkhart	113	3E	Important
<b>Group #7 - Total Acres: 13,750 - Average Productivity Index: 88</b>				
8D3	Hickory	64	4E	Important
8E	Hickory	71	4E	Important
19D3	Sylvan	95	4E	Important
119D3	Elco	95	4E	Important
131E2	Alvin	84	4E	Important
134D3	Camden	102	4E	Important
212D3	Thebes	87	4E	Important
280D3	Fayette	104	4E	Important
<b>Group #8 - Total Acres: 9,865 - Average Productivity Index: 82</b>				
8E3	Hickory	63	7E	Non-prime
19E3	Sylvan	87	7E	Non-prime
119E3	Elco	87	0	Non-prime
<b>Group #9 - Total Acres: 8,050 - Average Productivity Index: 0</b>				
8F	Hickory	0	7E	Non-prime
551F	Gosport	0	7E	Non-prime
801	Orthents	0	0	Non-prime
*Subject to flooding.				

**Relative Point Value for Soil Groups**

Group #	Relative Value
1	100
2	95
3	90
4	87
5	77
6	72
7	55
8	52
9	0

Parcel # \_\_\_\_\_

Zoning Case # \_\_\_\_\_

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	
75-89%	10	
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	
Under 50%	0	

<u>COUNTY SECTOR</u>	
Rural	20
0.5 mile from incorporated area	10
Incorporated area	0

<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>	
75% or more	20
50-74%	10
25-49%	5
Less than 25% or sewer available	0

<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>	
Negative impact	15
Little or none with protective measures	5
Little or none	0

<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>	
Negative impact	10
No impact	0

<u>CONDITION OF ROAD</u>	
unpaved, <40' ROW, or < 16' pavement	20
16'-18' pavement, 40' ROW	15
18'-20' pavement, 40' ROW	10
> 20' pavement, 40' ROW or County or State Highway	0

<u>AVAILABILITY OF PUBLIC SEWER</u>	
Not available	15
Sewer over 600'-1200' away	8
Private central sewage system	5
Sewer 600' or less away and available	0

<u>AVAILABILITY OF PUBLIC WATER</u>	
Not available	20
1,000-1,500' away	15
Less than 1,000' away	5
Public water available at site	0

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>	
Not in fire protection district	20
More than 5 miles or fire protection by assignment	10
2.6-5 miles	5
0-2.5 miles	0

<u>DRIVING TIME TO HIGH SCHOOL</u>	
Over 30 minutes	10
15-30 minutes	5
Less than 15 minutes	0

<b>SITE ASSESSMENT TOTAL</b>	<b>0</b>
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**Part 2: Agricultural Land Evaluation** (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
8D3	Hickory	Important		55	
8E	Hickory	Important		55	
8E3	Hickory	Non-prime		52	
8F	Hickory	Non-prime		0	
17	Keomah	Prime		77	
19C2	Slyvan	Important		72	
19D	Slyvan	Important		72	
19D3	Slyvan	Important		55	
19E3	Slyvan	Non-prime		52	
36A	Tama	Prime		100	
36B	Tama	Prime		95	
36C2	Tama	Prime		90	
36D2	Tama	Important		72	
43	Ipava	Prime		100	
45	Denny	Prime		77	
50	Virden	Prime		87	
67	Harpster	Prime		87	
68	Sable	Prime		95	
73	Ross	Prime		95	
74	Radford	Prime*		87	
77	Huntsville	Prime*		95	
107	Sawmill	Prime*		87	
112	Cowden	Prime		77	
119D	Elco	Important		72	
119D3	Elco	Important		55	
119E3	Elco	Non-prime		52	
131C	Alvin	Prime		77	
131D	Alvin	Prime		77	
131E2	Alvin	Important		55	
134A	Camden	Prime		90	

134B	Camden	Prime	77
134C2	Camden	Important	72
134D3	Camden	Important	55
138	Shiloh	Prime	87
198	Elburn	Prime	100
199A	Plano	Prime	95
199B	Plano	Prime	90
208	Sexton	Prime	77
212D3	Thebes	Important	55
242	Kendall	Prime	77
244	Hartsburg	Prime	87
249	Edinburg	Prime	77
259C	Assumption	Prime	77
259D2	Assumption	Important	72
280B	Fayette	Prime	77
280C2	Fayette	Important	72
280D2	Fayette	Important	72
280D3	Fayette	Important	55
284	Tice	Prime*	90
451	Lawson	Prime*	95
551F	Gosport	Non-prime	0
567C	Elkhart	Prime	77
567D2	Elkhart	Important	72
684B	Broadwell	Prime	87
684C2	Broadwell	Prime	77
685B	Middletown	Prime	77
685C2	Middletown	Important	72
801	Orthents	Non-prime	0

\*subject to flooding

<b>AGRICULTURAL LAND EVALUATION TOTAL</b>
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<b>GRAND TOTAL</b>
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Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.

**SUITABILITY**



Subdivision	Agriculture
0 Points	300 Points

For purposes of this evaluation for suitability of non-agricultural development:

- Fewer than one hundred fifty (150) points shall be deemed for non-agricultural development.
- Between one hundred fifty (150) points and one hundred seventy-five (175) points shall be considered marginal for non-agricultural development and mitigating factors shall be evaluated.
- Greater than one hundred seventy-five (175) points shall be considered suitable for agricultural use only.

(Res. 12, Exh. A, 11-12-2003; Res. 13 Exh. A (part), June 11, 2002; Res. 12-1 Ex. C § 8, May 8, 2001).

## Chapter 17.70 - FEES

### Sections:

17.70.010 - FEE SCHEDULE—EXCEPTIONS.....	70-1
17.70.020 - PENALTIES.....	70-2

### 17.70.010 - Fee schedule—Exceptions.

- A. Any application for variation, amendment, or conditional permitted use for all uses of land or buildings except agricultural use of land or buildings shall be accompanied by a fee of two hundred fifty dollars (\$250.00) up to the first five (5) acres and five dollars (\$5.00) for each additional acre or portion thereof. Appeals shall be accompanied by a fee of two hundred fifty dollars (\$250.00). Each applicant will be responsible for the payment of the legal publication. This filing fee is non-refundable after publication except in cases where the board of appeals or planning commission determines that the hearing is not necessary. If petitioner does not appear at the scheduled hearing before the zoning board of appeals, the board in its discretion may decide the case, continue the case to a specific date, or deny the applicant's petition.
- B. An application for a certificate of compliance in the A agriculture districts and the R-1, R-2, R-3, and RM-4 manufactured home district shall be accompanied by a fee of fifty dollars (\$50.00) except that no fee shall be collected for agricultural uses of land as defined in this title. An application for a certificate of compliance in the O, B-1, B-2, B-3, I-1, and I-2 zoning districts shall be accompanied by a fee of one hundred dollars (\$100.00). In the event construction of any structure is commenced prior to inspection by the Zoning Administrator's Office, an additional fifty dollars (\$50.00) will automatically be assessed in the A, R-1, R-2, R-3, and RM-4 districts for a total of one hundred dollars (\$100.00), and in the O, B-1, B-2, B-3, I-1, and I-2 districts, an additional one hundred dollars (\$100.00) will be charged for a total of two hundred dollars (\$200.00).
- C. Applications for a temporary use permit for a fireworks stand shall be accompanied by a fee of seven hundred fifty dollars (\$750.00). Applications for a temporary use permit for a novelty fireworks stand shall be accompanied by a fee of one hundred dollars (\$100.00). Applications for all other temporary use permits shall be accompanied by a fee of fifty dollars (\$50.00).
- D. Administrative variances of ten percent (10%) or less shall be accompanied by a fee of one hundred dollars (\$100.00).

- E. An initial start-up application for a home occupation conducted in a dwelling unit shall be accompanied by a fee of fifty dollars (\$50.00). An annual renewal for each home occupation shall be accompanied by a fee of ten dollars (\$10.00).
- F. An initial start-up application for a home occupation which is conducted in whole or in part within any accessory structure, or which involves exterior storage of materials, shall be accompanied by a fee of two hundred and fifty dollars (\$250.00). An annual renewal for each home occupation shall be accompanied by a fee of one hundred dollars (\$100.00) and up to three (3) unscheduled inspections per year.
- G. All fees shall be paid to Sangamon County Zoning Department. There shall be no such fee, however, in the case of applications filed in the public interest by members of the Sangamon County Board, or the Springfield-Sangamon County Regional Planning Commission.

(Res. No. 11, Exh. A, 5-12-2015; Res. No. 7, Exh. A(2), 12-10-2013; Res. 13 Exh. A (part), June 11, 2002; Res. No. 8, Exh. A, 11-14-2000; Res. 15, March 11, 1997; Res. 10 §1(part), October 5, 1993; Res. 1-1 §7(J), November 16, 1982; Res. 9, February 13, 1973).

**17.70.020 - Penalties.**

- A. In the event construction of any structure is commenced prior to inspection by the zoning administrator's office, an additional fifty dollars (\$50.00) will automatically be assessed in the A, R-1, R-2, R-3 and RM-4 manufactured home districts (total one hundred dollars(\$100.00)); and in the O, B-1, B-2, B-3, I-1 and I-2 districts, an additional one hundred dollars (\$100.00) will be charged (total two hundred dollars (\$200.00)).
- B. Any person who violates the terms of this chapter shall be guilty of a Class B misdemeanor.

(Res. 13 Exh. A (part), June 11, 2002; Res. No. 8, Exh. A, 11-14-2000; Res. 15, March 11, 1997; Res. 1-1 §7(K)(2), November 16, 1982)

## **Chapter 17.72 - REGIONAL PLANNING COMMISSION**

### **Sections:**

17.72.010 - DUTIES..... 72-1

### **17.72.010 - Duties.**

The staff of the Springfield-Sangamon County regional planning commission of Sangamon County, Illinois, created by the Sangamon County board in March, 1957, shall have the following duties under this title:

- A. To transmit to the zoning board of appeals a written report on all proposed amendments, conditional permitted uses, and variances to this title, in the manner prescribed for them herein;
- B. To initiate, direct, and review, from time to time, studies of the provisions of this title, and to make reports of its recommendations to the zoning, planning, and subdivision committee of the Sangamon County board and to the Sangamon County board not less frequently than once each year;
- C. To update the official zoning district map once each year with due care being given to accurately represent on the maps the changes approved by the county board.

(Res. 1-1 § 7 (D), November 16, 1982).



## Chapter 17.74 - APPEALS

### Sections:

17.74.010 - AUTHORITY OF ZONING BOARD OF APPEALS.....	74-1
17.74.020 - INITIATION AND TRANSMITTAL—EFFECT.....	74-1
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### 17.74.010 - Authority of zoning board of appeals.

The zoning board of appeals shall hear and decide appeals from an administrative order, requirement, decision or determination made by the zoning administrator or other authorized officials of the county, relating to regulations of this title, except that any appeal with regard to a plats act or county subdivision ordinance violation shall be made to the Sangamon County State's Attorney's Office.

(Res. 16a §2, November 19, 1985; Res. 1-1 §7(E)(1), November 16, 1982).

### 17.74.020 - Initiation and transmittal—Effect.

An appeal to the zoning board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the county. The appeal shall be filed in the office of the zoning administrator within thirty (30) days of the action being appealed. The appeal shall be taken by the zoning administrator to the zoning board of appeals within thirty (30) days or within such time as shall be prescribed by the zoning board of appeals by a general rule for hearing appeals. The appeal shall be in writing specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the paper constituting the record upon which the appeal action is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals, after the notice of appeal has been filed with him, that, by reason of facts stated in the written appeal, a stay would, in his opinion, cause imminent peril to life or property. In this event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application and on notice to the officer from whom the appeal is taken, and on due cause shown.

(Res. 1-1 §7(E)(2), November 16, 1982).

**17.74.030 - Filing and processing.**

An appeal shall be filed with the zoning administrator at least twenty (20) days prior to the date of the hearing. The zoning administrator shall forward the appeal to the Sangamon County zoning board of appeals within thirty (30) days or less time as the zoning board of appeals may prescribe for processing in accordance with the statutes of the state.

(Res. 1-1 §7(E)(3)(a), November 16, 1982).

**17.74.040 - Public hearings—Notice required—Procedures.**

Hearings of the zoning board of appeals on appeals shall be held in the County Building. The board of appeals shall fix a reasonable time for said hearing and give due notice thereof to parties and shall decide the appeal within reasonable time. At the hearing any party may appear in person, by agent or by attorney.

(Res. 7 §7(part), April 14, 1987; Res. 1-1 §7(E)(3)(b), November 16, 1982).

**17.74.050 - Determination by zoning board of appeals.**

The zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement or decision or determination as in its opinion ought to be made on the premises and to that end has all powers of the officer from whom the appeal is taken.

(Res. 1-1 §7(E)(3)(c), November 16, 1982).

**17.74.060 - Decisions.**

All decisions, after the zoning board of appeals hearing on appeals from an administrative order, requirement, decision or determination of the zoning administrator or other authorized officials of Sangamon County, shall, in all instances, be final administrative determinations and shall be subject to judicial review only in accordance with applicable statutes of the state.

(Res. 1-1 §7(E)(4), November 16, 1982).

## **Chapter 17.76 - ADMINISTRATION AND ENFORCEMENT**

### **Sections:**

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### **17.76.010 - Authorities designated.**

The administration of this ordinance is hereby vested in the Zoning Administrator of the County and in the Zoning Board of Appeals.

(Res. 10, Exh. A, 12-13-2016; Res. 24(part), June 14, 1993; Res. 1-1 §7(part), November 16, 1982).

### **17.76.020 - Zoning Administrator.**

There is hereby created the Office of the Zoning Administrator. The head of the office shall be appointed or removed by the Chairman of the County Board, subject to County Board approval. Such other employees of the Office of the Zoning Administrator shall be appointed by the Zoning Administrator and authorized by the Public Health, Solid Waste and Zoning Committee of the County Board and applicable subsequent committees.

(Res. 10, Exh. A, 12-13-2016; Res. 24(part), June 14, 1993; Res. 1-1 §7(A)(1), November 16, 1982).

### **17.76.030 - Zoning administrator-Powers and duties designated.**

The zoning administrator shall enforce this title. In the performance of his duties, he shall:

- A. Examine and approve applications that conform with this title and issue zoning certificates for all use of land, buildings, and structures when the application conforms with the provisions of this title, except that for agricultural uses of the land, no such examination or permits shall be required. However, farm buildings shall conform with the front yard setback regulations of this title;
- B. Determine lot, bulk and parking requirements in specific instances;
- C. For industrial districts, receive certificates indicating compliance with the performance standards for I-1 or I-2 districts from an engineer registered with the state or scientific testing laboratory, approved by the county board;
- D. Keep records of and pertaining to the zoning ordinance including:

1. All maps, amendments, conditional uses, variations, appeals and other pertinent data,
  2. All uses which do not conform with the use regulations of each district;
- E. Conduct inspection of buildings, structures, and uses of the land to determine compliance with this title;
- F. Receive, file and forward to the zoning board of appeals, the Springfield-Sangamon County regional planning commission and the zoning, planning, and subdivision committee of the Sangamon County board all petitions for amendments, variances, conditional permitted uses and appeals which are filed in the office of the zoning administrator. Petitions for land which have been divided or are proposed to be divided in violation of the State Plats Act and county subdivision regulations shall be returned to the petitioner with a directive noting the violations. Petitions which are in violation of the Plats Act shall not be placed on the docket of the zoning board of appeals until the violation has been resolved. All petitions shall have attached a location map illustrating the shape and dimensions of the property in question and a list of contiguous property owners and their addresses including owners across streets and alleys;
- G. Provide clerical and technical assistance as may be required by this title and the zoning board of appeals in the exercise of its duties. Interested parties may copy records at their own expense;
- H. File a report with the chairman of the zoning, planning, and subdivision committee of the Sangamon County board, and a copy to the chairman of the Sangamon county board relative to findings of the zoning administrator on all reports of zoning violations made to him by a citizen, a county employee or a county official;
- I. Provide and maintain a public information bureau relative to all matters arising out of this title and post all public notices called for in this title;
- J. Issue, upon the approval of the county zoning, planning, and subdivision committee of the Sangamon County board, permits regulating the erection and use of tents or other temporary structures for a stipulated period of time for special events, such as: temporary circus, carnival and church tents; Boy Scout and Girl Scout tents; seasonal fruit and vegetable stands; concrete batch plants, etc., but not including general merchandise sales unrelated to special events.
- K. Temporary use permits for fireworks stands shall be for ten (10) days only from June 25th through July 4th. However, stands may be physically placed on the property in advance of the ten days after approved by the public health, solid waste, and zoning committee.
1. If the permit holder or his agent violates any provision of the Sangamon County fireworks ordinance (Chapter 8.12 of the Sangamon County Code),

or any provision of the Illinois Fireworks Use Act, then the permit holder shall not be issued another such permit for eighteen (18) months from the date of such violation; nor shall a temporary use permit for a fireworks stand be permitted on the same property for eighteen (18) months from the date of such violation.

- L. To inspect vehicles which may constitute an inoperable motor vehicle and upon direction by the zoning, planning, and subdivision committee of the county board, notify the person or persons to dispose of any inoperable motor vehicles under his or her control.

(Res. 21, June 14, 2005; Res. 16a §§1, 24(part), November 19, 1985; Res. 1-1 §7(A)(2), November 16, 1982).

**17.76.040 - Zoning administrator—Enforcement authority.**

The zoning administrator shall have the power to make such orders, requirements, decisions, and determinations as are necessary to enforce this title.

(Res. 1-1 §7(K)(1)(a), November 16, 1982).

**17.76.050 - Zoning administrator—Inspection authority.**

The zoning administrator or persons under his supervision shall conduct investigations to determine compliance or non-compliance with the provisions of this title. In the performance of such investigation, the zoning administrator or authorized representatives may enter into and upon and cause any land or structure to be inspected and examined at all reasonable times of the day or night. Inspections shall be conducted after notifying the owners of the property except that when the owner is not available, the zoning administrator or his representative may inspect the land and the exterior of any structures.

(Res. 1-1 §7(K)(1)(c), November 16, 1982).

**17.76.060 - Zoning board of appeals—Creation and membership.**

- A. In accordance with the applicable Statutes of the State a zoning board of appeals is created for the affected area of Sangamon County. The board shall consist of five (5) members to serve respectively for the following terms: one for one (1) year; one for two (2) years; one for three (3) years; one for four (4) years; and one for five (5) years. The successor to each member so appointed shall serve for a term of five (5) years, except that vacancies shall be filled only for the unexpired term of any member whose place has become vacant.
- B. One member so appointed shall be named chairman at the time of appointment. Terms of members shall commence on the date of their appointment. Members shall be residents of separate congressional townships at the time of their

appointment and a majority of the members shall also be residents of unincorporated areas.

- C. All appointments to the zoning board of appeals shall be made by the chairman of the Sangamon County board. The chairman of the county board shall have the power to remove, after a public hearing, any member of the zoning board of appeals for cause. In the event that the office of chairman of the zoning board of appeals is vacated for any reason, the chairman of the county board shall immediately appoint, at his option, either one of the remaining members on the zoning board of appeals, or any member who is appointed to fill such vacancy on the board as the new chairman. Such appointment shall be subject to the approval of the county board at its next scheduled meeting.
- D. The chairperson and all members of the zoning board of appeals, including alternates, shall receive one hundred twenty-five dollars (\$125.00) for each meeting they attend.

(Res. No. 2, § 4, 6-25-2009; Res. No. 17, § 4, 8-11-2009; Res. 1-1 §7(C)(1), November 16, 1982; Res. 17, May 5, 1980).

#### **17.76.070 - Zoning board of appeals—Jurisdiction and authority.**

The zoning board of appeals is invested with the following jurisdiction and authority, as granted by the Statutes of the State and this title:

- A. To hear and decide appeals from any order, requirement, decision or determination made by the zoning administrator under this title;
- B. To hear and submit findings and recommendations to the county board on applications for variations from the terms provided in this title in the manner prescribed by, and subject to, the standards established herein;
- C. To hear or submit findings and recommendations to the county board on a proposed amendment in the manner prescribed herein;
- D. To hear and submit findings and recommendations to the county board on proposed conditional permitted uses in the manner prescribed herein;
- E. To hear and submit findings and recommendations on the extension of a zoning district where the boundary line of a district divides a lot or parcel held in single ownership at the time of passage of the ordinance codified in this title;
- F. To hear and decide all matters referred to it or upon which it is required to pass under this title;
- G. To recommend to the county board that a use variance be granted after it has found that an amendment to the ordinance, based on the required findings of fact, would not serve the public interest and would not be appropriate, and that all the required standards for variations have been met.

(Res. 7-1(part), March 8, 1983; Res. 1-1 §7(C)(3), November 16, 1982).

**17.76.080 - Zoning board of appeals—Meetings and rules of procedure.**

- A. Petitions to be heard shall be filed in the office of the zoning administrator at least twenty (20) days prior to the hearing.
- B. All testimony by witnesses at any hearing provided for in this title shall be given under oath. The chairman, or in his absence the vice or acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the zoning board of appeals shall be open to the public, at which time every person has the right to appear in person or by each agent it holds or by attorney. The board shall keep minutes and a recording of hearings and of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Recordings of the proceedings may be requested from the zoning administrator's office at the requester's expense. In every case, the board shall clearly indicate in its official report the findings of fact leading to its decision or recommendation to the Sangamon County Board. Every rule, every regulation, every variation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board shall immediately be filed in the office of the zoning board of appeals and in the office of the county clerk and shall be a public record. The concurring vote of four (4) members of the zoning board of appeals shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is authorized by this title to render a decision. The zoning board of appeals shall make no recommendations except in a specific case and after public hearing.

(Res. 7 §7(part), April 14, 1987; Res. 1-1 §7(C)(2), November 16, 1982).



**Chapter 17.78 - VIOLATION PENALTIES**

**Sections:**

17.78.010 - VIOLATION PENALTIES. .... 78-1

**17.78.010 - Violation penalties.**

Any person who violates the terms of this chapter shall be guilty of a petty offense.

The state's attorney may bring action to enforce compliance of the requirements of this chapter by filing an action before the Sangamon County Ordinance Violation Hearing Department or by filing an action in Sangamon County Circuit Court requiring conformance with this chapter, fines, fees and costs for violation of this chapter or such other order as the Court or hearing officer may deem necessary.

Any person who violates this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(Res. 15, § 3(Exh. C), 2-10-2009)