

# **ZONING ORDINANCE PIATT COUNTY, ILLINOIS**

## **ARTICLE I. TITLE, INTENT, AND PURPOSE**

A. TITLE. These regulations may be referred to as the “ZONING ORDINANCE.”

B. INTENT AND PURPOSE.

1. These regulations have been based upon the comprehensive plan for Piatt County, Illinois, June, 1970. Said comprehensive plan included estimates of population growth, land use surveys, a land use plan, plans for major thoroughfares, other transportation facilities, community facilities, public services and utilities, and a public works program.

2. Need for public services and facilities in both size and location depends upon the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated optimum physical development of the community. The land use regulations are intended to be the foundation of the entire process of improvement of the physical environment.

3. The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses.

4. The land use regulations divide the area into a number of zoning districts.

a. Because of poor drainage, steep slopes and other adverse natural conditions, some land areas should be kept in their natural state. These would be placed in a Conservation District.

b. The comprehensive plan included careful estimates of the land area requirements for the various urban land uses such as commerce, residence, industry, transportation, and public uses. These urban uses should be directed into that land area where they may be most efficiently served by public services and facilities such as sewers, water, schools, parks, and the like. Remaining lands should be reserved for agricultural uses. Consequently, the regulations include an Agricultural District for non-urban land uses.

c. In the past, residential neighborhoods have deteriorated because they were invaded by small isolated commercial uses and by more intensive residential uses such as duplexes or apartment buildings. The great majority of our population desire to, and do, live in single-family homes which they own and which are located on fairly large lots. The regulations establish residential districts particularly designed to provide maximum protection for single-family homes.

d. There is a General Business District for the more widely used commercial areas along major streets and highways. Any further classification of commercial areas will be found in the zoning regulations for the individual cities and towns in the County.

- e. For industry, there is one district - a “general” industrial district.
  - f. There are Interchange Districts designed to regulate and control development around the interstate highways.
  - g. The regulations are reasonable in relation to existing conditions. Yard dimensions are adjusted to peculiarities of existing lots. Lots that are now too small may be used. Non-conforming uses are permitted to continue for adequate time periods.
  - h. Each of the regulations has been designed to work harmoniously with the others with the totality providing that minimum degree of land use control essential to the realization of optimum land use environment.
5. The regulations are not to apply to land, barns, outbuildings or other structures used primarily for farming purposes on a farm as herein defined, except as otherwise provided in this Ordinance, which exceptions include, but are not limited to, Articles VII, VIII, IX, XII, XIII, XIV and XV, and Section F of Article X.

**ARTICLE II. GENERAL PROVISIONS**  
[55 ILCS 5/5-12001 *et seq.*]

Except as hereinafter provided:

A. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.

B. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.

C. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.

D. The density and yard regulations of this Ordinance are minimum regulations for each and every building existing at the effective date of this Ordinance and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building.

E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in this Ordinance.

F. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this Ordinance.

G. Cooperatives, condominiums, and all other forms of property ownership do not effect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.

H. All individual mobile homes and manufactured homes shall conform with the applicable yard, height, and density requirements of the district in which individual mobile homes and manufactured homes are permitted; except that lot area or density requirements shall not apply to mobile homes and manufactured homes used exclusively to accommodate seasonal farm help working on farms.

I. No land subject to flooding shall be approved for residential, business or industrial uses unless corrected as specified in the Piatt County Rules and Regulations governing the subdivision and platting of land.

J. At all times the land shall be maintained in a safe condition so that sufficient drainage shall be provided so as to prevent water pockets or undue erosion, with all grading and drainage such that

natural storm water leaves the entire property at the original, natural drainage points, and that the area drainage to any one such point is not increased.

### ARTICLE III. DEFINITIONS

For the purpose of this Ordinance, certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “building” shall include the word “structure” and “premises”; the word “shall” is mandatory and not directory; the words “used” or “occupied” include the words “intended”, “designed” or “arranged to be used or occupied”; the word “lot” includes the words “plot” or “parcel” the “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the masculine gender is used throughout the Ordinance for simplicity regardless of the actual gender referred to. Any word not herein defined shall be as defined in any recognized standard English dictionary.

**ACCESSORY BUILDING.** A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

**ACCESSORY USE.** A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

**ADVERTISING DEVICE.** Banners affixed on poles, wires or ropes and streamers, wind operated devices, flashing lights and other similar devices.

**AGRICULTURAL ACTIVITY.** The growing of farm crops, truck garden crops, animal and poultry husbandry, bees, fish, dairying, flower farming, and greenhouses, when such activities constitute the principal activity on the land, but not including such activity on parcels of land of less than 5 acres from which \$1,000 or less of agricultural products were sold in any one of the last 3 years.

**AIRCRAFT.** Means “Aircraft” as defined by the Illinois Department of Transportation, Division of Aeronautics.

**AIRPORT.** Means “Airport” as defined by the Illinois Department of Transportation, Division of Aeronautics.

**ALLEY.** A public or private thoroughfare which affords only a secondary means of access to abutting property.

**ANIMAL FEEDING OPERATION.** A lot or facility (other than an aquatic animal production facility) where the following conditions are met:

1. Animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
2. Crops, vegetation, forage growth or post harvest residues that are grown in place - are not sustained in the normal growing season over any portion of the lot or facility.

**ANIMAL HOSPITAL.** Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

**APARTMENT.** See Dwelling Unit.

**AUTOMOBILE SERVICE STATION.** Any land, building, structure or premises used for the sale at retail of motor vehicle fuels, oils or accessories or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the replacing of motors, bodies or fenders of motor vehicles or painting motor vehicles, public garages and the open storage of rental vehicles or trailers.

**AUTOMOBILE WRECKING YARD.** Any place where three or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking, sales of old parts or storing of such automobiles or the parts thereof.

**BASEMENT.** A story having part but no less than one-half of its height below ground level. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

**BED AND BREAKFAST.** A building, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite periods, lodging, meals or lodging and meals are provided for two or more persons, and with no more than five rooms for rent.

**BOARD.** Means Zoning Board of Appeals established in ARTICLE IV.

**BUILDABLE WIDTH.** The width of the lot left to be built upon after the side yards are provided.

**BUILDING.** Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

**BUILDING, HEIGHT OF.** The vertical distance from the ground level to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip and gambrel roofs.

**CLINIC.** An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

**CLUB.** Buildings and facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

**COUNTY BOARD.** Means the Piatt County Board.

**COURT.** An open space more than one-half surrounded by buildings.

DISTRICT. Means a part of the County wherein regulations of ordinance are uniform.

DWELLING. Any building or portion thereof which is designed and used exclusively for residential purposes.

DWELLING, MULTIPLE FAMILY. A building, other than a townhouse, designed for or occupied exclusively by three or more families.

DWELLING, SINGLE-FAMILY. A building designed for or occupied exclusively for one family.

DWELLING, TWO-FAMILY. A building designed for or occupied exclusively by two families.

DWELLING UNIT. One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

FAMILY. (a) An individual; or (b) two or more persons related by blood, marriage, foster care, or adoption; or (c) five persons not so related; or (d) two or more persons related by blood, marriage, or adoption, and not more than three persons not so related; together with his or their domestic servants, and gratuitous guests maintaining common household in a dwelling unit.

FARM. Any property used solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof, including, but not limited to: hay, grain, fruit, truck or vegetable crops, floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming. Farm does not include property which is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use. The ongoing removal of oil, gas, coal or any other mineral from property used for farming shall not cause that property to not be considered as used solely for farming.

FENCE. A structure for enclosure or screening.

FLOOR AREA. The square feet of floor space within the outside line walls, including the total of all space on all floors of a building. It does not include porches, garages or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

FRONTAGE. All the property on one side of a street or highway, between two intersecting streets (crossing or terminating) or for a distance of 400 feet on either side of a proposed building or structure, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end street, but not including property more than 400 feet distant on either side of a proposed building or structure.

**GARAGE, PRIVATE.** A detached accessory or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.

**GARAGE, PUBLIC.** A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

**GARAGE, STORAGE.** Any building or premises used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

**GROUND.** The average level of the finished surface of the soil adjacent to the exterior walls of the building.

**GROUND SIGN.** Any sign erected, constructed or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts or braces placed upon or affixed in the ground and not attached to any part of a building.

**HOME OCCUPATION.** An occupation or profession carried on at the premises by a member of the immediate family residing on the premises, which employs no more than one person outside the family. No mechanical equipment may be used in connection with the occupation which interferes with the reasonable use of adjacent properties.

**HOTEL.** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests.

**INSTITUTION.** A non-profit establishment for public use.

**JUNK YARD.** An open area where waste, used or second-hand scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes an auto-wrecking yard, but does not include uses established entirely within enclosed building.

**KENNEL.** An establishment where small animals are boarded for compensation or where dogs are bred or raised on commercial scale.

**LANDSCAPED AREA.** An area that is permanently devoted and maintained to the growing of shrubbery, grass and other plant material.

**LOADING SPACE.** A space within the main building or on the same lot for the standing, loading or unloading of trucks.

**LOT.** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a road or street.

LOT, CORNER. A lot abutting upon two or more streets or roads at their intersections.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting streets or roads as distinguished from a corner lot.

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

LOT LINE. A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into abutting street, road or alley, the lot line shall be deemed to be the street, road or alley line.

LOT WIDTH. The width of a lot at the front yard line.

PLATTED LOT. A lot designated on a subdivision plat or deed, duly recorded.

MANUFACTURED HOME. See Mobile Home.

MARQUEE SIGN. Any sign affixed to a marquee over the entrance to a building and supported from the building.

MOBILE HOME. A structure, not more than 15 years old at the time of its proposed placement, designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for 1 or more persons. This term includes manufactured homes constructed after June 30, 1976, in accordance with the Federal "National Manufactured Housing Construction and Safety Standards Act of 1974".

MOBILE HOME COURT. An area where two or more inhabited mobile homes can be or are intended to be parked.

MOTEL, MOTOR COURT, MOTOR LODGE, OR TOURIST COURT. Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of vehicle transients.

NONCONFORMING USE. The lawful use of land or a building, or a portion thereof, which use does not conform with the use regulations of the district in which it is located at the time of the adoption of this Ordinance.

NURSING HOME. A home for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food and shelter, or care for compensation;

but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

OPEN AREA. That part of a lot on which no part of a building or structure extends.

PARKING SPACE. A surfaced area, enclosed or unenclosed, sufficient in size to store one vehicle not less than nine feet wide and twenty feet long, together with a drive way connecting the parking space with a street, road or alley and permitting ingress and egress of a vehicle without the necessity of moving any other vehicle.

PERMISSIVE USE. A use allowed in a zoning district after permit is granted by the Zoning Officer in accordance with the provisions of ARTICLE IV.

POST SIGN. Any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.

PREMISES. A lot together with all buildings and structures thereon.

PRIME FARMLAND. Land which is designated prime farmland by the United States Department of Agriculture.

RESTRICTED LANDING AREA (RLA). Means "Restricted Landing Area (RLA)" as defined by the Illinois Department of Transportation, Division of Aeronautics.

ROAD. See "Street".

ROOF SIGN. Any sign erected, constructed or maintained upon the roof of any building.

SHOOTING RANGE. Any premise used for target shooting on which target backups of any kind are used or where more than one trap-shooting station is used.

SIGN. Any identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business.

SIGN AREA. The total area of the space to be used for advertizing purposes, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.

SINGLE FAMILY FARM DWELLING. A dwelling occupied by the members of one family in which the principal occupation or means of livelihood consists of agricultural production and/or livestock farming.

**SINGLE FAMILY NON-FARM DWELLING.** A dwelling occupied by the members of one family in which the principal occupation or means of livelihood is other than agricultural production and/or livestock farming.

**SPECIAL USE.** A use allowed in a zoning district after a permit is granted by the Board of Appeals according to provisions of ARTICLE IV.

**STREET.** The entire width between boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

**STREET CENTERLINE.** The street centerline is a line halfway between paved or traveled edges of the street surface.

**STREET LINE.** A dividing line between a lot and a contiguous street.

**STRUCTURAL ALTERATION.** Any change except those required by law or ordinance which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

**STRUCTURE.** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, swimming pools and signs.

**TOURIST HOME.** An establishment used for dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation.

**TOWN HOUSE.** A building that has one-family dwelling units erected in a row as single building on adjoining lots, each being separated from adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line and each such building being separated from any other building by space on all sides.

**TRAILER.** Every vehicle without motive power in operation designed for carrying persons or property and for being drawn by a motor vehicle.

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

**VARIATION.** A variation is a relaxation of the strict terms of the Ordinance in order to provide relief for a property owner or occupant upon whom the ordinance has imposed an undue hardship or difficulty.

**WALL SIGN.** Any painted sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building.

**YARD.** An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

**YARD, FRONT.** A yard across the full width of the lot extending from the front line of the main building to the front line of the lot, or to the designated street or highway right-of-way line in cases where the present property line extends to the centerline of such street or highway.

**YARD, REAR.** A yard extending the full width of the lot between a principal building and the rear lot line.

**YARD, SIDE.** A yard between the main building and the side line of the lot and extending from the front yard line to the rear yard line.

**YARD WIDTH AND DEPTH.** The shortest horizontal distance from a lot line to the nearest portion of any structure.

**ZONING OFFICER.** The individual appointed by the County Board to administer the Zoning Ordinance.

**ARTICLE IV. ADMINISTRATION**  
[55 ILCS 5/5-12008-12019]

A. BOARD OF APPEALS.

1. Organization of Board of Appeals

a. Membership: A Zoning Board of Appeals is hereby created. Such Board shall consist seven (7) members to be appointed by the County Board. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office or other cause by County Board upon written charges having been filed and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing, either personally or by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the County Board and shall be for the unexpired term.

b. Meetings: The Board shall organize and adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. All business of the Board shall be transacted at such meetings. The Board shall keep minutes of its proceedings showing vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Officer, and shall be a public record.

c. Appeals: Appeals to the Board may be taken by any person aggrieved. Such appeal shall be taken within 20 days after the decision by filing with the officer from whom appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer, from whom the appeal is taken, shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board fix a reasonable time for the hearing of the appeal, give ten days' notice to the parties in interest, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney.

d. Decisions: All decisions of the Zoning Board are final and non-reviewable by said Board, unless the County Board, in all matters where approval by the County Board is required, shall refer the case back to the Zoning Board of Appeals for further consideration.

2. Powers: The powers of the Board are:

a. Using sound judgment and reasonable discretion to interpret the Ordinance, being:

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Ordinance.

(2) To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this ordinance.

(3) To interpret the provisions of this Ordinance in such a way to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this Ordinance where the street layout on the ground varies from the street layout as shown on the map aforesaid.

b. To recommend to the County Board the permitting of the following exception:

(1) Use of premises for public utility and railroad purposes, for a radio, cellular communications, or television tower, or cable television or broadcasting station.

c. To recommend to the County Board the permitting of the following four variations:

(1) Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this Ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.

(2) Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this Ordinance but, providing that such a reduction not be more than 50 percent of the usual requirement.

(3) Vary the regulations and requirements of this Ordinance in order to afford relaxation of the strict terms hereof, to provide relief to a property owner or occupant upon whom the Ordinance has imposed an undue hardship or difficulty. A variation under such circumstances should be granted only to provide relief in unusual situations which were not intended or foreseen when this Ordinance was adopted, and such variations should not be granted unless in harmony with the general intent and purposes of this Ordinance and in harmony with the general nature of the development of the neighboring properties.

(4) Reduce by variance the minimum lot size requirements for residential developments in compliance with the subdivision ordinance in A-1 and AC districts, providing that the owner of the property presents satisfactory evidence of minimal impact to surrounding farm land.

In determining whether to allow or deny variances, the Board may consider the following standards, among others:

- (1) The physical surroundings, shape, or topographical conditions of the specific property will cause a particular hardship to the owner as distinguished from a mere convenience, if the strict letter of the regulations were carried out.
- (2) The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property within the same zoning classification.
- (3) The purpose of the variance is not based exclusively upon a desire to make more money out of the property.
- (4) The alleged difficulty or hardship is caused by this ordinance and has not been created by persons presently having an interest in the property.
- (5) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- (6) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (7) The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

a. To recommend to the County Board the granting of special use permits. To hear and decide upon applications for special use permits specifically listed in the district regulations of this ordinance. Prior to the granting of any special use permit, the Zoning Board of Appeals may recommend, and the County Board may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use permit as are deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is recommended or granted, the Zoning Board of Appeals may recommend, and the County Board may require, such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will continue to be, fully complied with. Before recommending the issuance of such a special use permit, the Board may prescribe such conditions as will, in the Board's judgment, insure that:

- (1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.

(3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(4) Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.

(5) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(6) The establishment, maintenance and operation of the special use will be in conformance with the preamble to the regulations of the district in which the special use is proposed to be located.

(7) The special use shall in all other respects conform to the applicable regulations of the district in which it is located and the Board shall find that there is a public necessity for the special use.

b. Special Use Permits: In addition to complying with the procedures for obtaining a special use permit described above, a person applying for such a permit must also present satisfactory evidence to the Zoning Board of Appeals showing that the proposed use of the real estate will not have a deleterious effect on the soil, such that the land could not later be restored to agricultural use; that the proposed use will have a minimal negative impact on the use of surrounding lands; that the granting of the proposed use will not encourage the spread of uses other than proposed and will not encourage mixed uses in the same general area.

c. Unless the County Board otherwise states with respect to a particular application, special uses do not run with the land and are granted only to the applicant for the stated purpose and with the conditions imposed by the Zoning Board of Appeals and the County Board.

d. Upon a public hearing, a special use permit may be revoked by the County Board:

(1) For a violation of the codes and ordinances of Piatt County including but not limited to the zoning ordinance.

(2) For a violation of the district regulations.

(3) For a violation of or non-compliance with the conditions, limitations or requirements contained in the special use permit or in these regulations.

e. Cost of Permits for Exceptions, Variances and Special Uses. Before any action shall be taken by the Board of Appeals as provided in this section, the party or parties

requesting such action shall deposit with the County Treasurer the sum of \$50 for a yard setback variance, \$200 for all other variances, or \$300 for a special use permit, said sums intended to cover the approximate cost of these procedures and under no condition shall said sum or any part thereof be refunded for failure of the Board of Appeals to approve or grant such request.

## B. ENFORCEMENT OF THE ORDINANCE.

### 1. Zoning Officer

a. Duties: It shall be the duty of the Zoning Officer to administer this Ordinance. The Zoning Officer shall receive applications required by this Ordinance, issue such permits as he is authorized to issue under this Ordinance, and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with. He shall administer all parts of this Ordinance relating to the construction, alteration, enlargement, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for. For such purposes, he shall issue such notices and orders as may be necessary.

b. Inspections: Inspections shall be made by the Zoning Officer or a duly appointed assistant.

c. Rules: For carrying into effect its provisions, the Zoning Officer may adopt rules consistent with this Ordinance.

d. Records: The Zoning Officer shall keep careful and comprehensive records of applications, of permits issued, of certificates issues, of inspections made, of reports rendered and of notices or orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they may be in existence. All such records shall be open to the public inspection at reasonable hours, but shall not be removed from the office of the Zoning Officer.

### 2. Permits

a. When Required: It shall not be lawful to construct, expand, repair or to commence the construction, expansion or repair of a building or structure without first filing with the Zoning Officer an application in writing and obtaining a formal permit.

b. When Not Required: No permit shall be required for:

(1) Routine maintenance or repair of building structures or equipment.

(2) Alterations of existing buildings costing less than \$1,000.00.

(3) Construction of a service connection to a municipality owned and operated utility.

(4) Alterations on the inside of any building.

c. Form: An application for a permit shall be submitted in such form as the Zoning Officer may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application. Such application shall contain the full names and addresses of the applicant and the owner, and, if the owner is a corporate body, of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Zoning Officer for an intelligent understanding of the proposed work. The application shall include an estimate of the cost of such construction, expansion or repair. Such application shall be accompanied by a fee for main buildings of \$12 per 100 square feet, and a flat fee for accessory buildings of \$35 for accessory buildings up to 1,500 square feet. If the accessory building is larger than 1,500 square feet, the fee shall be \$12 per 100 square feet, with a maximum of \$200. Applicants proposing to build farm or agricultural buildings or structures including but not limited to barns, sheds, grain, equipment or machinery storage buildings or structures on a farm as herein defined shall be subject only to building or setback lines, for which permit they shall be charged no fee whatsoever.

d. Plans: Application for permits shall be accompanied by such drawings of the proposed work, including such floor plans, sections, elevations and structural details, as the Zoning Officer may require.

e. Amendments: Nothing in this section shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

f. Completion of Existing Building: Nothing contained in this Ordinance shall require any change in the plans, construction, size or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of this Ordinance; provided, however, construction under such permit or approval shall have been started within six months and the ground story framework, including structural parts of the seconded floor, shall have been completed within one year and the entire building completed within two years after the effective date of this Ordinance.

g. Action on Application: It shall be the duty of the Zoning Officer to examine applications for permits within a reasonable time after filing. If, after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a permit for the proposed work as soon as practicable. If his

examination reveals otherwise, he may reject such application, noting his finding in a report to be attached to the application and delivering a copy to the applicant.

h. Approval in Part: Nothing in this section shall be construed to prevent the Zoning Officer from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this Ordinance.

i. Condition of the Permit: All work performed under a permit issued by the Zoning Officer shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

j. Signature to Permit: Every permit issued by the Zoning Officer under the provisions of this Ordinance shall have his signature affixed thereto; but this shall not prevent him from authorizing a subordinate to affix such signature.

k. Limitation: A permit under which no work is commenced within six months after issuance shall expire by limitation.

l. Posting of Permit: A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The Zoning Officer may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Zoning Officer shall be given notice of the starting of work under a permit.

m. Revocation: The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. Upon such revocation, the Zoning Officer shall give applicant written notice thereof, stating the reasons therefore.

C. BOUNDARIES OF DISTRICTS. Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map accompanying and made a part of this Ordinance, the following rules apply:

1. The district boundaries are either streets, roads or alleys unless otherwise shown and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street, road or alley lines, the street, road or alley shall be construed to be the boundary of the district.

2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the District Map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the Map.

3. In unsubdivided property, the district boundary lines on the Map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the Map.

D. INTERPRETATION: In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health and convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall control.

#### E. AMENDMENT OF THE ORDINANCE.

1. PROCEDURE: The County Board may, from time to time, on its own motion, or on petition after public notice and hearing as provided by law and after report by the Zoning Board of Appeals, amend, supplement or change the boundaries or regulations herein or subsequently established. If no report is received from the Board of Appeals in sixty (60) days, it may be assumed that said Zoning Board of Appeals has approved the amendment.

2. FEE: Before any action shall be taken as provided in this section, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the Zoning Officer the sum of Thirty-five Dollars (\$35.00) to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the County Board.

## **ARTICLE V. DISTRICTS AND BOUNDARIES**

A. TITLES, INTENTS AND PURPOSES. Piatt County is hereby divided into five types of districts, which are further divided into sub districts.

### 1. Agricultural Districts.

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

- (1) Promote the agricultural use of land that is most suitable for farming activities.
- (2) Protect the value of agricultural land from indiscriminate, incompatible and conflicting land uses.
- (3) Conserve and protect open space, wooded areas, streams, mineral deposits and other natural resources from incompatible land uses and provide for their timely utilization.
- (4) Provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are of such a nature that their location away from residential, commercial and industrial areas is most desirable.
- (5) Provide for the location and govern the establishment of residential uses that are accessory to and necessary for the conduct of agriculture.
- (6) Provide for the location and govern the establishment and use of limited non-farm dwellings.

b. Agricultural Nuisance Disclaimer: Properties within the A-1 and A-C Districts are located in areas where land is used for commercial agricultural production. Owners, residents and other users of property in or adjoining these districts may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Therefore, owners, occupants, and users of property within the A-1 and A-C Districts should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that the Illinois Right to Farm Law may bar them from obtaining a legal judgment against such normal agricultural operations.

### 2. Residential Districts

a. R-S, Residential Suburban: The R-S District is intended to provide low density single family dwelling use and to allow certain public facilities. It is intended that no uses be permitted within the R-S District that will tend to devalue property for residential

purposes or interfere with the health, safety, order or general welfare of persons residing in the district. The provisions of the R-S District are also intended to control density of population and provide adequate open space around buildings and structures in the district to accomplish these purposes.

### 3. Business Districts

a. B-1, General Business: The B-1 District is intended to provide for the specialized types of service business and commercial establishments, which due to their function and methods of operation are permitted uses only in this district. The B-1 District is intended to be located in areas fronting a segment of a highway providing convenient access and where the business establishments cater to highway traffic.

### 4. Industrial Districts

a. I-1, General Industrial: The I-1 District is intended for the purpose of allowing light industrial, basic and primary industries which are generally not compatible with residential or commercial activity.

### 5. Interchange Districts

a. I-A, Interchange Agricultural: The Interchange Agricultural District is established as a zone in which agriculture and certain related uses are encouraged as the proper use of lands best suited for agriculture, thus preventing the intermingling of urban and rural land uses.

b. I-R, Interchange Residential: The Interchange Residential District is intended to provide residential uses and to allow business and industrial uses that do not detrimentally affect the primary residential nature of the district

c. I-B, Interchange Business: The Interchange Business District is established to assure the desirable development of high-quality highway user facilities with their related uses and other commercial enterprises.

d. I-I, Interchange Industrial: The Interchange Industrial District is established to accommodate light industrial uses that are relatively “clean” activities such as the manufacture and storage of products within entirely enclosed buildings and which require freeway access and prestige frontage on a tract of land comprising one (1) acre or more.

**B. STANDARDS AND REQUIREMENTS OF INTERCHANGE DISTRICTS:** The standards and requirements of the Interchange District shall apply within the radius of one-half mile, excluding any area outside Piatt County or within the corporate limits of any municipality from the center of the following interchanges:

1. County Line, Cisco I-72 Interchange
2. Bridge Street, Monticello I-72 Interchange
3. Camp Creek, Monticello I-72 Interchange
4. White Heath, I-72 Interchange
5. State Route 10, I-72 Interchange

## 6. Mansfield, I-74 Interchange

C. DISTRICT BOUNDARIES. The boundaries of the districts are shown upon the Map attached hereto and made a part hereof, which Map is designated as the "District Map". The District Map and all notations, references and other information shown thereon are a part of the Ordinance and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which District Map is properly attested and is on file with the County Clerk of Piatt County, Illinois.

## ARTICLE VI. DISTRICT USE REGULATIONS

A. DISTRICT REGULATIONS: In the following established districts, a building or premise shall be used only for the following purposes:

1. A-1, Agricultural District

a. Permissive Uses:

- (1) Any agricultural activity.
- (2) Single family dwelling on a tract of 1 acre or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations and said tract was in existence on July 9, 2002; single family dwelling on a tract of 5 acres or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations and said tract was in existence on the date of adoption hereof.

b. Additional Permissive Uses only for tracts of 20 acres or more:

- (1) Single family dwelling, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations. It may also be a single family farm dwelling and may further include on the same tract an additional residence for an employed tenant.
- (2) Park or forest preserve.
- (3) Public school, elementary and or high.
- (4) Roadside stand for the display or sale of agricultural products raised on the premises.

c. Special Uses only on tracts of 5 acres or more:

- (1) Private school having a curriculum equivalent to a public high school and having no rooms regularly used for housing or sleeping purposes.
- (2) Extraction of coal, sand, gravel, oil or other minerals.
- (3) Airport.
- (4) Public building erected by a governmental agency.
- (5) Hospital, nursing home and educational, religious or philanthropic institution.
- (6) New cemetery on a site of not less than 20 acres or an enlargement of an existing cemetery to a total size of not less than 20 acres.
- (7) Commercially operated outdoor recreational facility, including riding stable, lake, swimming pool, tennis court, country club, and golf course (other than miniature course or driving range).
- (8) Church or temple.
- (9) Sanitary landfills.
- (10) Sewage treatment facilities.
- (11) Fertilizer processing, blending, storage and sales establishments; grain elevators and grain storage facilities; and feed/seed sales establishments, and any establishment involving the processing of grain.
- (12) Home occupation.
- (13) Shooting Range.

- (14) Bed and Breakfast.
- (15) Mobile home or manufactured home, not on a permanent foundation but otherwise as defined herein, temporarily placed on premises for housing seasonal labor and complying with all relevant health department regulations.
- (16) Residential development subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.
- (17) Restricted Landing Area (RLA) as defined by the Illinois Department of Transportation, Division of Aeronautics.
- (18) Any reasonable similar use.

2. AC, Conservation District

a. Permissive Uses:

- (1) Any agricultural activity.
- (2) Single family dwelling on a tract of 1 acre or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations and said tract was in existence on July 9, 2002; single family dwelling on a tract of 5 acres or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations and said tract was in existence on the date of adoption hereof.

b. Additional Permissive Uses only for tracts of 20 acres or more:

- (1) Park or forest preserve.
- (2) Country club and golf course except miniature course or driving range.
- (3) Cemetery.
- (4) Woodland preservation.
- (5) Wildlife habitat or fish hatchery.
- (6) Single-family dwelling, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations.

c. Special Uses only on tracts of 5 acres or more:

- (1) Extraction of coal, sand, gravel, oil or other minerals.
- (2) Public building erected by a governmental agency.
- (3) Home occupation.
- (4) Commercially operated outdoor recreational facility including riding stable, lake, swimming pool, tennis court and golf course.
- (5) Motel, resort and incidental facilities, including swimming pool, restaurant, incidental retail sales and services, and personal services, provided they are protected from flooding.
- (6) Guest ranch, hunting and fishing resort, ski resort and incidental facilities, including swimming pool, restaurant, incidental retail sales and services and personal services on site of not less than 20 acres, provided they are protected from flooding.
- (7) Marina, yacht club, boat house or bait shop.
- (8) 4-H Clubs and related educational programs.
- (9) Transient or travel trailer camp sites for camper trailers, motor homes and other camping facilities.
- (10) Shooting Ranges.
- (11) Bed and Breakfast
- (12) Hospital, nursing home and educational, religious or philanthropic institution.
- (13) Mobile home or manufactured home, not on a permanent foundation but otherwise as defined herein, temporarily placed on premises for housing seasonal labor and complying with all relevant health department regulations.

(14) Residential development subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.

(15) Restricted Landing Area (RLA) as defined by the Illinois Department of Transportation, Division of Aeronautics.

(16) Any reasonable similar use.

### 3. RS Suburban Residential District

#### a. Permissive Uses:

- (1) Any agricultural activity.
- (2) Single-family dwelling including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations.
- (3) Public park or playground.
- (4) Church or temple.
- (5) Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
- (6) Golf course, except miniature course and driving tees operated for commercial use.

#### b. Special Uses:

- (1) Commercially operated lake, swimming pool or tennis court on site of not less than one acre.
- (2) Public building erected by a governmental agency.
- (3) Religious, educational or charitable institution, but not a penal or mental institution.
- (4) Hospital, except mental or animal hospital.
- (5) Nursing, rest or convalescent home.
- (6) Private clubs and lodges.
- (7) Private school.
- (8) Home occupation.
- (9) Mobile home court in accordance with ARTICLE X.E.
- (10) Bed and Breakfast.
- (11) Private recreational facility where buildings do not occupy more than 10 percent of the site area.
- (12) Two-family dwelling.
- (13) Residential development or multiple family dwelling subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.
- (14) Any reasonable similar use.

#### 4. B-1, General Business District

##### a. Permissive Uses:

- (1) Any agricultural activity.
- (2) Single-family dwelling including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations.
- (3) Public park or playground.
- (4) Church or temple.
- (5) Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
- (6) Golf course, except miniature course and driving tees operated for commercial use.
- (7) Two family dwelling.
- (8) Automobile sales lot.
- (9) Bank, bowling alley, dance hall or skating rink.
- (10) Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing, and bakery with sale of bakery products on premises and other uses of a similar character.
- (11) Farm implements or agricultural service establishment, including feed and bottle gas.
- (12) Funeral home or mortuary.
- (13) Hotel, motel or Bed and Breakfast.
- (14) Office or Office building.
- (15) Commercial garage, automobile repair shop or automobile body repair shop.
- (16) Personal service use, including barber shop, beauty parlor, photographic or artist's studio, taxicab, newspaper or telegraphic, service station, dry cleaning receiving station, restaurant and other personal service uses of a similar character.
- (17) Retail store, including florist shop and greenhouse in connection with such shop, but there shall be no slaughtering of animals or poultry on the premises of any retail store.
- (18) Automobile service station.
- (19) Theater or assembly hall.
- (20) Veterinarian, animal hospital or kennel.
- (21) Miniature golf course and driving range.

##### b. Special Uses:

- (1) Any reasonable business use.
- (2) Residential development or multiple family dwelling subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.
- (3) Mobile home court in accordance with ARTICLE X.E.

In addition, a dense screen, as defined in Paragraph B.6 below, shall be planted and neatly maintained along any side of an establishment authorized above, whether a permissive or special use, which abuts an interstate highway.



5. I-1, General Industrial District

a. Permissive Uses:

- (1) Any permissive use of any other district.

b. Special Uses:

- (1) Any other reasonable use.

An application for special use in the I-1 General Industrial District shall be accompanied by a preliminary plan which shall:

- a. Be drawn to scale.
- b. Show boundaries of property to be developed.
- c. Show the proposed size, location, use and arrangement of stalls and number of cars, as well as entrance and exit driveways with their relationship to existing and proposed streets.
- d. Indicate location, type, use and size of structures on adjacent properties within 200 feet of proposed development.
- e. Provide for the dedication of any right-of-ways for the widening, extension or connection of major streets as shown on the official plan, and
- f. Indicate the stages, if any, which will be followed in construction.

If approved, the final plan for a special use in the I-1 General Industrial District shall be the standard plot required to obtain a building permit, except that it shall show the use or types of uses to be accommodated in each building.

In addition, whether a permissive or special use, a dense screen, as defined in Paragraph B.6 below, shall be planted and neatly maintained along any side of an establishment authorized above, which abuts an interstate highway.

6. I-A, Interchange Agricultural Subdistrict.

a. Permissive Uses: The following uses shall be permitted in the Interchange Agricultural subdistrict:

- (1) Any agricultural activity.
- (2) Storage and equipment maintenance facilities for local governmental entities.
- (3) Single family dwelling, on a tract of 1 acre or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations and said tract was in existence on the date of adoption hereof..
- (4) Bed and Breakfast.
- (5) Single family dwelling, on a tract of 5 acres or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations. It may also be a single family farm dwelling and may further include on the same tract an additional residence for an employed tenant.

b. Special Uses.

- (1) Borrow pits which are to be reclaimed.
- (2) Home occupations.
- (3) Public water wells, pumping stations, filtration plants, reservoirs and storage tanks.
- (4) Transmission lines for gas, oil, electricity or other utilities and necessary substation and distribution centers.
- (5) Signs.
- (6) Indoor shooting ranges.
- (7) Residential development subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.
- (8) Any reasonable similar use.

c. Property Development Standards: All property development standards and requirements of the A-1 District under ARTICLE VII, VIII, IX and X shall be applicable to the Interchange Agriculture Subdistrict.

7. I-RS, Interchange Residential Subdistrict

a. Permissive Uses:

- (1) Single family dwelling, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations.
- (2) Two family dwelling.
- (3) Accessory building, including garages.
- (4) School, public or private.
- (5) Public park or recreational facilities.
- (6) Agricultural activity.
- (7) Bed and Breakfast

b. Special Uses:

- (1) Borrow pits which are to be reclaimed.
- (2) Clinics.
- (3) Church or temple.
- (4) Country Club or golf course.
- (5) Fire or police station.
- (6) Kindergarten, day nursery, day care home (other than as part of a school which provides for other grades).
- (7) Private swimming pool.
- (8) Public water wells, pumping stations, filtration plants, reservoirs and storage tanks.
- (9) Home occupation.
- (10) Residential development or multiple family dwelling subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.
- (11) Any reasonable similar use.

c. Property Development Standards: All uses, except agricultural uses, in the Interchange Residential District shall comply with the development standards required in the RS Suburban Residential District under ARTICLES VII, VIII, IX, X and XI. In addition, a dense compact screen not less than 8 feet in height shall be provided along the lot line adjacent to the interstate highway. The planting strip required shall be designated as a "No Access" area maintained in an orderly manner.

8. I-B, Interchange Business Subdistrict.

a. Permissive Uses. The following uses shall be permitted in the Interchange Business Subdistrict.

- (1) Motels, hotels and similar transient facilities.
- (2) Automotive service facilities, including gasoline stations and related repair facilities, truck service stations and related repair facilities.
- (3) Restaurants.
- (4) Parking facilities.
- (5) Other retail sales establishments such as building supply sales, new and used car sales, nurseries and garden centers, boat and marine sales, and mobile home or manufactured home and travel trailer sales and rentals.
- (6) Professional services and offices, including but not limited to doctors, lawyers engineers and architects.
- (7) Tourist information centers.
- (8) Agricultural activity.

b. Special Uses.

- (1) Outdoor commercial recreational facilities.
- (2) Private swimming pool.
- (3) Public water wells, pumping stations, filtration plants, reservoirs and storage tanks.
- (4) Sewage disposal plants.
- (5) Rental and service of trucks and trailers in combination with filling or service stations.
- (6) Transmission lines for gas, oil, electricity or other utilities and all necessary substation and distributing centers.
- (7) Indoor shooting range.
- (8) Residential use, when an integral part of a commercial use.
- (9) Any other reasonable business use.

c. Property Development Standards. Except for agricultural uses, all requirements of the General Business, B-1 District under ARTICLES VII, VIII, IX, X and XI shall apply in the Interchange Business Subdistrict. In addition thereto, a dense compact screen not less than 8 feet in height shall be provided along the lot line adjacent to an interstate highway and on any adjoining residential area. The planting strip required shall be designated as a "No Access" area maintained in an orderly manner. All service areas shall be screened either by fencing or by compact planting.

9. I-I, Interchange Industrial Subdistrict.

a. Permissive Uses:

- (1) Agricultural activity.

b. Special Uses.

- (1) Borrow pits which are to be reclaimed.
- (2) Public water wells, pumping stations, filtration plants, reservoirs and storage tanks.
- (3) Transmission lines for gas, oil, electricity or other utilities and necessary substations and distribution centers.
- (4) Truck freight terminals.
- (5) Indoor shooting range.
- (6) Any other reasonable business use.

c. Property Development Standards. All development standards required in the General Industrial, I-1 District under ARTICLES VII, VIII, IX, X and XI shall apply in the Interchange Industrial Subdistrict; and in addition thereto, the following requirements shall be applicable:

- (1) A dense, compact screen not less than 8 feet in height shall be provided along the lot line adjacent to an interstate highway or any residential area. This planting strip shall be designated as a "No Access" area and maintained in an orderly manner.
- (2) The minimum lot size shall be one acre, except where a larger lot size is required by other sections of the Zoning Ordinance.

B. INTERCHANGE DISTRICT REGULATIONS. The following regulations shall be applicable to all subdistricts within the Interchange District, except the agricultural uses within the Interchange District. Agricultural uses within the Interchange District shall be subject only to the setback requirements of Paragraph 1. below.

1. Setback Distance from Intersecting Highway. Buildings and structures shall be set at least fifty (50) feet from the right-of-way line of intersecting highways, or one hundred feet from the center line, whichever is more restrictive; fifty feet from the freeway right-of-way line; and thirty (30) feet from the right-of-way line of frontage roads and other roads of the internal circulation system. In the case of unusual changes in alignment of the intersecting highway or unusual topographic characteristics which would cause undue hardship in the application of this requirement, a variance for a lesser setback distance from the intersecting highway may be granted.

2. Limitation of Access. The Illinois Department of Transportation has developed access regulations for particular interchanges on ramp speed. These regulations shall apply only when they are more restrictive than the following regulations. There shall be no access points located within three hundred (300) feet of the most remote end of taper of any existing or proposed entrance or exit ramp of an interchange or within five hundred (500) feet of median crossovers, or at intervals of less than three hundred (300) feet thereafter.

3. Fencing. Prior to the commencement of any operations in a plant area or part thereof located within 500 feet of a developed residential area, public park or other institution or public highway, a fence shall be constructed enclosing the plant area or part within that prescribed distance. Shops, garages, warehouses, storage areas which have not been excavated and are not used by the plant, need not be fenced. Said fence shall be a (a) woven wire, not capable of receiving a child's foot and be at least four feet in height or (b) a planting of dense screen producing a tight, practically impenetrable hedge. The bottom of the fence shall conform to the ground surface so as to prevent any opening between it and the ground surface exceeding 4 inches. Gates of the same height as the fence shall be installed at all points of vehicular and pedestrian ingress and egress. Said gates shall be equipped with keyed locks and shall be kept locked at all times when the plant area operations are shut down. Said fence, gates and locks shall be maintained in good condition.

4. Ingress, Egress and Traffic Safety. Access roads to any plant area shall be limited to one, or at most, two points and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than fifty feet there from, and said fifty feet of road shall be improved with a dustproof, all-weather surface. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the local highway authorities.

5. Off-Street Parking. The off-street parking regulations of ARTICLE XI shall apply.

6. Screens. Screen planting consisting of a variety of trees, shrubs or both in the same planting area, or a combination of seeded earth mound and plant material screens shall be constructed and planted so as to form dense screens to a height appropriate to block out objectionable features

and maintained along the perimeter of any area being operated where said perimeter abuts a public thoroughfare or a developed residential area.

7. Drainage. At all times the land shall be maintained in a safe condition so that sufficient drainage shall be provided so as to prevent water pockets or undue erosion, with all grading and drainage such that natural storm water leaves the entire property at the original, natural drainage points, and that the area drainage to any one such point is not increased.

8. Permits. The Zoning Officer shall have the authority to issue permits only for private garages if required in the Interchange District. Other permits may only be issued by the Zoning Board of Appeals after public hearing. The application shall show that all applicable requirements for the proposed use have been met. Any permit only authorizes the use approved. If the applicant wishes to change the use of the property, the applicant must apply for a new special use permit. No new use may begin until the permit has been issued.

**ARTICLE VII. YARD REGULATIONS**  
[55 ILCS 5/5-13001-13004]

A. **MINIMUM YARD REQUIREMENTS.** The following minimum yard depth, measured in feet, shall be provided within the districts indicated below:

DISTRICT	FRONT YARD	SIDE YARD	REAR YARD
A-1	50	25	50
AC	50	25	50
RS	50	10	30
B-1*	50	10	25
I-1*	50	10	25
I-R	50	10	30
I-B*	50	10	25
I-I*	50	10	25
I-A	50	25	50

\* Residential yard regulations in the B-1, I-1, I-B, and I-I subdistricts shall be the same as the yard regulations in the RS subdistrict.

Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard. For the purpose of side yard regulations, a two-family dwelling or multiple family dwelling shall be considered as one building occupying one lot.

B. **ADDITIONAL REQUIREMENTS.** The following additional yard requirements must also be observed:

1. On lots fronting on two non-intersecting streets, a front yard must be provided on both streets.
2. On corner lots there must be a front yard on both streets.
3. When a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
4. There may be two or more related multi-family, hotel, motel or institutional buildings on a lot provided that (1) the required yards shall be around the group of buildings, and (2) buildings that are parallel or that are within 45 degrees of being parallel be separated by a horizontal distance that is at least equal to the height of the highest building.
5. Those parts of existing buildings that violate yard regulations may be repaired or remodeled, but not reconstructed or structurally altered.
6. Required front yards shall be devoted entirely to landscaped area except for guest parking and the necessary paving of driveways and sidewalks to reach parking or loading areas in the side or rear yard.

7. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line.

8. The minimum width of side yards for schools, libraries, churches, community buildings and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a commercial or industrial district, in which case the width of that yard shall be as required in the district in which the building is located.

9. No sign, fence, wall, shrub or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 30 feet distant from the intersection of the street lines.

C. EXCEPTIONS TO YARD REQUIREMENTS. The following exceptions may be made to the yard requirements:

1. Where, on the effective date of this Ordinance, 40 percent or more of a frontage was occupied by two or more buildings, then the front yard is established in the following manner:

a. Where the building farthest from the street provides a front yard not more than ten feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.

b. Where (a) is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.

c. Where neither (a) nor (b) is the case, and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.

2. Sills, window air-conditioning units, chimneys, cornices and ornamental features may project into a required yard distance not to exceed 24 inches.

3. Filling station pumps and pump islands may occupy required yards provided, however, that they are not less than 15 feet from all lot lines.

4. Signs in accordance with ARTICLE X.C.

5. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet when so placed as to not obstruct light and may be permitted by the Zoning Officer.

6. Terraces which do not extend above the level of ground (first) floor may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.

7. The side yards for dwellings erected above commercial and industrial structures shall be the same as for those commercial and industrial structures.
8. Accessory building may be located in a rear yard but may not occupy more than 30 percent of a rear yard.
9. Any accessory building closer than ten feet to a main building shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building.
10. Any accessory building more than ten feet from a main building may not be erected within ten feet of a side or rear lot line, and must be located at least 60 feet from the front street line.
11. Residential swimming pools, either above or below ground, and barbecue pits and grills may not be closer than five feet from the rear yard lot line and five feet from the side yard lot line; such pools, pits and grills may not be closer to the front yard line than the setback required under VII.A. above; and all such swimming pools shall be enclosed in an appropriate fence. [55 ILCS 5/5-1066]

**ARTICLE VIII. DENSITY REGULATIONS**

A. MINIMUM LOT AREA AND WIDTH. The following minimum lot areas and lot widths must be provided in the district indicated:

DISTRICT	LOT WIDTH IN FEET	(Lot Area Per Family in Square Feet)		
		SINGLE FAMILY DWELLING	TWO FAMILY DWELLING	MULTIPLE FAMILY DWELLING
A-1	150	**	Not applicable	Not applicable
AC	150	**	Not applicable	Not applicable
RS	100	43,560	32,670	*
B-1	100	43,560	32,670	*
I-1	100	43,560	32,670	*
I-RS	100	43,560	32,670	*
I-B	None	Not applicable	Not applicable	Not applicable
I-I	None	Not applicable	Not applicable	Not applicable
I-A	150	217,800	Not applicable	Not applicable

\* Subject to plat committee approval.

\*\* One acre if the lot was in existence on July 9, 2002; five acres if the lot was in existence on the date of adoption hereof; otherwise 20 acres. For residential developments subject to the subdivision ordinance in A-1 and AC districts, smaller lot areas may be permitted by the granting of a variance as herein set forth.

In all districts, no lot may be developed for residential use which has an area of less than 43,560 square feet, unless said lot qualifies under the provisions of Article X, Section H. In all districts, no subdivision may be approved which contains lots of less than 43,560 square feet in area, unless each of said lots qualifies under the provisions of Article X, Section H.

B. EXCEPTIONS TO LOT AREA AND WIDTH REQUIREMENTS. The minimum lot area and lot width requirements established above may be modified as follows:

1. Where a platted lot at the time of the effective date of the Ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nevertheless be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located.
2. Existing buildings that are in violation of lot area requirements may be remodeled or repaired but may not be reconstructed or structurally altered unless made to conform to these requirements.
3. Lot area per family requirements shall not apply to dormitories, fraternities, sororities, nursing homes or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.

## **ARTICLE IX. HEIGHT REGULATIONS**

### **A. MAXIMUM HEIGHT LIMITS ESTABLISHED FOR BUILDINGS AND STRUCTURES ARE AS FOLLOWS:**

1. Forty-five feet in all districts.

### **B. LAND AIRPORT REGULATIONS.** The following special regulations shall apply to any land airport other than a helicopter landing facility, owned and operated by a public agency.

1. Within the air space above the approach zone to each end of a runway designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 50 (horizontal) projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet, said plane to be in the shape of a symmetrical trapezoid 1,000 feet in width at its lowest point and 4,000 feet in width at its highest point; combined with a second plane with a slope of 1 (vertical) to 40 (horizontal) extending from the upper edge of the first plane for an additional distance of 40,000 feet, said plane to be in the shape of a symmetrical; trapezoid 4,000 feet in width at its lowest point and 16,000 feet in which at its highest point.

2. Within the air space above the approach zone to each end of a runway not designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 40 (horizontal) projected from a point 200 feet beyond the end of a runway for the distance of 10,000 feet, said plane to be a symmetrical trapezoid (\*) feet wide at its lowest point and (\*) feet wide at its highest point. [\* The applicable distance in feet must be based on runway lengths as set forth in Section 77.27 of Part 77 of the Federal Aviation Regulations.]

3. Within the established transition zones adjacent to each instrument and noninstrument runway and approach zone, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 7 (horizontal). Transition zones extend outward and upward runways from a line 8 feet on either side of the centerline of noninstrument runways for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of noninstrument runways for the length of such runway plus 200 feet on each end; to a height of 150 feet above the elevation of the airport reference point. In addition, transition zones are established adjacent to both instrument and noninstrument approach zones which flare outward and upward symmetrically along the entire length of each approach zone to where they intersect the surfaces of the horizontal and conical zones.

4. Within (\*\*) feet from the established airport reference point, no building or structure shall be erected or altered to project above a horizontal plane 150 feet above the established airport elevation. This horizontal zone does not include the approach or transition zones. [\*\* The applicable distance in feet must be based on runway lengths as set forth in Section 77.25 of Part 77 of the Federal Aviation Regulations.]

5. Within the conical zone, which commences at the periphery of the horizontal zone and extends outward there from a distance of (\*\*) feet, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 20 (horizontal). [\*\* The applicable distance in feet must be based on runway lengths as set forth in Section 77.25 of Part 77 of the Federal Aviation Regulations.]

6. Nothing in this subparagraph shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 20 feet above the surface of the land.

## ARTICLE X. OTHER REGULATIONS

A. ACCESSORY BUILDINGS. Accessory buildings are permitted when in accordance with the following:

1. In all Districts, accessory buildings may include, but are not limited to:

a. A noncommercial greenhouse that does not exceed in floor area twenty-five percent of the ground floor area of the main building.

b. A private residential garage used only for the housing of noncommercial vehicles with a floor area of not to exceed 600 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet of lot area by which such lot exceeds 6,000 square feet, provided that no garage shall exceed 1,200 square feet nor house more than five such vehicles.

2. . In the Business and Industrial Districts, there may also be:

a. Parking lots and garages conforming with the requirements of ARTICLE XI hereof.

B. REGULATIONS REGARDING SIGNS SHALL BE AS FOLLOWS:

1. Signs In All Districts. The following signs are allowed in all districts:

a. Temporary signs not exceeding 12 square feet in area advertising the sale or lease of real estate when located upon property to which the sign refers and when not located closer than 10 feet to a lot line which signs shall be removed upon sale or lease of the property.

b. Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 30 square feet in area or remain longer than six months. "For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed 48 square feet or remain more than 90 days after the building is completed.

c. Church or public building bulletin boards not exceeding 24 square feet in area.

d. Traffic and other signs permitted on public highway right-of-way by the public body having control of the highway.

2. Signs in B-1 and I-1 Districts. In the B-1 and I-1 Districts, there may be roof signs, wall signs, projecting signs, post signs, marquee signs and awning signs. The total square foot area of roof signs, wall signs, projecting signs, marquee signs and awning signs shall not exceed one-fifth of the total square foot area of the face of the building on which they are placed. There shall not be more than one post sign for each 100 feet of street frontage. No post sign shall

extend closer than ten (10) feet to a lot line. All portions of post signs must be erected and maintained behind the building line.

3. All Signs In All Districts. All signs in all districts except as provided in Paragraph 4. shall meet the following standards:

a. Ground Signs. No ground signs shall be any point over 25 feet above the ground level and shall have an open space of three feet between the lower edge of such sign and the ground level; 50 percent of which space may be filled in with a platform and decorative lattice work of light wooden or metal construction. Every ground sign shall be stoutly constructed in a secure and substantial manner. The ends of all such signs shall be at least six feet distant from any wall or fence or any obstruction that would prevent a clear passage around the ends and shall be at least 10 feet distant from any lot line.

b. Wall Signs. No wall sign shall extend beyond the building more than 12 inches. No wall signs shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress to or from any window, door or any fire escape of any building.

c. Projecting Signs. Projecting signs may extend not more than four feet, six inches from the building into the front.

d. Post Signs. No post sign shall extend downward nearer than ten feet to the ground or pavement. The maximum square foot area for each face of a post sign shall not exceed a total area of 50 square feet per face or a total of 100 square feet for all faces.

4. A-1 and Interchange District Signs. In the A-1 District and all Interchange districts, there may be ground signs for off-premises advertising of not more than 1,600 square feet per face or a total of 3,200 square feet for all faces; provided that no sign may be placed within one mile of an RS, B-1 or I-1 district and further provided, that there shall be at least one and one-half miles distance between signs on the same side of any such public highway. All signs shall be securely anchored at least 10 feet distant from any property line and not more than 40 feet in height.

5. Home Occupation Signs: Premises used for a home occupation may display only one name plate, not more than 4 sq. ft. in area, and said name plate must be attached to a building on the premises. No other sign may be displayed.

D. FENCE REGULATIONS. Regulations regarding fences shall be as follows:

1. No fence more than 30 percent solid or more than four and one half feet high may be located within 30 feet of a street or road intersection.

2. Except as provided in 1. above, fences less than four and one half feet high may be located on any part of a lot.

E. MOBILE HOME COURT REGULATIONS. Regulations regarding mobile home courts shall be as follows:

1. Each lot provided for the occupancy of a single mobile home unit in an approved mobile home court shall have an area of not less than five thousand (5,000) square feet and a width of not less than fifty feet and no mobile home court shall be permitted an average density of more than eight mobile home lots per acre, and each mobile home court shall provide an area of not less than ten acres.
2. All mobile home courts shall provide lots sufficient in size that no mobile home or any structure, addition or appurtenance thereto is located less than ten feet from the nearest adjacent court boundary.
3. Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet from the nearest adjacent court boundary.
4. Public water supply, sanitary sewers, fire protection, refuse collection, laundry, toilet and bathing facilities shall be provided in full compliance with the Illinois Department of Public Health and the DeWitt-Piatt Bi-County Health Unit, and nothing shall be done to interfere with the natural drainage.
5. Each mobile home site shall abut or face a clear unoccupied space, driveway, roadway or street of not less than twenty (20) feet in width, which shall have unobstructed access to a public highway, street or alley. All such streets and driveways in a mobile home court shall be improved in accordance with the minimum requirements of the Piatt County Subdivision Regulations.
6. The mobile home court shall be surrounded by a landscaped strip of open space fifty feet wide along the street or road frontage of a major street or road and twenty-five feet wide along all other lot lines or street or road frontages.

#### F. NONCONFORMING USES ARE REGULATED.

1. Nonconforming Use of Land. Except as otherwise provided herein, the lawful use of land existing at the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. However, the right to continue such use shall terminate when the ownership of said land is transferred or when the nonconforming use is discontinued.
2. Nonconforming Use of Buildings. Except as otherwise provided herein, the lawful use of a building existing at the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged for such use at the time of the enactment of this Ordinance. The right to continue such use shall terminate when the ownership of the land, upon which the building or other structure is located, is transferred, when the nonconforming use is discontinued, or when such building or structure has been damaged by any cause whatsoever to the extent of more than fifty percent of the fair market value of the building immediately prior to damage. If a building or structure is damaged

by less than fifty percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve months of the date of such damage.

3. Discontinuance of Nonconforming Uses in Residential District. No building or structure or portion thereof used in whole or in part for a nonconforming use in a Residential District, which remains idle or unused for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the Residential District in which it is located.

4. Nonconforming Advertising Signs. All advertising signs in violation of the provisions of ARTICLE X.C hereof shall be removed and said signs brought into conformity with all requirements of ARTICLE X.C on or before a date not later than six months from the effective date of this Ordinance.

5. Nonconforming Manufactured Homes or Mobile Homes. All manufactured homes or mobile homes not placed upon permanent foundations or located in violation of the provisions of this Ordinance shall be removed or brought into conformity with all requirements of this Ordinance on or before a date not later than six months from the date of this Ordinance.

6. Intermittent Use. The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

#### G. REGULATIONS REGARDING TEMPORARY CONSTRUCTION SITES.

1. In any Agricultural District, the Zoning Board of Appeals may issue a temporary use permit to any contractor or subcontractor for a construction site to be used in connection with the construction of all or a part of any public improvement if the applicant establishes that:

a. The location of the site for the proposed use will not cause obnoxious or offensive noise, odor, dust, gas, smoke or vibration to any residence or business located in the area of the site and is not closer than 1,000 feet to any residence or business. The Zoning Board of Appeals may grant a variance to permit a site closer than 1,000 feet to a residence or business if the applicant can show the use will not interfere with any residence or business.

b. The applicant either owns or has a written lease to use the proposed site for the purpose of a temporary construction site. If the applicant owns the proposed site, he must submit a written agreement with the county of Piatt with such sureties as may be deemed adequate to assure compliance with the agreement that the applicant will restore the surface of the site as nearly as may be to the condition in which the site existed prior to its use as a construction site. If the applicant has a written lease to use the proposed site, then the lease must contain a provision that upon termination of the use as a construction

site that the applicant agrees with the owner to restore the surface of the site as nearly as may be to the condition that existed prior to its use as a construction site.

c. That the site is served by roads or highways which are adequate to carry the expected traffic without damage; or if they are not adequate, that the applicant agrees in writing with the County of Piatt or the Township Road District involved with such sureties as may be deemed necessary by the unit controlling the road to restore the roads as nearly as may be to the condition in which they existed prior to the beginning of construction after construction is completed.

2. The temporary use permit will be valid for whatever time is reasonable necessary to complete the applicant's construction obligations, but not longer than six months after the applicant's work is completed.

3. The temporary use permit will authorize the applicant to use the site for all purposes reasonably related to his obligations under his contract for construction of the public improvement.

4. In addition to the requirements of this section, all requirements of ARTICLE IV., Paragraph A(4) (d), shall be complied with the Board shall follow the provisions of that section with respect to approval of temporary use permits under this section.

#### H. REGULATIONS REGARDING SEWAGE DISPOSAL SYSTEMS.

1. In all districts, no subdivision with lots less than 43,560 square feet in area, nor any individual lot less than 43,560 square feet in area, may be approved or developed for residential use, unless each of said lots is served by a public water supply and either a public sewer or a sewage disposal system (other than a septic tank seepage field system) approved by the plat committee for a subdivision or by the County Board for an individual lot.

2. Before any subdivision is approved, the subdivider must present proof that an approved sewage disposal system will be available and if a septic tank-seepage field system is to be used, that soil conditions throughout the entire area to be subdivided permit satisfactory percolation for the seepage field to comply with the applicable regulations of the State of Illinois.

3. The lot owner or subdivider, whichever may be the case, is responsible for obtaining any information or permits from the State of Illinois necessary to comply with this Paragraph.

4. Any private sewage disposal system installed must meet the requirements of the Illinois Private Sewage Disposal Code or the Piatt County Private Sewage Disposal Code as administered by the DeWitt-Piatt County Bi-County Health Department. Prior to beginning construction the lot owner or subdivider must obtain a permit from the DeWitt-Piatt County Bi-County Health Department for the specific private sewage disposal system which is proposed to be installed.

## **ARTICLE XI. OFF-STREET PARKING AND LOADING REGULATIONS.**

A. OFF-STREET PARKING REQUIREMENTS. Off-street parking spaces shall be provided as follows:

1. Single-family and two-family dwellings-Two spaces for each dwelling unit.
2. Multi dwellings-Two spaces for each dwelling unit.
3. Rooming and boardinghouses, sororities and fraternities-One parking space for each 200 square feet of floor area.
4. Private club or lodge-One parking space for each 300 square feet of floor space.
5. Church or temple-One parking space for each four seats in the main auditorium.
6. School-For high schools, colleges and universities, 10 spaces per classroom; for elementary schools, two parking spaces per classroom.
7. Hospital - Two parking spaces for each bed.
8. Sanitarium or institutional home - One parking space for each three beds.
9. Funeral home - Ten parking spaces for each chapel plus one for each funeral home vehicle plus one for each family residing on the premises.
10. Auditoriums, theaters and other places of public assembly - One parking space for each five seats.
11. Community Center, library, museum, similar public or semi-public building - One parking space for each 200 square feet of floor area in the building.
12. Hotel or motel-Five parking spaces plus one space for each sleeping room or suite.
13. Medical office building-Buildings in which 20 percent or more of the gross area is occupied by members of the healing profession, one parking space for each 50 square feet of the gross area used for this purpose.
14. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or other similar establishments-Two parking spaces for every three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
15. All nonresidential buildings (except those above specified)-One space for each 200 square feet of floor area.

B. RULES FOR COMPUTING PARKING SPACES. In computing the number of required off-street parking spaces, the following rules shall apply:

1. Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking, as herein defined.
2. Where fractional spaces result, the parking spaces required shall be the nearest whole number.
3. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
4. Whenever a building or use constructed or established after January 1, 1960, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to January 1, 1960, is reconstructed or is enlarged to the extent of 20 percent or more in floor area, said building or use in its entirety shall then and thereafter comply with the parking requirements set forth herein. Any enlargement or change in use of less than 20 percent of the gross floor area shall be provided with parking based on the enlargement or change.

C. LOCATION OF REQUIRED PARKING SPACES.

1. The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served. The parking spaces required for any other building or use may be located on an area within 300 feet of said building and two or more owners of building may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with the building or use served, the usage the lot or tract upon which said parking spaces are provided shall be restricted by an instrument of record describing the premises for which said parking is provided and assuring the retention of such parking so long as required by this Ordinance.
2. No parking spaces may be located in a front yard in any residential district.

D. MINIMUM IMPROVEMENT AND MAINTENANCE STANDARDS. All open parking areas provided in compliance with this Ordinance shall be surfaced with a durable, dust-proof surface consisting of concrete, bituminous concrete, or compacted gravel or crushed stone properly sealed and surface treated as approved by designated engineering personnel of the County. The parking areas shall be maintained in a usable dust-proof condition and graded and drained to dispose of all surface water. Whenever lighting is provided, it shall be so hooded or shielded as to reflect the light away from abutting or neighboring property, including public right-of-ways. One standard tree of at least three-inch diameter shall be planted on the lot for each ten parking spaces. The location of each parking space and the direction of movement along the access driveways shall be indicated by painting upon the surface of the lot. A secured abutment shall be installed and so placed around each side of the parking lot to insure that no part of a vehicle either extends over or is capable of accidentally rolling across the property line of the parking lot.

E. OFF-STREET LOADING REQUIREMENTS. There shall be provided , at the time any building is erected or structurally altered, off-street loading space in accordance with the following requirements:

1. Office Buildings, Apartments, Apartment Hotels, Motels and Hotels: One space for each 5,000 to 50,000 square feet of gross floor area; two spaces for each 50,000 to 200,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 200,000 square feet.

2. Retail or service Establishment or Wholesale Commercial Use. One space for each 2,000 to 20,000 square feet of gross floor area; two spaces for each 50,000 to 200,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 100,000 square feet.

3. Manufacturing of Industrial Use: One space for each 10,000 square feet of floor area or fraction thereof in excess of 5,000 square feet.

4. In all cases where the off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than 60 feet shall be provided on the lot on which the industrial use is located.

## **ARTICLE XII. INTERPRETATION AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, resolution, rules, regulations or permits previously adopted or issued and not in conflict with any of the provision of this Ordinance relative to the use of buildings, structures or land, nor is it intended by this Ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties; provided, however, that wherever this Ordinance imposes a greater restriction upon the use of buildings or structures, then the provisions of this Ordinance shall control.

## **ARTICLE XIII. VIOLATIONS AND PENALTIES**

Any person, firm, company or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of misdemeanor, punishable by a fine not exceeding Five Hundred Dollars (\$500.00) for each offense. Each week a violation occurs or continues shall be deemed to be a separate violation. Violations of this Ordinance and all proceedings undertaken to enforce this Ordinance shall be instituted by the Piatt County State's Attorney. [55 ILCS 5/5-12017]

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained, or any building, structure or land in use in violation of this Ordinance, the State's Attorney of the County, or any person the value of the use of whose property is or may be affected by such violation, may, in addition to other remedies, institute any appropriate action or proceedings in equity to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about the premises. [268 Ill.App.3d 18]

The Zoning Officer and any deputies of assistants duly appointed by the County Board shall have power to make such orders, requirements, decisions and determinations as are necessary to carry out this Ordinance; and any proper authorities of Piatt County, or any person affected, may institute any appropriate action or proceedings against a violation as provided by law.

## **ARTICLE XIV. VALIDITY**

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

## **ARTICLE XV. WHEN EFFECTIVE**

This Ordinance shall be in full force and effect from and after its adoption as required by law.

