

WASHINGTON COUNTY, ILLINOIS



REVISED ZONING ORDINANCE

ADOPTED MAY 12, 2009

WASHINGTON COUNTY, ILLINOIS

**REVISED ZONING
ORDINANCE**

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Ordinance No. 009-04

WASHINGTON COUNTY REVISED ZONING ORDINANCE

BE IT ORDAINED by the County Board of Washington County, Illinois, as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1-1 PURPOSE

In accordance with State Law (55 ILCS 5/5-12001), this Ordinance regulates lots, structures, uses, and similar matters in order to preserve, protect, and promote the public health, safety, and general welfare through implementation of the County's comprehensive plan. More specifically, this Ordinance is intended to assist in achieving the following objectives:

- (a) To encourage the development of buildings and uses on appropriate sites in order to maximize county-wide social and economic benefits while accommodating the particular needs of all residents both rural and urban;
- (b) to discourage development on inappropriate sites, especially on prime agricultural land and near livestock operations;
- (c) to ensure the current Washington County Land Evaluation and Site Assessment (LESA) system will be a factor in each rezoning decision;
- (d) to protect and enhance the character and stability of sound existing residential, commercial, and industrial areas, and to gradually eliminate nonconforming uses and structures;
- (e) to conserve and increase the value of taxable property throughout the County;
- (f) to ensure the provision of adequate light, air, and privacy for the occupants of all buildings;

- (g) to protect property from damage caused by fire, flooding, and adverse soil and topographical conditions;
- (h) to provide adequate and well-designed off-street parking areas for all buildings and uses, and to reduce vehicular congestion on the public streets and highways; and
- (i) to provide for the efficient administration and fair enforcement of all the substantive regulations set forth herein.

Section 1-2 JURISDICTION

This Ordinance shall be applicable throughout Washington County, except within the corporate limits of municipalities which have adopted local zoning ordinances

Section 1-3 INTERPRETATION

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

Section 1-4 DISCLAIMER OF LIABILITY

- (a) Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the County shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. (*See "Local Governmental and Governmental Employees Tort Immunity Act", 745 ILCS 10/1-101*).
- (b) Any suit brought against any official, board member, agent, or employee of the County, as a result of any act required or permitted in the discharge of his duties under this Ordinance, shall be defended by the State's Attorney until the final determination of the legal proceedings.

Section 1-5 SEPARABILITY

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

Section 1-6 REPEAL OF PRIOR ORDINANCE

The ordinance entitled "Washington County Zoning Ordinance" adopted August 14, 1979, effective January 1, 1980 and amended October 14, 1980, December 9, 1980, June 7, 1981, June 1, 1986, May 13, 1997, September 15, 1998, August 14, 1999, July 11, 2000, August 8,

2000, October 8, 2002, and May 11, 2004 is hereby repealed and readopted as the Washington County Revised Zoning Ordinance as of the effective date of this Ordinance except as changed by this revised ordinance, and to the extent whereby continuing activities or violations regulated by said previous ordinances are being administered.

Section 1-7 WHEN EFFECTIVE

This Ordinance shall take effect after its final passage, approval, and publication as provided by law, on the effective date set forth below.

The Zoning Board of Appeals having completed its legal duties, this Ordinance is passed by the Washington County Board this 12th day of May, 2009. (See 55 ILCS 5/5-12001).

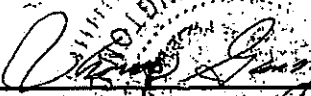
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Effective date: May 12, 2009.

Abstain 0

Attest:



County Clerk

THOMAS GANZ



County Board Chairman

DAVID A. MEYER

ARTICLE 2 - DEFINITIONS

Section 2-1 CONSTRUCTION OF TERMS

In construing the intended meaning of terminology used in this Ordinance, the following rules shall be observed:

- (a) Words and phrases shall have the meanings respectively ascribed to them in Section 2-2 unless the context clearly indicates otherwise; terms not defined in Section 2-2 shall have their standard English dictionary meanings.
- (b) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- (c) Words used in the present tense shall include the future tense.
- (d) Words used in the singular number shall include the plural number, and the plural the singular.
- (e) The term "shall" is mandatory; the term "may" is discretionary.
- (f) All distances shall be measured to the nearest integral foot; six (6) inches or more shall be deemed one (1) foot.
- (g) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- (h) A general term that follows or is followed by enumeration of specific terms shall not be limited to the enumerated class unless expressly limited.

Section 2-2 SELECTED DEFINITIONS

ABANDONED VEHICLE: Any motor vehicle or other vehicle in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any vehicle or that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

ABANDONMENT: An action to give up one's rights or interests to property.

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

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

ACCESSORY BUILDING/STRUCTURE/USE: Any building, structure or use which:

- (a) is subordinate to and serves a principal building or use;
- (b) is subordinate in area, extent or purpose to the principal building or use;
- (c) Contributes to the comfort, convenience or necessity of occupants of the principal building or use served;
- (d) is located on the same zoning lot as the principal building or use served;
- (e) does not change the basic character of the premises as determined by its principal use.

ADMINISTRATOR: The official appointed by the County Board of Washington County to administer this Ordinance, or his representative. (Synonymous with "Zoning Administrator.")

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

AGRICULTURAL LAND, PRIME: Land best suited for producing food, feed, forage, fiber, and oilseed crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed according to modern farming methods.

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

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

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

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

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

ANTENNA: A device by which radio signals are transmitted, received, or both.

ANTIQUE VEHICLE: Means any operable motor vehicle or other vehicle twenty-five (25) years of age or older.

APPEAL: A procedure whereby any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of this ordinance may seek relief under the procedure contained herein.

AUTOMOBILE WRECKING/SALVAGE YARD: Any place where three or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being immediately restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not immediately restored to operating condition; and including the commercial salvaging of any other vehicles, goods, articles or merchandise.

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

BOARD OF APPEALS: The Zoning Board of Appeals of Washington County, Illinois.

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

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

BUILDING: Any covered structure permanently affixed to land and designed or used to shelter persons or chattels. The term includes a mobile home (but excludes any single-wide mobile home) or prefabricated building which shall be permanently affixed to a permanent foundation and connected to the required utilities. The term does not include travel trailers or recreational vehicles. All buildings require the issuance of a building permit prior to the commencement of activity to locate upon a site. *(Revised by ordinance on 10/08/2002)*

BUILDING HEIGHT: The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers, and similar projections shall not be included in calculating building height.

BUILDING LINE: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the centerline of the existing street or road.

BULK: Any one or more combination of the following structural or site design characteristics:

- (a) size or height of a structure;
- (b) location of exterior walls at all levels in relation to lot lines, street, or other structures;
- (c) lot area; and
- (d) yards or setbacks.

CENTERLINE:

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

CERTIFICATE OF ZONING COMPLIANCE, INITIAL: A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Ordinance and may, therefore, proceed.

CERTIFICATE OF ZONING COMPLIANCE, FINAL: A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Ordinance and may, therefore, be occupied or used. When issued upon an immobilized mobile home or manufactured home/building, the Final Certificate of Zoning Compliance (building permit) supersedes any vehicular title which may have been issued by another jurisdiction. *(Revised by ordinance on 10/8/2002)*

CHURCH: A building wherein persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith.

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

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

COMMERCIAL USE/ESTABLISHMENT: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

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

CONFORMING: In compliance with the applicable provisions of this Ordinance.

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

CORRECTIVE ACTION ORDER: A legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Ordinance.

COUNTY: Washington County, Illinois.

DAY CARE CENTER: See "Nursery School."

DEBRIS: The rubbish or remains of anything which has decomposed or physically broken down with time, or anything that has been destroyed or broken up.

DENSITY: The total number of dwelling units divided by the total amount of residential acreage but not including the area for street and alley rights-of-way or public uses.

DERELICT VEHICLE: Any inoperable, unregistered, discharged motor vehicle, regardless of title, have lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in Section 3-14 of this Ordinance.

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

DEVELOP: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefore.

DIMENSIONS: Refers to both lot depth and lot width.

DISTRICT, ZONING: A portion of the territory of the county wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of this Ordinance.

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

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

DWELLING, MULTIPLE-FAMILY: A building or portion thereof containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A dwelling containing one dwelling unit and intended for the occupancy of one family.

DWELLING, TWO-FAMILY: A dwelling containing two (2) dwelling units, a duplex.

DWELLING UNIT: One or more rooms designed for or used as living quarters by one family. A "dwelling unit" always includes a bathroom and a kitchen.

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

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

ENLARGE: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use. Synonym for "extend" and "expand."

ERECT: To build, construct.

EXISTING: Actually constructed or in operation on the effective date of this Ordinance.

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

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

FARM OR FARMLAND: A farm is a parcel of land or an aggregate of parcels containing not less than forty (40) acres, in common ownership, that is used principally for the commercial, soil dependent cultivation of agricultural crop production and/or for the raising of livestock.

FCC: The Federal Communications Commission, an independent United States government agency directly responsible to the U.S. Congress. The FCC was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable.

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

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

GRADE: The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym of slope.

HARDSHIP: A situation in which the strict application of the provisions of this Ordinance will result in a condition which is difficult for the person(s) so affected by the provisions to endure, and is not caused by actions of such person(s).

HEREAFTER: Any time after the effective date of this Ordinance.

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

HOME OCCUPATION: Any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Ordinance.

HISTORIC VEHICLE: Any motor vehicle or other vehicle twenty-five (25) years of age or older.

IMMOBILIZE: As applied to a mobile home, "immobilize" means to remove the wheels, tongue, and hitch and/or to place on a permanent foundation. The term implies that, once affixed to a permanent foundation, the destruction of said foundation would be necessary in order to move the dwelling to another location. (*Revised by ordinance on 10/8/2002*)

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

INTENSIFY: To increase the level or degree of.

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

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

JUNK YARD: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used-lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including establishments where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used cars in operable condition, or storage of materials incidental to manufacturing operations.

LAND EVALUATION AND SITE ASSESSMENT (LESA): A system of land evaluation used to rate farmland for its agricultural productivity based upon soils information. LESA was adopted by Resolution of the Washington County Board in 1986.

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

LOT OF RECORD: An area of land designated as a lot on a plat of subdivision or described by metes and bounds in a deed, and recorded with the Washington County Recorder of Deeds.

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

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

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

LOT COVERAGE: The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line of a lot.

LOT LINE, FRONT: Any lot boundary abutting a street or road.

LOT LINE, REAR: An interior lot line which is most distant from and most nearly parallel to the front lot line.

LOT LINE, SIDE: Any boundary of a lot which is not a front lot line or a rear lot line.

LOT WIDTH: The mean horizontal width of a lot measured at right angles to the side lot lines.

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

MANUFACTURED HOME: A home constructed in a factory according to the National Manufactured Housing Construction and Safety Standards (HUD Code) as of July 1, 1976. A manufactured home is transportable in one or more sections and built on a permanent chassis and designed to be used as a dwelling with a permanent foundation and connected to the required utilities. The average width and/or length of the living area (excluding garages, carports, porches or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. A manufactured home must have a minimum 3/12 pitch roof, a 6-inch minimum eave overhang, and must have a living area of not less than nine hundred (900) square feet. All manufactured homes require building permits, must display a HUD construction standards decal, and must meet all adopted federal and/or local adopted building codes.

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

MOBILE HOME: A factory-fabricated single family home, transportable on wheels in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling, containing complete kitchen and sanitary facilities, manufactured according to the National Manufactured Housing Construction and Safety Standard (HUD Code) as of July 1, 1976. To be identified as a mobile home the average width and/or length of the living area (excluding garage, carports, porches or attachments) shall be in excess of a ratio of 3 : 1 and not less than nine hundred (900) square feet. All mobile homes require a Special Use Permit, must display HUD construction standard decal, and have hitch and axles removed in accordance with Section 5-6 of this Ordinance. Mobile homes are not required to be attached to a permanent foundation but must be hooked up to a public water and sewer system when available.

MOBILE HOME PARK: A parcel not less than two (2) acres in area in single ownership/control, developed with facilities for accommodating occupied mobile homes.

MOBILE HOME STAND: The part of a mobile home space beneath the mobile home that includes the concrete slab or runners on which the home is placed and to which it is anchored.

MODULAR HOME: Is a factory built home constructed in one or more sections. The average width and/or length of the living area (excluding garages, carports, porches or attachments) of all modular homes shall not exceed a ratio of 3:1, and must have a minimum 3/12 pitch roof with residential style siding and roofing, a 6-inch minimum eave overhang, and must have a minimum living area of not less than nine hundred (900) square feet. Unlike a manufactured home, which must adhere to a national code for construction, the modular home is regulated by the State of Illinois Department of Public Health. These homes must be placed on a permanent foundation which extends below frost depth. All wheels and towing devices must be removed. All modular homes require a Building Permit and are required to meet the National Manufactured Home Construction and Safety Standards (HUD Code) and display a yellow seal in the shape of the State of Illinois on the electrical panel box.

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

NOTICE OF NUISANCE (Notice to Abate): The Zoning Administrator or any other person so designated by the County Board Chairman may issue a written notice for removal of trash, garbage, debris, weeds or grass. Such nuisances shall be removed by the owner or owners within fifteen (15) days after such notice has been duly served.

NUISANCE: Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

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

NURSING HOME: A building used as a medical care facility for persons needing long-term nursing care and medical service but do not require acute intensive hospital care.

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

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

PARKING AREA/LOT, OFF STREET: Land that is improved in accordance with this Ordinance and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking lot", depending on the circumstances of its use, may be either a principal use or an accessory use.

PARKING SPACE, OFFIC STREET: An area at least twenty (20) feet long and ten (10) feet wide within an off-street parking area or garage, used for the storage of one (1) passenger motor vehicle.

PERMANENT FOUNDATION: A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, poured wall, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation. In addition, piers may be used, extending into the ground

below the frost line, and sufficient in number to properly support the structure, provided the support beams are affixed to the permanent perimeter foundation. *(Added by ordinance 10/08/2002)*

PERMITTED USE: Any use as of right which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to the district(s) and use(s).

PERSON: Any individual, firm, association, organization, or corporate body.

PLANNING COMMISSION: The Washington County Regional Planning Commission.

PREMISES: A lot and all the structures and uses thereon.

PRINCIPAL BUILDING/STRUCTURE/USE: The main structure erected on or the main use occupying a lot as distinguished from an accessory (subordinate) structure or use.

PROPERTY LINE: See "Lot Line."

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

RECREATIONAL VEHICLE: A term encompassing any type of vehicle used primarily for pleasure such as travel trailers, motor homes, campers, boats, snowmobiles, four-wheelers, etc.,

REFUSE: Garbage (food wastes) and trash but not sewage or industrial wastes.

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

REPAIR: To restore to sound condition, but not to reconstruct.

RESIDENCE: A person's home or other dwelling place. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a single family residence shall not exceed a ratio of 3:1. A site constructed single family residence must be placed on a full perimeter permanent foundation extending below the frost depth, and must have a minimum 3/12 pitch roof. All site-built residences must have a minimum of nine hundred (900) square feet of living area.

RESTRICTIVE: Tending to keep within prescribed limits.

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

RIGHT-OF-WAY, PUBLIC: A strip of land which the owner/subdivider has dedicated to a unit of government for streets, alleys, or other public purposes.

ROOF LINE: The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

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

SEASONAL DWELLING: A structure used on a part-time basis for recreational purposes--not a primary residence (i.e., weekend cabin).

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

SERVICE USE/ESTABLISHMENT: Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

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

SETBACK LINE: See "Building Line."

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

SIGN: Any display of posters, placards, hoardings, handbills, writings, pictures, images, murals and logos or devices for informational or advertising purposes, together with any frame or support thereof.

SIGN, GROUND (OR FREESTANDING) : A sign supported by one or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

SIGN, OFF-PREMISES: Any sign visible from a public right-of-way identifying or advertising a business, person, activity, goods, products or services not located on the premises where the sign is located or maintained.

SIGN, TEMPORARY: Any sign which contains information which is not permanent in character. Such signs include, but are not limited to, political signs, real estate signs, garage sale signs and the like.

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

SPECIAL USE PERMIT: A permit issued in accordance with the provisions of this Ordinance to regulate development of a special use.

STOP ORDER: A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Ordinance.

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

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

STRINGENT: Binding, exacting.

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

STRUCTURE, IMPERMANENT: A structure intended for temporary or transient human shelter, or for temporary storage of goods or possessions, and existing or enduring for a limited time only. Impermanent structures are not attached to a permanent foundation, and are commonly a travel trailer, recreational vehicle or similar structure intended for mobile uses.

STRUCTURE, TEMPORARY: Any structure that is not attached to a permanent foundation.

TEMPORARY USE: A use established for a fixed period of time with the intent of discontinuing such use upon the expiration of the time period. These uses may have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of the Zoning Ordinance. Temporary uses are generally subject to all regulations as would be applied to a permanent principal or accessory use located in the same zone, except as provided by permit for a specified period of time.

TOPOGRAPHY: The relief features or surface configuration of an area.

TRAVEL TRAILER: A mobile structure designed for temporary occupancy.

TRAVEL TRAILER PARK: A lot developed with facilities for accommodating temporarily occupied travel trailers.

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

VARIANCE: A relaxation of the strict application of the lot size, setbacks, or other requirements applicable to a particular lot, structure, or use.

WEED: As defined in this Ordinance shall include but not be limited to the following: Burdock, Ragweed (Giant), Ragweed (Common), thistle, Cocklebur, Jimpson, Blue Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass and all other noxious weeds.

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

YARD: Open space that is unobstructed except as specifically permitted in this Ordinance and that is located on the same lot as the principal building.

YARD, FRONT: A yard which is bounded by the side lot lines, front lot lines, and the building line.

YARD, REAR: A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.

YARD, SIDE: A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

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

ZONING MAP: The map and any amendments thereto, designating zoning districts, and incorporated into this Ordinance by reference.

ZONING ADMINISTRATOR: The official appointed by the County Board of Washington County to administer this Ordinance. (Synonymous with "Administrator.")

ARTICLE 3 - ADMINISTRATION AND ENFORCEMENT

Section 3-1 ZONING ADMINISTRATOR

The office of Zoning Administrator of Washington County is hereby re-established and continued. The Administrator shall be appointed by the County Board Chairman with the advice and consent of the County Board, and shall continue to hold office at the pleasure of the County Board. The Administrator is hereby authorized and directed to administer and enforce the provisions of this Ordinance. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (a) to review and pass upon applications for initial and final certificates of zoning compliance,
- (b) to inspect land, structures, and uses to determine compliance with this Ordinance, and where there are violations, to initiate appropriate corrective action;
- (c) to review and forward to the Zoning Board of Appeals all applications for special use permits, variances, appeals, and amendments;
- (d) to maintain up-to-date records of this Ordinance including, but not limited to, the district map, certificates of zoning compliance, special use permits, variances, interpretative decisions of the Board of Appeals, amendments, and all applications related to any of these matters;
- (e) to periodically review the provisions of this Ordinance to determine whether revisions are needed, and to make recommendations on these matters to the Board of Appeals at least once each year;
- (f) to provide information to the general public on matters related to this Ordinance; and
- (g) to perform such other duties as the County Board may from time to time prescribe;
- (h) to notify the Washington County "911" Emergency Office of all new construction; and
- (i) to notify Washington County Supervisor of Assessments of all new construction.

Section 3-2 INITIAL CERTIFICATES OF ZONING COMPLIANCE

Upon the effective date of this Ordinance, no lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until an initial certificate of zoning compliance has been issued. (See Section 4-13, Agricultural Exemption) The Administrator shall not issue an initial certificate of zoning compliance unless, following consultation with technically qualified persons as necessary, he/she determines that the proposed work conforms to the applicable provisions of this Ordinance.

3-2.1 APPLICATION:

Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. (NOTE: Filing fee generally required.)

Items of Information:

- (a) name and address of the applicant;
- (b) name and address of the owner or operator of the proposed lot, structure, or use, if different from (a);
- (c) brief, general description/explanation of the proposal;
- (d) location of the proposed lot, use, or structure, and its relationship to adjacent lots, uses, or structures;
- (e) area and dimensions of the site for the proposed finished grade;
- (f) height and setbacks of the proposed structure;
- (g) number and size of proposed dwelling units, if any;
- (h) location and number of proposed parking/loading spaces and access ways;
- (i) identification and location of all existing or proposed utilities, whether public or private;
- (j) documentation of age and pictures to show proof of condition of proposed mobile home; and
- (k) any other pertinent information that the administrator may require.

3-2.2 DURATION OF CERTIFICATE:

Initial certificates of zoning compliance shall be valid for one year, or until revoked for failure to abide by a corrective action order. The Administrator may renew initial certificates of zoning compliance for successive one-year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

Section 3-3 FINAL CERTIFICATES OF ZONING COMPLIANCE

No lot or part thereof recorded or developed after the effective date of this Ordinance, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Ordinance shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued. (See Section 4-13, Agricultural Exemption) The Administrator shall not issue a final certificate of zoning compliance until he has determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plan. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Ordinance.

Section 3-4 CORRECTIVE ACTION ORDERS

Whenever the Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this Ordinance, he shall so notify the responsible party, and shall order appropriate corrective action.

3-4.1 CONTENTS OF ORDER:

The order to take corrective action shall be in writing and shall include:

- (a) a description of the premises sufficient for identification;
- (b) a statement indicating the nature of the violation;
- (c) a statement of the remedial action necessary to effect compliance;
- (d) the date by which the violation must be corrected;
- (e) a statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (f) the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
- (g) a statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

3-4.2 SERVICE OF ORDER:

A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (a) served upon him personally;
- (b) sent by registered mail to his last known address; or
- (c) posted in a conspicuous place on or about the affected premises.

3-4.3 STOP ORDERS:

Whenever any work is being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation must cease immediately. (See Subsection 3-4.1(d).) In such case, the corrective action order is equivalent to a stop order. Failure to comply with stop order may result in notification of the Washington County State's Attorney's Office and may result in the possible imposition of fines.

Section 3-5 EMERGENCY MEASURES

Notwithstanding any other provisions of this Ordinance, whenever the Administrator determines that any violation of this Ordinance poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

Section 3-6 COMPLAINTS

Whenever any violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

Section 3-7 FILING FEES

By resolution, the County Board shall establish (and may amend from time to time) a schedule of filing fees for the various permits and procedures listed in this Ordinance. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures, the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the County Treasurer's Office. A schedule of filing fees is included in Attachment A. All fees are non-refundable.

Section 3-8 PENALTIES

- (a) Any person who is convicted of a violation of this Ordinance shall be guilty of a Class B misdemeanor and shall be fined not less than Twenty Dollars (\$20) nor more than Five Hundred Dollars (\$500), plus costs. Each day that a violation continues shall be considered a separate offense.
- (b) In addition to the penalty imposed by paragraph (a) above, in case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building structure or land is used in violation of the Ordinance, the County of Washington, by and through the Office of the Zoning Administrator and the Washington County State's Attorney, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceeds in the Circuit Court of Washington County to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business, or use in or about said premises.

Nothing contained in this section shall prevent the County from taking any other lawful action that may be necessary to secure compliance with this Ordinance.

ARTICLE 4 - GENERAL SUBSTANTIVE REGULATIONS**Section 4-1 ESTABLISHMENT OF DISTRICTS**

In order to implement the regulatory scheme of this Ordinance so to achieve the objectives stated in Section 1-1, all the territory of Washington County other than territory within the corporate limits of municipalities which have adopted local zoning ordinances is hereby divided into the following zoning districts:

<u>Name of District</u>	<u>Designation</u>	<u>Minimum Area of District*</u>
Agricultural	A	40 acres
Rural Single-Family Residential	R-1	2 acres
Urban Residential	R-2	1 acre
Neighborhood Business	NB	½ acre
Commercial	C	2 acres
Industrial	I	2 acres
Flood Plain Overlay	O-FP	none
Highway Interchange Overlay	O-H	5 acres
Residential Overlay	O-R	5 acres

*The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the areas of numerous noncontiguous parcels, when aggregated, happen to equal or exceed the minimum area indicated above.

Section 4-2 ZONING MAP AND DISTRICT BOUNDARIES

The boundaries of the listed zoning districts are hereby established or re-established as shown on the official zoning map of the County. This official zoning map, including all notations and other information thereon, is hereby made a part of this Ordinance by reference. The official zoning map shall be kept on file in the Administrator's office.

4-2.1 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION:

In determining with precision what territory is actually included within any zoning district, the

Administrator shall apply the following rules:

- (a) Where a district boundary is indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:
1. Centerline of any street, alley, or highway -- such centerline.
 2. Lot line -- such lot line.
 3. Railroad tracks -- right-of-way line of such tracks.
 4. Stream -- center of such stream.
 5. Section, fractional, or survey lines -- such lines.
- (b) Whenever any street, alley, or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

Section 4-3 GENERAL PROHIBITION

Hereafter, it shall be unlawful to:

- (a) erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;
- (b) create any lot; or
- (c) use, occupy, or develop any lot or part thereof. . .

except in conformity with the provisions of this Ordinance.

Section 4-4 UNLISTED USES PROHIBITED

Any use not specifically listed as permitted or allowed by special use permit within a particular zoning district shall be deemed prohibited in that district until the County Board rezones the property in question or otherwise amends this Ordinance in accordance with Section 10-5.

Section 4-5 MEETING MINIMUM REQUIREMENTS

Except as specifically provided otherwise elsewhere in this Ordinance, every lot must meet the minimum area, minimum dimensions, and minimum setbacks requirements of the district in which it is located independently; that is, without counting any portion of an abutting lot.

Section 4-6 ACCESS REQUIRED

No building shall be erected on any lot unless such lot abuts or has permanent easement of access to a public road or a private road that conforms to the standards set forth in the Washington County Subdivision Regulations.

Section 4-7 FRONT SETBACKS - CORNER/THROUGH LOTS

Every lot with multiple frontages (such as corner or through lots) shall meet the front setback

requirement of the district in which it is located on every side that abuts a street or road.

4-7.1 SIGHT TRIANGLE REQUIREMENT

In residential districts, except in zoning districts where no front yard setback is required, on all corner lots a visual clearance area is required where nothing shall be erected, placed, planted, or allowed to grow to a height more than three (3) feet higher than the curb level, or three (3) feet higher than the center line grade of intersecting streets where there is no curb, within twenty-five (25) feet of the intersection of the street lines.

Section 4-8 INTRUSIONS INTO YARDS

To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements.

<u>Features</u>	<u>Maximum Intrusion</u>
(a) Cornices, chimneys, planters or similar architectural features	Two (2) feet.
(b) Fire escapes	Four (4) feet.
(c) Patios	No limit.
(d) Porches, if unenclosed and at ground level	Six (6) feet.
(e) Balconies	Four (4) feet.
(f) Canopies, roof overhangs	No limits, unless required for visual obstruction.
(g) Fencing.	No limits, unless required for visual obstruction

Section 4-9 EXCEPTIONS TO HEIGHT LIMITS

- (a) **Necessary Appurtenances:** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the County.
- (b) **Intersections:** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points thirty (30) feet from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between two (2) and ten (10) feet above the level of the adjacent street.
- (c) **Airport Hazard Areas:** Notwithstanding any other provision of this Ordinance, all structures erected within any airport hazard area, as defined by State law, shall conform to the location, height, and identification requirements imposed by the Illinois Department of Aeronautics pursuant to "An Act relating to Airport Zoning" (620 ILCS 25/1 and "An Act in relation to Zoning to Eliminate Airport Hazards" (620 ILCS 30/1-30/12).

Section 4-10 SEWERS, SEPTIC TANKS

In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

- (a) Whenever the public sanitary sewer system is reasonably available (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed three hundred (300) feet for a single family residence and not greater than one thousand (1,000) feet for a commercial establishment, subdivision or multi-family dwelling) all sewage shall be discharged into such system, whether or not a private sewer system is more convenient. A connection is practical when it can be completed using customary sewer lines. The need to annex an improvement, other than a single family residence, to a municipality in order to connect to the municipal sanitary sewer system does not make the municipal sanitary sewer system unavailable.
- (b) Whenever the public sewer system is not reasonably available, a private sewer system (whether central or individual) shall be installed and used. A permit issued by the Washington County Health Department must be issued for any private sewage disposal system and each shall be designed, constructed, operated, and maintained in conformity with the following requirements:
 - 1. Illinois Private Sewage Disposal Licensing Act. 225 ILCS 225/1 et seq., and any subsequent amendments or revisions thereto;
 - 2. Illinois Private Sewage Disposal Code 77 Ill. Adm. Code 905, and any subsequent amendments or revision thereto;
 - 3. pertinent, current regulations issued by the Illinois Environmental Protection Agency; and
 - 4. applicable County or local codes and ordinances, particularly the Washington County Private Sewage Disposal Ordinance and The Land Subdivision Ordinance of Washington County and any subsequent amendments or revisions thereto.

The Administrator shall not issue any initial certificate of zoning compliance unless, following consultation with technically qualified persons as necessary he/she is satisfied that these requirements will be met.

Section 4-11 ONE DWELLING PER LOT

Except as specifically provided otherwise herein (the important exceptions being multiple-family complexes, mobile home parks, and residences in agricultural districts occupied by persons engaged in agricultural activities), or as provided in Section 5-1.2 regarding temporary non-farm dwellings, only one dwelling may be situated on any zoning lot or lot of record. **Thus, for example, it shall generally be unlawful to place a mobile home on any lot on which there is an existing dwelling.**

Section 4-12 ACCESSORY USES

Any accessory use (see Section 2-2, "Selected Definitions") shall be deemed permitted in a particular zoning district if such accessory use is:

- (a) accessory to a principal structure or use that is allowed in that zoning district as of right (permitted uses) or by virtue of the fact that a special use permit has been granted; and
- (b) in compliance with the restrictions set forth in Subsection 4-12.1.

4-12.1 ACCESSORY USE RESTRICTIONS:

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

1. fifteen (15) feet in any residential district; or
2. twenty-five (25) feet in any other zoning district except the Agricultural District where, due to the special needs of farmers, there shall be no height limit on accessory structures.

(b) Setbacks.

1. In the Commercial or Industrial District, no accessory use shall encroach into any part of any yard (front, side, or rear) that is required by the minimum setback regulations of the particular district.
2. In the Neighborhood Business District or in any residential district, accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided such accessory uses are not closer than seven (7) feet to any side or rear lot line.
3. In any Agricultural District, accessory uses are prohibited in any front yard, but permitted in any side or rear yard, provided such accessory uses are not closer than twenty-five (25) feet to any side or rear lot line.
4. Any previously "grandfathered" accessory structure that was in use or not vacant, may be rebuilt, remodeled, or a new structure may be constructed on the previous location.

(c) Use As Dwelling. Use of any accessory structure as a dwelling is strictly prohibited in every zoning district with the exception of accessory structures used to house seasonal hired labor in agricultural zones.

Section 4-13 AGRICULTURAL EXEMPTION

The provisions of this Ordinance shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes as defined herein, or with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures, uses, or to be used solely for agricultural purposes upon such land; except that said structures are required to meet building setback requirements applicable in the district in which the structure is to be built. Should said land or structure cease to be used solely for agricultural purposes, then and only then, shall the other provisions of this Ordinance apply (255 ILCS 5/5-12001).

To obtain an Agricultural Exemption the applicant must provide proof that he or she own a minimum of *forty (40)* acres and must complete a Certificate of Agricultural Exemption, at the Washington County Zoning Office, stating that said structure being built is solely for agricultural purposes.
(Revised by ordinance 09/15/1998)

Upon the passage of this Ordinance, all newly constructed residential dwellings, including mobile homes for residents or hired seasonal workers or tenants, in the Agricultural District, must obtain a permit (see Attachment A). All additions to an existing residential dwelling in Agricultural Districts, over the minimum amount, in dollars, required by Attachment B, will be required to obtain a permit (see Attachment A). These permits normally do not require public hearings.

4-13.1 VARIANCE TO MINIMUM:

Because of the irregular shapes of some parcels, the Zoning Administrator shall have the authority to administratively grant a variance of 5% or less to the minimum 40 acre lot size requirement for an Agricultural Exemption, as set forth in Section 4-13, without a hearing before the Zoning Board of Appeals. However, before such variation may be granted, a Notice of the Intent to Grant such variation shall be sent by certified mail to all adjoining landowners. If any adjoining landowner files a written objection with the Zoning Enforcement Officer within fifteen (15) days of the receipt of such notice, the variation shall not be considered by the Zoning Administrator under this section. Said variance shall be processed in accordance with the terms of the administrative authority as provided for under the ILCS as amended.

Section 4-14 INOPERABLE AND ABANDONED VEHICLES**4-14.1 POLICY:**

Pursuant to 55 ILCS 5/5-1092, the County Board of Washington County, finding that inoperable or abandoned vehicles constitute a traffic hazard; are a danger to children and others; are a fire hazard; are a threat to natural resources; invite acts of vandalism which produce a scenic blight, and adversely affect the land values of the County, does hereby declare it to be a public nuisance to store any inoperable or abandoned motor vehicles, whether on public or private property, as follows:

1. On any lot within municipal boundaries not subject to municipal zoning (R-2 District)
2. On any lot within an Urban Residential (R-2 District), or any lot within a Rural Residential (R-1) district
3. On any lot within a Neighborhood Business (NB) District, a Commercial (C) District or an Industrial (I) District unless on the premises of a business engaged in the wrecking or junking of motor vehicles.
4. On any lot within the Agricultural (A) District unless said vehicle is screened from public view by opaque fencing, or obscured by dense landscaping.

However, nothing in this Section shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over twenty-five (25) years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

4-14.2 APPLICATION:

This Ordinance shall apply to the following: abandoned vehicle, inoperable antique vehicle, inoperable motor vehicles, and derelict vehicles as defined as follows:

- (a) **ABANDONED VEHICLE.** Any motor vehicle or other vehicle in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.
- (b) **HISTORIC VEHICLE.** Any motor vehicle or other vehicle twenty-five (25) years of age or older.
- (c) **HIGHWAY.** A public or private way for motor vehicle travel. The term "highway" includes a street, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, land, place, drive, court and similar designations, but excludes an alley or a way for pedestrian use only.

- (d) **INOPERABLE MOTOR VEHICLE:** Any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.
- (e) **DERELICT VEHICLE.** Any inoperable, unregistered, discharged motor vehicle, regardless of title, have lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in Section 4-14 of this Ordinance.

4-14.3 PRESUMPTION THAT VEHICLE IS INOPERABLE

Any of the following conditions shall raise the presumption that a vehicle is inoperable under the provisions of this Section:

- (a) Absence of an effective registration plate or without current registration sticker.
- (b) Placement of the vehicle or parts thereof upon jacks, blocks, chains, or other supports.
- (c) Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets, roads and highways.

4-14.4 ENFORCEMENT.

1. **ENFORCEMENT OFFICER.** The Enforcement Officer for the provisions of Section 4-14 shall be Washington County Zoning Administrator, and the Washington County Sheriff shall enforce removal of any inoperable vehicle found to be in violation by the Zoning Administrator.
2. **COMPLAINTS:** Upon receipt of a signed written complaint, the Enforcement Officer shall have authority to issue a letter to any person violating any of the provisions of this Section advising of the violation and providing ten (10) days for the violation to be voluntarily remedied.
3. **NOTICE TO ABATE NUISANCE.** With respect to violations of Section 4-14.1 that are not voluntarily remedied, the Enforcement Officer shall issue a Notice to Abate providing seven (7) days notice to abate the existing nuisance. Said notice shall advise the violator of the violation and demand that the violation be remedied within seven (7) days. The decision of the Zoning Administrator is subject to appeal by a hearing before the Zoning Board of Appeals, and the Notice to Abate shall provide information on requesting such appeal.
4. **SERVICE OF NOTICE -** Notices shall be deemed to have been properly served when the Notice to Abate has been delivered personally to the registered owner, agent, or premises and/or the storage site concerned, or such notice has been sent by certified mail to the last known address of such person or persons.
5. **REVIEW BY STATE'S ATTORNEY:** If the violation has not been remedied within seven (7) days from the issuance of a Notice to Abate Nuisance, and in the absence of an application for appeal, the Washington County State's Attorney will be requested to review the violation and render an opinion for the enforcement officer.

6. **REMOVAL BY SHERIFF OR DESIGNEE:** If the violating inoperable motor vehicle or parts thereof have not been removed within seven (7) days from the issuance of a Notice to Abate Nuisance, and in the absence of an application to appeal the Enforcement Officer's decision, the Washington County Sheriff, his designee or agent, with concurrence from the State's Attorney, shall be authorized by this ordinance to remove, or cause to be removed, the inoperable motor vehicle or parts thereof from the premises where the violation occurred. The Office of the Zoning Administrator shall keep an account of the expense of the abatement.
7. **VIOLATION - FINES :** Any person who violates Section 4-14.1 above and fails to abate the nuisance and/or refuses to obey any provisions of Section 4-14.1 after having been given notice of violation shall, upon conviction be fined an amount not to exceed \$500 plus court costs for each offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Such person shall, in addition, be responsible for reasonable and customary costs and expenses incurred by the Washington County Sheriff, his designee, or agents in enforcing the provisions of this Section, including the costs of removal.

4-14.5 ABANDONMENT:

- (a) **Highway.** The abandonment of a motor vehicle or other vehicle or part thereof on any highway in the County is unlawful and subject to penalties as set forth herein.
- (b) **Private Property.** The abandonment of a motor vehicle or other vehicles or any part thereof on private or public property other than a highway, in view of the general public anywhere in this County is unlawful, except on property of the owner or bailee of such abandoned vehicle.
- (c) **Owner's Property.** A motor vehicle or other vehicle or any part thereof so abandoned on the owner's property or an inoperable motor vehicle on owner's property in public view from a public highway right-of-way may be authorized for removal by or upon the order of the Sheriff after a waiting period of seven (7) days or more has expired from the date of personal service on a resident of the property where the vehicle is located.

4-14.6 POSSESSION OF VEHICLE BY OTHER PARTY; TOWING:

When an abandoned, inoperable, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this county, not the owner of the vehicle, such person shall immediately notify the Sheriff's office when the vehicle is within the corporate limits of the County. Upon receipt of such notification, the Sheriff, or his designated representative shall authorize a towing service to remove and take possession of the abandoned, inoperable, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this Ordinance.

4-14.7 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES - TOWING OR HAULING AWAY:

- (a) When a vehicle is abandoned or left unattended on a highway in an urban district ten (10) hours or more, its removal by a towing service may be authorized by the Sheriff's Office of the County.
- (b) When a vehicle is abandoned, or left unattended on a highway other than a toll highway, interstate highway or expressway outside of an urban district for twenty-four (24) hours or more, its removal by a towing service may be authorized by the Sheriff's Department.

- (c) When an abandoned, unattended, wrecked, burned, or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway, or its physical appearance is causing an impediment to traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by the Sheriff's Department.
- (d) When a vehicle removal from either public or private property is authorized by the Sheriff's Department, the owner of the vehicle will be responsible for all towing costs.

4-14.8 SHERIFF'S RESPONSIBILITIES:

When a motor vehicle or other vehicle is authorized to be towed away, as provided herein, the Sheriff's Department shall keep and maintain a record of the vehicle towed, listing by colors, year or manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of the tow, location towed from, location towed to, reason for towing and the name of the deputy authorizing the tow.

4-14.9 UNKNOWN OWNER:

When the Sheriff's Department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

After authorizing the impoundment, the Sheriff will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police Department for stolen or wanted information of the vehicle. The information determined from these record searches will be used by the Sheriff's Department in sending notification by certified mail to the owner or legally entitled person, advising where the vehicle is held, requesting a disposition be made and setting forth public sale information.

4-14.10 STATE POLICE INFORMATION:

When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration filed of this State or from the registration files of a foreign state, if applicable the Sheriff's Department shall notify the Illinois State Police for the purposes of identifying the vehicle's owner, or other person legally entitled to the possession of the vehicle.

4-14.11 PUBLIC SALE; RECLAMATION:

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in Section 4-14.13, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Sheriff's Department, proof of ownership, or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this section until all towing and storage charges have been paid.

4-14.12 NOTIFICATION; NEW CAR; MAIL:

Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle four (4) years of age or newer remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Sheriff shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where

the vehicle has been impounded. At least ten (10) days prior the sale, the Sheriff's Department shall cause a notice of the time and place to be sent by certified mail to the registered owner or other person known by the Sheriff's Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Sheriff's Department, due to the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of second certified notice will not be required.

4-14.13 NOTIFICATION "FOR SALE":

- (a) New Car. When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost, inoperable or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this Ordinance, the vehicle may be sold as provided herein, or disposed of in the manner authorized by this Ordinance, without notice to the registered owner or other person legally entitled to the possession of the vehicle.
- (b) Old Car. When an abandoned or inoperable vehicle of more than seven (7) years of age is impounded as specified by this Ordinance, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by the U.S. Postal Service, public service, or in person for a determination of disposition and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the ten (10) day period without the benefit of disposition information being received from the registered owner, the Sheriff will authorize the disposal of the vehicle as junk. An exception to the above is provided if, in the opinion of the Sheriff's Deputy processing the vehicle, it has value of two hundred dollars (\$200.00) or more and can be restored to safe operating condition. In this event, the agency may authorize its purchase as salvage and the Secretary of State may issue a salvage certificate if the vehicle is bonded in the manner as provided for certificates of title under 625 ILCS 5/3-100.
- (c) Antique Vehicle. A motor vehicle or other vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore such vehicle.

4-14.14 SHERIFF'S RECORD FOR DISPOSED VEHICLE:

When a motor vehicle or other vehicle in the custody of the Sheriff's Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in the Ordinance, a report of the transaction will be maintained by the Sheriff's Department for a period of one (1) year from the date of the sale or disposal.

4-14.15 PUBLIC SALE PROCEEDS:

When a vehicle located within this County is authorized to be towed away by the Sheriff and disposed of as set forth in this Ordinance, the proceeds of the public sale or disposition, after the deduction of towing, storage and processing charges shall be deposited in the County General Fund.

4-14.16 LIABILITY OF COUNTY:

Any Sheriff's Deputy, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided in this Ordinance.

4-14.17 REMEDY:

The State's Attorney of Washington County is authorized to seek injunctive relief against the owner of any abandoned or inoperable motor vehicle that violates this Ordinance. The State's Attorney of Washington County is not limited to injunctive relief and may proceed with any other remedy allowed by law.

4-14.18 PENALTY:

- (a) Anyone found abandoning a motor vehicle, 1) or other vehicle or part thereof on any highway; or 2) on any private or public property in view of the general public; or 3) on the owner's property after seven (7) days notice of such, is guilty of a petty offense and is punishable by a fine not to exceed five hundred dollars (\$500.00). Each day of violation is a new offense.
- (b) Anyone found keeping an inoperable vehicle on private property or the owner's property after seven (7) days notice of such is guilty of a petty offense and punishable by a fine not to exceed five hundred dollars (\$500.00). Each day of violation is a new offense.

Section 4-15 WEEDS

4-15.1 DEFINITION:

"Weeds", as used in the Ordinance shall include, but not be limited to the following: Burdock, Ragweed (Giant), Ragweed (Common), Thistle, Cocklebur, Jimpson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass and all other noxious weeds.

4-15.2 DECLARED NUISANCE:

It is hereby declared to be a nuisance for the owner or owners of subdivision lots in residential areas in the unincorporated areas of the county or any part thereof, to refuse or neglect to cut weeds, as defined by the Washington County Zoning Ordinance when such weeds have reached a height in excess of twelve (12) inches.

4-15.3 NOTICE OF NUISANCE:

Upon receipt of a written complaint, the Zoning Administrator or any other person so designated by the County Board Chairman may issue a written Notice to Abate for removal of weeds or grass. Such weeds or grass shall be cut by the owner or owners within fifteen (15) days after such notice has been duly served.

4-15.4 SERVICE OF NOTICE:

Service of the notice provided for herein shall be effected by mailing a written copy of such notice to the last known address of each owner or owners.

4-15.5 ABATEMENT:

If the owner or owners so notified does not abate the nuisance within fifteen (15) days, the Office of the Zoning Administrator may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or owners.

4-15.6 LIEN IMPOSED:

The cost of abatement of said nuisance shall be considered a lien upon the subdivision lot affected, superior to all other liens and encumbrances, except tax liens; provided that within sixty (60) days

after such cost and expense has been incurred, the County or person performing the service by authority of the County in his or its own name filed notice of lien in the Washington County Recorder of Deed's Office in the County in which such subdivision lot is located. The notice shall consist of a sworn statement setting out:

- (a) a description of the subdivision lot sufficient for identification thereof;
- (b) the amount of money representing the cost and expense incurred or payable for the service; and
- (c) the date or dates when such cost and expense was incurred by the County. However, the lien shall not be valid as to any purchaser whose rights in and to such subdivision lot have arisen subsequent to the weed cutting and prior to the filing of such notice, and the lien of the County shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such subdivision lot arise prior to the filing of such notice.

4-15.7 PAYMENT:

Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the County or person in whose name the lien has been filed and release shall be filed for record in the same manner as filing notice of the lien.

4-15.8 FORECLOSURE OF LIEN:

Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the County after lien is in effect for sixty (60) days.

4-15.9 PENALTY:

Any person violating this Ordinance shall, upon conviction, be fined according to the provision of Section 3-8.

Section 4-16 GARBAGE, TRASH AND DEBRIS

4-16.1 DEFINITION:

GARBAGE, TRASH, AND DEBRIS includes but is not limited to tree branches, grass clippings, yard trimmings, leaves, garbage, paper, cardboard, cartons, boxes, barrels, wood, lumber, concrete, appliances, furniture, glass, bottles, crockery, tin cans, vehicle parts, boats, furniture and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned with substantial repair) where such object, due to its present condition and/or visibility, may reasonably be construed to be unsightly, dangerous, or unsanitary. As used herein the phrase "garbage, trash, and debris" does not include inoperable vehicles.

4-16.2 DECLARED A NUISANCE:

It is hereby declared to be a nuisance for the owner or owners of property in the unincorporated areas of the county to refuse or neglect to remove garbage, trash or debris as defined by the Washington County Zoning Ordinance.

4-16.3 NOTICE OF NUISANCE:

Upon receipt of a written complaint, the Zoning Administrator or any other persons so designated by the County Board Chairman may issue a written Notice to Abate for removal of garbage, trash, or debris. Such garbage, trash, or debris shall be removed by the owner or owners within fifteen (15) days after such notice has been duly served.

4-16.4 SERVICE OF NOTICE:

Service of notice provided for herein shall be effected by mailing a written copy of such notice to the last known address of each owner or owners.

4-16.5 ABATEMENT:

If the owner or owners so notified do not abate the nuisance within fifteen (15) days, the Zoning Administrator may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or owners.

4-16.6 LIEN IMPOSED:

The cost of abatement of said nuisance shall be considered a lien upon the lot affected, superior to all other liens and encumbrances, except tax liens; provided that within sixty (60) days after such cost and expense has been incurred, the County or person performing the service by authority of the County in his or its own name filed notice of lien in the Washington County Recorder of Deed's Office.. The notice shall consist of a sworn statement setting out:

- (a) a description of the lot or subdivision lot sufficient for identification thereof;
- (b) the amount of money representing the cost and expense incurred or payable for the service; and
- (c) the date or dates when such cost and expense was incurred by the County. However, the lien of the County shall not be valid as to any purchaser whose rights in and to the real estate have arisen after the removal of the garbage, trash, or debris and before the filing of such notice, and the lien of the County shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to the real estate arise prior to the filing of such notice.

4-16.7 PAYMENT:

Notice of such lien claim shall be mailed to the owner of the real estate if his address is known. Upon payment of the removal costs by the property owner or persons interested in the property, the lien shall be released by the County or the person in whose name the lien has been filed, and the release may be filed of record as in the case of filing notice of lien.

4-16.8 FORECLOSURE OF LIEN:

The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics' liens. An action to foreclose this lien shall be commenced within 2 years after the date of filing notice of the lien.

4-16.9 PENALTY:

Any person violating this Ordinance shall, upon conviction, be fined according to the provision of Section 3-8.

(55 ILCS 5/5-1118)

ARTICLE 5 - REGULATIONS FOR SPECIFIC DISTRICTS

Section 5-1 "A" AGRICULTURAL DISTRICT

The carrying out of agricultural activities has long been, and continues to be, an important part of the way-of-life for Washington County residents, and such activities provide a large portion of the income derived by the County's population. Thus, to promote and protect this mainstay of the local economy, it has been established as official policy that the County should protect, preserve, and encourage the pursuit of agriculture by its residents. The creation of the "A" Agricultural District is an integral part of that policy. The "A" District encompasses sparsely developed areas which, because of the fertility of the soil, topography, the availability of water, and other factors, including the suitability of the land for the raising of animals, have high agricultural productivity. The regulations for this district are intended to preserve such prime agricultural land by severely restricting the encroachment or non-agricultural uses and structures. The owners and renters of property, whether farm or non-farm, in this district should realize that they will likely encounter the smells, sights and sounds attendant to agricultural operations.

5-1.1 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met (see especially Section 5-10), the following uses are permitted in the "A" District:

Agriculture, including all of the uses and structures included in the definition of agriculture set forth in Section 2-2

Animal hospitals and veterinarian offices, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such uses

Carnivals and picnics sponsored by a government entity or a civic organization, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such operations, and that such carnivals and picnics do not last more than seven (7) days

Churches and other places of formal worship

Cemeteries

Commercial grain elevators and storage facilities

Detached single-family dwellings

Government uses of the County or Township

Home occupations in accordance with Section 7-2

Kennels

Non-commercial recreational uses

Oil wells and drilling operations

Parks

Club houses

Railroad tracks and accessory equipment, but not including classification yards, terminal facilities, or maintenance facilities

Rental of farm dwellings by the owner of the farm on which they are located to persons not engaged in farming, provided that no lot separate from the farm is created, that the buildings are rented as single-family dwellings, and that the buildings existed before the effective date of this Ordinance.

Farm dwellings existing before the effective date of this Ordinance may be sold as non-farm dwellings, provided at least two acres is deeded with the dwelling, and provided further that, notwithstanding any contrary provision of this Ordinance, the property owner may demolish the farm dwelling and replace it with a new non-farm dwelling (*Revised by Ordinance 8/14/1999 to include as a permitted use rather than a special use*)

Accessory uses in accordance with Section 4-12

5-1.2 SPECIAL USES:

The following uses shall be permitted in the "A" District only upon the issuance of a special use permit in accordance with the provisions of Section 10-2:

Agricultural product processing plants

Airports

Commercial carnivals, circuses, and similar temporary, transient amusement activities not sponsored by a government entity or civic organization

Commercial recreational uses, including fishing lakes

Commercial trucking operation

Government uses of a municipality

Coal-fired Power Plant Facility

(added by ordinance on 05/11/2004 resulting from ZTA #001-04. Description below)

A coal-fired, electric power generation facility, together with an underground coal mining facility, aboveground coal handling equipment, underground coal mine shaft appurtenances and facilities located above ground, coal conveying and transportation systems from the mine facility to the electric power generation facility, electric substations, switchyard, and transmission line and interconnection facilities, temporary ash storage facilities and ash disposal transportation facilities, fuel transportation and storage facilities, water storage lakes or similar facilities, together with any and all appurtenant, supporting and necessary facilities associated with the aforesaid facilities; provided, however, that prior to the operation of any such facilities, the following permits shall be duly issued to the permittee:

1. Illinois Department of Natural Resources Dam Construction Permit, issued to permittee by Illinois Department of Natural Resource if construction of water storage lake or facility involves dam construction.
2. Construction Permit – Prevention of Significant Deterioration of Air Quality (PSD) Approval, NSPS-NESHAP Emission Units issued by the State of Illinois.
3. Permit to Construct a Water Intake Structure and Withdraw Water issued by the Illinois Department of Natural Resources, Office of Water Resources.
4. Nationwide permits No. 7 Outfall Structures, No. 12 Utility Line Discharges, No. 14 Linear Transportation Project, No. 33 Temporary Construction, Access and Dewatering, issued by the U.S. Army Corps of Engineers.
5. National Pollutant Discharge Elimination System Permit issued (by) the Illinois Environmental Protection Agency, Bureau of Water.

Washington County acknowledges the intent of the State of Illinois to address environmental concerns of the State of Illinois on a unified statewide basis. If the Board is otherwise satisfied that the special use permit should be granted to the permittee, but the above referenced permits have not yet been issued to the permittee by the State of Illinois, then upon a showing by the permittee that the permittee is in the proves of filing application for the above-referenced permits, the Board shall proceed to issue the special use permit subject to and conditioned upon the issuance of such permits prior to the operation of the facilities authorized to be constructed by the special use permit, and the permittee may proceed to construct the permitted facilities.

Structure built pursuant to a Special Use Permit granted under this Section shall be exempt from the maximum height restriction contained in Section 4-9.

Permanent or temporary residence in a flood plain

Rented or leased seasonal dwellings

Stockyards

Temporary non-farm dwellings, including mobile homes, on the same lot as another principal use used as shelter by a family member, tenant farmer, or farm laborer. Special uses under this provision shall be limited to one special use permit per parcel of land.

Not-for-profit recreation use

Mobile home on separate lot.

Utility substations, including electrical substations, gas regulation stations, transmission tower, cellular phone towers when height is 200 feet or more, and similar facilities. *(Rev. by Ord. 7/11/2000)*

Non-Agricultural uses providing certain goods or services to that immediate area of the County wherein said use is to be located. Such non-agricultural uses will have unique characteristics and potential for impact on the immediate surrounding land that such impact requires consideration through the public hearing process. Said process shall include application to, and public hearing before, the County Zoning Board of Appeals for recommendation. The County Board shall have the final decision upon said Special Use Permit which may contain restrictions, as determined by the County Board, to protect the health, safety and welfare of the surrounding land owners, and the County in general. The Washington County Board reserves the right to approve, deny, or modify, with or without restrictions, any special use permit. Application does not guarantee approval of the Special Use Permit.

Section 5-2 "R-1" RURAL SINGLE- FAMILY RESIDENTIAL DISTRICT

As stated in Section 5-1, the preservation of agricultural land has been established as County policy. However, it is recognized that some present and future county residents may desire to reside in a low-density, non-farm yet rural setting. Thus, the "R-1" Rural Single-Family Residential District has been created to accommodate this desire. The "R-1" District is not intended to restrict agricultural operations, though; indeed, the owners and renters of land within the "R-1" District should realize that they will likely encounter the smells, sights, and noises attendant to agricultural operations.

The "R-1" Rural Single-Family Residential District encompasses various hilly/wooded areas scattered throughout the county's rural environs. The topography, soils, heavy tree cover, and other characteristics of these areas--and the consequent difficulty of extending public utilities and services to them--impose significant constraints on both large-scale farming and intensive urban development. However, land in this district is well-suited for low-density residential development and related uses. Thus, the district regulations are designed to encourage construction of single-family homes on large lots and to discourage development of incompatible uses.

5-2.1 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met (see especially Section 5-10), the following uses are permitted in the "R-1" District:

Agriculture, including all of the uses and structures included in the definition of agriculture set forth in Section 2-2

Cemeteries

Churches and other places of formal worship

Detached single-family dwellings

Government uses of the County or Township

Home occupations in accordance with Section 7-2

Institutional uses such as convents, retreat houses, etc.

Non-commercial recreational uses

Parks

Railroad tracks and accessory equipment, but not including classification yards, terminal facilities, or maintenance facilities

Schools

Accessory uses in accordance with Section 4-12

5-2.2 SPECIAL USES:

The following uses shall be permitted in the "R-1" District only upon the issuance of a special use permit in accordance with the provisions of Section 10-2:

Commercial recreational uses, including fee fishing lakes
Government uses of a municipality

Manufactured homes on individual lots, provided all applicable requirements of this Ordinance are met (see Sections 5-10 and 7-5)

Mobile home parks in compliance with Section 7-6

Permanent or temporary residence in a flood plain

Temporary non-farm dwellings, including mobile homes, on the same lot as another principal use

Travel trailer parks in conformity with State requirements

Utility substations, including electrical substations, gas regulation stations, transmission towers, cellular phone towers when height is 200 feet or more, and similar facilities (*Rev. by Ord. 7/11/2000*)

Certain non-Residential uses providing certain goods or services to that immediate area of the County wherein said use is to be located. Such non-residential uses will have unique characteristics and potential for impact on the immediate surrounding land that such impact requires consideration through the public hearing process. Said process shall include application to, and public hearing before, the County Zoning Board of Appeals for recommendation. The County Board shall have the final decision upon said Special Use Permit which may contain restrictions, as determined by the County Board, to protect the health, safety and welfare of the surrounding land owners, and the County in general. The Washington County Board reserves the right to approve, deny, or modify, with or without restrictions, any special use permit. Application does not guarantee approval of the Special Use Permit.

Section 5-3 "R-2" URBAN RESIDENTIAL DISTRICT

The "R-2" Urban Residential District encompasses land within or near municipalities areas that are best suited for the development of various housing types and compatible uses. The regulations for this district are intended to stabilize and preserve sound existing neighborhoods developed at varying densities, and to promote construction of new single-family houses, duplexes, and multi-family dwellings.

5-3.1 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met (see especially Section 5-10), the following uses are permitted in the "R-2" District:

Agriculture, including all of the uses and structures included in the definition of agriculture set forth in Section 2-2, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such operations. Agricultural operations in existence prior to the effective date of this Ordinance shall be exempt from the requirements of this Section.

Boarding houses

Churches and other places of formal worship

Clinics, medical/dental

Clubs or lodges, but not those which have as their chief activity a service customarily carried on as a business

Convenience stores

Day care centers

Detached single-family dwellings and duplexes

Government uses of the County, Township, or Municipality

Home occupations in accordance with Section 7-2

Parks, playgrounds

Schools

Accessory uses in accordance with Section 4-12

5-3.2 SPECIAL USES:

Mobile homes on individual lots, provided all applicable requirements of this Ordinance are met (see Sections 5-10 and 7-5)

Hospitals and nursing homes

Mobile home parks in conformity with Section 7-6

Multiple-family dwellings

Permanent or temporary residence in a flood plain

Railroad tracks and accessory equipment, but not classification yards, terminal facilities, or maintenance facilities

Temporary dwellings, including mobile homes, on the same lot as another principal use

Utility substations, including electrical substations, gas regulation stations, transmission tower, cellular phone towers when height is 200 feet or more, and similar facilities. *(Rev. by Ord. 7/11/2000)*

Section 5-4 "NB" NEIGHBORHOOD BUSINESS DISTRICT

The "NB" Neighborhood Business District encompasses small commercial enclaves located within predominantly residential areas. Only selected small-scale retail sales and service facilities that constitute a convenience to residents of the immediate neighborhood may locate in this district. These establishments must be designed and operated in such a way that they are compatible with an essentially residential environment.

5-4.1 USE RESTRICTIONS:

(a) Retail Only. Every commercial or service establishment located in this district shall deal directly with consumers.

- (b) There shall be no manufacture, processing, or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.
- (c) Such uses, operations, or products shall not cause objectionable odor, dust, smoke, noise, vibrations, or other similar nuisances.
- (d) Enclosed Buildings. All commercial, service, and storage activities shall be conducted within completely enclosed structures.
- (e) No Drive-ins. No commercial or service establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell food or beverages for consumption on the premises in parked motor vehicles. Thus, service stations, drive-in restaurants, etc. are excluded from this district.
- (f) Access Ways. Any access way (driveway) to any off-street parking lot or loading berth shall be located at least ten (10) feet from any lot line.
- (g) Refuse Containers. All refuse generated by any establishment located within this district shall be stored in tightly-covered containers placed in a visually-screened area.
- (h) Screening. Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least six (6) feet high and of sufficient density to completely block the view from the adjacent residential property shall be provided.

5-4.2 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met (see especially Subsection 5-4.1 above and Section 5-10), the following uses are permitted in the "NB" District:

Barber, beauty shops/supply stores

Churches

Drugstores

Governmental uses of the County

Grocery or food stores

Ice cream and/or candy stores

Package liquor stores

Professional offices

Self-service laundromats

Small maintenance and repair shops

Stores selling books, video tapes, stationery, school supplies, etc.

5-4.3 SPECIAL USES:

Gasoline service stations

Governmental uses other than those of the County

Restaurants

Taverns

Utility Substations, transmission towers, and cellular phone towers when height is 200 feet or more
(Rev. by Ord. 7/11/2000)

Any business operated in mobile structure

Section 5-5 "C" COMMERCIAL DISTRICT

The "C" Commercial District encompasses those areas--primarily within unzoned municipalities or on the outskirts of municipalities--where a wide variety of goods and services is available to the general public at retail or wholesale.

5-5.1 WHEN SCREENING IS REQUIRED:

Screening approved by the Administrator--which may include a wall, solid fence, or closely planted shrubbery at least six (6) feet high and of sufficient density to completely block the view from the adjacent residential property--shall be installed along the side and rear lot lines of any lot that abuts any residential district.

5-5.2 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met (see especially Section 5-10), the following uses are permitted in the "C" District:

Churches and other places of formal worship

Commercial uses/establishments

Government uses of the County, Township, or Municipality

Offices

Service uses/establishments

Utility substations, transmission tower, and cellular phone towers when height is 200 feet or more
(Rev. by Ord. 7/11/2000)

Accessory uses in accordance with Section 4-12

5-5.3 SPECIAL USES:

Detached single-family dwellings and duplexes

Section 5-6 "I" INDUSTRIAL DISTRICT

The "I" Industrial District encompasses areas where manufacturing and processing plants, research facilities, warehouses, and similar uses may locate without detriment to the remainder of the county. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

5-6.1 USE RESTRICTIONS:

- (a) No Nuisances. No production, processing, cleaning, servicing, testing repair, sale, or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.
- (b) Activities Enclosed. All production, processing, cleaning, servicing, testing, or repair activities shall be conducted within completely enclosed buildings. Storage and sale activities may be open to the sky, but shall be enclosed by a wall or fence (whether solid or chain-link), including gates, at least eight (8) feet high.
- (c) Buffer Strips. Wherever any industrial use located in this district abuts any residential district or the Commercial District a ten (10) foot wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least four (4) feet high when planted and that can be expected to reach a height of ten (10) feet when full-grown.

5-6.2 PERMITTED USES:

Provided all pertinent requirements of this Ordinance are met (see especially Subsection 5-6.1 above and Section 5-10), the following uses are permitted in the "I" District;

Assembly, manufacturing, or processing of any commodity from raw or semi-finished material

Commercial and service uses, wholesale

Government uses

Research and development facilities

Utility substations

Warehouses and storage yards

Accessory uses in accordance with Section 4-12

5-6.3 SPECIAL USES:

Underground mining, loading, and hauling of coal or other minerals, provided that the provisions of Section 7-9 are met

Sanitary landfills

Junk yards, but only in accordance with Section 5-4

Surface mining, loading and hauling of coal, sand, gravel, topsoil or other aggregate or minerals, provided that the provisions of Section 5-8 are met

Section 5-7 "O-FP" FLOOD PLAIN OVERLAY DISTRICT

The "O-FP" Flood Plain Overlay District delineates areas of the county that, in the absence of flood protection measures, are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the tax base, and the need for extraordinary relief measures. The purpose of this district is to alert property owners and residents to the potential flood hazards associated with the land included in this district. Although it is not a requirement of this Ordinance, owners of property located in this district are encouraged to limit development of this land to (1) uses which inherently have low flood damage potential and (2) to other uses allowed in the primary districts (those districts overlain by the "O-FP" District), provided adequate protective measures have been taken.

Section 5-8 "O-H" HIGHWAY INTERCHANGE OVERLAY DISTRICT

5-8.1 - HIGHWAY INTERCHANGE OVERLAY (H) INTENT

The purpose of the Highway Interchange Overlay district is to provide a district for commercial activities, which depend on good vehicular accessibility, visibility and generate large amounts of traffic. Uses within this district tend to serve regional or major community trade areas as well as local commercial and business needs. Sites will be of suitable lands, which can be appropriately buffered from surrounding uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

5-8.2 PRINCIPALLY PERMITTED USES:

The following uses are permitted.

1. All principally permitted uses within the Commercial District

5-8.3 ACCESSORY USES

Accessory uses, building and structures customarily incidental and subordinate to any of the permitted uses including:

- (a) Uses or spaces related to the developed portions of the district;
- (b) Accessory uses for dwellings
- (c) Signage
- (d) Parking
- (e) Temporary buildings incidental to construction
- (f) Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses
- (g) Automatic Teller Machines;
- (h) Recycling collection points;
- (i) The rental of trucks and trailers (only permitted to be displayed in the side or rear of the property)
- (j) Recreation uses

5-8.4 SPECIAL USES

The following uses and appropriate accessories subject to the approval and condition of the Zoning Board of Appeals provided: (a) the activity is an integral and subordinate function of a permitted Highway Interchange use or service; or (b) the arrangement of use, building, or structure will be compatible with the organization of permitted and accessory uses to be protected in the district:

All special uses in the Commercial District

5-8.5 DENSITY

The density of use in a Highway Interchange district shall not exceed 15,000 square feet of gross floor area per acre of land.

5-8.6 MINIMUM DISTRICT SIZE

The minimum size and extent of a Highway Interchange district shall not be less than five (5) acres of contiguous private property.

5-8.7 MINIMUM STANDARDS

See Section 5-10 Chart for dimensional standards

Section 5-9 "O-R" RESIDENTIAL OVERLAY DISTRICT

5-9.1 INTENT.

The Residential Overlay District is intended to encourage compatible residential development in and around the existing municipalities.

5-9.2 DEFINITION

The Residential Overlay "O-R" District shall be defined as follows:

- a) Any incorporated municipality within Washington County that has not adopted its own local zoning ordinance or;
- b) Any area within 1,320 feet (1/4 mile) of the corporate limits of any incorporated municipality in Washington County.

5-9.3 DENSITY

The following requirements must be met within the Overlay District:

- (a) The minimum lot size shall be 43,560 square feet (1 acre) if neither public water or public sewer service are provided.
- (b) The minimum lot size shall be 21,780 square feet (1/2 acre) if public water service and public sewer is provided.
- (c) Each lot shall meet the minimum Setback and minimum Height Restrictions that are required for the "R-2" District as established in Section 5-10.
- (d) Flood Plain and wetland areas may not be used to calculate minimum lot area; and
- (e) Development is limited to Single Family Residential uses.

5-9.4 MINIMUM DISTRICT SIZE

The minimum size and extent of a Residential Overlay District district shall not be less than five (5) acres of contiguous private property.

5-9.5 PERMITTED USES:

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

5-9.6 SPECIAL USES:

Any Special Use as identified in the "R-1" and "R-2" Districts

Section 5-10 LOT SIZE, SETBACK AND HEIGHT RESTRICTIONS BY DISTRICT

(See chart on following page)

*** By ZTA #001-04 and subsequently adopted by ordinance on 5/11/2004, Structures built pursuant to a Special Use Permit granted for "Coal-Fired Power Plant Facility" shall be exempt from the maximum structure height restrictions contained in this section.

Section 5-10: LOT SIZE, SETBACK AND HEIGHT RESTRICTIONS BY DISTRICT

Every lot or the principal structure (as the case may be) shall comply with the minimum lot size, minimum setbacks, and maximum height restriction for the particular district in which said lot/principal structure is located.

RESTRICTIONS	"A" DISTRICT	"R-1" DISTRICT	"R-2" DISTRICT	"NB" DISTRICT	"C" DISTRICT	"I" DISTRICT	"O-H" DISTRICT	"O-R" DISTRICT
a) <u>Minimum District Area</u>	40 acres	2 acres	1 acre	1/2 acre	2 acre	2 acre	5 acre	5 acres
b) <u>Minimum Lot Area</u>	40 acres 2 acres per dwelling	2 acres	6,000* sq. ft. Or 2,500 sq. ft. per dwelling unit whichever is greater	6,000* sq. ft.	6,000* sq. ft.	20,000 sq. ft.	6,000* sq. ft.	6,000* sq. ft. Or 2,500 sq. ft. per dwelling unit whichever is greater
c) <u>Minimum Lot Width</u> (at established building line)	800 ft.	150 ft.	50 ft.	50 ft.	50 ft.	125 ft.	50 ft.	50 ft.
d) <u>Minimum Lot Depth</u>	800 ft.	150 ft.	100 ft.	100 ft.	100 ft.	150 ft.	100 ft.	100 ft.
e) <u>Minimum Setbacks</u> 1. From front lot line (measured from centerline of road)	75 ft.	75 ft.	50 ft.	**	50 ft.	50 ft.	50 ft.	50 ft.
2. From side lot line	25 ft.	25 ft.	7 ft.	**	10 ft.	25 ft.	25 ft.	7 ft.
3. From rear lot line	25 ft.	25 ft.	25 ft.	25 ft.	10 ft.	25 ft.	10 ft.	25 ft.
f) <u>Maximum Structure Height</u>	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	None	35 ft.	35 ft.

* Except that when a private sewerage system dependent upon a soil absorption system is to be used, the minimum lot area shall be forty thousand (40,000) sq. ft.

** Establishments located in this district must conform to the front and side setbacks of the least restrictive adjacent district

ARTICLE 6 - PLANNED UNIT DEVELOPMENT

SECTION 6-1 INTENT AND PURPOSE.

This Article establishes provisions for uses of land within the County to provide for a Planned Unit Development (PUD). The purpose of this Article, Planned Unit Development, is to achieve the objectives enumerated in Section 1-1 GENERAL PROVISIONS (the general intent and purpose of the ordinance) and the following additional objectives:

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

6-1.1 COMPLIANCE WITH ORDINANCES GENERALLY REQUIRED:

Except as specifically provided otherwise in this section, planned unit developments (including all structures and uses therein) shall, at a minimum, be built in conformity with all applicable ordinances including this (Zoning) Ordinance and the Subdivision Ordinance.

6-1.2 DISTRICTS WHERE ALLOWED.

Planned unit developments may be built in any Zoning District, but only upon the issuance of a special use permit by the County Board.

6-1.3 PERMISSIBLE DEVIATION FROM ORDINANCE REQUIREMENTS.

The planned unit development concept is intended to afford both the developer and the County considerable flexibility in formulating development proposals. Consequently, PUDs may deviate from generally applicable ordinance requirements without a variance provided that the proposed deviation is of a type listed below.

- (a) **Mixed Uses.** PUDs may include all types of residential structures and any other uses approved by the County Board; provided, in approving such mixed uses, the County Board may attach any conditions necessary to protect the public welfare.

- (b) **Lot and Structure Requirements.** In PUDs the County Board may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PUD are appropriately interrelated and property abutting the PUD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.
- (c) **Location of Parking/Loading Spaces.** By permission of the County Board, off-street parking and loading spaces in the PUDs need not be located in accordance with generally applicable requirements. The minimum number of spaces, however, shall not be less than the number required as per Article 8.

SECTION 6-2 PRELIMINARY DEVELOPMENT PLANS.

Every applicant for preliminary PUD approval shall comply with the procedural requirements of this section. The required procedures are as follows:

- (a) filing development plan with the Administrator;
- (b) review of the development plan by the Planning Commission;
- (c) public hearing by the Board of Appeals as per the requirement of Section 10-2.
- (d) recommendation by the Zoning Board of Appeals to the County Board regarding approval/rejection of the development plan; and
- (e) action by the County Board on the development plan.

6-2.1 APPLICATION, INFORMATION REQUIRED.

Every applicant for approval of a preliminary PUD development plan shall submit to the Zoning Administrator, in narrative or graphic form, the items of information listed below:

- (a) Written Documents:
 - 1. legal description of the total site for proposed developments;
 - 2. names and addresses of all owners of property within or adjacent to the proposed PUD;
 - 3. statement of the planning objectives to be achieved by the PUD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
 - 4. development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;
 - 5. statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.;

6. data indicating:

- a) total number and type of proposed dwelling units;
- b) gross and net acreage of parcel;
- c) acreage of gross usable open space; and
- d) area of any commercial or industrial uses.

(b) Graphic Materials:

- 1. existing site conditions including contours at (5) foot intervals and locations of water courses, flood plains, unique natural features, and wooded areas;
- 2. proposed lot lines and plot designs;
- 3. proposed location, size in square feet, and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
- 4. locations and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common, open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
- 5. existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership -- public or private -- should be included where appropriate);
- 6. existing and proposed pedestrian circulation system and proposed treatments of points of conflict;
- 7. existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
- 8. general landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
- 9. enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent area; and
- 10. any additional information required by the County to evaluate the character and impact of the proposed PUD.

SECTION 6-3 ADVISORY REPORT OF PLANNING COMMISSION, CRITERIA
CONSIDERED.

The Planning Commission shall submit to the Zoning Board of Appeals a written advisory report concerning acceptance/rejection of the development plan. In deciding what their advice should be, the Planning Commission shall consider the following criteria:

- (a) the extent to which the proposed development is consistent with the County's Comprehensive Plan and with the purposes of this Ordinance and of all other applicable codes and ordinances;

- (b) the extent to which the proposed development deviates from the regulations that are generally applicable to the property (including but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations;
- (c) whether the proposed design of the PUD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;
- (d) the compatibility of the proposed PUD with adjacent properties and surrounding area; and
- (e) any other reasonable criteria that the Planning Commission may devise.

SECTION 6-4 PUBLIC HEARING BY ZONING BOARD OF APPEALS.

After the Planning Commission has submitted their advisory report the Zoning Board of Appeals shall hold a public hearing as per the requirements of Sections 10-1.7 and 10-2. Within a reasonable time following the hearing, the Board of Appeals shall file a report of the hearing and its advisory report with the County Board accompanied by the advisory report of the Planning Commission.

6-4.1 ADVISORY REPORT OF ZONING BOARD OF APPEALS, CRITERIA CONSIDERED .

Within a reasonable time after the public hearing, the Board of Appeals shall submit their advisory report to the County Board. In deciding what their advice should be, the Board of Appeals shall consider the following factors:

- (a) whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (b) the effect the proposed special use would have on the value of neighboring property and on the county's overall tax base;
- (c) whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

SECTION 6-5 DECISION BY COUNTY BOARD.

After the Zoning Board of Appeals has submitted the advisory reports, the County Board, by resolution, shall either approve or disapprove the preliminary PUD development plan. The County Board shall not approve any preliminary PUD development plan unless:

- (a) the State's Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
- (b) the proposed PUD, as evidenced by the development plan, complies with all applicable codes and ordinances.

SECTION 6-6 FINAL DEVELOPMENT PLANS.

With respect to the preparation, submission, and review of PUD final development plans, the developer and this County shall comply with the regulations of the following subsections:

- (a) **Filing, Information Required.** Not later than one (1) year after the approval of the preliminary development plan, the applicant shall file his final development plan for the first stage of the proposed PUD. Said final development plan shall contain in final form all the items of information listed in **Section 6-2** plus the following:
1. proof that the developer has acquired legal title to all land within the PUD or has executed a binding agreement with all the owners of such land giving him effective control over its development;
 2. legal description of each lot to be individually owned and each parcel to be held in common;
 3. articles of incorporation and bylaws of the Homeowners' Association;
 4. restrictive covenants and any other legal instruments required by the State's Attorney guaranteeing the proper upkeep and use of the common open space and recreational facilities therein; and
 5. legal instruments dedicating streets and other improvements to this County or conveying same to the Homeowners' Association (as the case may be).
- (b) **Advisory Report.** Not later than **sixty (60)** days after the application for final development plan approval is filed, the Planning Commission--following consultation with the Administrator, the County Engineer, and the State's Attorney -- shall submit a written advisory report to the County Board. The Commission's advisory report shall fully discuss the extent to which the final development plan conforms to the approved preliminary development plan and to all applicable codes and ordinances.
- (c) **Action By County Board.** At their next regularly scheduled meeting following submission of the Planning Commission's advisory report, the County Board shall, by resolution, either approve or disapprove the PUD final development plan. The County Board shall not approve any final development plan unless:
1. the developer has posted a performance bond or deposited funds in escrow in the amount the County Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and
 2. the State's Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
 3. the proposed PUD, as evidenced by the final development plan, complies with all applicable codes and ordinances and substantially conforms to the approved preliminary development plan.

SECTION 6-7 CHANGES IN APPROVED PLANS

No changes shall be made to any approved PUD development plan except as follows:

- (a) Minor changes if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- (b) All other changes shall require a public hearing before the Zoning Board of Appeals and a resolution by the County Board.
- (c) No approved change shall have any effect until it is recorded with the Washington County Recorder of Deeds as an amendment to the recorded copy of the development plan.

SECTION 6-8 FAILURE TO BEGIN DEVELOPMENT.

Substantial amount of construction has not begun within the time stated in the approved construction schedule, the development plan shall lapse upon written notice to the applicant from the County Board and shall be of no further effect. However, in its discretion and for good cause, the Board may extend for a reasonable time the period for the beginning of construction. If a final development plan lapses as per this section:

- (a) the special use permit shall be automatically revoked;
- (b) any building permits shall automatically become null and void; and
- (c) all regulations applicable before the PUD was approved shall automatically be in full effect.

ARTICLE 7 - SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

Section 7-1 APPLICABILITY OF ARTICLE

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

Section 7-2 HOME OCCUPATIONS

A "home occupation" means any business, profession, or occupation conducted for gain or support entirely within any dwelling or on any residential premises. No home occupation shall be established or conducted except in conformity with the following regulations:

- (a) Unrelated Employees. A home occupation shall employ not more than one individual who is unrelated to the family residing on the premises.
- (b) Floor Space. In residential districts, the total area used for a home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling, or three hundred (300) square feet, whichever is less.
- (c) Dwelling Alterations. A dwelling shall not be altered to accommodate a home occupation in such a way as to materially change the residential character of the building.
- (d) Outdoor Storage. Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited in residential districts.
- (e) Nuisances. A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical interference noticeable at or beyond the lot lines.
- (f) Parking. Every home occupation shall provide two off-street parking spaces in addition to the usual requirements for the dwelling (See Section 8-6). Said parking spaces shall be located on the same lot as the dwelling.
- (g) Sign. A home occupation may display only one identification/advertising sign. The area of said sign shall not exceed six (6) square feet.

Section 7-3 HOSPITALS, NURSING HOMES

- (a) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of two hundred (200) feet, and a minimum area of five (5) acres.
- (b) The lot on which any nursing home is situated shall have a minimum width and depth of two hundred (200) feet, and a minimum area of two (2) acres.
- (c) The principal building of any hospital, sanitarium, or nursing home shall be located at least twenty-five (25) feet from all lot lines.

Section 7-4 JUNK YARDS

- (a) No part of any junk yard (see definition in Section 2-2) shall be located closer than five hundred (500) feet to the boundary of any residential district.
- (b) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely planted shrubbery at least ten (10) feet high and of sufficient density to block the view from adjacent property.

Section 7-5 MANUFACTURED HOME OR MOBILE HOME ON INDIVIDUAL LOT

7-5.1 DEFINITIONS

AFFIDAVIT OF AFFIXATION: An affidavit executed by all persons who have such a legal ownership interest in the manufactured home and the real property to which the manufactured home has become affixed stating that the manufactured home is affixed to the real property described in the deed or other instrument which has been duly recorded in the office of the recorder of deeds, thus becoming an improvement to the land..

MANUFACTURED HOME: A home constructed in a factory according to the National Manufactured Housing Construction and Safety Standards (HUD Code) as of July 1, 1976. A manufactured home is transportable in one or more sections and built on a permanent chassis and designed to be used as a dwelling with a permanent foundation and connected to the required utilities. The average width and/or length of the living area (excluding garages, carports, porches or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. A manufactured home must have a minimum 3/12 pitch roof, a 6-inch minimum eave overhang, and must have a living area of not less than nine hundred (900) square feet. All manufactured homes require an Affidavit of Affixation to be filed with the County Recorder, a building permit, must display a HUD construction standards decal, and must meet all adopted federal and/or local adopted building codes.

MOBILE HOME: A factory-fabricated single family home, transportable on wheels in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling, containing complete kitchen and sanitary facilities, manufactured according to the National Manufactured Housing Construction and Safety Standard (HUD Code) as of July 1, 1976. To be identified as a mobile home the average width and/or length of the living area (excluding garage, carports, porches or attachments) shall be in excess of a ratio of 3 : 1 and not less than nine hundred (900) square feet. **All mobile homes require a Special Use Permit**, must display HUD construction standard decal, and have hitch and axles removed in accordance with Section 7-6 of this Ordinance. Mobile homes are not required to be attached to a permanent foundation but must be hooked up to a public water and sewer system when available,

MODULAR HOME: Is a factory built home constructed in one or more sections and assembled on site. The average width and/or length of the living area (excluding garages, carports, porches or attachments) of all modular homes shall not exceed a ratio of 3:1, and must have a minimum 3/12 pitch roof with residential style siding and roofing, a 6-inch minimum eave overhang, and must have a minimum living area of not less than nine hundred (900) square feet. Unlike a manufactured home, which must adhere to a national code for construction, the modular home is regulated by the State of Illinois Department of Public Health. These homes must be placed on a permanent foundation which extends below frost depth. All modular homes require a Building Permit, an Affidavit of Affixation to be filed with the County Recorder, and are required to meet the National Manufactured Home Construction and Safety Standards (HUD Code) and display a yellow seal in the shape of the State of Illinois on the electrical panel box.

PERMANENT FOUNDATION: A continuous perimeter foundation of materials such as mortared concrete block, mortared brick, or concrete which extends into the ground below the frost depth.

RESIDENCE: A person's home or other dwelling place. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a single family residence shall not exceed a ratio of 3:1. A site constructed single family residence must be placed on a full perimeter permanent foundation extending below the frost depth, and must have a minimum 3/12 pitch roof. All site-built residences must have a minimum of nine hundred (900) square feet of living area.

7-5.2 INSTALLATION GUIDELINES

- (a) All manufactured homes and modular homes must rest wholly on a permanent foundation to which the manufactured home or modular home is secured with foundation bolts at least one-half inch in diameter, spaced at intervals of no more than six (6) feet and within one (1) foot of the corners, and embedded at least seven (7) inches into concrete foundations or fifteen (15) inches in block or brick foundations or basement. All wheels and touring devices must be removed.
- (b) All mobile homes shall be installed in compliance with the Illinois Manufactured Home Tie-down Code (77 Illinois Administrative Codes 870)
- (c) No person shall place any mobile home on an individual lot (as opposed to in a mobile home park) except in conformity with the following regulations:
 - 1. No mobile home shall be placed on any individual lot without first obtaining a special use permit.
 - 2. Same Lot Size/Setbacks. No mobile home shall be placed on any individual lot unless the district's minimum lot size and set-back requirements are strictly observed.
 - 3. One Per Lot. Not more than one (1) mobile home shall be placed on any individual lot.
 - 4. Stand. Every mobile home shall be placed on a stand to provide adequate support therefore. The stand shall extend the length of the supports of the mobile home, and shall consist of either six-(6) inch thick reinforced concrete runners or a four-(4) inch thick reinforced concrete slab, or piers.
 - 5. Anchors. Anchors capable of withstanding a vertical tension force of four thousand eight hundred (4,800) pounds shall be installed at the corners of every mobile home stand or as otherwise necessary for protection against high winds. Every mobile home shall be securely tied down to such anchors.
 - 6. Skirting. Every mobile home shall be skirted with fire-resistant material. The skirting shall be equipped with an inspection door at least twenty-four (24) inches wide to allow access to the underside of the home.
 - 7. Tie-Down Requirement. Every-mobile home shall meet all Illinois Department of Public Health tie-down requirements.
 - 8. Age and Condition Requirement. No mobile home shall be older than ten (10) years at the time of application or shall be in such condition as determined by the Zoning Administrator to be unsafe or unsightly and therefore would be a detriment to Washington County.
 - 9. Vacancy. Any mobile home determined to be vacant or unoccupied for one year or more must be removed.

Section 7-6 MOBILE HOME PARKS

After the effective date of this Ordinance, no mobile home park shall be established except in conformity with the requirements of the subsections below:

7-6.1 COMPLIANCE WITH ILLINOIS LAW:

Every mobile home park shall, at a minimum, conform to the requirements of:

- (a) "An Act to provide for, license, and regulate mobile homes and mobile home parks" (210 ILCS 115/1 et. seq.), as amended from time to time, and
- (b) "Rules and Regulations for Mobile Home Parks," Illinois Department of Public Health, Consumer Protection Division, as amended from time to time.
- (c)

7-6.2 MOBILE HOME PARK MINIMUM LOT AREA, SETBACKS, ETC.:

- (a) Minimum Lot Area: No mobile home park shall be located on a tract less than two (2) acres in area.
- (b) Minimum Dimensions: No mobile home park shall be developed on any tract that is less than two hundred fifty (250) feet in both width and depth.
- (c) Minimum Setbacks: No part of a mobile home or other structure in any mobile home park shall be situated closer than twenty-five (25) feet to any lot line of the park.
- (d) Maximum Height: No structure in any mobile home park shall be more than thirty-five (35) feet in height.

7-6.3 MOBILE HOME SPACE MINIMUM LOT SIZE AND SETBACK REQUIREMENTS:

Individual mobile home spaces shall be considered as lots and shall meet the following requirements:

- 1. Minimum lot size: Four thousand (4,000) sq feet.
- 2. Minimum lot depth: One hundred (100) feet.
- 3. Minimum lot width: Forty (40) feet.
- 4. Minimum setback requirements:
 - From front lot line: Twenty (20) feet.
 - From rear lot line: Ten (10) feet.
 - From side lot line: Five (5) feet on one side,
twenty (20) ft on the other side.
- 5. Minimum distance to a building on an adjacent lot: Twenty (20) feet.

7-6.4 MOBILE HOME SPACE IMPROVEMENTS:

Each mobile home space shall be improved in accordance with the following requirements:

- (a) Mobile Home Stand. Each space shall have a stand to provide adequate support for the placement and tie-down of the mobile home. The stand shall extend the length of the supports of the mobile home, and shall consist of either six- (6) inch thick reinforced concrete runners or a four- (4) inch thick reinforced concrete slab.
- (b) Anchors. No mobile home in a mobile home park shall be immobilized, but anchors capable of withstanding a vertical tension force of four thousand eight hundred (4,800) pounds shall be installed at the corners of each stand or as otherwise necessary for protection against high winds. Every mobile home shall be securely tied down to such anchors.
- (c) Off-Street Parking. Each mobile home space shall have two off-street parking spaces.
- (d) Skirting. Each mobile home shall be skirted with fire-resistant material to enhance the appearance of the park and to prevent rodent harborage. The skirting shall be equipped with an inspection door at least twenty-four (24) inches wide to allow access to the underside of the home.
- (e) Tie Down Requirements. Every mobile home shall meet all Illinois Department of Public Health tie down requirements.

7-6.5 STREETS AND UTILITIES:

All streets and utilities (water, sewers, electricity, etc.) in any mobile home park shall conform to the requirements of the Washington County Subdivision Ordinance. All streets within a mobile home park shall be under private ownership and maintenance.

Section 7-7 SANITARY LANDFILLS

778 Code Book

Any person who intends to establish or conduct a sanitary landfill within Washington County shall obtain a permit from the Illinois Environmental Protection Agency indicating that the sanitary landfill fully complies with the "Solid Waste Rules and Regulations" or other regulations promulgated by the IEPA pursuant to the authority granted by State law.

Section 7-8 SURFACE MINING

It shall be unlawful for any operator to engage in surface mining in Washington County until a permit has been properly obtained from the Illinois Department of Mines and Minerals and the operator has posted a performance bond in accordance with the provisions of applicable State Statutes and State regulations.

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

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

7-8.1 RECLAMATION PLANS:

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

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

Section 7-9 UNDERGROUND MINING

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

7-9.1 SPECIFIC REQUIREMENTS:

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

- (a) No open pit or shaft shall be less than five hundred (500) feet from an existing residence or Residence District established by this Ordinance; and
- (b) All buildings or structures for screening, crushing, washing, mixing, or storage shall be located not less than one thousand (1,000) feet from an existing residence, or any Residence District established by this Ordinance.

Section 7-10 OLDRILLING OPERATIONS

It shall be unlawful for any operator to engage in oil drilling operations in Washington County until a permit has been properly obtained from the Illinois Department of Mines and Minerals.

Oil wells and oil storage tanks shall conform to the setback requirements of the zoning district in which they are located.

Section 7-11 SCREENING

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

Section 7-12 TELECOMMUNICATIONS TOWERS

7-12.1 AUTHORITY

Pursuant to 55 ILCS 5/5-12001.1, this Section shall apply to the facilities, as defined in 7-12.2 of this Ordinance, of a telecommunications carrier. The provisions of this Section shall not abridge any rights created by or authority confirmed in the federal "Telecommunications Act of 1996", P.L. 104-104

7-12.2 DEFINITIONS:

As used in this Section, unless the context otherwise requires:

ANTENNA means an antenna device by which radio signals are transmitted, received, or both;

EQUIPMENT HOUSING means a combination of one or more equipment building or enclosures housing equipment that operates in conjunction with the antennas of a facility, and the equipment itself;

FAA means the Federal Aviation Administration of the United States Department of Transportation;

FACILITY means that part of the signal distribution system used or operated by a telecommunications carrier or AM broadcast station under a license from the FCC consisting of a combination of improvements and equipment including (1) one or more antennas, (2) a supporting structure and the hardware by which antennas are attached, (3) equipment housing; and (4) ancillary equipment such as signal transmission cables and miscellaneous cables and miscellaneous hardware;

FACILITY LOT means the zoning lot on which a facility is or will be located;

FCC means the Federal Communications Commission;

HEIGHT of a facility means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure's foundation extends more than 3 feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of 3 feet shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation.

HORIZONTAL SEPARATION DISTANCE means the distance measured from the center of the base of the facility's supporting structure to the nearest point where the ground meets a vertical wall of a principle residential building;

PRINCIPAL RESIDENTIAL BUILDING has its common meaning but shall not include any building under the same ownership as the land of the facility lot. "Principal Residential Building" shall not include any structure that is not designed for human habitation;

QUALIFYING STRUCTURE means a supporting structure that is (1) an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed, or (2) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement

structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed;

SUPPORTING STRUCTURE means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility; and

TELECOMMUNICATIONS CARRIER means a telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997.

7-12.3 LOCATING GUIDELINES

In choosing a location for a facility, a telecommunications carrier or AM broadcast station shall consider the following:

- (a) A non-residentially zoned lot is the most desirable location.
- (b) A residentially zoned lot that is not used for residential purposes is the second most desirable location.
- (c) A residentially zoned lot that is 2 acres or more in size and is used for residential purposes is the third most desirable location.
- (d) A residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.

The size of the lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.

7-12.4 DESIGN GUIDELINES

In designing a facility, a telecommunication carrier or AM broadcast station shall consider the following guidelines:

- (a) No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
- (b) Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of the facility.
- (c) No facility should encroach onto an existing septic field.
- (d) Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.
- (e) Existing trees more than 3 inches in diameter should be preserved if reasonably feasible during construction. If any tree more than 3 inches in diameter is removed during construction a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonable feasible. Tree diameter shall be measured at a point 3 feet above ground level.

- (f) If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility.
- (g) If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near facility. The quantity and type of that landscaping should be in accordance with any county landscaping regulations of general applicability, except that paragraph (e) of this subsection 12.4 shall control over any tree-related regulations imposing a greater burden.
- (h) Fencing shall be installed around a facility. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.
- (i) Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.

7-12.5 FACILITY REQUIREMENTS

The following provisions shall apply to all facilities established after May 12, 2009 (the effective date of this Revised Zoning Ordinance):

- (a) Except as provided in this Section, no yard or set back regulations shall apply to or be required for a facility.
- (b) A facility may be located on the same zoning lot as one or more other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot.
- (c) No minimum lot area, width, or depth shall be required for a facility, and unless the facility is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the facility. No loading facilities are required.
- (d) No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line.
- (e) No bulk regulation or lot coverage, building coverage, or floor area ratio limitations shall be applied to a facility or to any existing use or structure coincident with the establishment of a facility. Except as provided in this Section, no height limits or restrictions shall apply to a facility.
- (f) Review of a Certificate of Zoning Compliance application for a facility shall be completed within 30 days. If a decision of the County Board is required to permit the establishment of a facility, the County's review of the application shall be simultaneous with the process leading to the County Board's decision.

- (g) The improvements and equipment comprising the facility may be wholly or partly freestanding or wholly or partly attached to, enclosed in, or installed in or on a structure or structures.

7-12.6 NEW FACILITIES

The following provisions shall apply to all facilities established after March 8, 2022, (the effective date of this Zoning Ordinance Revision):

- (a) A facility is permitted if its supporting structure is a qualifying structure or if both of the following conditions are met:

1. The height of the facility shall not exceed 200 feet, except that if a facility is located more than one and one-half miles from the corporate limits of any municipality with a population of 25,000 or more the height of the facility shall not exceed 350 feet; and
2. The horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal residential building shall be at least 100 feet or 80% of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that a Certificate of Zoning Compliance application for the facility is submitted. If the supporting structure is not an antenna tower this paragraph is satisfied

- (b) Application and Review

1. Any application for a facility as defined in subsection 7-12.2 shall be made in writing to, and in the form as required by, the Zoning Administrator. Application fee for Telecommunications towers shall be based on the height of the tower per fee schedule. (See **Section 7-12.2** for definition of Height)
2. In addition to any other application requirements of the Zoning Administrator, the applicant shall also submit proof of compliance with any then existing notice requirements established in 55 ILCS 5/5-12001.1, currently being 55 ILCS 5/5-12001.1 (f)(10) and 55 ILCS 5/5-12001.1 (i).
3. The date of filing such an application shall be the date that a full and complete application is received by the Zoning Administrator.
4. The Zoning Administrator shall review said application in accordance with the provisions of the following Subsection 7-12.7

- (c) Unless a facility is permitted under paragraph (a) of this Subsection, a facility can be established only after the County Board gives its approval for a Special Use following consideration of the provision of paragraph (b) of Subsection 7-12.7~~8~~, but no other matters.

7-12.7 REVIEW PROCESS

Administrative Review Procedure. The following administrative review process shall apply to all facility applications.

- a) Review of proposed facilities under this Section shall be conducted by the Zoning Administrator upon filing an application.
- b) Each Application shall be reviewed for compliance with **subsections 12.5 and 12.6** of this Article
- c) The Zoning Administrator shall render a decision on the application by written response to the applicant withing **Twenty (20)** business days after receipt of the complete application, except that the applicant may agree upon an extension.
- d) If the application is in compliance with **subsections 12.5 and 12.6** the Zoning Administrator shall issue a facility Permit.
- e) If the Zoning Administrator denies administrative approval, the reason for denial must be made to the applicant in writing. The applicant may appeal the denial to the Zoning Board of Appeals within 45 days of Denial. Appeal process will be handled per Illinois Law (**55 ILCS 5/5-12011**) and **Section 10-3** of the Washington County Revised Zoning Ordinance.

7-12.8 DECISIONS

- (a) The County Board action on an application for Special Use for a facility shall be in accordance with the following procedures:

1. A public hearing shall be conducted by the Zoning Board of Appeals. Notice of the hearing shall be published at least 15 days before the hearing in a newspaper of general circulation in the county. Notice of any such public hearing shall also be sent by certified mail at least 15 days prior to the hearing to the owners of record of all residential property that is adjacent to the lot upon which the facility is proposed to be sited.
2. The hearing shall be conducted in accordance with the rules of procedure of the Washington County Zoning Board of Appeal. The Zoning Board of Appeals shall consider the matters in paragraph (b) of this Subsection, but no other matters.
3. The Zoning Board of Appeals shall make written findings of fact as to the provisions of paragraph (b) of this sub-Section.
4. At the conclusion of the hearing, the Zoning Board of Appeals shall, upon a majority vote of the members present, make a recommendation to the County Board as to whether the application for Special Use should be approved or denied.
5. The County Board may give its approval to the application after the hearing by the Zoning Board of Appeals, but only by the favorable vote of a majority of the members present at a meeting held no later than 75 days after the submission of a

complete application by the telecommunication carrier or AM broadcast station. If the County Board fails to act on the application within 75 days after its submission, the application shall be deemed to have been approved.

(b) For purposes of paragraph (c) of Subsection 7-12.6 and paragraph (a) 2 of this Subsection, the following siting considerations, but no other matter, shall be considered by the Zoning Board of Appeals and County Board:

1. the criteria in subsection 7-12.3 of this Section;
2. whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
3. the benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility;
4. the existing uses on adjacent and nearby properties; and
5. the extent to which the design of the proposed facility reflects compliance with subsection 7-12.4 of this Section.

SECTION 7-13 SIGNS

7-13-1. PURPOSE AND INTENT

The purpose of this article is to provide regulation and control of the location, size, content and placement of signs throughout the County in order to promote signs which are safe and compatible with their surroundings; promote the public health, safety, and welfare, and minimize the possible adverse effect of signs on nearby public and private property. After the effective date of this revised ordinance no signs shall be erected in the unincorporated areas of the County except in conformity with the requirements of this section.

7-13.2 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 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 signs.
- (d) Traffic or other signs permitted on public highway right-of-way by the public body having control of the highway.

7-13.3 SIGNS IN THE COMMERCIAL "C" AND INDUSTRIAL "I" DISTRICTS

In addition to those signs allowed under Section 7-13.1, in the "C" District and "I" 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 (1/5) 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 or road 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.

7-13.4 OFF-PREMISES ADVERTISING GROUND SIGNNS IN THE AGRICULTURAL DISTRICT:

In the "A" district and all Interchange districts, there may be, as a special use, ground signs, or Billboard 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; and further provided that no sign may be placed within one mile of an R-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 shall not be more than 40 feet in height. Because of the special characteristics of the agricultural areas of the County and the special nature of these signs, these "special uses" require a case-by-case review and may be allowed only by permission of the County Board by an ordinance issuing the special use permit.

7-13.5 HOME OCCUPATION SIGNS

Premises used for a home occupation may display only one name plate and said name plate must be attached to a building on the premises. No other signs may be displayed. The maximum allowable total sign area for Home Occupation Signs in all districts shall be six (6) square feet.

7-13.6 OTHER RESTRICTIONS ON SIGNS

The following restrictions apply to all signs in any District:

- (a) No sign shall be located in such manner as to obstruct or physically interfere with the effectiveness of an official traffic sign, signal or device, or any motor vehicle operator's view of approaching, merging or intersecting traffic.
- (b) No sign shall move in any manner
- (c) No sign shall have blinking or flashing lights
- (d) The light from any illuminated sign shall be shaded, shielded or directed so that light is not cast directly onto property of any Residential structure

Washington County

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7-14.1 DEFINITIONS

- A. "Applicant" means the entity who submits to the County an application for the siting and operation of any Commercial Solar Energy Facility or Substation. All references to Applicant in this Ordinance shall include Applicant's successors-in-interest and assigns, which includes a Commercial Solar Energy Facility Permittee (as defined herein),
- B. "Commercial Operation Date" means the calendar date on which the Commercial Solar Energy Facility produces power for commercial sale, not including test power.
- C. "Commercial Solar Energy Facility" or "Commercial Solar Energy System" means any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property.
- D. "Commercial Solar Energy Building Permit" means a permit necessary for the commencement of work performed toward the construction, erection or installation of an approved Commercial Solar Energy Facility, Substation, Supporting Facilities, or operations and maintenance building in connection with a Commercial Solar Energy Facility. A Commercial Solar Energy Building Permit may be issued by the county after a Commercial Solar Energy Facility has obtained a Special Use Permit from the County Board and the Washington County Zoning Administrator determines that all conditions, if any, have been satisfied that are imposed by the Special Use Permit. The Commercial Solar Energy Building Permit shall require the Applicant to deliver a written "Notice to Proceed" for the Commercial Solar Energy Facility to the county prior to commencement of construction of the Commercial Solar Energy Facility. The term "commencement of construction", as used in this Ordinance, includes any site development work (e.g., demolition, grubbing, grading, excavation, road work, construction of Project-related structures and infrastructure improvements, etc.) regarding the Commercial Solar Energy Facility.
- E. "Commercial Solar Energy Facility Permittee" means an Applicant who applies for and receives a Special Use Permit under this Ordinance for the siting and operation of any Commercial Solar Energy Facility or Substation. All references to a Commercial Solar Energy Facility Permittee in this Ordinance shall include a Commercial Solar Energy Facility Permittee's successors-in-interest and assigns.
- F. "Financial Assurance" or "Financial Security" or "Decommission Security" means assurance from a credit worthy party, examples of which include a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit.
- G. "Notice to Proceed" means a written document, named as such, stating that the Applicant expresses an intent to commence construction activities on a Commercial Solar Energy Facility and identifying the date on which the construction activities are scheduled to commence.
- H. "Nonparticipating property" means real property that is not a participating property. "Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the Commercial Solar Energy Facility is filed with the county.
- I. "Occupied community building" means any one or more of the following buildings that is

existing and occupied on the date that the application for a permit to develop the Commercial Solar Energy Facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

- J. "Operator" means the person or entity responsible for the day-to-day operation and maintenance of a Commercial Solar Energy Facility, including any third-party subcontractors. The Operator must be a qualified solar power professional. All references to Operator in the Ordinance shall include Operator's successors-in-interest and assigns.
- K. "Owner" means the person or entity or entities with an equity interest in a Commercial Solar Energy Facility, including their respective successors-in-interest and assigns. The Owner does not mean (i) the property owner from whom land is leased for locating a Commercial Solar Energy Facility (unless the property owner has an equity interest in a Commercial Solar Energy Facility); or (ii) any person holding a security interest in a Commercial Solar Energy Facility solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure, such person seeks to sell a Commercial Solar Energy Facility at the earliest practicable date. This definition includes the definition of Facility Owner as defined in 55 ILCS 5/5-12020.
- L. "Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a Commercial Solar Energy Facility or supporting facilities. "Participating property" also includes real property that is owned by a facility owner for the purpose of constructing a Commercial Solar Energy Facility or supporting facilities.
- M. "Participating residence" means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the Commercial Solar Energy Facility is filed with the county.
- N. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in any state in the United States. Where a structural engineer is required to take some action under terms of this Ordinance, a Professional Engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.
- O. "Protected lands" means real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.
- P. "Public Conservation Lands" means land owned in fee title by County, state or federal agencies and managed specifically for conservation purposes, including but not limited to County, state and federal parks, state and federal wildlife management areas, state scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. Public conservation lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public conservation lands also do not include private lands for which the owners have entered into contractual relationships with government or non-profit conservation organizations for conservation purposes.
- P. "Special Use Permit" means a permit approved by the County Board, after a public hearing, allowing a particular use at a specified location subject to compliance with certain specified special conditions as may be required by the County Board.

- Q. "Substation" means the apparatus that collects and connects the electrical collection system of the Commercial Solar Energy Facility and increases the voltage for connection with the utility's transmission lines.
- R. "Supporting Facilities" means the transmission lines, substations, access roads, storage containers, and equipment associated with the generation and storage of electricity by the Commercial Solar Energy Facility.

7-14.2

APPLICABILITY

- A. This Ordinance governs the siting of Commercial Solar Energy Facilities and Substations that generate electricity to be sold to wholesale or retail markets.

7-14.3

PROHIBITION

- A. No Commercial Solar Energy Facility or Substation governed by this Ordinance shall be constructed, erected, installed, or located within the county, unless prior siting approval has been obtained for each individual Commercial Solar Energy Facility or for a group of Commercial Solar Energy Facilities under a joint siting application pursuant to this Ordinance.

7-14.4

SPECIAL USE PERMIT APPLICATION

- A. To obtain siting approval, the Applicant must first submit a Special Use Permit application to the County.
- B. The Special Use Permit application shall contain or be accompanied by the following information:
 1. A Commercial Solar Energy Facility Summary, including, to the extent available: (a) a general description of the project, including (i) its approximate overall name plate generating capacity, (ii) the potential equipment manufacturer(s), (iii) type(s) of solar panels, cells and modules, (iv) the number of solar panels, cells and modules, (v) the maximum height of the solar panels at full tilt, (vi) the number of Substations, (vii) a project site plan, project phasing plan and project construction timeline plan, and (viii) the general location of the project; and (b) a description of the Applicant, Owner and Operator, including their respective business structures;
 2. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known, and documentation demonstrating land ownership or legal control of the property.
 3. A site plan for the Commercial Solar Energy Facility showing the planned location of solar panels, including legal descriptions for each site, Participating and Non-participating Residences, Occupied Community Buildings, parcel boundary lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), operations and maintenance buildings, electrical cabling to the Substation(s), ancillary equipment, third party transmission lines, the location of any wetlands, flood plain, drainage structures including surface ditches and subsurface drainage

lines, underground mines, scenic and natural areas within one thousand five hundred (1,500) feet of the proposed Commercial Solar Energy Facility, and the layout of all structures within the geographical boundaries of any applicable setback;

4. A proposed Decommissioning Plan for the Commercial Solar Energy Facility;
 5. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance;
 6. An Agricultural Impact Mitigation Agreement (AIMA) executed between the Applicant and the Illinois Department of Agriculture;
 7. The topographic map shall include the Commercial Solar Energy Facility site and the surrounding area;
 8. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures;
 9. Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.
 10. Results and recommendations from the Illinois Dept. of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.
 11. Results of any United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with any applicable United States Fish and Wildlife Service's solar wildlife guidelines.
 12. Information demonstrating that the Commercial Solar Energy Facility will avoid protected lands.
 13. Any other information requested by the County or the County consultants that is necessary to evaluate the siting application and operation of the Commercial Solar Energy Facility and to demonstrate that the Commercial Solar Energy Facility meets each of the regulations in this Ordinance, including the Special Use Permit standards set forth below.
- C. Material changes to the application are not permitted once the notice of the public hearing has been published, unless requested or permitted by the County; and
- D. The Applicant shall submit twelve (12) copies of the Special Use Permit application to the County, and at least one (1) copy in electronic format.

7-14.5

DESIGN AND INSTALLATION

A Design Safety Certification

1. Commercial Solar Energy Facilities shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), or an equivalent third party. All solar panels, cells and modules; solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems shall be new equipment commercially available; no used or experimental equipment shall be used without the approval of a variance by the County Board.
2. Following the granting of siting approval under this Ordinance, a structural engineer shall certify, as part of the Commercial Solar Energy Facility Building Permit application process, that the design of the Commercial Solar Energy Facility is within accepted professional standards, given local soil, subsurface and climate conditions.

B. Electrical Components

All electrical components of the Commercial Solar Energy Facility shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).

C. Height

1. No component of a solar panel, cell or modules may exceed twenty (20) feet in height above the ground at full tilt.

D. Aesthetics and Lighting

1. Vegetative Screening: A vegetative screen shall be provided for any part of the Commercial Solar Energy Facility that is visible to Non-participating Residence. The landscaping screen shall be located between the required fencing and the property line of the participating parcel upon which the facility sits. The vegetative screening shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded area and/or plantings of tall native grasses and other native flowering plants.
2. Lighting: If lighting is provided at the Commercial Solar Energy Facility, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
3. Intra-project Power and Communication Lines: All power lines used to collect power and all communication lines shall be buried underground at a depth in accordance with the Agricultural Impact Mitigation Agreement until same reach the property line or a substation adjacent to the property line.
4. Weed/grass control. Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The operating

company during the operation of the solar farm must maintain the fence and adhere to the weed/grass control plan. If the operating company does not there can be a fine of \$500.00 to \$1,000.00 per week if the fence is not secure or the weed/grass control plan is not followed.

E. Fencing

1. A fence of at least six (6) feet and not more than twenty-five (25) feet in height shall enclose and secure the Commercial Solar Energy Facility.

F. Warnings

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

G. Setback Requirements

1. The Commercial Solar Energy Facility shall be sited as follows, with setback distances measured from the nearest edge of any component of the facility:
 - a. Occupied Community Buildings and Dwellings on Nonparticipating Properties: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
 - b. Nonparticipating Residences: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
 - c. Boundary Lines of Participating Property: None.
 - d. Boundary Lines of Nonparticipating Property: fifty (50) feet to the nearest point on the property line of the nonparticipating property.
 - e. Public Road Rights-of-Way: fifty (50) feet the nearest edge of the public road right-of-way.
2. The setback requirements for Nonparticipating properties may be waived by the written consent of the owner(s) of each affected Nonparticipating property. The Applicant does not need to obtain a variance from the County upon waiver by the property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded with the Recorder of Deeds of the County.

H. Compliance with Additional Regulations

Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.

I. Use of Public Roads

1. An Applicant proposing to use any County, municipality, township or village road(s), for the purpose of transporting Commercial Solar Energy Facility or Substation parts and/or equipment for construction, operation, or maintenance of the Commercial Solar Energy Facility or Substation(s), shall:
 - a. Identify all such public roads; and
 - b. Obtain applicable weight and size permits from relevant government agencies prior to construction.
2. To the extent an Applicant must obtain a weight or size permit from the County, municipality, township or village, the Applicant shall:
 - a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
 - b. Any proposed public roads that will be used for construction purposes shall be identified and approved in writing by the respective Road District Commissioner and the County Engineer prior to the granting of the Building Permit. Traffic for construction purposes shall be limited to these roads. All overweight and/or oversized loads to be transported on public roads may require a permit from the respective highway authority. Any road damage caused by the transport of the facility's equipment, the installation, maintenance, or removal, must be completely repaired to the reasonable satisfaction of the Road District Commissioner and the County Engineer. The Road District Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the Community Solar Energy Facility or are authorized to collect fees for overweight and/or oversized load permits. Further, financial assurance in an amount to be fixed by the Road District Commissioner to ensure the Road District or the County that future repairs are completed to their reasonable satisfaction shall be provided. Applicant shall submit a draft form of said financial assurance with application for Special Use Permit.
 - c. Prior to any build permit, Enter into a road use agreement with the County and each affected Road District that includes the following provisions, at a minimum:
 - i. Project layout map;
 - ii. Transportation impact analysis;
 - iii. Pre-construction plans'
 - iv. Project traffic map;
 - v. Project scope of repairs;
 - vi. Post-construction repairs;
 - vii. Insurance;
 - viii. Financial Security in forms and amounts acceptable to the County;

The road use agreement shall require Applicant to be responsible for the reasonable cost of improving roads used to construct Commercial Solar

Energy Facility and the reasonable cost of repairing roads used by the facility owner during construction of the Community Solar Energy Facility so that those roads are in a condition that is safe for the driving public after the completion of the Commercial Solar Energy Facility construction. Roadways improved in preparation for and during the construction of the Community Solar Energy Facility shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

3. All repairs and improvements to public roads and roadway appurtenances shall be subject to the prior approval of the County before being made and shall also be subject to inspection and acceptance by the County after such repairs and improvements are completed. The County may retain a 3rd party engineer to conduct any studies for the County at the developer or Owners expense. The County's road use agreement, and any further agreements contemplated therein, regarding the maintenance and repair of public roads and highways, must be approved by the County Board prior to the Board's approval of any Commercial Solar Energy Facility Building Permit applications related to the construction of the proposed Commercial Solar Energy Facility.

J. Site Assessment

To ensure that the subsurface conditions of the site will provide proper support for the Commercial Solar Energy Facility and soil restoration, the Applicant, at its expense, shall provide soil and geotechnical boring reports to the County Engineer as part of its Commercial Solar Energy Facility Building Permit. The Applicant shall follow the guidelines for Conservation Practices Impact Mitigation submitted by the County Soil and Water Conservation District (or equivalent regulatory agency). Also, the Applicant shall submit grading plans for the proposed Substations for review and comment by the County Soil and Water Conservation District prior to the issuance of any Commercial Solar Energy Facility Building Permit for the construction of said substations.

K. Noise Levels

Noise levels from Commercial Solar Energy Facilities shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics necessary for a competent noise analysis. The Applicant, through the use of a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its Special Use Permit application.

L. Agricultural Impact Mitigation

Pursuant to 505 ILCS 147/15(a), the Applicant, at its expense, shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the Commercial Solar Energy Facility application. All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the Applicant pursuant to the terms of the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture. The Applicant shall submit the executed Agricultural Impact Mitigation Agreement to the County as part of the Special Use Permit application.

M. As-Built Map and Plans

Within sixty (60) calendar days of completion of construction of the Commercial Solar Energy Facility, the Applicant or Operator shall deliver "as-built" maps, site plan and engineering plans for the Commercial Solar Energy Facility that have been signed and stamped by a Professional Engineer and a licensed surveyor.

N. Engineer's Certificate

The Commercial Solar Energy Facility engineer's certificate shall be completed by a structural engineer registered in the State of Illinois or by a Professional Engineer with a certification from a structural engineer registered in the State of Illinois and shall certify that the specific soils and subsurface conditions at the site can support the apparatus, given local soil, subsurface and climate conditions. The Commercial Solar Energy Facility engineer's certificate shall be a public record and shall be submitted as part of the Special Use Permit application.

O. Conformance with Approved Application and Plans

The Applicant shall construct and operate the Commercial Solar Energy Facility in substantial conformance with the construction plans contained in a County- approved submitted Special Use Permit application(s), conditions placed upon the operation of the Facility, this ordinance and all applicable state, federal and local laws and regulations.

P. Additional Terms and Conditions

1. All technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the Special Use Permit Application shall be prepared and signed by an Illinois Professional Engineer (or structural engineer) for the relevant discipline.
2. The County may retain a qualified, independent code inspector or professional engineer both to make appropriate inspections of the Commercial Solar Energy Facility during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering and/or decommissioning of the Commercial Solar Energy Facility is performed in compliance with applicable electrical and building codes. The cost and fees so incurred by the County in retaining said inspector or engineer shall be promptly reimbursed by the Applicant of the Commercial Solar Energy Facility.
3. The Special Use Permit granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest and assigns. If any provision in this Ordinance, or conditions placed upon the operation of the Commercial Solar Energy Facility is held invalid, such invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions in this Ordinance are severable.
4. The Applicant shall provide an executed road use agreement between the Applicant and the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation, to the County showing approved entrances prior to the issuance of any Commercial Solar Energy Facility Building Permit.

5. Endangered Species and Wetlands. Solar power plant developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online EcoCat program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer. Applicants may also be required to provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with (i) the "U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines" and (ii) any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review. The County may require a facility owner to:
 - (1) demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or
 - (2) consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission
 - (3) provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
 - (4) To maximize community benefits, including, but not limited to, improved soil health, and increased foraging habitat for game birds, songbirds, and pollinators, a county may (1) require a commercial solar energy facility owner to plant, establish, and maintain for the life of the facility vegetative ground cover, consistent with the goals of the Pollinator-Friendly Solar Site Act and (2) require the submittal of a vegetation management plan in the application to construct and operate a commercial solar energy facility in the county.

7-14.6

OPERATION

A. Maintenance

1. Annual Report. The Applicant must submit, on an annual basis on the anniversary date of the Special Use Permit application, an operation and maintenance report to the County. The report shall contain the following information: (i) a general description of any physical repairs, replacements or modification(s) to the Commercial Solar Energy Facility and/or its infrastructure; (ii) complaints pertaining to setbacks, noise, appearance, safety, lighting and use of any public roads received by the Applicant concerning the Commercial Solar Energy Facility and the resolution of such complaints; (iii) calls for emergency services; (iv) status of liability insurance; and (v) a general summary of service calls to the Commercial Solar Energy Facility. Failure to provide the annual report shall be considered a material violation of this Ordinance and subject to Article XI (Remedies).
2. Re-Submittal of Special Use Permit. Any physical modification to the Commercial Solar Energy Facility that alters the mechanical load, or increases the megawatts of the facility, or mechanical load path, or major electrical components shall require re-certification under Section VI(A)(1) of this Ordinance. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require re-submittal of Special Use Permit. Prior to making any physical modification (other than a like-kind replacement or other modifications made in the ordinary course of operations), the

Applicant shall confer with a relevant third-party certifying entity identified in Design and Safety Certification section, paragraph 1, of this Ordinance to determine whether the physical modification requires re-certification.

B. Coordination with Emergency Responders:

1. The Applicant shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the Commercial Solar Energy Facility so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over each tower site may evaluate and coordinate their emergency response plans with the Applicant of the Commercial Solar Energy Facility.
2. The Applicant, at its expense, shall provide annual training for, and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the Commercial Solar Energy Facility.
3. The Applicant and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24-hour contact information (names, titles, email addresses, cell phone numbers) for the Applicant and the Operator and at least three (3) designated Commercial Solar Energy Facility representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day / 7 days per week / 365 days per year"). Any change in the designated Commercial Solar Energy Facility representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annual basis.
4. Nothing in this section shall alleviate the need to comply with all other applicable life safety, fire / emergency laws and regulations.

C. Water, Sewer, Materials Handling, Storage and Disposal

1. All solid wastes related to the construction, operation and maintenance of the Commercial Solar Energy Facility shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
2. All hazardous materials related to the construction, operation and maintenance of the Commercial Solar Energy Facility shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
3. The Commercial Solar Energy Facility shall comply with existing septic and well regulations as required by the County Health Department and the State of Illinois Department of Public Health.

D. Signage

Signage regulations are to be consistent with ANSI standards. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad- mounted transformers and substations, and at all entrances to the Commercial Solar Energy Facility.

- E. **Drainage Systems**
The Applicant, at its expense, will repair, in a prompt and timely manner, all waterways, drainage ditches, agricultural drainage systems, field tiles, or any other private and public infrastructure improvements damaged during construction, maintenance and operation phases of the Commercial Solar Energy Facility in accordance with the Agricultural Impact Mitigation Agreement.
- F. **Complaint Resolution**
The Applicant shall, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the solar Project. The Applicant shall resolve such non-emergency complaints on a case-by-case basis and shall provide written confirmation to the County. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the Applicant of the solar Project. The Applicant shall also designate and maintain for the duration of the solar Project either a local telephone number or a toll-free telephone number and an email address as its public information I inquiry / and complaint "hotline" which shall be answered by a customer service representative 24/7 basis. The Applicant shall post the telephone number(s) and email address(es) for the customer service representative(s) in an prominent, easy to find location on their websites and at the solar Project site on signage.

7-14.7

LIABILITY INSURANCE AND INDEMNIFICATION

Commencing with the issuance of a Commercial Solar Energy Facility Building Permit, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least Five Million Dollars (\$5,000,000.00) per occurrence and in the aggregate; and, shall further maintain the above-stated lines of insurance from delivery of the Notice to Proceed by the Applicant for the Commercial Solar Energy Facility, in coverage amounts of at least Five Million Dollars (\$5,000,000.00) per occurrence and Twenty Million Dollars (\$20,000,000.00) in the aggregate during the life of the Commercial Solar Energy Facility. The Applicant shall file the original certificate of insurance upon commencement of project construction prior to the issuance of a Commercial Solar Energy Facility Building Permit, corresponding policies, and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter.

The Applicant and or owner shall defend, indemnify and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees relating to or arising out of the issuance of the Special Use Permit or the construction, operation, maintenance and removal of the Commercial Solar Energy Facility including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the Applicant, the Owner or the Operator under this Ordinance or the Special Use Permit, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities arise from the negligence or intentional acts of such Indemnified Parties. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

7-14.8

DECOMMISSIONING AND SITE RECLAMATION PLAN REQUIRED

Applicant (or Owner, if different from Applicant) must submit a Decommissioning Plan with cost estimation to the County as part of the siting application and provide testimony supporting the

calculation of costs provided in said plan during the public hearing on the application. Prior to receiving any building permit for the Commercial Solar energy Facility, the Applicant or Owner shall provide a Decommissioning Agreement and post the required Financial Assurances for the benefit of the County. The Decommissioning Agreement and Financial Assurances shall comply with 55 ILCS 5/5-12020. Periodically, and as required by the Agricultural Impact Mitigation Agreement, the Owner must update the Decommissioning Plan, cost estimations, and provide updated Financial Assurances to the benefit of the County.

7-14.9 REMEDIES

- A. The Applicant's failure to materially comply with any of the provisions under the Special Use Permit, any conditions imposed on the project, and/or failure to comply with any law or regulation shall be a default and shall be grounds for revocation of the Special Use Permit by the County Board.
- B. Prior to implementation of the applicable County procedures for the resolution of default(s), the County Board must first provide written notice to the Applicant and Operator, setting forth the alleged default(s) and provide an opportunity for the Applicant or the Operator to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the Applicant commence the cure within that 30-day cure period, and diligently pursue a cure, then the Applicant shall receive an additional sixty (60) days to continue to pursue the cure before the County pursues procedures for the resolution of default. If the default relates to a life safety issue or interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the Applicant or the Operator shall take all necessary and available commercial measures to immediately cure the default. If the Applicant or Operator cannot cure the default(s) or resolve the alleged default(s) within the cure period, then applicable County ordinance provisions addressing the resolution of such default(s) shall govern.

7-14.10

FEE SCHEDULE AND PERMITTING PROCESSES

1. Application Fees

- a. Prior to processing any Application for a Commercial Solar Energy Facility, the Applicant must submit a certified check to the County for the Application Fee equal to \$5000.00 per megawatt (mW) of proposed nameplate capacity, up to a maximum fee of \$250,000.00. These funds shall be placed in an FDIC insured account and will be used to cover the county's cost incurred in processing the Application.
- b. Should the actual costs to the County exceed the submitted Application Fee, the Applicant shall be responsible for those additional costs and shall remit additional funds to the County within 15 days of receipt of a request from the County. No hearings on an Application shall be conducted nor final decisions rendered on an Application if there are Application fees due to the County.
- c. Any unused amounts of the Application Fee shall be refunded to the Applicant within six months of the County Board rendering a final decision on the matter,

unless any pending litigation, disputes or negotiations involving the County exist regarding the Commercial Solar Energy Facility, in which case any amounts owed to the Applicant shall be refunded within six months of the conclusion of the litigation, disputes or negotiations. An Applicant may request any unused Application Fee be applied toward the Building Permit Fees for the Facility.

2. Building Permit Fees

- a. Prior to the issuance of building permits, the Building Permit Applicant must deposit a Building Permit Fee equating to \$7250.00 per megawatt (mW) of nameplate capacity. If the total nameplate capacity is less than 1 mW, the building permit fee shall be reduced pro rata.

3. All Costs to be Paid by Applicant or Owner

- a. In addition to all fees noted above, the Applicant or Owner shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/ or negotiations.

7-14.11

HEARING FACILITATOR

The County may engage the services of a hearing facilitator. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the board and the county but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments.

The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois. The Applicant shall reimburse the county for the fees and costs charged by the facilitator.

7-14.12

HEARING FACTORS

The County Board shall approve a Commercial Solar Energy Facility Special Use Permit application, if it finds the evidence complies with state and federal law and regulations, and with the standards of this zoning code including the factors listed below. The factors below are applied as a balancing test, not individual requirements to be met.

- a. The establishment, maintenance or operation of the Commercial Solar Energy Facility will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- b. The Commercial Solar Energy Facility will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties;
- c. The establishment of the Commercial Solar Energy Facility will not impede the normal and orderly development and improvement of the surrounding properties;
- d. Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;
- e. Adequate measures have been or will be taken to provide ingress and

- egress so designed as to minimize traffic congestion in the public streets;
- f. The proposed Commercial Solar Energy Facility is not contrary to the objectives of the current comprehensive plan of the County (if any); and
 - g. The Commercial Solar Energy Facility shall, in all other respects, conform to the applicable regulations of this Ordinance and the zoning district in which it is located (if a zoning ordinance is in effect), except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.
1. Special Use Permit Conditions and Restrictions. The County Board may stipulate conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the Commercial Solar Energy Facility as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Ordinance.
 2. Revocation.
 - a. In any case where a Special Use Permit has been approved for a Commercial Solar Energy Facility, the Applicant shall apply for a Commercial Solar Energy Facility Building Permit from the County and all other permits required by other government or regulatory agencies to commence construction and commence and actively pursue construction of the Project within thirty-six (36) months from the date of the granting of the Special Use Permit. If the Applicant fails to apply for a Commercial Solar Energy Facility Building Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the thirty-six (36) month period, then without further action by the County Board, the Special Use Permit authorizing the construction and operation of the Commercial Solar Energy Facility shall be automatically revoked and void. Upon written request supported by evidence that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in commencement of construction of the Project is due to conditions out of his/her/its control, the County Board, in its sole discretion, may extend the above thirty-six (36) month period by passage of an ordinance that amends the Special Use Permit.
 - b. The Special Use Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the Commercial Solar Energy Facility or the Commercial Solar Energy Facility ceases to operate for more than six (6) consecutive months for any reason.
 - c. Subject to the provisions of Article XI (Remedies), a Special Use Permit may be revoked by the County Board if the Commercial Solar Energy Facility is not constructed, installed and/or operated in substantial conformance with the County-approved Project plans, the regulations of this Ordinance and the stipulated Special Use Permit conditions and restrictions.
 3. Transferability; Owner or Commercial Solar Energy Facility Permittee. The Applicant shall provide written notification to the County Board at least thirty (30) days prior to any change in ownership of a Commercial Solar Energy Facility of any such change in ownership. The phrase "change in ownership of a Commercial Solar Energy Facility" includes any kind of assignment, sale; lease, transfer or other conveyance of ownership or operating control of the Applicant, the Commercial Solar Energy Facility or any portion thereof. The Applicant or successors-in-interest or assignees of the

Special Use Permit, as applicable, shall remain liable for compliance with all conditions, restrictions and obligations contained in the Special Use Permit, the provisions of this Ordinance and applicable County, state and federal laws.

4. Modification. Any modification of a Commercial Solar Energy Facility that alters or changes the essential character or operation of the Commercial Solar Energy Facility in a way not intended at the time the Special Use Permit was granted, or as subsequently amended, shall require a new Special Use Permit. The Applicant or authorized representative, shall apply for an amended Special Use Permit prior to any modification of the Commercial Solar Energy Facility.
5. Permit Effective Date: The Special Use Permit shall become effective upon approval of the ordinance by the County Board.
6. Time Requirements: Applicants or owners shall have one year to apply for a building permit after issuance of a Special Use Permit and two years thereafter to complete the project.

Failure to comply with timing requirements in this subsection paragraph 6 will invalidate Special Use Permit. Variance may be applied for if timing restraints might be breached.

7-14.13 INTERPRETATION

The provisions of these regulations shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of Washington County. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of Washington County nor conflict with any statutes of the State of Illinois.

7-14.14 SEVERABILITY

If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid by any court or competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these regulations.

7-14.15 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, publication and approval as required by law.

Washington County

SECTION 7-15 – WIND ENERGY CONVERSION SYSTEMS SITING ORDINANCE

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7-15.1 DEFINITIONS

- A. "Applicant" means the entity who submits to the County an application for the siting and operation of any WECS or Substation. All references to Applicant in this Ordinance shall include Applicant's successors-in-interest and assigns, which includes a WECS Permittee (as defined below).
- B. "Commercial Operation Date" means the calendar date on which the WECS Project produces power for commercial sale, not including test power.
- C. "Commercial Wind Energy Facility" means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. Also referred to herein as "Wind Energy Conversion System" or "WECS" or "WECS Project".
- D. "Financial Assurance" or "Financial Security" or "Decommission Security" means assurance from a credit worthy party, examples of which include a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit.
- E. "Meteorological Tower" means those towers which are erected primarily to measure wind speed and direction plus other data relevant to siting and operation of a WECS Project. For purposes of this ordinance, Meteorological Towers do not include towers and equipment used by airports, the Illinois Department of Transportation, or other similar applications or government agencies, to monitor weather conditions.
- F. "Notice to Proceed" means a written document, named as such, stating that the Applicant expresses an intent to commence construction activities on a WECS Project and identifying the date on which the construction activities are scheduled to commence.
- G. "Nonparticipating property" means real property that is not a participating property.
- H. "Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the WECS Project is filed with the county.
- I. "Occupied community building" means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the WECS Project is filed with the county: a school, place of worship, day care facility, public library, or community center.
- J. "Operator" means the person or entity responsible for the day-to-day operation and maintenance of a wind energy conversion system, including any third-party subcontractors. The Operator must be a qualified wind power professional. All references to Operator in the Ordinance shall include Operator's successors-in-interest and assigns.
- K. "Owner" means the person or entity or entities with an equity interest in a wind energy conversion system, including their respective successors-in-interest and assigns. The Owner does not mean (i) the property owner from whom land is leased for locating a wind energy conversion system (unless the property owner has an equity interest in a wind energy conversion system); or (ii) any person holding a security interest in a wind energy conversion system solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure, such person seeks to sell a wind energy conversion system at the earliest practicable date. This definition includes the definition of Facility Owner as defined in 55 ILCS 5/5-12020.
- L. "Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner

an easement, option, lease, or license to use the real property for the purpose of constructing a WECS Project or supporting facilities. "Participating property" also includes real property that is owned by a facility owner for the purpose of constructing WECS Project or supporting facilities.

- M. "Participating residence" means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the WECS Project is filed with the county.
- N. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in any state in the United States. Where a structural engineer is required to take some action under terms of this Ordinance, a Professional Engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.
- O. "Protected lands" means real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act, or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.
- P. "Public Conservation Lands" means land owned in fee title by County, state or federal agencies and managed specifically for conservation purposes, including but not limited to County, state and federal parks, state and federal wildlife management areas, state scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. Public conservation lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public conservation lands also do not include private lands for which the owners have entered into contractual relationships with government or non-profit conservation organizations for conservation purposes.
- P. "Special Use Permit" means a permit approved by the County Board, after a public hearing, allowing a particular use at a specified location subject to compliance with certain specified special conditions as may be required by the County Board.
- Q. "Substation" means the apparatus that collects and connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.
- R. "Supporting Facilities" means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the WECS.
- S. "WECS Permittee" means an Applicant who applies for and receives a Special Use Permit under this Ordinance for the siting and operation of any WECS or Substation. All references to a WECS Permittee in this Ordinance shall include a WECS Permittee's successors-in-interest and assigns.
- T. "WECS Tower" or "Wind Tower" means and includes wind turbine tower, nacelle, and blades.
- U. "WECS Tower Height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

- V. "WECS Building Permit" means a permit necessary for the commencement of work performed toward the construction, erection or installation of an approved WECS, Substation or operations and maintenance building in connection with a WECS Project. A WECS Building Permit may be issued by the county after a WECS Project has obtained a Special Use Permit from the County Board and the Zoning Administrator determines that all conditions, if any, have been satisfied that are imposed by the Special Use Permit. The WECS Building Permit shall require the Applicant (WECS Permittee) to deliver a written "Notice to Proceed" for the WECS Project to the county prior to commencement of construction of the WECS Project. The term "commencement of construction", as used in this Ordinance, includes any site development work (e.g., demolition, grubbing, grading, excavation, road work, construction of Project-related structures and infrastructure improvements, etc.) regarding the WECS Project.
- W. "Wind Turbine" means any piece of electrical generating equipment that converts the kinetic energy of moving wind into electrical energy through the use of airfoils or similar devices to capture the wind.

7-15.2 APPLICABILITY

- A. This Ordinance governs the siting of WECS and Substations that generate electricity to be sold to wholesale or retail markets.
- B. Owners of WECS with an aggregate generating capacity of 0.5MW or less who locate the WECS(s) on their own property are not subject to this Ordinance.

7-15.3 PROHIBITION

- A. No WECS Project, WECS or Substation governed by this Ordinance shall be constructed, erected, installed, or located within the county, unless prior siting approval has been obtained for each individual WECS Project, WECS and Substation or for a group of WECS Projects and Substations under a joint siting application pursuant to this Ordinance.

7-15.4 SPECIAL USE PERMIT APPLICATION

- B. To obtain siting approval, the Applicant must first submit a Special Use Permit application to the County.
- C. The Special Use Permit application shall contain or be accompanied by the following information:
 - 1. A WECS Project Summary, including, to the extent available: (a) a general description of the project, including (i) its approximate overall name plate generating capacity, (ii) the potential equipment manufacturer(s), (iii) type(s) of WECS(s), (iv) the number of WECS, and name plate generating capacity of each WECS, (v) the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s), (vi) the number of Substations, (vii) a project site plan, project phasing plan and project construction timeline plan, and (viii) the general location of the project; and (b) a description of the Applicant, Owner and Operator, including their respective business structures;
 - 2. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known, and documentation demonstrating land ownership or legal control of the property;

3. A site plan for the WECS Project showing the planned location of each WECS Tower, including legal descriptions for each site, guy lines and anchor bases (if any), Participating and Non-participating Residences, Occupied Community Buildings parcel boundary lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), operations and maintenance buildings, and permanent Meteorological Towers, electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, the location of any wetlands, flood plain, drainage structures including surface ditches and subsurface drainage lines, underground mines, scenic and natural areas within one thousand five hundred (1,500) feet of the proposed WECS, the location of all known communications towers within two (2) miles of the proposed WECS, and the layout of all structures within the geographical boundaries of any applicable setback;
4. All determinations of No Hazard to Air Navigation from the Federal Aviation Administration;
5. A proposed Decommissioning Plan for the WECS Project including cost estimations;
6. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance;
7. An Agricultural Impact Mitigation Agreement (AIMA) executed between the Applicant and the Illinois Department of Agriculture;
8. The topographic map shall include the WECS Project site and the surrounding area;
9. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures;
10. Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.
11. Waivers from the shadow flicker mitigation requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.
12. Results and recommendations from the Illinois Dept. of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.
13. Results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with the United States Fish and Wildlife Service's Land-Based Wind Energy Guidelines.
14. Information demonstrating that the WECS Project will avoid protected lands.

15. Any other information requested by the County or the County consultants that is necessary to evaluate the siting application and operation of the WECS Project and to demonstrate that the WECS Project meets each of the regulations in this Ordinance, including the Special Use Permit standards set forth below.
- D. Material changes to the application are not permitted once the notice of the public hearing has been published, unless requested or permitted by the County. ; and
- E. The Applicant shall submit twelve (12) copies of the Special Use Permit application to the County, and at least one (1) copy in electronic format.

7-14.5

DESIGN AND INSTALLATION

A Design Safety Certification

1. WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("CGL"), or an equivalent third party. All turbines shall be new equipment commercially available; no used or experimental equipment shall be used in the WECS Project without the approval of a variance by the County Board.
2. Following the granting of siting approval under this Ordinance, a structural engineer shall certify, as part of the WECS Building Permit application process, that the foundation and tower design of the WECS is within accepted professional standards, given local soil, subsurface and climate conditions.

B. Controls and Brakes

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

C. Electrical Components

All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. **ANSI** and International Electrical Commission).

D. Aesthetics and Lighting

The following items are recommended standards to mitigate visual impact:

1. Coatings and Coloring: Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.
2. Turbine Consistency: To the extent feasible, the WECS Project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction. Turbines shall also be consistent in color and direction with nearby facilities.

3. Lighting: WECS Projects shall utilize minimal lighting that is compliant with the applicable FAA regulations, as amended by the FAA. To the extent that such tower lighting is available, and is approved by the FAA for a WECS Project, the Applicant shall install Aircraft Detection Lighting Systems ("ADLS") or other similar technology to reduce light pollution and visual impacts caused by the WECS Towers.
4. Intra-project Power and Communication Lines: All power lines used to collect power from individual turbines and all communication lines shall be buried underground at a depth in accordance with the Agricultural Impact Mitigation Agreement until same reach the property line or a substation adjacent to the property line.
5. Weed/grass control. Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The operating company during the operation of the WECS farm must maintain the fence and adhere to the weed/grass control plan. If the operating company does not there can be a fine of \$500.00 to \$1,000.00 per week if the fence is not secure or the weed/grass control plan is not followed.

E. Warnings

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

F. Climb Prevention

1. All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:
 - a. Fences with locking portals at least six (6) feet high; or
 - b. Anti-climbing devices twelve (12) feet vertically from the base of the WECS Tower.

G. Setback Requirements

WECS Towers shall be sited as follows, with setback distances measured from the center of the base of the WECS Tower;

- a. Occupied Community Buildings: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure.
- b. Participating Residences: 1.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure;
- c. Nonparticipating Residences: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure;

- d. Boundary Lines of Participating Property: None.
- e. Boundary Lines of Nonparticipating Property: 1.1 times the maximum blade tip height of the WECS Tower to the nearest point on the property line of the nonparticipating property.
- f. Public Road Rights-of-Way: 1.1 times the maximum blade tip height of the WECS Tower to the center point of the public road right-of-way.
- g. Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Houses or Outbuildings): 1.1 times the maximum blade tip height of the WECS Tower to the nearest edge of the property line, easement, or right of way containing the overhead line.
- h. Overhead Utility Service Lines to Individual Houses or Outbuildings: None.
- i. Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the property line of the fish and wildlife area or protected land.

The setback requirements may be waived by the written consent of the owner(s) of each affected property. The Applicant does not need obtain a variance from the County upon waiver by the property owner of the setback requirement. Any waiver of any of the above setback requirements shall run with the land and be recorded with the Recorder of Deeds of the County.

H. Compliance with Additional Regulations

Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.

I. Use of Public Roads

1. An Applicant proposing to use any County, municipality, township or village road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall:
 - a. Identify all such public roads; and
 - b. Obtain applicable weight and size permits from relevant government agencies prior to construction.
2. To the extent an Applicant must obtain a weight or size permit from the County, municipality, township or village, the Applicant shall:
 - a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
 - b. Any proposed public roads that will be used for construction purposes shall be identified and approved in writing by the respective Road District Commissioner and the County Engineer prior to the granting of the Special Use Permit. Traffic for construction purposes shall be limited to these roads. All overweight and/or oversized loads to be transported on public roads may require a permit from the respective highway authority. Any road damage caused by the transport of the

facility's equipment, the installation, maintenance, or removal, must be completely repaired to the reasonable satisfaction of the Road District Commissioner and the County Engineer. The Road District Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the WECS Project or are authorized to collect fees for overweight and/or oversized load permits. Further, financial assurance in an amount to be fixed by the Road District Commissioner to ensure the Road District or the County that future repairs are completed to their reasonable satisfaction shall be provided. Applicant shall submit a draft form of said financial assurance with application for Special Use Permit.

- c. Enter into a road use agreement with the County and each affected Road District that includes the following provisions, at a minimum:
 - i. Project layout map;
 - ii. Transportation impact analysis;
 - iii. Pre-construction plans'
 - iv. Project traffic map;
 - v. Project scope of repairs;
 - vi. Post-construction repairs;
 - vii. Insurance;
 - viii. Financial Security in forms and amounts acceptable to the County;

The road use agreement shall require Applicant to be responsible for the reasonable cost of improving roads used to construct WECS and the reasonable cost of repairing roads used by the facility owner during construction of the WECS so that those roads are in a condition that is safe for the driving public after the completion of the WECS construction. Roadways improved in preparation for and during the construction of the WECS shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

- 3. All repairs and improvements to County public roads and roadway appurtenances shall be subject to the prior approval of the County before being made and shall also be subject to inspection and acceptance by the County after such repairs and improvements are completed. The County may retain a 3rd party engineer to conduct any studies for the County at the developer or Owners expense. The County's Road use agreement, and any further agreements contemplated therein, regarding the maintenance and repair of County public roads and highways, must be approved by the County Board prior to the Board's approval of any WECS Building Permit applications related to the construction of the proposed WECS Project.

J. Site Assessment

To ensure that the subsurface conditions of the site will provide proper support for the WECS Towers and soil restoration, the Applicant, at its expense, shall provide soil and geotechnical boring reports to the County Engineer with respect to each WECS Tower location, as part of its WECS Building Permit. The Applicant shall follow the guidelines for Conservation Practices Impact Mitigation submitted by the County Soil and Water Conservation District (or equivalent regulatory agency). The Applicant shall submit grading plans for the proposed Substations for review and comment by the County Soil and Water Conservation District prior to the issuance of any WECS Building Permit for the construction of said substations.

K. Communications Analysis; Interference

1. The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience) conduct an appropriate analysis of the television reception documenting the television stations that are received within one and one-half (1 ½) miles of the footprint of the WECS Project. The results of said study shall be public record and will serve as a baseline reading for television reception conditions prior to the construction of the WECS Project and shall be submitted as part of the Special Use Permit application.
2. The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), conduct a communications analysis that indicates that the E9-1-1 communications, emergency communications or official County and local municipal communications reception shall not be negatively impacted or influenced by the proposed wind power facility. Said communication analysis shall be a public record and shall be submitted as part of the Special Use Permit application.
3. The Applicant and the Operator, at the Applicant's expense, shall take immediate actions to minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves or television signals and to eliminate any such interference that impacts local government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, caused by the operation of the WECS. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the WECS Project Summary and Site Plan, as set forth in Section V(B)(1) and V(B)(3) of this Ordinance. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant and the Operator, at Applicant's expense, shall take reasonable measures to minimize and mitigate such anticipated interference and with regard to interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the Applicant and the Operator, at Applicant's expense, shall take all necessary and available commercial measures to eliminate any such interference. If, after construction of the WECS, the Applicant (WECS Permittee) or Operator receives a written complaint related to the above-mentioned interference, the Applicant (WECS Permittee) shall take commercially reasonable steps to respond to the complaint, except in the case of a complaint of interference with local, government public safety (police,

fire, emergency medical services, emergency management services, 911 dispatch) communications. In the case of local, government public safety communications, the Applicant (WECS Permittee) and the Operator, at the Applicant's expense, shall immediately take all necessary and available commercial measures to eliminate any such interference.

4. If, after construction of the WECS, the Applicant (WECS Permittee) or Operator receives a written complaint related to interference with local broadcast residential television, the Applicant (WECS Permittee) shall take commercially reasonable steps to respond to the complaint. A summary of the complaint and subsequent response from Applicant shall be forwarded to the Washington County Zoning Administrator for review. Once the construction is complete and a television reception complaint is received by the Zoning Administrator, who will have thirty (30) calendar days to verify the complaint, the Applicant (WECS Permittee) will be given fifteen (15) calendar days to respond, in writing (validation date). Said response shall be addressed and forwarded to both the Zoning Administrator and the complainant. Such response shall include but not be limited to the following: an acknowledgment that a complaint was made and evaluated by the Applicant (WECS Permittee). If considered valid by the Applicant (WECS Permittee): an explanation, including a timeline, as to what the Applicant (WECS Permittee) intends to do about the complaint. The Applicant (WECS Permittee) of the wind power facility will be given an additional fifteen (15) calendar days from the validation date to resolve said TV reception issue. If considered invalid by the Applicant (WECS Permittee), an explanation, including supporting documentation and expert opinions, as to why the Applicant (WECS Permittee) believes the complaint is not valid. Television reception complaints must be filed within six (6) months from the date each wind turbine generator goes online.

- L. **Noise Levels**
Noise levels from each WECS or WECS Project shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant shall submit manufacturer's wind turbine sound power level characteristics and other relevant data regarding wind turbine noise characteristics necessary for a competent noise analysis. The Applicant, through the use of a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its Special Use Permit application.
- M. **Agricultural Impact Mitigation**
Pursuant to 505 ILCS 147/15(a), the Applicant, at its expense, shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the WECS Project application. All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the Applicant pursuant to the terms of the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture. The Applicant shall submit the executed Agricultural Impact Mitigation Agreement to the County as part of the Special Use Permit application.
- N. **Avian and Wildlife Impact Study**
The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience) conduct an avian and wildlife impact study and submit said study to the County as part of the Special Use Permit application. Each WECS or WECS Project shall be located, designed, constructed, and operated so as to avoid and if necessary, mitigate the impacts to wildlife.

- O. **As-Built Map and Plans**
Within sixty (60) calendar days of completion of construction of the WECS Project, the Applicant or Operator shall deliver "as-built" maps, site plan and engineering plans for the WECS Project that have been signed and stamped by a Professional Engineer and a licensed surveyor.
- P. **Engineer's Certificate**
The WECS Project engineer's certificate shall be completed by a structural engineer registered in the State of Illinois or by a Professional Engineer with a certification from a structural engineer registered in the State of Illinois and shall certify that the WECS tower and foundation design is compatible with and appropriate for each turbine design proposed to be installed and that the specific soils and subsurface conditions at the site can support the apparatus, given local soil, subsurface and climate conditions. All commercially installed wind turbines must utilize self-supporting, tubular towers. The WECS Project engineer's certificate shall be a public record and shall be submitted as part of the Special Use Permit application.
- Q. **Conformance with Approved Application and Plans**
The Applicant shall construct and operate the WECS Project in substantial conformance with the construction plans contained in a County- approved submitted Special Use Permit application(s), conditions placed upon the operation of the Facility, this ordinance and all applicable state, federal and local laws and regulations.
- R. **Additional Terms and Conditions**
- a. All technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the Special Use Permit Application shall be prepared and signed by an Illinois Professional Engineer (or structural engineer) for the relevant discipline.
 - b. The County may retain a qualified, independent code inspector or professional engineer both to make appropriate inspections of the WECS Project during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering and/or decommissioning of the WECS Project is performed in compliance with applicable electrical and building codes. The cost and fees so incurred by the County in retaining said inspector or engineer shall be promptly reimbursed by the Applicant of the WECS Project.
 - c. The Applicant shall provide locked metal gates or a locked chain are installed at the access road entrances of all the wind turbine generator locations. An exception may be made when the landowner has filed a written statement with the County which states that the owner does not want a locked metal gate installed and has provided a signed liability waiver to the County.
 - d. The Special Use Permit granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest and assigns. If any provision in this Ordinance, or conditions placed upon the operation of the Commercial Wind Energy Facilities held invalid, such invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions in this Ordinance are severable.
 - e. The Applicant shall provide an executed road use agreement between the Applicant and , the appropriate governing road and highway jurisdictions or the

Illinois Department of Transportation, to the County showing approved entrances prior to the issuance of any WECS Building Permit or prior to construction of the WECS Project.

- f. No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. The wind turbine generator shall not be installed in a location along the major axis of existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
- g. The Applicant of the WECS Project shall use two (2) methods to detect icing conditions on turbine blades: (1) sensors that detect when blades become imbalanced or create vibration due to ice accumulation; and (2) meteorological data from on-site meteorological towers, on-site anemometers, and other relevant weather sources that will be used to determine if ice accumulation is occurring. These control systems will either automatically shut down the turbines(s) in icing conditions or the Applicant will manually shut down the turbine(s) if icing conditions are identified.
- h. Endangered Species and Wetlands. WECS farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online EcoCat program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer. Applicants may also be required to provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with (i) the "U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines" and (ii) any applicable United States Fish and Wildlife Service WECS wildlife guidelines that have been subject to public review. The County may require a facility owner to:
 - (1) demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or
 - (2) consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission
 - (3) provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

1-15.6

OPERATION

A. Maintenance

1. Annual Report. The Applicant (WECS Permittee) must submit, on an annual basis on the anniversary date of the siting approval application, an operation and maintenance report to the County. The report shall contain the following information: (i) a general description of any physical repairs, replacements or modification(s) to the WECS and/or its infrastructure; (ii) complaints pertaining to setbacks, noise, shadow flicker, appearance, safety, lighting and use of any public roads received by the Applicant concerning the WECS and the resolution of such complaints; (iii) calls for emergency services; (iv) status of liability insurance; and (v) a general summary of service calls to the WECS. Failure to provide the annual report shall be considered a material violation of this Ordinance and subject to Article XI (Remedies).

2. Re-Submittal of Special Use Permit. Any physical modification to the WECS that alters the mechanical load, or increases the megawatts of the facility, mechanical load path, any wind turbine height or major electrical components shall require re-certification under Design and Safety Certification section, paragraph 1, of this Ordinance. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement or other modifications made in the ordinary course of operations), the Applicant shall confer with a relevant third-party certifying entity identified in Design and Safety Certification section, paragraph 1, of this Ordinance to determine whether the physical modification requires re-certification.

B. Coordination with Emergency Responders:

1. The Applicant shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the wind power facility so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over each tower site may evaluate and coordinate their emergency response plans with the Applicant of the WECS Project.
2. The Applicant, at its expense, shall provide annual training for, and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the WECS Project. Special equipment to be provided includes, but is not limited to, permanently installed rescue equipment such as winches, pulleys, harnesses, etc.
3. The Applicant and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24 hour contact information (names, titles, email addresses, cell phone numbers) for the Applicant and the Operator and at least three (3) designated WECS Project representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day / 7 days per week / 365 days per year"). Any change in the designated WECS Project representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annually basis.
4. Nothing in this section shall alleviate the need to comply with all other applicable life safety, fire / emergency laws and regulations.

C. Water, Sewer, Materials Handling, Storage and Disposal

1. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
2. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
3. The WECS Project shall comply with existing septic and well regulations as required by the County Health Department and the State of Illinois Department of Public Health.

D. Shadow Flicker

The Applicant must present to the County Board a model study on potential shadow flicker. The Applicant shall appropriately demonstrate to the County Board through industry standard modeling that no occupied community building or non-participating residence will experience an expected duration of 30 hours or more per year. An occupied community building owner or a non-participating participating residence owner may waive this shadow flicker mitigation requirement. Each waiver of the above shadow flicker mitigation requirement shall be set forth in a written waiver executed by the occupied community building owner or non-participating residence owner and filed with the County Recorder of Deeds Office against title to the affected real property.

E. Signage

Signage regulations are to be consistent with ANSI and AWEA standards. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations, and at all entrances to Wind Towers..

F. Drainage Systems

The Applicant, at its expense, will repair, in a prompt and timely manner, all waterways, drainage ditches, agricultural drainage systems, field tiles, or any other private and public infrastructure improvements damaged during construction, maintenance and operation phases of the WECS Project in accordance with the Agricultural Impact Mitigation Agreement.

G. Complaint Resolution

The Applicant shall, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the WECS Project. The Applicant shall resolve such non-emergency complaints on a case-by-case basis and shall provide written confirmation to the County. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the Applicant of the WECS Project. The Applicant shall also designate and maintain for the duration of the WECS Project either a local telephone number or a toll-free telephone number and an email address as its public information / inquiry / and complaint "hotline" which shall be answered by a customer service representative 24/7 basis. The Applicant shall post the telephone number(s) and email address(es) for the customer service representative(s) in an prominent, easy to find location on their websites and at the WECS Project site on signage.

7-15.7

LIABILITY INSURANCE AND INDEMNIFICATION

Commencing with the issuance of a WECS Building Permit, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least Five Million Dollars (\$5,000,000.00) per occurrence and in the aggregate; and, shall further maintain the above-stated lines of insurance from delivery of the "Notice to Proceed by the Applicant under the turbine supply and/or balance of plant construction contract(s) for the WECS Project, in coverage amounts of at least Five Million Dollars (\$5,000,000.00) per occurrence and Twenty Million Dollars (\$20,000,000.00) in the aggregate during the life of the WECS Project. The Applicant shall file the original certificate of insurance upon commencement of project construction prior to the issuance of a WECS Building Permit, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter.

The Applicant (WECS Permittee) shall defend, indemnify and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees relating to or arising out of the issuance of the Special Use Permit or the construction, operation, maintenance and removal of the WECS and affiliated equipment including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the Applicant (WECS Permittee), the Owner or the Operator under this Ordinance or the Special Use Permit, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities arise from the negligence or intentional acts of such Indemnified Parties. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

7-15.8

DECOMMISSIONING AND SITE RECLAMATION PLAN REQUIRED

Applicant (or Owner, if different from Applicant) must submit a Decommissioning Plan with cost estimation to the County as part of the siting application and provide testimony supporting the calculation of costs provided in said plan during the public hearing on the application. Prior to receiving any building permit for the Commercial Wind Energy Facility, the Applicant or Owner shall provide a Decommissioning Agreement and post the required Financial Assurances for the benefit of the County. The Decommissioning Agreement and Financial Assurances shall comply with 55 ILCS 5/5-12020. Periodically, and as required by the Agricultural Impact Mitigation Agreement, the Owner must update the Decommissioning Plan, cost estimations, and provide updated Financial Assurances to the benefit of the County.

7-15.9

REMEDIES

- A. The Applicant's failure to materially comply with any of the provisions under the Special Use Permit, any conditions imposed on the project, and/or failure to comply with any law or regulation shall be a default and shall be grounds for revocation of the Special Use Permit by the County Board.
- B. Prior to implementation of the applicable County procedures for the resolution of default(s), the County Board must first provide written notice to the Applicant and Operator, setting forth the alleged default(s) and provide an opportunity for the Applicant or the Operator to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the Applicant commence the cure within that 30-day cure period, and diligently pursues a cure, then the Applicant shall receive an additional sixty (60) days to continue to pursue the cure before the County pursues procedures for the resolution of default. If

the default relates to a life safety issue or interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the Applicant or the Operator shall take all necessary and available commercial measures to immediately cure the default. If the Applicant or Operator cannot cure the default(s) or resolve the alleged default(s) within the cure period, then applicable County ordinance provisions addressing the resolution of such default(s) shall govern.

7-15.10

FEE SCHEDULE AND PERMITTING PROCESSES

1. Application Fees

- a. Prior to processing any Application for a Commercial Wind Energy Facility, the Applicant must submit a certified check to the County for the Application Fee equal to \$5000.00 per megawatt (mW) of proposed nameplate capacity, up to a maximum fee of \$250,000.00. These funds shall be placed in an FDIC insured account and will be used to cover the county's cost incurred in processing the Application.
- b. Should the actual costs to the County exceed the submitted Application Fee, the Applicant shall be responsible for those additional costs and shall remit additional funds to the County within 15 days of receipt of a request from the County. No hearings on an Application shall be conducted nor final decisions rendered on an Application if there are Application fees due to the County.
- c. Any unused amounts of the Application Fee shall be refunded to the Applicant within six months of the County Board rendering a final decision on the matter, unless any pending litigation, disputes or negotiations involving the County exist regarding the Commercial Solar Energy Facility, in which case any amounts owed to the Applicant shall be refunded within six months of the conclusion of the litigation, disputes or negotiations. An Applicant may request any unused Application Fee be applied toward the Building Permit Fees for the Facility.

2. Building Permit Fees

- a. Prior to the issuance of building permits, the Building Permit Applicant must deposit a Building Permit Fee equating to \$7250.00 per megawatt (mW) of nameplate capacity. If the total nameplate capacity is less than 1 mW, the building permit fee shall be reduced pro rata.

3. All Costs to be Paid by Applicant or Owner

- a. In addition to all fees noted above, the Applicant or Owner shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/ or negotiations.

7-15.11

HEARING FACILITATOR

The County may engage the services of a hearing facilitator. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the board and the county but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments.

The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois. The Applicant shall reimburse the county for the fees and costs charged by the facilitator.

7-15.12

HEARING FACTORS

The County Board shall approve a Commercial Wind Energy Facility Special Use Permit application if it finds the evidence complies with state, federal and local law and regulations, and with the standards of this zoning code including the factors listed below. The factors below are applied as a balancing test, not individual requirements to be met.

- a. The establishment, maintenance or operation of the WECS Project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
 - b. The WECS Project will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties;
 - c. The establishment of the WECS Project will not impede the normal and orderly development and improvement of the surrounding properties;
 - d. Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;
 - e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
 - f. The proposed WECS Project is not contrary to the objectives of the current comprehensive plan of the County (if any); and
 - g. The WECS Project shall, in all other respects, conform to the applicable regulations of this Ordinance and the zoning district in which it is located (if a zoning ordinance is in effect), except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.
- 1. Special Use Permit Conditions and Restrictions. The County Board may stipulate conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the WECS Project as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Ordinance.
 - 2. Revocation.
 - a. In any case where a Special Use Permit has been approved for a WECS Project, the Applicant shall apply for a WECS Building Permit from the County and all other permits required by other government or regulatory agencies to commence construction, and commence and actively pursue construction of the Project within thirty-six (36) months from the date of the granting of the Special Use Permit. If the Applicant fails to apply for a WECS Building Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the thirty-six (36) month period, then without further action by the County Board, the Special Use Permit authorizing the construction and operation of the WECS Project shall be automatically revoked and void. Upon written request supported by evidence that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in commencement of construction of the Project is due to conditions out of his/her/its control, the County Board, in its sole discretion, may extend the above thirty-six (36) month period by passage of an ordinance that amends the Special Use Permit.
 - b. The Special Use Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the WECS Project or the

WECS ceases to operate for more than six (6) consecutive months for any reason.

- c. Subject to the provisions of Article XI (Remedies), a Special Use Permit may be revoked by the County Board if the WECS Project is not constructed, installed and/or operated in substantial conformance with the County-approved Project plans, the regulations of this Ordinance and the stipulated Special Use Permit conditions and restrictions.
3. Transferability; Owner or WECS Permittee. The Applicant shall provide written notification to the County Board at least thirty (30) days prior to any change in ownership of a WECS Project of any such change in ownership. The phrase "change in ownership of a WECS Project" includes any kind of assignment, sale; lease, transfer or other conveyance of ownership or operating control of the Applicant, the WECS Project or any portion thereof. The Applicant or successors-in-interest or assignees of the Special Use Permit, as applicable, shall remain liable for compliance with all conditions, restrictions and obligations contained in the Special Use Permit, the provisions of this Ordinance and applicable County, state and federal laws.
4. Modification. Any modification of a WECS Project that alters or changes the essential character or operation of the WECS Project in a way not intended at the time the Special Use Permit was granted, or as subsequently amended, shall require a new Special Use Permit. The Applicant or authorized representative, shall apply for an amended Special Use Permit prior to any modification of the WECS Project.
5. Permit Effective Date: The Special Use Permit shall become effective upon approval of the ordinance by the County Board.
6. Time Requirements: Applicants or owners shall have one year to apply for a building permit after issuance of a Special Use Permit and two years thereafter to complete the project.

Failure to comply with timing requirements in this subsection paragraph 6 will invalidate Special Use Permit. Variance may be applied for if timing restraints might be breached.

7-15.13 INTERPRETATION

The provisions of these regulations shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of Washington County. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of Washington County nor conflict with any statutes of the State of Illinois.

7-15.14 SEVERABILITY

If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid by any court or competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these regulations.

7-15.15 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, publication and approval as required by law.

COUNTY OF WASHINGTON, ILLINOIS

ORDINANCE NO. 2019- 17

AN ORDINANCE AMENDING THE
REVISED CODE OF ORDINANCES
OF THE
COUNTY OF WASHINGTON, ILLINOIS

ADOPTED BY THE
COUNTY BOARD
OF THE
COUNTY OF WASHINGTON, ILLINOIS

THIS 10TH DAY OF Dec, 2019

11/11

ORDINANCE NO. 2019-17

AN ORDINANCE AMENDING THE ZONING ORDINANCE IN CHAPTER 7 OF THE WASHINGTON COUNTY REVISED CODE OF ORDINANCES ESTABLISHING CANNABIS BUSINESS CODE.

WHEREAS, on June 25, 2019, the State of Illinois adopted the Cannabis Regulation and Tax Act as Public Act 101-0027; and

WHEREAS, paragraph 5 of Section 55-25 of the Cannabis Regulation and Control Act authorizes units of local government to "enact" ordinances to prohibit or significantly limit a cannabis business establishment's location or establishment to start a business; and

WHEREAS, the County Board of the County of Washington in exercise of the power reserved to them under the Cannabis Regulation and Tax Act desire to adopt certain regulations to prohibit the location of certain cannabis business establishments within the borders and confines of Washington County, Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIRMAN AND COUNTY BOARD OF WASHINGTON COUNTY, ILLINOIS that the Washington County Revised Zoning Ordinance of 2009 is hereby amended as follows:

Section I. Cannabis business establishments.

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

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: An adult-use Cannabis cultivation center, craft grower, processing organization, infuser Organization, dispensing organization or transporting organization.

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

2. **ADULT-USE CANNABIS CULTIVATION CENTER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
3. **ADULT-USE CANNABIS DISPENSING ORGANIZATION:** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
4. **ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
5. **ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
6. **ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027).

CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED. Pursuant to the authority reserved to the County of Washington, Illinois under Section 55 – 25 of the Cannabis Regulation and Tax Act, the County of Washington does hereby prohibit all Adult-Use Cannabis Establishments within the borders or confines of the unincorporated areas of Washington County. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the unincorporated areas of the County of Washington of any of the following:

- Adult-Use Cannabis Craft Grower
- Adult-Use Cannabis Cultivation Center
- Adult-Use Cannabis Dispensing Organization
- Adult-Use Cannabis Infuser Organization or Infuser
- Adult-Use Cannabis Processing Organization or Processor
- Adult-Use Cannabis Transporting Organization or Transporter

Penalty. Failure to comply with any requirements of this chapter shall constitute a violation; and any person, upon conviction thereof, shall be fined no less than \$250.00 but no more than \$750.00 for each offense. Each day the violation continues shall constitute a separate offense.

Section II. Severability of Provisions. Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

Section III. Conflicting Ordinances. Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.

Section IV. Effective. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed this 10th day of December, 2019 by the County Board of the County of Washington, Illinois, and deposited and filed in the office of the County Clerk in said County on that date.

Nancy Heseman
NANCY HESEMAN, COUNTY CLERK
WASHINGTON COUNTY, ILLINOIS

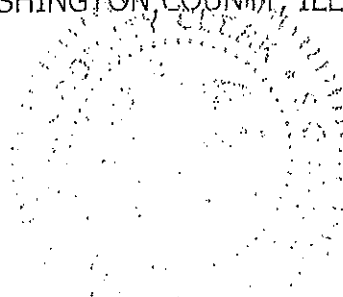
NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT OF INTEREST
Unverferdt	Y				
BARCZEWSKI	Y				
Bening	Y				
Brammeier	Y				
Hohlt	Y				
Ibendahl	Y				
Klingenberg				X	
Lamezyk	Y				
Luecking				X	
Muenter		N			
Shemovic		N			
Shubert	Y				
Suppmeyer	Y				
Todd		N			
Meyer	Y				

Signed by the Chairman of the County Board of Washington County, Illinois, this 10th day of December, 2019.

David A. Meyer
DAVID MEYER, CHAIRMAN
WASHINGTON COUNTY, ILLINOIS

ATTEST:

Nancy Heseman
NANCY HESEMAN, COUNTY CLERK
WASHINGTON COUNTY, ILLINOIS

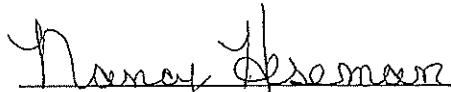


COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF WASHINGTON) ss. COUNTY CLERK'S OFFICE

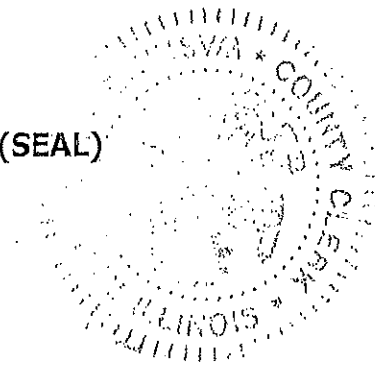
I, Nancy Heseman, County Clerk of the County of Washington, do hereby certify that the following Ordinance of the County of Washington, Illinois, published by authority of the County Board was duly passed by the County Board of the County of Washington, Illinois, signed by the Chairman, and published in pamphlet form according to law on this date, and that this ordinance is a true and perfect copy of the ordinance, as passed, approved, and now of record and on file in my office as provided by law.

In witness whereof, I have set and affixed the Corporate Seal of the County of Washington, Illinois, this 10th day of December, 2019.



NANCY HESEMAN, COUNTY CLERK
WASHINGTON COUNTY, ILLINOIS

(SEAL)



ARTICLE 8 - OFF-STREET PARKING

Section 8-1 APPLICABILITY OF ARTICLE

Off-street parking shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Ordinance.

8-1.1 EXISTING OFF-STREET PARKING:

- (a) Existing off-street parking located on the same lot as the use served shall not be reduced or if already less than, shall not be further reduced--below the requirements and standards for similar new structures or uses.
- (b) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, off-street parking equivalent to any maintained at the time of such damage or destruction shall be restored, but additional off-street parking need not be provided.
- (c) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional off-street parking commensurate with such increases in use-intensity shall be provided.
- (d) Whenever the existing use of a structure is changed to a different use, off-street parking shall be provided as required herein for such new use.

Section 8-2 PARKING LOT DESIGN STANDARDS

All off-street parking lots shall conform to the standards indicated in the subsections which follow:

8-2.1 SPACES:

Each required off-street parking space shall be at least ten (10) feet wide and twenty (20) feet long. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.

8-2.2 INTERIOR AISLES:

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

8-2.3 ACCESS WAYS:

- (a) Parking lots shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.
- (b) No access way to any parking area shall be located within thirty (30) feet of any corner formed by the intersection of the rights-of-way of two or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent hazards.

- (c) Parking area access ways and public streets shall be aligned to form--as closely as feasible--right angles.
- (d) The access way to every parking lot located in the Commercial or Industrial District shall be at least twenty-four (24) feet wide unless two one-way drives, each twelve (12) feet wide, are provided.

8-2.4 SURFACING:

Parking lots shall be graded and improved with crushed rock at least four (4) inches thick, treated with a dust palliative approved by the Administrator.

Section 8-3 LOCATION OF OFF-STREET PARKING

All off-street parking shall be located in conformity with the following requirements:

- (a) For Dwellings. Parking spaces accessory to dwellings shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved to allow another vehicle to enter/exit the parking area.
- (b) For Commercial/Industrial Uses.
 - 1. Every off-street parking space accessory to any commercial or industrial use shall be located within five hundred (500) feet of the use served; provided, that no portion of any parking lot for non-residential uses shall extend into any residential district or into the Agricultural District except by written permission of the Administrator.
 - 2. In the Commercial or Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements (if any) for each use, and only if all other pertinent regulations are observed.

Section 8-4 COMPUTATION OF REQUIRED PARKING SPACES

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

- (a) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee parking" means "one parking space shall be required per one and one-half (1½) employees," unless otherwise stated.
- (b) In computing parking space requirements on the basis of building floor area, the gross floor area shall be used.
- (c) Whenever it is necessary to translate gross parking lot area into number of parking spaces, three hundred fifty (350) square feet of gross area shall be deemed one parking space.

- (d) If computation of the number of parking spaces required by this Ordinance results in a fractional space, any fraction of one-half (1/2) or more shall be counted as one space.
- (e) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking spaces shall be counted as part of the off-street parking spaces required for another structure or use.

Section 8-5 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES

If provided, all off-street loading facilities shall conform to the minimum standards indicated below:

- (a) **Size of Space.** Every off-street loading space shall be at least twelve (12) feet wide and sufficiently long to accommodate the type of vehicle expected to use the space. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.
- (b) **Access Way.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least twelve (12) feet wide.
- (c) **Surfacing.** Every off-street loading area shall be improved with a compacted stone base at least seven (7) inches thick.

Section 8-6 NUMBER OF PARKING SPACES REQUIRED

Off-street parking spaces shall be provided as indicated in the table on the following page. For any use that is not listed in the table, the same number of parking spaces shall be provided as is required for the most similar listed use. The Administrator shall make the determination of similarity.

8-6.1 USES AND SPACES REQUIRED (CHART)

USE	PARKING SPACES REQUIRED
<u>Dwelling and Lodges</u>	
Hotels, motels, boarding houses, lodges	1 space per lodging unit, plus employee parking
Mobile homes (including those in mobile home parks)	2 spaces per mobile home
Multiple-family dwellings	
1 Bedroom or less	1.5 spaces per dwelling unit
2 or more Bedrooms	2 spaces per dwelling unit
<u>Educational, Institutional, Recreational</u>	
Churches	1 space per 4 seats in the largest seating area
Hospitals	1 space per 2 beds, plus employee parking
Libraries, Museums	1 space per 500 sq. ft. of floor area
Nursing Homes	1 space per 5 beds
Schools	
Elementary, middle, junior high school	1 space for every 20 students that building is designed to accommodate, plus employee parking
Senior High School	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater.
<u>Commercial, Office, Service</u>	
All commercial, service or office uses, unless specifically indicated below	1 space per 300 sq. ft. of floor area
Banks, Savings and Loans	
Walk-in facility	1 space per 300 sq. ft. of floor area, plus employee parking
Drive-up facility	5 spaces per teller window
Beauty and Barber Shops	2 spaces per chair, plus employee parking
Furniture and Appliance Stores	1 space per 600 sq. ft. of floor area
Home Occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to parking requirements for the dwelling
Offices, Medical/Dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room
Restaurants, refreshment stands	
Sit-Down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater
Drive-In	1 space per 25 sq. ft. of building floor area
Service Stations	2 spaces per service stall plus employee parking
Taverns	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater
Theaters	1 space per 4 seats in the largest seating area
Vehicle sales (autos, boats, RV's, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area, plus 1 space per 2,500 sq. ft. of open lot area.

ARTICLE 9 - NONCONFORMITIES

Section 9-1 PURPOSE OF ARTICLE

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

Section 9-2 NONCONFORMING LOTS

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

- (a) was recorded in the Washington County Recorder of Deeds office prior to the effective date of this Ordinance (or any pertinent amendment thereto), and
- (b) is at least thirty (30) feet wide; and
- (c) no health hazards will be created by such use.

9-2.1 TWO OR MORE LOTS IN COMMON OWNERSHIP:

If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Ordinance, and if one or more of those lots does not meet the minimum lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an individual parcel. No portion of any such parcel shall be developed except in compliance with this Ordinance, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Ordinance.

Section 9-3 NONCONFORMING STRUCTURES

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

- (a) Enlargement, Alterations. No such structure shall be enlarged or altered in any way which increases its nonconformity.
- (b) Relocation. No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.

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

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

Section 9-4 NONCONFORMING USES

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

- (a) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.
- (b) **Expansion of Use.** No nonconforming use shall be expanded so as to occupy a larger portion of the structure or lot than was occupied on the effective date of this Ordinance.
- (c) **Change of Use.** A nonconforming use shall not be changed except to a use permitted under the applicable district regulations.
- (d) **Relocation.** No nonconforming use shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.
- (e) **Discontinuance of Use.** When a nonconforming use is discontinued for twelve (12) consecutive months or for thirty (30) months during any three-year period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

Section 9-5 NONCONFORMITIES UNDER PERMIT AUTHORITY

The regulations of this Article shall not affect the terms of any permit issued prior to the effective date of this Ordinance or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE 10 - SPECIAL PROCEDURES AND PERMITS

Section 10-1 BOARD OF APPEALS ESTABLISHED

The Zoning Board of Appeals of Washington County is hereby re-established and continued in accordance with Illinois law. (55 ILCS 5/5-12001.)

10-1.1 MEMBERSHIP, CHAIRMAN, RESIDENCY:

The Board of Appeals shall consist of seven(7) members appointed by the County Board Chairman with the advice and consent of the County Board. At the time of his appointment, one Board of Appeals member shall be named as chairman by the County Board Chairman; if the chairman's office becomes vacant, the County Board Chairman shall designate a new chairman. All members of the Board of Appeals shall be residents of Washington County. Failure to maintain residency in Washington County shall be cause for removal from the Board.

10-1.2 TERM OF OFFICE, VACANCIES:

Each member of the Board of Appeals shall hold office for five (5) years from the date of his appointment, and until his successor has been selected and qualified; provided, however, that the initial appointees to the Board of Appeals shall serve respectively for the following terms; one for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. The County Board may remove any member of the Board of Appeals for cause, after a public hearing. Vacancies on the Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new member.

10-1.3 COMPENSATION:

Each member of the Board of Appeals shall be compensated for his services on a per diem basis with a mileage allowance for travel. The amount of said compensation shall be determined by the County Board, and shall be paid out of the County treasury.

10-1.4 MEETINGS, QUORUM:

All meetings of the Board of Appeals shall be held at the call of the chairman and at such times and places within the County as the Board of Appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Five (5) Four (4) members of a seven (7) member Board of Appeals shall constitute a quorum; and the affirmative vote of a five (5) four (4) of the seven (7) members shall be necessary to authorize any action of the Board of Appeals. (Amended 01/08/2013, Ordinance # 013-01)

10-1.5 RECORDS:

The Board of Appeals shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the Board of Appeals shall be filed in the Washington County Zoning Office, and shall be a public record.

10-1.6 LIMITATION ON AUTHORITY:

1. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Districts Map: such authority is reserved to the County Board.
2. Neither the Zoning Administrator nor the Zoning Board of Appeals shall exercise their powers so as to:
 - a) Deprive an owner of a parcel of its use or maintenance for the purpose to which it was lawfully devoted at the time of the enactment of this Ordinance, or subsequent amendments or revisions thereto;
 - b) Impose regulations or require additional permits for Bona Fide Agricultural Uses.

10-1.7 RULES OF PROCEDURE GOVERNING PUBLIC HEARINGS

- (a) All public hearings of the Zoning Board of Appeals shall be subject to the Illinois Open Meetings Act (5 ILCS 120/)
- (b) The Chairman may impose reasonable limitations on evidence or testimony presented by persons and parties, such as time limits and barring repetitious, irrelevant, or immaterial testimony. Time limits, if imposed, shall be fair, and equally administered. The Board of Appeals shall not be bound by strict rules of evidence; however, irrelevant, immaterial, or unduly repetitious evidence shall not be admissible. The Chairman may impose reasonable conditions on the hearing process based on the following factors:
 - 1) The complexity of the issue.
 - 2) Whether the witness possesses special expertise.
 - 3) Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.
 - 4) The degree to which the witness's testimony relates to the factors to be considered in approving or denying the proposal
 - 5) Such other factors appropriate for the hearing
- (c) The Chairman may take such actions as are required to maintain an orderly and civil hearing.
- (d) Proof of lawful notice shall be introduced into evidence before the Board of Appeals.
- (e) A record of proceedings shall be made as directed by the Board of Appeals.
- (f) In addition to the Applicant, any person may appear and participate at the hearing.
- (g) The County of Washington shall be a party in every proceeding, and need not appear.
- (h) In addition to the Applicant, any person may appear and participate at the hearing.
- (i) People participating shall identify themselves for the record, either orally or in writing, and indicate if an attorney represents them. Any person participating, other than the Applicant, shall be referred to in these rules as Interested Person.

- (j) The examination of a witness shall not be used by the questioner to offer testimony or evidence of the questioner.
- (k) All persons offering testimony at a public hearing shall testify under oath. An attorney shall be sworn if he or she offers testimony but not if her or she is questioning witnesses, summarizing testimony of witnesses, or addressing the Board of Appeals.
- (l) The order of presentation of evidence at a public hearing shall generally be as follows, but may be modified as determined by the Chairman:
 - 1) Identification of Applicant and Interested Persons
 - 2) Submittal of Proof of Notice
 - 3) Testimony and other evidence by Applicant
 - 4) Board of Appeals examination of Applicant's witnesses and other evidence
 - 5) Cross-examination of Applicant's witnesses and other evidence by Interested Persons
 - 6) Testimony and other evidence by Interested Persons
 - 7) Board of Appeals examination of Interested Persons' witnesses and other evidence.
 - 8) Cross-examination by Applicant of Interested Persons' witnesses and other evidence.
 - 9) In some cases re-examination may be allowed.
 - 10) Report by Zoning Administrator, if any.
 - 11) Summary/Closing by Applicant
 - 12) Summary/Closing by Interested Persons
 - 13) Rebuttal/Closing by Applicant
- (m) At the conclusion of an evidentiary portion of the public hearing, the Board of Appeals, among other actions, may move to deliberate its decision on the evidence presented, or continue the hearing to a date, time, and location certain.
- (n) A written decision shall be prepared which shall include findings of fact and the Zoning Board of Appeals' recommendation or decision based upon the record.
- (o) These Rules for Public Hearing may be amended by a vote of a majority of the Zoning Board of Appeals.

Section 10-2 SPECIAL USE PERMITS

This Ordinance divides the County into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only by permission of the County Board.

10-2.1 APPLICATION:

Every applicant for special use permit shall submit to the Administrator, in narrative or graphic form, the items of information enumerated below. (Every special use permit application shall also be filed with the Soil and Water Conservation District as per State law (70 ILCS 405/22.02a) and; if the land in question is within one and one-half (1½) mile of a municipality, with the Clerk of that municipality.) The Administrator shall promptly transmit the completed application, and any comments or recommendation he might wish to make, to the Board of Appeals. (Note: Filing fee required.)

Items of Information:

- (a) name and address of the applicant;
- (b) name and address of the owner or operator of the proposed structure or use, if different from paragraph 10-2.1(a);
- (c) nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (d) location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (e) area and dimensions of the site for the proposed structure or uses;
- (f) existing topography of the site (USGS ten-foot contour data is acceptable), and proposed finished grade;
- (g) existing and proposed screening, landscaping, and erosion control on the site, including the parking area;
- (h) height and setbacks of the proposed structures;
- (i) number and size of proposed dwelling units, if any;
- (j) documentation of age and pictures to show proof of condition of proposed mobile home;
- (k) number and location of proposed parking and loading spaces and access ways;
- (l) identification and location of all existing or proposed utilities, whether public or private; and
- (m) any other pertinent information that the Administrator may require.

10-2.2 PUBLIC HEARING NOTICE:

The Board of Appeals shall hold a public hearing on every special use permit application within a reasonable time after said application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to the applicant and to all parties whose property is adjacent to the property for which the special use permit is sought; and
- (b) by publication in a newspaper of general circulation within the County

10-2.3 ADVISORY REPORT, FACTORS CONSIDERED:

Within a reasonable time after the public hearing, the Board of Appeals shall submit their advisory report to the County Board. In deciding what their advice should be, the Board of Appeals shall consider the following factors:

- (a) whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (b) the effect the proposed special use would have on the value of neighboring property and on the county's overall tax base;
- (c) whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

10-2.4 ACTION BY COUNTY BOARD:

The County Board shall act on every request for a special use permit at their next regularly scheduled meeting following submission of the Board of Appeals' advisory report. The County Board may grant a special use permit by an ordinance passed by a simple majority vote of all members then holding office.

10-2.5 LIMITATION ON SPECIAL USE PERMITS:

- (a) The Zoning Board of Appeals may recommend to the County Board, 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.
- (b) 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.
- (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 County Board.
- (d) Upon a public hearing, a special use permit may be revoked by the County Board as follows:
 - 1. For a violation of the codes and ordinances of Washington 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, limitation, or requirements contained in the special use permit or in these regulations.
- (e) Special Use Permits shall be valid for one (1) year, or until revoked for failure to abide by any imposed condition or limitation. In the event the contemplated work is not substantially initiated within twelve (12) months from the date the Special Use Permit was granted, said Permit shall no longer be valid or enforceable, except that the Zoning Administrator may renew Special Use Permits for successive one (1) year periods upon written request by the original applicant, provided the applicant is making a good faith effort to complete the authorized work, said renewal to be in the discretion of the Zoning Administrator.

Section 10-3 APPEALS

Any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of any provision of this Ordinance may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law (55 ILCS 5/512001) and the provisions of this section.

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10-3.1 FLING, RECORD TRANSMITTAL:

Every appeal shall be made within forty-five (45) days of the matter complained of by filing with the Administrator and the Board of Appeals a written notice specifying the grounds for appeal. (Every appeal shall also be filed with the Soil and Water Conservation District as per State law (70 LCS 405/22.02a) and, if the land in question is within one and one-half (1 1/2) miles of a municipality, with the Clerk of that municipality.) Not more than five (5) working days after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. (Note: Filing fee required.)

10-3.2 STAY OF FURTHER PROCEEDINGS:

An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board of Appeals, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board of Appeals or the circuit court grants a restraining order for due cause, and so notifies the Administrator.

10-3.3 PUBLIC HEARING, NOTICE:

The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice indicating the time, date, and place of the hearing and briefly describing the issue to be decided shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to the petitioner and to all parties whose property is adjacent to the premises to which the appeal pertains; and
- (b) by publication in a newspaper of general circulation within the County.

10-3.4 DECISION BY BOARD OF APPEALS:

The Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the powers of the Administrator,

Section 10-4 VARIANCES

A variance is a relaxation of the requirements of this Ordinance that are applicable to a particular lot, structure, or use. Every request for a variance shall be treated in accordance with Illinois law (55 ILCS 5/5-12001) and the provisions of this section.

10-4.1 APPLICATION:

Every application for a variance shall be filed with the Administrator on a prescribed form. (Every variance application shall also be filed with the Soil and Water Conservation District as per State law (70 ILCS 405/22.02a) and, if the land in question is located within one and one-half (1 1/2) miles of a municipality, with the Clerk of that municipality.) The Administrator shall promptly transmit said application to the Board of Appeals together with any recommendation or comments he may wish to make. The application shall contain sufficient information to allow the Board to make an informed decision, and shall include, at a minimum, the following: (Note: Filing fee required.)

- (a) name and address of the applicant;
- (b) location of the lot, structure, or use for which the variance is sought;
- (c) relationship of said lot, structure, or use to adjacent lot, structures, or uses;
- (d) specific section(s) of this Ordinance containing the regulations which, if strictly applied, would cause a serious problem; and
- (e) any other pertinent information that the Administrator may require.

104.2 PUBLIC HEARING, NOTICE:

The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice of the hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to the applicant and to all parties whose property is adjacent to the property for which the variance is sought; and
- (b) by publication in a newspaper of general circulation within the county.

10-4.3 CONTENTS OF NOTICE:

The notice of a public hearing on a variance request shall include the following information:

- (a) date, time, and place of said hearing;
- (b) name and address of the applicant;
- (c) the particular location of the real estate for which the variation is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, road, or intersection;
- (d) whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal, and stating the name and address of the true principal;
- (e) whether the applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of twenty percent (20%) of all outstanding stock of such corporation;
- (f) whether the applicant, or his principal if other than the applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true owners of such business or entity;
- (g) whether the applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint ventures, syndicate members or members of the unincorporated voluntary association; and a brief statement describing the proposed variance.

10-4.4 STANDARDS FOR VARIANCES:

The Board of Appeals shall not grant any variance unless, based upon the evidence presented to them, they determine that:

- (a) the proposed variance is consistent with the general purposes of this Ordinance (See Section I-1); and
- (b) strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property; and
- (c) the proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and
- (d) the plight of the applicant is due to circumstances not of his own making; and
- (e) the circumstances engendering the variance request are peculiar and not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (f) the variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of the County Comprehensive Plan.

10-4.5 TERMS OF RELIEF, FINDINGS OF FACT:

The Board of Appeals shall render a decision on every variance request within a reasonable time after the public hearing. They shall specify the terms of relief granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board of Appeals' reasons for granting or denying any requested variance.

Section 10-5 REZONINGS AND TEXT AMENDMENTS

The County Board may amend this Ordinance in accordance with State law (55 LCS 5/5-12001) and the provisions of this section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the County Board, the Administrator, the Board of Appeals, the County Planning Commission, or any party in interest.

10-5.1 FILING:

Every proposal to amend this Ordinance shall be filed with the Administrator on a prescribed form, and shall include such information as the Administrator considers necessary to allow the County Board to make an informed decision. The person proposing an amendment shall also file a copy of his proposal with the Soil and Water Conservation District (70 LCS 405/22.02.a) and, if the land in question is located within one and one-half (1 1/2) miles of a municipality, with the Clerk of that municipality. The Administrator shall promptly transmit copies of the proposal, together with any comments or recommendation he may wish to make, to the Board of Appeals. (Note: Filing fee required.)

10-5.2 PUBLIC HEARING, LOCATION:

The Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. Said hearing shall be held at the County Courthouse. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath.

10-5.3 NOTICE OF PUBLIC HEARING:

Notice indicating the time, date, and place of the public hearing, and the nature of the proposed amendment shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to the applicant and to all parties whose property is adjacent to the property that would be rezoned (in the case of rezoning); and
- (b) by publication in a newspaper of general circulation within the County.

10-5.4 ADVISORY REPORT:

Within a reasonable time after the public hearing, the Board of Appeals shall submit an advisory report to the County Board. Said advisory report shall include a recommendation regarding adoption of the proposed amendment, and the reasons therefore. If the proposed amendment involves a rezoning, the advisory report shall include findings of fact concerning each of the following matters:

- (a) existing use(s) and zoning of the property in question;
- (b) existing use(s) and zoning of other lots in the vicinity of the property in question;
- (c) suitability of the property in question for uses already permitted under existing regulations;
- (d) suitability of the property in question for the proposed use and based upon the current Washington County Land Evaluation and Site Assessment (LESA) system;
- (e) suitability of the property in question for the proposed use noting the proximity of livestock operations;
- (f) the trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned; and
- (g) the effect the proposed rezoning would have on implementation of the County Comprehensive Plan.

10-5.5 ACTION BY COUNTY BOARD:

The County Board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the aforementioned advisory reports. The County Board may pass any proposed amendment by simple majority vote except as indicated below.

EXCEPTIONS: The favorable vote of at least three-fourths of all the members of the County Board is required to pass an amendment to this Ordinance in the following instances:

- (a) in the case of a written protest against a proposed amendment, filed with the County Clerk, and signed or acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered; or
- (b) in the case of a written protest against a proposed amendment, when the proposed amendment is of an initiated parcel number change of an original parcel number, filed with the County Clerk and signed by the owners of twenty percent (20%) of the frontage of the original parcel proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley from the original parcel number, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage of the original parcel number proposed to be altered;

(c) in the case of a written protest against a proposed amendment that affects land located within one and one-half (1 1/2) miles of the limits of a zoned municipality, provided that said written protest is:

1. submitted by the particular zoned municipality with limits nearest adjacent to the affected property; and
2. signed and acknowledged by the City Council or by the President and Board of Trustees of said municipality;
3. and filed with the County Clerk.

Section 10-6 TEMPORARY USES

The Zoning Administrator may issue a permit for a temporary use provided it meets the requirements of this Section. The permit shall be issued for a specified period of time and may contain health, safety, traffic, and other restrictions, and may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances. A fee may be assessed for the issuance of a temporary use permit.

10-6.1. TEMPORARY USES PERMITTED:

- (a) Temporary Shelter: The temporary use, for a time period of more than 3 weeks, of a building, structure (including impermanent structures), or use of land that does not conform to the regulations prescribed elsewhere in this Ordinance for the zoning district in which it is located. The permit shall be issued for a specific period of time not exceeding six (6) months, but may be renewed or extended by the Zoning Administrator upon application and adequate evidence of need.
- (b) When a natural disaster renders any residence unfit for habitation, the temporary use of a travel trailer or recreational vehicle located on the parcel is permitted during the rehabilitation or construction of a new residence. The temporary shelter shall be removed from the parcel after a final certificate of zoning compliance has been issued following construction of a new residence
- (c) Amusement Activities including the operation or conducting of an amusement activity on a temporary basis within any zoning district. The Zoning Administrator may request a report be submitted with respect to any public health aspect of the proposal and with respect to any traffic or public safety aspect of the proposal if appropriate. The permit shall be issued for a specific period of time not exceeding ten (10) days, with the exception of certain special seasonal/holiday activities at the Zoning Administrator's discretion for which the permit shall be issued for a specific period not exceeding sixty (60) days. The permit shall contain such conditions as are necessary for protection of public health and safety, or the regulation of traffic, and the Zoning Administrator may require such assurance of guarantee of compliance with conditions as is reasonable and appropriate under the circumstances.

- (d) This permit is in addition to any zoning certificate, air pollution device, construction or operating permit or other license required by law for any proposed activity or facility. No more than two (2) temporary amusement activity permits shall be issued in any calendar year with regard to any particular private property; however this limitation shall not apply to public property, nor to property not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, or for purposes purely charitable.
- (e) Contractor's Offices and Construction Equipment Sheds are permitted upon the issuance of a temporary use permit in any district where the use is accessory to a construction project. No contractor's office or equipment shed shall contain sleeping or cooking accommodation, except as necessary to accommodate security personnel. Any contractor's office shall be removed upon completion of the construction project.
- (f) Inoperable vehicles where the owner is engaged, on a continuing and on-going basis, in the restoration of such vehicle to an operable condition. A maximum of 1 permit each can be issued for 3 separate project cars per owner's parcel.

10-6.2. TEMPORARY USES PROHIBITED:

- (a) A temporary use permit shall not be issued for the intended, on-going and extended human habitation of an impermanent structure.
- (b) A temporary use permit shall not be issued to a person utilizing a travel trailer or other recreational vehicle for use as living quarters unless that individual has a permanent residence elsewhere.

Attachment A

SCHEDULE OF FILING FEES

	<u>Filing Fee</u>	<u>Publication Cost</u>
Zoning Certificate of Compliance	\$100.00	\$0.00
Telecommunications Tower Permit		
Wireless Cell Tower	\$25.00 per vertical foot	
Commercial and Agricultural	\$0.06 per vertical foot minimum \$50.00	
Special Use Permit	\$100.00	\$50.00
Wind & Solar Farms (unused refunded)	\$5000.00 per mW up to \$250,000.00	
Zoning Map Amendment	\$100.00	\$50.00
Appeal	\$100.00	\$50.00
Variance	\$100.00	\$50.00
Late Filing	\$100.00	

Attachment B

FILING FEE SCHEDULE

<u>Building Type</u>	<u>Filing Fee</u>
Buildings or structures to be used for agricultural purposes as defined by Section 4-13 of the Washington County Zoning Code (Ag exempt)	No Fee (\$0.00)
Structures under 150 Square Feet	\$0.00
Structures 150 Square feet and above	\$100.00
Wind and Solar Farms	\$7250.00 per mW