

**KENDALL
COUNTY
CODE**

Published in 2024 by Order of the County Board



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OFFICIALS

of

KENDALL COUNTY, ILLINOIS

AT THE TIME OF THIS CODIFICATION

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Dan Koukol
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Jason Peterson
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County Board

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County Clerk and Recorder

Stephen Krentz
Presiding Judge

Matthew Prochaska
Clerk of the Circuit Court

Jacque Purcell
County Coroner

Eric Weis
State's Attorney

PREFACE

This Code constitutes a codification of the general and permanent ordinances of Kendall County, Illinois.

The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate ordinance included herein.

Acknowledgments

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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

- Sec. 1-1. How Code designated and cited.
- Sec. 1-2. Rules of construction and definitions.
- Sec. 1-3. Catchlines of sections.
- Sec. 1-4. Jurisdiction of Code.
- Sec. 1-5. Effect of repeal of ordinance, resolution, etc.
- Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-7. Supplementation of Code.
- Sec. 1-8. Unauthorized alteration or tampering with Code.
- Sec. 1-9. General penalty; continuing violations; authority to prosecute violations or obtain injunctive or other equitable relief.
- Sec. 1-10. Severability of parts of Code.
- Sec. 1-11. Provisions deemed continuation of existing legislation.
- Sec. 1-12. Code does not affect prior offenses or rights.
- Sec. 1-13. Certain ordinances not affected by Code.

Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Kendall County Code," and may be so cited.

Sec. 1-2. Rules of construction and definitions.

In the construction of this Code, and of all ordinances and resolutions, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the County Board.

Generally.

- (1) All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the County Board may be fully carried out.
- (2) When provisions conflict, the specific shall prevail over the general and the more stringent provision shall prevail.
- (3) Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.
- (4) Scrivener's errors shall be ignored.

Code. The term "Code" means the Kendall County Code as designated in Section 1-1.

Computation of time. The time within which any act is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday, then such succeeding day shall also be excluded.

Conjunctions. In a provision involving two (2) or more items, conditions, provisions, or events, which items, conditions, provisions, or events are connected by the conjunction "and," "or," or "either ... or," the conjunction shall be interpreted as follows, except that the terms "and" and "or" may be interchangeable when the context so requires:

- (1) The term "and" indicates that all the connected terms, conditions, provisions, or events apply.
- (2) The term "or" indicates that the connected terms, conditions, provisions, or events apply singly or in any combination.
- (3) The term "either ... or" indicates that the connected terms, conditions, provisions, or events apply singly but not in combination.

County. The term "County" means Kendall County, Illinois.

County Board or Board. The term "County Board" or "Board" means the County Board of Kendall County, Illinois.

Court or circuit court. The term "court" or "circuit court" means the circuit court of the 23rd Judicial Circuit.

Delegation of authority. Whenever a provision appears requiring the head of a County department or some other County officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty.

Gender. Words of gender include all genders.

ILCS, Ill. Admin. Code. The abbreviation "ILCS" refers to the Illinois Compiled Statutes, as amended. The abbreviation "Ill. Admin. Code" refers to the Illinois Administrative Code, as amended. Any reference to a State act by title is a reference to such act, as amended.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

May. The term "may" is to be construed as being permissive and not mandatory.

May not. The term "may not" has a prohibitory effect.

Month. The term "month" means a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Officers, departments, etc. References to officers, departments, boards, commissions or employees are to County officers, County departments, County boards, County commissions and County employees.

Owner. The term "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

Person. The term "person" means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

Personal property. The term "personal property" includes every species of property except real property, as herein described.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" includes real and personal property.

Real property. The term "real property" includes lands, tenements and hereditaments.

Shall. The term "shall" is to be construed as being mandatory.

Signature or subscription. The term "signature" or "subscription" includes a mark when the person cannot write.

State. The term "State" means the State of Illinois.

Tenant or occupant. The term "tenant" or "occupant," when applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

Tense. The present tense includes the past and future tenses. The future tense includes the present tense.

Wholesale, wholesaler, etc. In all cases where the terms "wholesale," "wholesaler," or "wholesale dealer" are used in this Code, unless otherwise specifically defined, they shall be understood and held to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purposes of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

Written or in writing. The term "written" or "in writing" includes any representation of words, letters or figures, whether by printing or otherwise.

Year. The term "year" means a calendar year.

Sec. 1-3. Catchlines of sections.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the title of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The history or source notes appearing in parentheses after a section in this Code have no legal effect and only indicate legislative history. Cross references, editor's notes, and State law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

(c) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

Sec. 1-4. Jurisdiction of Code.

Unless otherwise provided, this Code shall apply to all acts performed within the unincorporated areas of the County.

Sec. 1-5. Effect of repeal of ordinance, resolution, etc.

(a) When any ordinance, resolution or motion repealing a former ordinance, resolution, motion, clause or provisions shall be itself repealed, such repeal shall not be construed to revive such former ordinance, resolution, motion, clause or provisions unless it shall be, therein, so expressly provided.

(b) The repeal of an ordinance, resolution or motion shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance, resolution or motion repealed.

Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code.

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) ____ of the County Code is hereby amended to read as follows:"

(c) If a new section, subdivision, division, article, or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division, or subdivision, as appropriate) ____ of the County Code is hereby created to read as follows:"

(d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article, or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

Sec. 1-7. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the County. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be removed from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified Code. For example, the person may:

- (1) Arrange the material into appropriate organizational units.
- (2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions, and sections to be included in the Code and make changes in any such catchlines, headings, and titles or in any such catchlines, headings, and titles already in the Code.
- (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions, and sections to be added to the Code.

- (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions, or sections.
- (5) Change the words "this chapter" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "Sections ____ to ____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).
- (6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

Sec. 1-8. Unauthorized alteration or tampering with Code.

It shall be unlawful for any person in the County to change or amend, by additions or deletions, any part or portions of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the County to be misrepresented thereby.

Sec. 1-9. General penalty; continuing violations; authority to prosecute violations or obtain injunctive or other equitable relief.

- (a) In this section, the term "violation of this Code" means any of the following:
 - (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- (b) In this section, "violation of this Code" does not include the failure of a County officer or County employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.
- (c) Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be punished by a fine of not more than one thousand dollars (\$1,000.00).
- (d) Except as otherwise provided by law or ordinance:
 - (1) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
 - (2) With respect to other violations, each violation constitutes a separate offense.
- (e) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may proceed under both, but not more than one (1) recovery shall be had against the same person for the same offense, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(f) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

(g) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

(h) The State's Attorney is hereby authorized to do any or all of the following:

- (1) To prosecute any violation of this Code;
- (2) To seek injunctive or other equitable relief to remedy any violation of this Code.

Sec. 1-10. Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-11. Provisions deemed continuation of existing legislation.

The provisions of this Code, insofar as they are substantially the same as legislation adopted by the County relating to the same subject matter, shall be construed as reinstatements and continuations thereof and not as new enactments.

Sec. 1-12. Code does not affect prior offenses or rights.

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any County ordinance on the effective date of this Code.

Sec. 1-13. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion of an ordinance enumerated below that is not published in this Code:

- (1) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (2) Authorizing or approving any contract, deed, or agreement.
- (3) Making or approving any appropriation or budget.
- (4) Providing for salaries of employees or other employee benefits or job descriptions for employee positions.
- (5) Granting any right or franchise.

- (6) Pertaining to a specific election.
- (7) Establishing a prevailing wage.
- (8) Adopting or amending the Comprehensive Plan.
- (9) Levying or imposing any special assessment or local improvement.
- (10) Dedicating, establishing naming, locating, relocating, opening, paving, widening, repairing or vacating any street.
- (11) Establishing the grade of any street or sidewalk.
- (12) Dedicating, accepting or vacating any plat or subdivision.
- (13) Levying or imposing or otherwise related to taxes not codified in this Code.
- (14) Constituting the basic zoning ordinance or amendatory thereof.
- (15) Amending the zoning map or rezoning specific property.
- (16) That is temporary, although general in effect.
- (17) That is special, although permanent in effect.
- (18) The purpose of which has been accomplished.

Chapter 2

ADMINISTRATION

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- Sec. 2-1. Adoption of official County seal.
- Sec. 2-2. Document fees.
- Sec. 2-3. Fee schedule.
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- Sec. 2-94. Taking of bond fee.
- Sec. 2-95. Whistleblower reporting and anti-retaliation policy.
- Secs. 2-96—2-111. Reserved.

KENDALL COUNTY CODE

Division 2. Ethics

Subdivision I. In General

- Sec. 2-112. Definitions.
- Sec. 2-113. Prohibited political activities.
- Sec. 2-114. Gift ban.
- Sec. 2-115. Exceptions.
- Sec. 2-116. Disposition of gifts.
- Sec. 2-117. Designation of Ethics Advisor.
- Sec. 2-118. Penalties.
- Secs. 2-119—2-131. Reserved.

Subdivision II. Ethics Commission

- Sec. 2-132. Created; appointment of members.
- Sec. 2-133. Appointment terms.
- Sec. 2-134. Vacancies.
- Sec. 2-135. Powers and duties.
- Sec. 2-136. Complaints of violation.
- Secs. 2-137—2-154. Reserved.

Article IV. Procurement

Division 1. Generally

- Sec. 2-155. Definitions.
- Sec. 2-156. Purpose.
- Sec. 2-157. Application.
- Sec. 2-158. Requirement of good faith.
- Sec. 2-159. Severability.
- Sec. 2-160. Property rights.
- Sec. 2-161. Parent committee and county board agendas.
- Sec. 2-162. Public access to procurement information.
- Sec. 2-163. Unauthorized purchases.
- Secs. 2-164—2-181. Reserved.

Division 2. Bidding Process

- Sec. 2-182. Communication with bidder/offerors.
- Sec. 2-183. Invitation for bid and/or request for proposal document addenda and questions.
- Sec. 2-184. Bid security/bonding requirements.
- Sec. 2-185. Insurance requirements.
- Sec. 2-186. Indemnification requirements.
- Sec. 2-187. Contractor record retention.
- Sec. 2-188. Confidential information.
- Secs. 2-189—2-214. Reserved.

ADMINISTRATION

Division 3. Source Selection and Contract Execution

Subdivision I. In General

- Sec. 2-215. Department level small procurements, purchases at or below \$10,000.00.
- Sec. 2-216. County Administrator and Engineer approved procurements, purchases between \$10,001.00 and \$30,000.00.
- Sec. 2-217. County Board level procurements, competitive sealed bidding, purchases \$30,000.00 and above.
- Sec. 2-218. Board level procurements; request for proposal.
- Sec. 2-219. Sole source procurement.
- Sec. 2-220. Procurements not suitable for bid.
- Sec. 2-221. Contracts for legal services.
- Sec. 2-222. Contracts for certain data/telecommunication equipment.
- Sec. 2-223. Emergency procurements.
- Sec. 2-224. Cooperative joint purchasing authorized.
- Sec. 2-225. Professional services selection process.
- Sec. 2-226. Cost plus percentage contracts.
- Secs. 2-227—2-245. Reserved.

Subdivision II. Responsibility of Bidders and Offerors

- Sec. 2-246. Considerations in determining responsible bidder/offeror.
- Sec. 2-247. Decision to declare non-responsible.
- Secs. 2-248—2-272. Reserved.

Subdivision III. Contract Administration

- Sec. 2-273. Contract administration.
- Sec. 2-274. County procurement records.
- Secs. 2-275—2-296. Reserved.

Subdivision IV. Authorization, Review and Approval Process

- Sec. 2-297. Authorization to initiate bids or other solicitations.
- Sec. 2-298. Fiscal responsibility.
- Sec. 2-299. Legal review of contracts.
- Sec. 2-300. Multi-year contracts.
- Sec. 2-301. Contract renewals.
- Sec. 2-302. Change orders and contract modifications.
- Secs. 2-303—2-322. Reserved.

Division 4. Specifications

- Sec. 2-323. Responsibility for specifications.
- Sec. 2-324. Maximum practicable competition.
- Secs. 2-325—2-351. Reserved.

Division 5. Prohibited Interests and Required Disclosures and Violations

- Sec. 2-352. Required disclosures of contractors and vendors.
- Sec. 2-353. Prohibited interest in contracts.
- Sec. 2-354. Violations.

ARTICLE I. IN GENERAL**Sec. 2-1. Adoption of official County seal.**

(a) The seal in Subsection (c) of this section shall be the seal of the County, to be used in all cases that have been or shall hereafter be provided by the laws of the United States, the laws of the respective States of the United States and the ordinances of the County, in all the cases in which, by the laws and customs of nations, it is necessary to use a seal by a corporation, said seal shall be kept by the Clerk of the County for use as prescribed by law.

(b) The seal shall be circular in form, consisting of two (2) inscribed circles with an outline map of the County with the township lines, with the Historic County Courthouse as escutcheon of pretense, below the image of the Courthouse shall be the Roman letters "Est." and the Arabic numerals of "1841." Around the outer edge of the first circle, there shall be nine (9) five (5) pointed stars, representing each of the townships, four (4) stars shall be on the left side followed by the term "Kendall," one (1) star, then the term "County," then four (4) more stars on the right, with the word "Illinois" at the bottom of the seal with all writing in capital Roman letters.

(c) The County seal shall be the official seal of the County.



(d) All letterhead, stationary, business cards, the official seals, and other items bearing a logo or seal shall be replaced by this seal.

(Ord. No. 2020-21, 11-4-2020)

Sec. 2-2. Document fees.

(a) *Document fee schedule.* The following fee schedule shall apply to each purchase of an ordinance, regulation, map, or other document:

- (1) Land Resource Management Plan: twenty-one dollars and twenty-five cents (\$21.25).

- (2) Zoning ordinance: forty dollars (\$40.00).
 - (3) Subdivision control ordinance: thirteen dollars (\$13.00).
 - (4) Stormwater ordinance: six dollars (\$6.00).
 - (5) Land cash ordinance: six dollars (\$6.00).
 - (6) Building code guide: five dollars and seventy-five cents (\$5.75).
 - (7) Land evaluation and site assessment (LESA): six dollars (\$6.00).
 - (8) Site development ordinance: four dollars and twenty-five cents (\$4.25).
 - (9) Other documents: twenty-five cents (\$0.25) per page.
 - (10) Land Resource Management Plan (LRMP) map: cost of reproduction.
- (b) *Time of payment.* All fees shall be due and payable at the time of purchase.

(c) *Waivers and refunds.* No waiver and no refund shall be made for any fee paid pursuant to this article without the approval of the Planning, Building, and Zoning Committee of the County Board, except that all fees for actions or activities by the County or the County Forest Preserve District are hereby waived, and except that that all fees for ordinances, regulations, maps, and other documents requested by other units of government are hereby waived, provided that said waiver is reciprocated by that unit of government.

(Ord. No. 99-32, §§ 1—3, 9-21-1999)

Sec. 2-3. Fee schedule.

(a) *Standard and nonstandard documents.* Fees for standard and nonstandard documents are as follows:

- (1) Standard documents (any document other than nonstandard): seventy-six dollars (\$76.00).
 - a. Deeds. Inclusion of language in the deed as to any restriction; covenant; lien; oil, gas, or other mineral interest; easement; lease; or a mortgage shall not alter the classification of a document as a deed.
 - b. Leases, lease amendments, and similar transfer of interest documents.
 - c. Mortgages, including assignments, extensions, amendments, subordinations, and mortgage releases.
 - d. Easements not otherwise part of another classification, including assignments, extensions, amendments, and easement releases not filed by a State agency, unit of local government, or school district.
 - e. Miscellaneous documents not otherwise falling within classifications set forth in Subsections (a)(1)a through d of this section and are not nonstandard documents.

Nothing in this subsection shall preclude an alternate predictable fee schedule for electronic recording within each of the classifications set forth in this section. If the rental housing support

program State surcharge is amended and the surcharge is increased or lowered, the aggregate amount of the document flat fee attributable to the surcharge in the document may be changed accordingly.

- (2) Nonstandard documents. Examples of nonstandard documents include:
 - a. A document that creates a division of a then active existing tax parcel identification number.
 - b. A document recorded pursuant to the Uniform Commercial Code (UCC); see UCC pricing section in the table below.
 - c. A document which is non-conforming, as described in paragraphs (1) through (5) of 55 ILCS 5/3-5018; fee of twelve dollars (\$12.00) will be added.
 - d. A State lien or a Federal lien.
 - e. A document making specific reference to more than five (5) tax parcel identification numbers in the county in which it is presented for recording; fee of one dollar (\$1.00) per additional parcel.
 - f. A document making specific reference to more than five (5) other document numbers recorded in the county in which it is presented for recording; fee of one dollar (\$1.00) per additional document.

| | |
|--|--------------|
| Plat (subdivisions, etc.) (maximum 24" x 36") submit original and 3 copies | \$110.00 ea. |
| Additional plat pages | \$1.00 ea. |
| Plat (condominium) (maximum 24" x 36") submit original and 1 copy | \$110.00 ea. |
| Additional plat pages | \$1.00 ea. |
| Plat of annexations (maximum 24" x 36") submit original and 1 copy | \$110.00 ea. |
| Additional plat pages | \$1.00 ea. |
| Uniform Commercial Code (UCC) | |
| (Standard forms approved by Illinois Secretary of State include UCC-1, UCC-2, and UCC-3) | |
| Financing statement | \$65.00 ea. |
| Continuation or amendment | \$65.00 ea. |
| Termination statement (810 ILCS 5/9-404.5) | \$5.00 ea. |
| UCC copy, per page | \$0.50 ea. |
| Certified copy | \$27.00 ea. |
| Additional pages after the first 4 pages | \$1.00 ea. |
| Photocopies, per page | \$0.50 ea. |

| | |
|---|------------|
| Plat copies, per page | \$5.00 ea. |
| Military discharge | |
| Recordation | No charge |
| Certified copies to veteran or immediate family | No charge |

(3) Fees to re-record are the original fees less the nineteen dollar (\$19.00) RHSP fee.

(b) *Standard requirements for documents.*

- (1) Only originals or certified copies shall be present and accepted for record.
- (2) The document shall be legibly printed in black ink, by hand, type or computer generated in at least ten (10) point type. Signatures and dates may be in black or blue ink.
- (3) The document shall be on white paper measuring eight and one-half (8½) by eleven (11) inches not permanently bound and not a continuous form, of not less than twenty (20) pound weight and shall have a clean margin of at least one-half (½) inch on the top, bottom, and sides. Margins may be used for non-essential notations which may be, but are not limited to, form number, page number, and customer notations.
- (4) The first page shall contain a blank space, measuring at least three (3) inches by five (5) inches, in the upper right corner.
- (5) The document shall not have any attachments stapled or otherwise affixed to any page.
- (6) A self-addressed stamped envelope is required for documents to be returned. Two (2) envelopes shall be included if copies are requested.

(c) *Supplemental information.*

- (1) The law allows the Recorder's Office to double recording charges if not conforming to 1995 regulations.
- (2) The Recorder's Office provides no legal advice. Any legal questions should be directed towards an attorney.
- (3) The Recorder's Office provides no document search services. Users should contact a title search company if they are unable to search county records that are open to the public.

(Ord. No. 2018-24, att., 12-4-2018; Ord. No. 2023-23, exh. A, 5-16-2023)

Sec. 2-4. Kendall County geographic information systems fees.

The following geographic information systems (GIS) fees are established in the County and shall be collected by the County Recorder's Office. These fees will then be remitted to the County Treasurer, unless required otherwise by applicable State statute or regulation.

- (1) Thirty dollars (\$30.00) of the total fee must be allocated to the GIS mapping fund to be used solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a geographic information system.

- (2) The remaining two dollars (\$2.00) shall be allocated to the GIS recording fund, which may be used at the County Recorder's discretion to defray the cost of implementing or maintaining the County's geographic information system.
(Ord. No. 2019-29, §§ 1, 2, 1-1-2020)

Secs. 2-5—2-26. Reserved.

ARTICLE II. COUNTY BOARD

DIVISION 1. GENERALLY

Secs. 2-27—2-55. Reserved.

DIVISION 2. RULES OF ORDER

Sec. 2-56. Code of conduct.

Each County Board member shall abide by the code of conduct provisions provided for herein:

- (1) No County Board member, whether elected or appointed, shall:
- a. Directly or indirectly solicit or accept any service or item of value from any person, firm or corporation having dealings with the County except upon the same terms granted to the public generally.
 - b. Receive any part of any fee, commission or other compensation paid or payable by the County or by any person in connection with any dealings or proceedings before any agency of the County.
 - c. Directly or indirectly solicit or accept any service or item of value from the broker or agent who procures any type of bond or policy of insurance for the County, its officers, employees, persons or firms doing business with the County.
 - d. Willfully and knowingly disclose, for direct or indirect financial gain, to any person, confidential information acquired in the course of and by reason of performing official duties or use any such information for the purpose of individual, direct or indirect financial gain.
- (2) Any County Board member who has a financial interest, direct or indirect, in any contract with the County, or in the sale of land, material, supplies or services by or to the County or to a contractor supplying services by or to the County or in any resolution or ordinance proposed or pending before the Board shall make known that interest and shall refrain from voting upon or otherwise participating in the making of such contract or in the discussion, adoption or defeat of such resolution or ordinance. If the person or corporation contracting with or making a sale to or purchasing from the County knows, or has reason to know, that this subsection has been violated, then the contract or sale may be declared void by resolution of the County Board.

- (3) The penalty for violation of any of these specific prohibitions of this section of the rules shall be as provided by law.

(Ord. No. 2022-30, exh. A(I), 11-15-2022)

Sec. 2-57. Ethics law.

(a) The State General Assembly enacted the State Officials and Employees Ethics Act (5 ILCS 430/1-1 et seq.) making revisions to State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State and local officials and employees. As required by the Act, the County adopted a similar ordinance in May 2004.

(b) County Board members are subject to the State statute and County ordinance. Penalty for violation of State statute or County ordinance shall be as provided by law or ordinance.

(Ord. No. 2022-30, exh. A(II), 11-15-2022)

Sec. 2-58. Regular and special board meetings.

(a) Regular meetings shall be held on the third Tuesday of June and September, as fixed by statute. The adjourned meetings of the Board shall be held on the first and third Tuesday of each month, or such other day as the Board shall specify upon motion duly made, seconded and carried. If an adjourned meeting date falls on a holiday or Election Day, it shall be held on the next working day, usually Wednesday. Meeting time shall be 6:00 p.m. on the first Tuesday and 9:00 a.m. on the third Tuesday or at such other time as the County Board determines, at the County Board room.

(b) Swearing in and organization of the Board shall be held on the first Monday in December in the year of the election of Board Members. The County Clerk shall convene the organizational meeting and the County Board members shall select the County Board Chairman.

(c) As required by State statute (55 ILCS 5/2-1002), special meetings of the County Board may be called at the written request of not less than one-third ($\frac{1}{3}$) of the members of the County Board (four (4) members) and filed with the County Clerk. A special meeting of the County Board shall be called to be held not earlier than five (5) days from the date written notice of such call was mailed by said Clerk to the Board members. Only such business shall be transacted at any special meeting as has been stated in the notice of the call of such special meeting. However, during regular and adjourned meetings of the County Board, special meetings may be set by the members in accordance with the Open Meetings Act (5 ILCS 120/1 et seq.).

(d) In accordance with the Open Meetings Act (5 ILCS 120/1 et seq.), public notice in the form of an agenda must be posted at the County office building and the building in which the meeting will occur if not the same building. The posting must be no less than forty-eight (48) hours prior to the start of the meeting.

(e) Individual public comment shall be limited to five (5) minutes per speaker.

- (1) The total time for public comment at each regular and special County Board meeting shall not exceed one (1) hour per comment period. The County Board Chairman shall have the ability with the consent of the majority of the County Board, to extend either time period.

- (2) Persons addressing the Board shall not be permitted to make statements or remarks or engage in conduct that actually disturbs or impedes the public meeting. The Chairman may require any person making such prohibited statements or remarks or engaging in such conduct to leave the meeting.

(f) Meetings held electronically. All meetings of the County Board, including special committees and standing committees, are to be held in person. The following rules shall remain dormant unless the Governor or the Director of the State Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster, as defined in Section 4 of the Illinois Emergency Management Agency Act (20 ILCS 3305/4), and all or part of the jurisdiction of the public body is covered by the disaster area, and the Chairman of the County Board determines that an in-person meeting or a meeting conducted under this Act is not practical or prudent because of a disaster. If these conditions are met then the following rules shall apply for electronic meetings of the County Board, special committees, and standing committees:

- (1) *Remote only meeting.* If the County office building is closed to the public, all meetings will be remote only.
- (2) *Hybrid meeting.* If the County office building is open to the public and the Chairman of the Board decides that a complete in-person meeting is not prudent, then all meetings will be hybrid (in-person and remote attendance are both allowed).
- (3) *Executive session.* The members shall be in a private area away from other individuals before joining an executive session.
- (4) *Limitations on members.* Members are encouraged to be in a quiet room to limit interruption to the meeting.
- (5) *Login time.* The Secretary of the Board or committee shall schedule an internet meeting and log in fifteen (15) minutes prior to the scheduled start of the meeting.
- (6) *Quorum calls.* The presence of a quorum shall be established by audible roll call at the beginning of the meeting. Thereafter, the continued presence of a quorum shall be determined by the online list of participating members, unless any member demands a quorum count by audible roll call. Such a demand shall be made following any vote for which the announced totals add to less than a quorum. If in a hybrid meeting, the combination of in-person attendance and the online list shall determine quorum.
- (7) *Technical requirements and malfunctions.* Each member is responsible for audio and internet connections; no action shall be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented participation in the meeting.
- (8) *Disruption of the meeting.* The Chairman may cause or direct the muting of a member's connection if it is causing undue interference with the meeting. The Chairman's decision to do so, which is subject to an undebatable appeal that can be made by any member, shall be announced during the meeting and recorded in the minutes. The Chairman may cause or direct the disconnection or muting of any non-member participant that is causing a disruption of the meeting.

- (9) *Assignment of the floor.* To seek recognition by the Chairman, a member shall utilize the raise hand feature. If a meeting is hybrid, then the Chairman shall recognize the speakers based on those raising their hands in the meeting room and the electronic room.
 - (10) *Interrupting a member.* A member who intends to make a motion or request that under the rules may interrupt a speaker shall use the raise hand feature for so indicating and shall thereafter wait a reasonable time for the Chairman's instructions before attempting to interrupt the speaker by voice.
 - (11) *Location of presiding officer.* If a hybrid meeting, the presiding officer of the meeting must be present in the meeting room.
- (Ord. No. 2020-13, 8-18-2020; Ord. No. 2022-30, exh. A(III), 11-15-2022)

Sec. 2-59. Agenda.

- (a) The order of business coming before the County Board shall substantially be as follows:
- (1) Call to order.
 - (2) Roll call.
 - (3) Determination of a quorum.
 - (4) Approval of agenda.
 - (5) Correspondence and communications - County Clerk.
 - (6) Special recognition.
 - (7) Public comment.
 - (8) Consent agenda.
 - a. Approval of previous month's minutes.
 - b. Standing committee minutes approval.
 - (9) Old business.
 - (10) New business.
 - (11) Elected official reports and other department reports.
 - a. Sheriff.
 - b. County Clerk and Recorder.
 - c. Treasurer.
 - d. Clerk of the Court.
 - e. State's Attorney.
 - f. Coroner.
 - g. Health Department.
 - h. Supervisor of Assessments.
 - i. Board of Review.

- (12) Executive session.
 - (13) Standing committee reports.
 - a. Planning, Building and Zoning.
 - b. Economic Development and Administration.
 - c. Highway.
 - d. Facilities and Technology.
 - e. Finance and Budget.
 - f. Human Resources and Insurance.
 - (14) Liaison reports.
 - a. Labor and grievance.
 - b. Law, justice and legislation.
 - c. Health.
 - (15) Special committee reports.
 - a. Juvenile Justice Council.
 - b. Veteran's Assistance Commission (VAC).
 - c. Historic Preservation.
 - d. United Counties Council of Illinois (UCCI), other State associations and organizations.
 - e. Board of Health.
 - f. Community 708 Mental Health Board.
 - g. KenCom Executive Board.
 - (16) Other business.
 - (17) Chairman's report. (Note: Announcements of appointments are typically made at least one (1) meeting prior to the appointment.)
 - (18) Announcements/appointments.
 - (19) Public comment.
 - (20) Questions from the press.
 - (21) Adjournment.
- (b) All questions relating to the priority of business shall be decided without debate.
- (c) All standing committees of the County Board may place items on the agenda by a majority vote of the standing committee. All items from standing committees will be considered under the standing committee report.
- (d) The County Board Chairman, or designee, shall have final approval of the agenda.

(e) The County Administrator, or designee, shall be responsible for reviewing the County Board agenda prior to posting. A consent agenda will be used to expedite the handling of ministerial, routine, or noncontroversial items. The County Board Chairman, County Administrator, or a standing committee of the County Board may place items on the consent agenda. The consent agenda may include, but is not limited to, approval of minutes, approval of bills, approval of reports, and approval of contracts. At the request of any County Board member, an item shall be removed from the consent agenda. The request to remove an item does not require a second or a vote of the County Board. Any items removed from the consent agenda will be considered as the first item of business for the relevant committee. In the event that a removed item does not have a relevant committee, the removed item will be considered as the first item under new business. Approval of the consent agenda shall be done by a roll call vote the County Board.

(Ord. No. 2022-30, exh. A(IV), 11-15-2022)

Sec. 2-60. Officers.

(a) The County Board Chairman shall be elected for a two (2) year term by a simple majority.

(b) The County Board Vice-Chairman shall be elected for a two (2) year term by a simple majority to act in the absence of the County Board Chairman.

(c) The County Clerk or a deputy selected by the County Clerk shall be the Clerk of the Board.
(Ord. No. 2022-30, exh. A(V), 11-15-2022)

Sec. 2-61. Duties of County Board Chairman.

(a) The County Board Chairman shall vote on all motions, ordinances, amendments thereto, or other matters coming before the County Board.

(b) The County Board Chairman shall preserve order and decide all questions of order, subject to an appeal to the County Board, without debate.

(c) Every member, prior to speaking shall respectfully address the County Board Chairman, avoid personalities and confine comment to the question under consideration.

(d) When two (2) or more members wish to speak at the same time, the County Board Chairman shall name the member who may speak first.

(e) A member called to order, either by the County Board Chairman or member of the County Board, shall immediately take a seat, unless permitted to explain, and, if there is no appeal, the decision of the Chairman shall be conclusive.

(f) All committees, whether standing or special, shall be appointed by the County Board Chairman, and approved by the County Board, unless otherwise directed by the County Board.

(g) Based on State statute, County Board Chairman appoints vacancies in the County Board and County elected officials, with the advice and consent of the County Board.

(h) The County Board Chairman shall appoint, with the advice and consent of the County Board, citizens to serve on all boards, commissions, districts and all other authorities that are subject to appointment or approval per applicable law, ordinance or intergovernmental agreement, including, but not limited to, the County Board of Review, drainage districts, fire protection districts, the County Housing Authority, the KenCom Executive Board Member at large, the County Ethics Commission, and the County Sheriff's Merit Commission. Unless a specific term for the citizen appointment is provided in the applicable law, ordinance or intergovernmental agreement, the Chairman of the County Board shall make the citizen appointments at the same time the Chairman makes appointments for all standing committees of the County Board.

(Ord. No. 2022-30, exh. A(VI), 11-15-2022)

Sec. 2-62. Duties of the Clerk of the Board.

The Clerk of the Board shall be the keeper of the records and the minutes of the County Board and its committees and shall be in attendance at all meetings of the County Board.

(Ord. No. 2022-30, exh. A(VII), 11-15-2022)

Sec. 2-63. Parliamentarian.

The State's Attorney or an Assistant State's Attorney shall be in attendance at all meetings of the Board and shall be Parliamentarian of the Board and, upon request of the Chairman, shall render to the Chairman advice or an opinion on questions of parliamentary law and procedure applicable to matters arising before the Board. The rules of parliamentary procedures as set forth in the latest published edition of Roberts Rules of Order, Revised, shall govern the procedure of the Board in all cases applicable and in which the same are not inconsistent with these rules.

(Ord. No. 2022-30, exh. A(VIII), 11-15-2022)

Sec. 2-64. Rules of the Board.

(a) Any question so put, unless a statute provides otherwise, shall be considered adopted if such question receives a majority favorable vote of all those who vote on the issue. Any person excused by the County Board Chairman from voting will be considered, for the purpose of that vote, to not have voted either affirmatively or negatively, and the abstention shall be treated as if a vacancy had occurred in office of such person.

- (1) On zoning matters, any motion to reclassify property must receive a majority of voting members' votes, not a majority of the County Board which unfairly causes abstaining members' votes to count as a "no" vote. In the event an official objection has been filed with the County Clerk as prescribed by State statutes, the reclassification shall not be passed except by a favorable vote of three-fourths ($\frac{3}{4}$) of all members of the County Board (eight (8) votes).
- (2) Map and text amendments shall require a simple majority of the elected County Board members. For the purposes of cases where a formal protest has been filed, the rules should state that a favorable vote of three-fourths ($\frac{3}{4}$) of the members holding office is required.

(b) No motion shall be debated or put unless seconded. When seconded, it shall be stated by the Chairman before being debated.

- (c) A motion to adjourn shall always be in order and shall be decided without debate.
- (d) No member shall absent themselves before the formal closing of the day's session, unless excused by the County Board Chairman.
- (e) After a motion is stated by the County Board Chairman or read by the Clerk, it shall be considered to be in possession of the Board but may be withdrawn by the mover on consent of the second at any time previous to a decision or amendment thereon.
- (f) The Clerk shall call the names of the members of the Board when calling the roll, or polling a vote, in a rotating alphabetical order of members.
- (g) The County Board Chairman shall have the right to call for a vote by voice vote, or by leave to adopt a previous roll call vote, in all cases, unless there is an objection by one (1) member, in which case a roll call vote shall be taken. The minutes shall reflect the results of each roll call.
- (h) All monetary expenditures require a roll call vote.
- (i) No alteration or amendment shall be made in any rules of the County Board without the consent of two-thirds ($\frac{2}{3}$) of the members thereof. The rule may be suspended in any particular case by vote of two-thirds ($\frac{2}{3}$) of the members present.
- (j) All questions not covered by these Rules of Order shall be decided by Roberts Rules of Order, Revised.
- (k) The County Board Chairman shall vote on all motions, ordinances, amendments thereto, or other matters coming before the Board.
- (l) All claims shall be signed by the officer or department head or designee who made the purchase or incurred the liability, and sworn to be claimant, and must be on file no later than 4:30 p.m. one (1) week prior to the Budget and Finance Committee meeting, unless otherwise permitted by the Board, excepting the County Board members' bills for per diem and mileage.
- (m) In the case of the absence of the Chairman and the Vice-Chairman at any County Board meeting, the Clerk of the County Board shall convene the meeting, and the members shall choose one (1) of their number as temporary Chairman.
(Ord. No. 2022-30, exh. A(IX), 11-15-2022)

Sec. 2-65. Executive session minutes.

Minutes of any executive session shall be reviewed at least semi-annually by the County Board for continued confidentiality in accordance with the Open Meetings Act (5 ILCS 120/1 et seq.). Executive session minutes and corresponding tapes shall be kept secure in the County Clerk's office. Executive session matters are to be kept confidential until released.
(Ord. No. 2022-30, exh. A(X), 11-15-2022)

Sec. 2-66. Special committees.

Special committees may be appointed by the County Board Chairman subject to approval of the County Board whenever such action is deemed necessary or required and such committees shall exist

only for the purpose for which they are appointed. The per diem rules specified in this article apply for appointed Board members. All special committees of the Board shall include public comment on the meeting agenda and follow the Board's regular and special meeting rules for public comment (Section 2-58(e)).

(Ord. No. 2022-30, exh. A(XI), 11-15-2022)

Sec. 2-67. Standing committees.

The standing committees of the Board shall consist of five (5) members each. The County Board Chairman shall designate which County offices are assigned to these Committees. Committees are to be appointed every two (2) years with Board approval.

- (1) All standing committees and standing committee chairmen shall be appointed by the Chairman of the County Board at the first adjourned meeting after the organizational meeting on the first Monday in December. Such members shall remain members of the respective committees at the pleasure of the Chairman. The Chairman shall appoint members evenly between committees when possible. A member may only be appointed as the Chairman of a single committee. The County Board Chairman may not be appointed as a committee chairman. Further, should a vacancy exist in any Committee, the Chairman of the Board shall have the authority to fill such vacancy, subject to the approval of the County Board.
- (2) All standing committees of the Board shall include public comment on the meeting agenda and follow the Board's regular and special meeting rules for public comment (Section 2-58(e)).
- (3) Such standing committees shall be as follows:
 - a. *Highway Committee.* The Highway Committee shall be responsible for the oversight and review of planning, acquisition, construction, improvement, modification and maintenance of the County's infrastructure, such as, but not limited to, roads, bridges, rights-of-way, water systems, and resource recovery systems. This Committee shall be responsible for oversight and review of infrastructure to ensure the health, safety and welfare of the citizens of the County. Responsibilities also include those projects and duties assigned by the Committee of the Whole and County Board Chairman.
 - b. *Facilities and Technology Committee.* The Facilities and Technology Committee shall be responsible for the overall operation, maintenance, scheduling and improvements to existing County buildings, hardware, software, other technology owned or leased and County owned properties. They shall recommend to the County Board for approval and/or action those contracts, leases, purchases or other instruments necessary to accomplish the orderly functioning of County facilities and technology. Responsibilities also include those duties and projects assigned by the Committee of the Whole and County Board Chairman.
 - c. *Economic Development and Administration Committee.* The Economic Development and Administration Committee shall be responsible for the oversight and control of the County's economic growth and development. They shall be responsible for economic needs of the County and other units of government located within the County. They shall employ and supervise such staff as established and provided for by the County Board.

They shall act as the County's liaison to various State and Federal agencies and programs dealing with local economic issues. They shall be responsible for making reports to the County Board regarding grants and programs, applications and progress. They shall be responsible for the preparation of necessary documents and data as may be required by governmental agencies, units of local government or local developers. Responsibilities also include those projects and duties assigned by the Committee of the Whole or County Board Chairman.

- d. *Human Resources and Insurance Committee.* The Human Resources and Insurance Committee shall be responsible for the developments, implementation, oversight, adherence and administration of County personnel and policies. They shall oversee the County insurance needs and make recommendations to the County Board for action, modification or renewal of County insurance programs. They shall be responsible for the preparation and dissemination of information about progress, growth, development, operation and services available in the County to the media, press and public. This Committee shall be responsible for policies guiding the operations of the Animal Control Department and facility. This Committee shall be responsible for policies guiding the operations of emergency management. Responsibilities also include those projects and duties assigned by the Committee of the Whole and County Board Chairman.
- e. *Planning, Building and Zoning Committee.* The Planning, Building and Zoning Committee shall be responsible for the preparation, examination, review and analysis of the County Comprehensive Plan, including land use needs and requirements; for the review, modification and administration of the County's land use plans, zoning and mapping and platting ordinances. The Committee shall be responsible for the review, modification and recommendation to the County Board for the amendment to County construction guidelines, building codes and standards and zoning amendments and the review of all proposals for development within the County. The Committee shall be responsible for the review of all changes or modifications involving agricultural lands or floodplains and the supervision of the enforcement of County ordinances pertaining to land use and buildings. Responsibilities also include those projects and duties assigned by the Committee of the Whole and County Board Chairman.
- f. *Finance and Budget Committee.* The Finance and Budget Committee is responsible for making recommendations concerning County fiscal policies and administration, including overall coordination of the annual County budget. The Committee shall examine, review, analyze and where appropriate and necessary make recommendations concerning the annual budget. They shall prepare with the County Board Chairman, the annual appropriation and levy ordinance. They shall review all internal and external audits of all County departments and offices of all elected County officials. They shall also review, recommend the disposition of State, Federal and agency grant requests and the appropriation of salaries of all County employees, appointed officials and office holders. They shall review all matters of real estate, taxation, and finances for the purpose of generating new services for the County. They shall generate, in conjunction with the County Treasurer's office, monthly and year-to-date income statements, revenue projections, expense

statements and projections, projected surpluses or shortfalls. They shall be responsible for all purchasing and inventory controls. This Committee shall oversee the Chief County Assessing Officer and Department. This Committee shall review and evaluate the performance of the Chief County Assessing Officer. Responsibilities also include those projects and duties assigned by the Committee of the Whole and County Board Chairman.

- g. *Committee of the Whole.* The Committee of the Whole shall be responsible for preparation of the County Board Meeting Agenda; consideration of County Board Chairman appointments; review matters affecting Board policies and rules; examination of State and Federal legislation; recommendations for the judicial and legal needs of the County; relations and negotiations with labor, personnel, union and collective bargaining groups; hearings on the issuance of County licenses; review matters not specifically assigned to other Committees. The Committee shall serve as the communication link between the County Board Chairman, the County Board, and the standing committees.
- h. *Special committee assignments.* The County Board Chairman shall appoint liaisons to various boards and Committees, including, but not limited to, the 708 Mental Health Board, the Housing Authority Board, the KenCom Executive Board, and the Board of Health, with the advice and consent of the County Board.

(Ord. No. 2022-30, exh. A(XII), 11-15-2022)

Sec. 2-68. Committee vacancies.

Whenever any member of any committee is either temporarily or permanently unable to perform the duties of such appointment due to resignation, death, disability, illness, or absence, the Chairman of the County Board may declare such position vacant and appoint another member to fill the vacancy, subject to the approval of the County Board. If the vacancy is temporary and not permanent, the appointment shall terminate once the incumbent member is able to return to perform the duties of the committee assignment. If a member misses three (3) consecutive meetings, the County Board Chairman may replace that member either permanently or temporarily, subject to the approval of the County Board.

(Ord. No. 2022-30, exh. A(XIII), 11-15-2022)

Sec. 2-69. Committee powers.

(a) The various elected officials and department heads, in addition to the County Board staff, shall provide such assistance, information and support to the standing committees and to the Board as a whole as shall be required by said committees or by the Board. Information required by the Board or any of its standing committees shall be provided upon request of any Board member or Board staff. The staffing for the standing committees shall be provided by the County Board staff. All County Board committees, in the exercise of their oversight and legislative functions and powers, shall have the right to summon employees and to review those documents and records necessary or helpful in the exercise of such responsibilities. Willful failure to respond to a written request issued to a County employee or appointed department head by a Board committee shall be sufficient cause to authorize the Committee to apply to the County Board Chairman for an order of the failure of the employee to appear and to request an immediate redress of said grievance. Moreover, it shall be the policy of the County Board that the

County Board staff shall be made available in their respective areas of expertise to the elected County officers and to the various department heads, to the extent that the said request is not in conflict with the priorities assigned by the County Board.

(b) All committees and committee chairmen shall be appointed by the Chairman of the County Board with approval of the County Board. A County Board member may only be the chairman of a single committee. Each committee chairman shall appoint their committee vice-chairman.

(c) Meetings of all committees may be held on a regular meeting date and place or may be called by three (3) days' notice by the committee chairman or a majority of the committee. When called, a copy of said notice shall be sent to administration.

(d) Any Board member is welcome and encouraged to attend committee meetings other than committees to which the Board member is assigned. A committee chairman has the option of appointing other Board members to meet the minimum level required for a quorum. If a Board member is appointed to meet the committee quorum, the Board member is entitled to vote for the duration of the meeting.

(e) The committee chairman shall designate a recorder to keep minutes of each meeting and shall file a copy thereof with the Clerk on or before the next regular County Board meeting date.
(Ord. No. 2022-30, exh. A(XIV), 11-15-2022)

Sec. 2-70. County Board liaisons.

(a) *Labor and Grievance Liaison.* The Labor and Grievance Liaison serves as the County Board's representative for all union negotiations. The Liaison reports to the full County Board monthly during the first County Board meeting of the month.

(b) *Law, Justice and Legislation Liaison.* The Law, Justice and Legislation Liaison serves as the main point of contact with the Sheriff's Office, judiciary, State's Attorney's office, Public Defender, court services, KenCom, and the Circuit Clerk's office. The Law, Justice and Legislation Liaison advises the County Board on legislative matters at the State and Federal level. The Law, Justice and Legislation Liaison reports to the full County Board monthly during the first County Board meeting of the month.

(c) *Health Liaison.* The Health Liaison serves as the main point of contact with the Board of Health, 708 Mental Health Board, County Housing Authority, and Northwest Water Planning Area Alliance Executive Board. The Health Liaison reports to the full County Board monthly during the first County Board meeting of the month.

(d) *Appointment.* All liaisons shall be appointed by the Chairman of the County Board with approval of the County Board. Each liaison may appoint an alternate liaison to serve in their absence.
(Ord. No. 2022-30, exh. A(XV), 11-15-2022)

Sec. 2-71. Committee reports.

(a) Committee reports shall be made by the chairman of each respective committee, or, in such chairman's absence, by the vice-chairman of said committee. In the event of the absence of both the chairman and vice-chairman of a committee at a regular County Board meeting, the committee report may be made by any other member of said committee.

(b) All committees shall report in writing giving the facts and opinions thereon, and every report will be approved by the County Board.

(Ord. No. 2022-30, exh. A(XVI), 11-15-2022)

Sec. 2-72. County Board member salary.

The salary of the County Board members, excluding the County Board Chairman, shall be established by resolution of the County Board.

(Ord. No. 2022-30, exh. A(XVII), 11-15-2022)

Sec. 2-73. County Board Chairman and Liquor Control Commissioner compensation.

The County Board Chairman's salary shall be established by resolution of the County Board. Additionally, a stipend shall be established by resolution of the County Board for the role of Liquor Control Commissioner.

(Ord. No. 2022-30, exh. A(XVIII), 11-15-2022)

Sec. 2-74. Mileage reimbursement and health insurance.

(a) The County Board Chairman and County Board members are allowed mileage reimbursements for travel to attend out-of-County meetings assigned by the County Board Chairman. The mileage reimbursement rate is the same rate set by the Internal Revenue Service for mileage deductions.

(b) The type of coverage and cost of health insurance for the County Board Chairman and the County Board members may be established by resolution of the County Board.

(Ord. No. 2022-30, exh. A(XIX), 11-15-2022)

Sec. 2-75. Amendment and effect of rules.

(a) No alteration or amendment shall be made in any rules of the County Board without the consent of two-thirds ($\frac{2}{3}$) of the County Board members thereof. The rule may be suspended in any particular case by vote of two-thirds ($\frac{2}{3}$) of the County Board members present.

(b) All questions not covered by these rules of order shall be decided by Roberts Rules of Order, Revised.

(Ord. No. 2022-30, exh. A(XX), 11-15-2022)

Secs. 2-76—2-93. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-94. Taking of bond fee.

The fee charged by the County Sheriff for the taking of bond shall be set in the amount of fifty dollars (\$50.00).

(Ord. No. 20-19, 10-6-2020)

Sec. 2-95. Whistleblower reporting and anti-retaliation policy.

(a) It is the policy of the County to act in accordance with Section 4.1 of the Illinois Public Officer Prohibited Activities Act (50 ILCS 105/4.1) regarding retaliation against whistleblowers. Thus, the County prohibits retaliation against its employees and contractors who:

- (1) Report an improper governmental action;
- (2) Cooperate with an investigation by an auditing official related to a report of improper governmental action; or
- (3) Testify in a proceeding or prosecution arising out of an improper governmental action.

(b) For purposes of this policy, the term "improper governmental action" is defined as any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a Federal, State, or a unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. Per Section 4.1 of the Illinois Public Officer Prohibited Activities Act (50 ILCS 105/4.1), the term "improper governmental action" does not include the following: a unit of local government's personnel actions, including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

(c) For purposes of this policy, retaliation means any adverse change in an employee's employment status or the terms and conditions of employment that result from an employee's protected activity under this policy and/or the Public Officer Prohibited Activities Act (50 ILCS 105.0.01 et seq.). Retaliation can include, but is not limited to, any of the following: denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of the employee's protected activity under this policy and the Public Officer Prohibited Activities Act (50 ILCS 105.0.01 et seq.). Any report of retaliation shall promptly be reported to the County's Auditing Official for review pursuant to the complaint procedures set forth in this policy. All employees are responsible for reporting improper government activities as well as reporting any retaliatory conduct resulting therefrom pursuant to the complaint procedures set forth in this policy. Failure to do so may result in disciplinary action up to and including termination of employment.

(d) County's Auditing Official. The County's Auditing Official is responsible for receiving, registering, and investigating complaints and information concerning misconduct, inefficiency, and waste within the County based upon the prohibitions set forth in this policy. The County's appointed Auditing Official is:

Kendall County Inspector General
Kendall County Sheriff's Office
1102 Cornell Lane
Yorkville, Illinois 60560
(630) 553-7500

In the event there is a vacancy in the Auditing Official's position, the County State's Attorney shall assume the Auditing Official's duties pursuant to Section 4.1(i) of the Public Officer Prohibited Activities Act (50 ILCS 105/4.1).

(e) Complaint and investigation procedures.

- (1) All reports of alleged improper governmental activities and retaliation in violation of the Public Officer Prohibited Activities Act (50 ILCS 105/0.01 et seq.) shall promptly be reported to the County's Auditing Official in writing within sixty (60) days of notice of the alleged act. All complaints received pursuant to this policy will be promptly and thoroughly investigated by the Auditing Official or their designee in accordance with Section 4.1 of the Public Officer Prohibited Activities Act (50 ILCS 105/4.1).
- (2) To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee waives confidentiality in writing. The Auditing Official may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action.
- (3) At the conclusion of the investigation, the Auditing Official will decide whether the complaint has merit or whether the complaint does not have merit. If the Auditing Official determines the complaint has no merit, the Auditing Official can dismiss the complaint. If the Auditing Official concludes that an improper governmental action has taken place or concludes the applicable department/elected office, board member, or supervisory officials have hindered the Auditing Official's investigation, the Auditing Official shall notify in writing the County Board Chairman and any other individual or entity the Auditing Official deems necessary in the circumstances. If the Auditing Official deems it appropriate, the Auditing Official may transfer a report of improper governmental action to the County State's Attorney or local law enforcement agency for further investigation.

(f) Remedies.

- (1) In the event the Auditing Official determines the complaint has merit, the Auditing Official has the authority to exercise any or all remedies as set forth in Section 4.1 of the Public Officers Prohibited Activities Act (50 ILCS 105/4.1). Such remedies can include, but are not limited to, the following: reinstatement, reimbursement for lost wages or expenses incurred, promotion, and/or providing some other form of restitution to the complainant who was subjected to retaliation in violation of this policy.
- (2) Any person who engages in any violation of Section 4.1 of the Public Officer Prohibited Activities Act (50 ILCS 105/4.1) may also be subject to a monetary fine of no less than five

hundred dollars (\$500.00) and no more than five thousand dollars (\$5,000.00) per violation, appropriate employment action (including, but not limited to, suspension without pay, demotion, or discharge), civil or criminal prosecution, or any combination of these penalties.

(g) Distribution of this policy. The County shall provide a copy of this policy to every employee upon commencement of employment and on an annual basis thereafter to ensure employees understand their rights and the process in which they can report retaliation pursuant to this policy.

(Ord. No. 22-07, att., 2-15-2022)

Secs. 2-96—2-111. Reserved.

DIVISION 2. ETHICS

Subdivision I. In General

Sec. 2-112. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Campaign for elective office means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities:

- (1) Relating to the support or opposition of any executive, legislative, or administrative action;
- (2) Relating to collective bargaining; or
- (3) That are otherwise in furtherance of the person's official duties.

Candidate means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 5/1-3).

Collective bargaining has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

Compensated time means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of employment, but does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, the term "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing official duties, regardless of location.

Compensatory time off means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment.

Contribution has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

Employee means a person employed by the County, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed but does not include an independent contractor.

Employer means the County.

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value, including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

Leave of absence means any period during which an employee does not receive:

- (1) Compensation for employment;
- (2) Service credit towards pension benefits;
- (3) Health insurance benefits paid for by the employer.

Officer means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in such officer's official capacity.

Political activity means any activity in support of or in connection with any campaign for elective office or any political organization but does not include activities:

- (1) Relating to the support or opposition of any executive, legislative, or administrative action;
- (2) Relating to collective bargaining; or
- (3) That are otherwise in furtherance of the person's official duties.

Political organization means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

Political party means a political organization as defined within this section.

Prohibited political activity means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including, but not limited to, the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum questions.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

Prohibited source means any person or entity who:

- (1) Is seeking official action:
 - a. By an officer;
 - b. By an employee; or
 - c. By the officer or another employee directing that employee;
- (2) Does business or seeks to do business:
 - a. With an officer;
 - b. With an employee; or
 - c. With the officer or another employee directing that employee;

- (3) Conducts activities regulated:
 - a. By an officer;
 - b. By an employee; or
 - c. By the officer or another employee directing that employee; or
 - (4) Has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.
- (Ord. No. 12-18, § 1-1, 9-18-2012)

Sec. 2-113. Prohibited political activities.

(a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the County in connection with any prohibited political activity. However, nothing in this section is intended to prohibit the officer or employee from using County property or resources if such County property and resources are available for similar use by members of the general public.

(b) At no time shall any officer employee intentionally require any other officer or employee to perform any prohibited political activity:

- (1) As part of that officer or employee's duties;
- (2) As a condition of employment; or
- (3) During any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for participation in any prohibited political activity.

(d) Nothing in this section prohibits activities that are permissible for an officer or employee to engage in as part of official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this division.

(e) No person either:

- (1) In a position that is subject to recognized merit principles of public employment; or
- (2) In a position the salary for which is paid in whole or in part by Federal funds and that is subject to the Federal standards for a merit system of personnel administration applicable to grant-in-aid programs;

shall be denied or deprived of employment or tenure solely because of membership in or an officer of a political committee, a political party, or a political organization or club.

(Ord. No. 12-18, § 5-1, 9-18-2012)

Sec. 2-114. Gift ban.

Except as permitted by this division, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section.

(Ord. No. 12-18, § 10-1, 9-18-2012)

Sec. 2-115. Exceptions.

Section 2-114 is not applicable to the following:

- (1) Opportunities, benefits, and services which are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or the same's spouse or immediate family member, pays the fair market value.
- (3) Any:
 - a. Contribution that is lawfully made under the Election Code; or
 - b. Activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business related to the officer's or employee's official duties.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's affianced.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or the same's spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:
 - a. The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
 - b. Whether, to the actual knowledge of the recipient, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift;

- c. Whether, to the actual knowledge of the recipient, the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (8) Food or refreshments not exceeding seventy-five dollars (\$75.00) per person in value on a single calendar day, provided that the food or refreshments are:
- a. Consumed on the premises from which they were purchased or prepared; or
 - b. Catered.
- For the purposes of this section, the term "catered" means food or seven (7) refreshments that are purchased ready to consume which are delivered by any means.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee) if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee and are customarily provided to others in similar circumstances.
- (10) Intra-governmental and inter-governmental gifts. For the purpose of this division, the term "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and the term "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity not exceeding one hundred dollars (\$100.00).
- (11) Bequests, inheritances, and other transfers at death.
- (12) Any item from any one (1) prohibited source during any calendar year having a cumulative total value of less than one hundred dollars (\$100.00).

Each of the exceptions listed in this section is mutually exclusive and independent of every other.
(Ord. No. 12-18, § 10-2, 9-18-2012)

Sec. 2-116. Disposition of gifts.

An officer or employee, the same's spouse or an immediate family member living with the officer or employee, does not violate this division if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.
(Ord. No. 12-18, § 10-3, 9-18-2012)

Sec. 2-117. Designation of Ethics Advisor.

The County Board Chairman, with the advice and consent of the County Board, shall designate an Ethics Advisor for the County. The duties of the Ethics Advisor may be delegated to an officer or employee of the County unless the position has been created as an office by the County.
(Ord. No. 12-18, § 15-1, 9-18-2012)

Sec. 2-118. Penalties.

(a) A person who intentionally violates any provision of Section 2-113 may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than three hundred sixty-four (364) days and may be fined in an amount not to exceed two thousand five hundred dollars (\$2,500.00).

(b) A person who intentionally violates any provision of Sections 2-114 through 2-116 is subject to a fine in an amount of not less than one thousand one dollars (\$1,001.00) and not more than five thousand dollars (\$5,000.00).

(c) Any person who intentionally makes a false report alleging a violation of any provision of this division to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than three hundred sixty-four (364) days and may be fined in an amount not to exceed two thousand five hundred dollars (\$2,500.00).

(d) A violation of Section 2-113 shall be prosecuted as a criminal offense by the County State's Attorney by filing in the circuit court a sworn complaint charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

(e) A violation of Sections 2-114 through 2-116 shall be prosecuted by the Ethics Commission through the designated administrative procedure.

(f) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Sections 2-113 through 2-116 is subject to discipline or discharge.

(Ord. No. 12-18, § 25-1, 9-18-2012)

Secs. 2-119—2-131. Reserved.*Subdivision II. Ethics Commission***Sec. 2-132. Created; appointment of members.**

There is hereby created a Commission to be known as the Ethics Commission of the County. The Commission shall be comprised of five (5) members appointed by the County Board Chairman with the advice and consent of the County Board. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the County. No more than three (3) members of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.

(Ord. No. 12-18, § 20-1, 9-18-2012)

Sec. 2-133. Appointment terms.

When the County Board Chairman, with the advice and consent of the County Board, makes the initial appointments to the Ethics Commission, the Chairman shall designate three (3) appointments for a term of three (3) years and two (2) appointments for a term of two (2) years. One (1) appointment from each political party shall be for an original two (2) year term. After the initial appointments, terms shall be for a period of two (2) years. The Chairman, with the advice and consent of the County Board, will designate one (1) member as the Chairman of the Commission.

(Ord. No. 12-18, § 20-2, 9-18-2012)

Sec. 2-134. Vacancies.

(a) The County Board Chairman, with the advice and consent of the County Board, may remove a Commissioner of the Ethics Commission in case of incompetency, neglect of duty or malfeasance in office after service on the Commissioner by certified mail, return receipt requested, of a copy of the written charges against the Commissioner and after providing an opportunity to be heard in person or by counsel upon not less than ten (10) days' notice.

(b) All vacancies shall be filled in the same manner as original appointments and shall serve the remainder of the original term.

(Ord. No. 12-18, § 20-3, 9-18-2012)

Sec. 2-135. Powers and duties.

(a) The Ethics Commission shall have the following powers and duties:

- (1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- (2) Upon receipt of a signed, notarized, and written complaint, filed with the County Clerk, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 2-136 and refer violations of this division to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this division and not upon its own prerogative.
- (3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this division.
- (4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the County to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

(b) The powers and duties of the Commission are limited to matters clearly within the purview of this division.

(Ord. No. 12-18, § 20-4, 9-18-2012)

Sec. 2-136. Complaints of violation.

(a) Complaints alleging a violation of this division shall be filed with the Ethics Commission.

(b) Within five (5) business days after the receipt of a signed, notarized, and written complaint, filed with the County Clerk, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within five (5) business days after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed. Additional notice may be sent by e-mail in addition to certified mail. The County Clerk shall be responsible for sending the required notifications as set forth in this article and shall be responsible for keeping the official minutes of any meetings or hearings of the Ethics Commission.

(c) Upon not less than forty-eight (48) hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act (5 ILCS 120/1 et seq.). The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within twenty-one (21) business days after receiving the complaint.

- (1) If the complaint is deemed sufficient to allege a violation of this article and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within four (4) weeks after the complaint's receipt. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.
- (2) If the complaint is deemed sufficient to allege a violation of this article, then the Commission shall notify in writing the County State's Attorney to request prosecution of such action and shall transmit to the State's Attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.
- (3) In the event that the County State's Attorney serves as the Ethics Advisor and has provided guidance to the respondent regarding the allegations contained in the complaint, the State's Attorney may request the Circuit Court of the County to appoint a Special Prosecutor to prosecute the complaint if there is a potential legal conflict of interest.

(d) On the scheduled date and upon at least forty-eight (48) hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act (5 ILCS 120/1 et seq.).

(e) Within thirty (30) days after the date the hearing or any recessed hearing is concluded, the Commission shall either:

- (1) Dismiss the complaint;

- (2) Issue a recommendation for discipline to the alleged violator and to the County Board Chairman, or impose a fine upon the violator; or
- (3) Both.

The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(f) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven (7) business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within fourteen (14) days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least forty-eight (48) hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven (7) days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the County Board Chairman or impose a fine upon the violator, or both.

(g) If a complaint is filed during the sixty (60) days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under Subsection (e) of this section within seven (7) days after the complaint is filed, and during the seven (7) days preceding that election, the Commission shall render such decision before the date of that election, if possible.

(h) The Commission may fine any person who intentionally violates any provision of this article in an amount of not less than one thousand one dollars (\$1,001.00) and not more than five thousand dollars (\$5,000.00). The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this article in an amount of not less than one thousand one dollars (\$1,001.00) and not more than five thousand dollars (\$5,000.00). The Commission may recommend any appropriate discipline up to and including discharge.

(i) A complaint alleging the violation of this division must be filed within one (1) year after the alleged violation.

(Ord. No. 12-18, § 20-5, 9-18-2012)

Secs. 2-137—2-154. Reserved.

ARTICLE IV. PROCUREMENT

DIVISION 1. GENERALLY

Sec. 2-155. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction means the process of building, altering, repairing, improving, or demolishing any structure or building or other improvements of any kind to any real property.

Contract means any and all types of County agreements regardless of what they may be called, which entail the procurement of materials, supplies, equipment, services, construction and construction-related services. Such contracts include, but are not limited to, payment vouchers, purchase orders, task orders, maintenance contracts, service contracts, systems contracts, oral agreements, etc.

Contractor means any person or entity who is a party to or beneficiary of a contract with the County or through a using agency thereof.

Cooperative purchasing includes, but is not limited to, joint or multi-party contracts between government procurement units and open-ended state/national government procurement unit contracts, which are made available to other government procurement units after having been bid by another government procurement units where required. Where a bid by one (1) using department has established a purchase price, other departments may enter into a contract based on that bid, but only to the extent that the combined purchases are within the limits of the original bid amount or the estimate provided in the original bid.

County contracting authority means the person authorized, pursuant to this chapter or designation by vote of the County Board, to enter into a contract or agreement, which shall bind the County to the purchase of any materials, services, supplies, equipment, construction, construction-related services and professional services.

County department means a County officer, employee, department, office, or agency whose purchasing authority is subject to the County Board.

Department head means the supervisor of a County department, not including elected officials.

Elected official includes Clerk of the Circuit Court, County Board members, County Clerk, County Coroner, County Treasurer, County Recorder, County Sheriff, and State's Attorney.

Employee means individuals, including elected and appointed officials, providing services for the County and drawing a salary from the county.

Equipment means goods that are purchased or used by a County department that are not materials or supplies that are not expendable except through depreciation or wear and tear, and do not lose their identity or become integral parts of other items or installations.

Invitation for bid means the process by which the County requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.

Multi-year contracts means procurement contracts extending more than one (1) year.

Parent committee means the committee established by the County Board and which is charged with the oversight of the requesting County department.

Person means any individual or group of individuals, business, union, firm, corporation, trustee, partnership association, joint venture, committee, or other entity.

Procurement means the purchasing, renting, leasing or otherwise acquiring of materials, supplies, equipment, services, construction and construction-related services. The term "procurement" includes all functions that pertain to obtaining any material, equipment, supplies, services, construction or construction-

related services, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration. The term "procurement" includes, without limitation, the entering into of all contracts or agreements, whether the same are oral or written.

Professional services means those services requiring special knowledge, education or skill whereby the qualifications of persons rendering the services are of primary importance.

Public works means all fixed works constructed or demolished by any public body or paid for wholly or in part out of public funds, as defined in the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et seq.).

Public works contract means a contract for public works, as defined in the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et seq.).

Purchase order means a contract for the purchase of materials, supplies, equipment, services, construction and construction-related services.

Request for proposals (RFP) means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

Responsible bidder or offeror means a person (firm) who has the capability in all respects to perform fully the contract requirements, and the experience, personnel, integrity, reliability, facilities capacity, equipment, acceptable past performance and credit which will ensure good faith performance.

Services means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance.

Shall denotes the imperative and directs mandatory action.

Specifications means any description of the physical or functional characteristics or of the nature of a good, service, or construction item and may include a description of any requirement for inspecting, testing, or preparing goods, services or construction projects.

String purchasing. Splitting or stringing purchases is the practice of issuing multiple purchase orders or requests for purchasing like items or services, with the willful intent to circumvent the rules and/or bidding requirements of this article.

Used equipment means equipment that:

- (1) Has been in service for at least one-half ($\frac{1}{2}$) its commercially reasonable life, or if life is less than twenty-four (24) months, is at least one (1) year old;
- (2) Is a floor or demonstration model that is offered at a price at least twenty-five (25) percent below current market price; or
- (3) Is otherwise determined by the appropriate County department head on a case-by-case basis to be a bona fide used item.

(Ord. No. 21-15, art. I, pt. B, 7-20-2021)

Sec. 2-156. Purpose.

- (a) The underlying purpose and policies of this article are to:
- (1) Manage the procurement process in accordance with the law;
 - (2) Spend taxpayers' money wisely and fairly;
 - (3) Make the most efficient use of taxpayer dollars;
 - (4) Provide public confidence in the County's procurement process;
 - (5) Obtain the greatest value in making purchases;
 - (6) Protect against fraud and favoritism;
 - (7) Allow for competitive pricing in the procurement of materials, supplies, equipment, services, construction and construction-related services;
 - (8) Encourage competitive selection and allow for all responsible bidders to receive proper consideration;
 - (9) Maintain an atmosphere that encourages openness and transparency in purchasing; and
 - (10) Ensure that all purchases are done in accordance with applicable ethics laws and ordinances.

(b) To the extent permitted by law, the County will promote economic development within the County by encouraging the participation of the County businesses, by providing equal opportunity for minority- and women-owned businesses, and for veterans, and by applying environmentally sound practices in the procurement process.

(c) This article shall be constituted and applied to promote its underlying purpose and policies as articulated herein.

(Ord. No. 21-15, art. I, pt. A, § 1, 7-20-2021)

Sec. 2-157. Application.

(a) This article applies to contracts for procurement of materials, services, supplies, equipment, construction, construction-related services and professional services, which are entered into by the County and its departments after the effective date of the ordinance from which this article is derived.

(b) This article shall apply to every expenditure of public funds by any and all County departments for public purchasing irrespective of its source, except as may otherwise be provided for by Federal or State law or regulation, County ordinance or administrative policy.

(c) The following elected officials, pursuant to statute, shall control the internal operations of their office and procure equipment, materials and services necessary to perform the duties of their office, and are not subject to this article:

- (1) The County Clerk (see 55 ILCS 5/3-2003.2).
- (2) The State's Attorney (see 55 ILCS 5/3-9006).
- (3) The County Treasurer (see 55 ILCS 5/3-10005.1).

(4) The County Recorder (see 55 ILCS 5/3-5005.2).

(d) When procurement involves the expenditure of State or Federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable mandatory State and/or Federal laws.

(e) Nothing in this article shall prevent any County agency from complying with the terms and conditions of any grant, gift, bequest or cooperative purchasing agreement that is otherwise consistent with law.

(f) Nothing in this article shall be construed as to restrict purchasing by the Emergency Management Agency of the County or other County departments during response to emergencies or disasters as outlined and authorized pursuant to Chapter 14, Article II, and the Illinois Emergency Management Agency Act (20 ILCS 3305/1 et seq.).

(g) The County may adopt administrative procedures to ensure compliance with all bidding requirements, including procedures that may be more restrictive than required by State statute.

(h) This article does not apply to the procurement of legal services, with the exception of Section 2-221.

(Ord. No. 21-15, art. I, pt. A, § 2, 7-20-2021)

Sec. 2-158. Requirement of good faith.

This article requires all parties involved in the procurement, negotiation, performance or administration of the County contracts to act in good faith.

(Ord. No. 21-15, art. I, pt. A, § 3, 7-20-2021)

Sec. 2-159. Severability.

If any provisions of this article or application thereof to any person or circumstances are held invalid by a Court, such invalidity shall not affect the other provisions or application of this article which can be given effect without the invalid provision or application, and to this end, the provisions of this article are declared to be severable.

(Ord. No. 21-15, art. I, pt. A, § 4, 7-20-2021)

Sec. 2-160. Property rights.

Receipt of a solicitation or other procurement document, or submission of any response thereto, or other offer, confers no right to receive an award or contract, nor does it obligate the County in any manner.

(Ord. No. 21-15, art. I, pt. A, § 6, 7-20-2021)

Sec. 2-161. Parent committee and county board agendas.

The department head seeking that a purchase be made under this article shall be responsible for ensuring that the details of the purchase are properly disclosed pursuant to the Open Meetings Act (5 ILCS 120/1 et seq.) for inclusion in the appropriate agenda prior to seeking approval by the respective parent committee and/or the County Board. Failure to properly post sufficient information to reasonably advise the public of what the public body will be voting upon (including the contracting parties,

dollar amounts, time duration and products/services contracted for) in an agenda shall be grounds for denial of the purchase request until such a time as the Open Meetings Act (5 ILCS 120/1 et seq.) is properly complied with.

(Ord. No. 21-15, art. I, pt. D, 7-20-2021)

Sec. 2-162. Public access to procurement information.

Procurement information shall be public record, subject to the exceptions to disclosure as provided for in the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.). Such records shall be available to the public as provided for by County policies implementing said Act.

(Ord. No. 21-15, art. I, pt. E, 7-20-2021)

Sec. 2-163. Unauthorized purchases.

An unauthorized purchase occurs when materials, supplies, equipment, services, construction and construction-related services or any other expense is charged to the County by a person who has not been given such authority or under circumstances when this article is applicable and not adhered to. Unauthorized purchases are void, and the County shall not be obligated to pay for unauthorized purchases. The individual making an unauthorized purchase may incur a personal obligation to the vendor or to the County for the expense incurred even though the materials or services are used for County business. In addition, the employee/person responsible may be subject to disciplinary actions or civil/criminal penalties as dictated by law.

(Ord. No. 21-15, art. I, pt. F, 7-20-2021)

Secs. 2-164—2-181. Reserved.

DIVISION 2. BIDDING PROCESS

Sec. 2-182. Communication with bidder/offerors.

County officers and employees shall take care to limit communication with bidders/offerors during the solicitation process so that the integrity of the competitive solicitation process is maintained. All representatives of the County shall avoid any activity that would constitute interference with contract submission and award under Section 33E-6 of the Criminal Code of 2012 (720 ILCS 5/33E-6). If it is determined that a bidder/offeror received an unfair advantage from information obtained through prohibited sources or under prohibited circumstances, the solicitation may be canceled, or the bidder/offeror disqualified from participation in that solicitation request.

(Ord. No. 21-15, art. I, pt. C, § 1, 7-20-2021)

Sec. 2-183. Invitation for bid and/or request for proposal document addenda and questions.

Once the invitation for bid/request for proposal has been issued, all questions regarding that document shall be submitted in writing to the department head who is responsible for seeking the services/materials. Any and all addenda shall be issued by the department head pursuant to any

alterations required in the bid document and shall be sent to all bidders. If it is determined that a bidder/offeror received an unfair advantage from information obtained through other departments or agencies, the invitation for bid or request for proposal may be canceled.

(Ord. No. 21-15, art. I, pt. C, § 2, 7-20-2021)

Sec. 2-184. Bid security/bonding requirements.

Bid security and bonding shall conform to State law at all times and the following shall be applied unless State law dictates further/alternate bonding requirements:

- (1) *Requirement for bid security.* Bid security may be required for contracts when provided by statute or when the appropriate County Contracting Authority determines it is in the County's best interests. Bid security shall be a bond provided by a surety company authorized to do business in the State, or a certified bank instrument, or otherwise supplied in a form satisfactory to the County. A letter of credit, as defined by State statute, may also be accepted.
- (2) *Amount of bid security.* Bid security shall be in an amount not to exceed ten (10) percent of the amount of the bid. Terms of forfeiture shall be expressed in the bid document.
- (3) *Contract performance and payment bonds.* When a contract is awarded, the required bonds or security in the amount stated in the bid document shall be delivered to the County and shall become binding on the parties upon the execution of the contract.
- (4) *Request for a bid bond.* Any bid or RFP that requires a bid bond shall include a request for a bid bond in the ITB or RFP.

(Ord. No. 21-15, art. I, pt. C, § 3, 7-20-2021)

Sec. 2-185. Insurance requirements.

For all contracts, the contractor and all subcontractors shall be required to maintain adequate insurance coverage for the duration of the contract. The department head who is charged with oversight of the purchasing or bidding shall determine, in consultation with the State's Attorney's office and administrative services, the types and amounts of coverage that shall be required. The contractor, and all subcontractors, shall have the County named as an additional insured and furnish the County with satisfactory evidence of said insurance. Further, each insurance policy shall not be cancelled or changed without thirty (30) days' prior written notice, given by the insurance carrier to the County and the County shall be designated as the certificate holder.

(Ord. No. 21-15, art. I, pt. C, § 4, 7-20-2021)

Sec. 2-186. Indemnification requirements.

(a) For all contracts, the contractor, and all subcontractors, shall be required to indemnify, hold harmless and defend with counsel of the County's own choosing, the County, its past, present and future elected officials, department heads, employees, insurers, and agents from and against all liability, claims, suits, causes of action, demands, proceedings, set-offs, liens, attachments, debts, expenses, judgments, or other liabilities, including costs, reasonable fees and expense of defense, arising from any loss, damage, injury, death, or loss or damage to property, of whatsoever kind or nature as well as for any breach of any covenant in the contract or ancillary documents and any breach by the contractor or subcontractor of

any representations or warranties made within the contract documents (collectively, the claims), to the extent such claims result from any act or omission, neglect, willful acts, errors, or misconduct of the contractor or subcontractor in its performance under the contract.

(b) For all contracts, the contractor and all subcontractors shall agree that the County shall not offer indemnification to private corporations, as a unit of local government cannot legally indemnify private, third parties.

(Ord. No. 21-15, art. I, pt. C, § 5, 7-20-2021)

Sec. 2-187. Contractor record retention.

For all contracts, the contractor and all subcontractors shall be required to maintain records for a minimum of three (3) years from final payment, unless otherwise specified in the solicitation, and to make such records available for inspection by the County upon reasonable terms consistent with State law. For all contracts subject to the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et seq.), the contractor and all subcontractors shall prepare certified payroll affidavits, retain records and make them available as dictated by the Act itself.

(Ord. No. 21-15, art. I, pt. C, § 6, 7-20-2021)

Sec. 2-188. Confidential information.

The County does not represent, warrant or guarantee that any information designated by a person as trade secrets or proprietary property will in fact be so deemed by any court, and all bidders assume the risk that any and all information contained in a bid or proposal may be subject to disclosure under the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.). The County expressly disclaims all liability for such disclosure, regardless of whether such disclosure is required by the Freedom of Information Act (5 ILCS 140/1 et seq.).

(Ord. No. 21-15, art. I, pt. C, § 7, 7-20-2021)

Secs. 2-189—2-214. Reserved.

DIVISION 3. SOURCE SELECTION AND CONTRACT EXECUTION

Subdivision I. In General

Sec. 2-215. Department level small procurements, purchases at or below \$10,000.00.

(a) *Defined.* A department level procurement involves the purchase of materials, supplies, equipment, services, construction and construction-related services in amount at or below ten thousand dollars (\$10,000.00).

(b) *Condition of use.* These purchases are limited in frequency related to individual commodities and services. Contract requirements shall not be artificially divided or done in a string purchasing manner so as to constitute a small procurement or evade the competitive procurement requirements for amounts in excess of ten thousand dollars (\$10,000.00).

(c) *Authority.* The appropriate department head, the Coroner, or the Sheriff is authorized to:

- (1) Purchase, when the department head, the Coroner, or the Sheriff determines it is in the best interest of the County, materials, supplies, equipment, services, construction and construction-related services in amount at or below ten thousand dollars (\$10,000.00).
- (2) Sign any contract or agreement regarding purchases at this procurement level after receipt of all the contractually required documentation.

(Ord. No. 21-15, art. II, pt. A, § 1, 7-20-2021)

Sec. 2-216. County Administrator and Engineer approved procurements, purchases between \$10,001.00 and \$30,000.00.

(a) *Defined.* A County Administrator and Engineer approved procurement involves the purchase of materials, supplies, equipment, services, construction and construction-related services in amount greater than ten thousand dollars (\$10,000.00) but below thirty thousand dollars (\$30,000.00). Prior to submission to the County Administrator or Engineer, all such purchasing requests shall be in writing and signed by the appropriate department head or authorized signatory.

(b) *Condition of use.* Any County Administrator and Engineer approved procurement shall be made in accordance with the procedures authorized herein. String purchasing is forbidden and purchases shall not be artificially divided for the purposes of evading the competitive sealed bidding requirement or avoiding the necessity to procure through a County Board level procurement process.

(c) *Minimum quotation requirements.* The requesting department shall work with the County Administrator or Engineer to validate/create the specifications for quotations and the method appropriate for quote solicitation. The department head shall obtain quotations/proposals from at least three (3) vendors. If it is not feasible to obtain three (3) quotes, or a sole source procurement is necessitated, a memorandum must be drafted by the requesting department's head explaining the reasoning and then submitted to the County Administrator or Engineer for review.

(d) *Evaluation factors.* Evaluation factors which may justify an award to a vendor who has not provided the lowest quotation include, but are not limited to, delivery, quantity, and quality requirements and past vendor performance.

(e) *Award.* Except as otherwise provided herein, the County Administrator and Engineer are both authorized to award a contract to the vendor offering the quotation/proposal that meets the specifications and that the County Administrator/Engineer determines is in the best interest of the County. Whenever it is determined that it is in the County's best interest to award a purchase contract to a vendor who did not submit the lowest responsible quotation/proposal, the reason for the determination shall be indicated in a memorandum and retained with the contract. The memorandum must document the appropriateness of the requested procurement process and approval given. Adequate records to document the competition solicited and the award determination made shall be retained with every contract awarded.

(f) *Authority.* The County Administrator or Engineer is authorized to sign any contract or agreement at this procurement level, after receipt of all the contractually required documentation.

(g) *Monthly report.* Department heads shall submit a monthly report to their parent committee that includes all procurements between ten thousand dollars (\$10,000.00) and thirty thousand dollars (\$30,000.00).

(h) *Approval authorization.* The Sheriff and the Coroner may approve procurements in amounts greater than ten thousand dollars (\$10,000.00) but below thirty thousand dollars (\$30,000.00) for their own offices without the prior approval of the County Administrator or Engineer and are authorized to sign any contract or agreement at this procurement level, after receipt of all the contractually required documentation.

(Ord. No. 21-15, art. II, pt. A, § 2, 7-20-2021)

Sec. 2-217. County Board level procurements, competitive sealed bidding, purchases \$30,000.00 and above.

(a) *Submission.* A County Board level procurement involves the purchase of any materials, supplies, equipment, services, construction and construction-related services in an amount at or in excess of thirty thousand dollars (\$30,000.00). All such procurements shall be submitted to the appropriate parent committee for review prior to approval by the Committee and it shall then be presented for any other approvals, as defined in the County Board rules. Thereafter, it shall be submitted to the County Board Chairman to seek County Board approval. Prior to submission to the County Board, all purchasing requests shall be signed by the appropriate department head or authorized signatory. Appropriate bidding or memorandum procedures must also be followed.

(b) *Conditions of use.* Any County Board level procurements (except where otherwise allowed by statute) shall be awarded by competitive sealed bidding except as otherwise provided in Sections 2-218 through 2-224, or as provided by State law. String purchasing is forbidden and purchases shall not be artificially divided for the purposes of evading the competitive sealed bidding requirement.

(c) *Invitation for bids.* An invitation for bids shall be issued and include bid instructions, specifications or general descriptions, required contractual terms, and conditions applicable to the procurement.

(d) *Public notice.* Adequate public notice of the invitation for bids shall be given, by the appropriate department head or administrative services, within a reasonable time, no less than fourteen (14) calendar days prior to the date set forth therein for the submittal and opening of bids. For bids with a mandatory pre-bid meeting, the public notice must be published at least seven (7) calendar days prior to the meeting date. Such public notice shall be given via the County website and by advertising for bids in a newspaper published within the County or, if no newspaper is published within the County, then a newspaper having general circulation within the County, or as otherwise statutorily required. The public notice shall state the project, submittal date, time and location of the bid opening and any other statutory requirements.

(e) *Bid opening.* Bids shall be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the solicitor of the bid deems appropriate, together with the name of each bidder shall be recorded.

(f) *Bid acceptance and bid evaluation.* Bids shall be unconditionally accepted without alteration or correction, except as authorized in this article. The department head, County Engineer, or County Administrator shall evaluate bids for responsiveness based on the requirements set forth in the invitation for bids. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bid shall set forth the evaluation criteria to be used. No evaluation criteria, other than those necessary to determine a responsible bidder, may be used unless set forth in the invitation for bid. Alternative bids may be considered and accepted only if they are specifically provided for in the invitation for bids and meet the evaluation criteria set forth.

(g) *Correction or withdrawal of bids.*

- (1) *Bids withdrawn prior to opening.* Bids may be withdrawn prior to the bid opening upon written request of the bidder and in accordance with the terms and conditions contained in the invitation for bid.
- (2) *Correcting/modifying bid prior to opening.* A bidder may modify its bid at any time before the bid opening, if the sealed modification is received in writing before the due date.
- (3) *Clarifications.* The parent committee chairman or appropriate department head may obtain clarification and request additional information from any bidder, after opening, if deemed necessary to fully evaluate the bid.
- (4) *Bid withdrawal after bid opening.* No bid may be withdrawn or modified after opening.

(h) *Tie bids.* Should tie bids between equally responsible bidders be received, the award will be made by a coin toss by the appropriate department head, County Administrator, County Engineer or the County Board Chairman. The subject tie bidders shall be given the opportunity to witness the coin toss.

(i) *Right of rejection.* The County reserves the right to accept or reject any or all bids/proposals and to waive any technicalities in the document.

(j) *Award.* The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation to bid. After the bid is awarded, the requesting County Administrator or department head shall issue all notices of awards and notices to proceed. All contractually necessary documentation will be required prior to any notice to proceed.

(k) *Contract execution.* All purchases made at this procurement level must be approved in accordance with the County Board procedures and such contracts must be signed by the County Board Chairman. (Ord. No. 21-15, art. II, pt. A, § 3, 7-20-2021)

Sec. 2-218. Board level procurements; request for proposal.

(a) *Condition for use.* In cases where the County seeks to contract for a project or service whose goals, tasks or results are known, but for which the procedure or method of accomplishing same either may not be specified or are otherwise undetermined, a contract may be entered into by use of the request for proposal procedure. Reasons for using the request for proposal procedure shall be approved by the parent committee prior to the commencement of the procedure.

(b) *Origination of request for proposal.* Proposals shall be solicited through the appropriate parent committee with the assistance of the requesting department and shall include specifications or general descriptions of goals, tasks or results, and any material, non-negotiable contractual terms and conditions applicable to the procurement.

(c) *Public notice.* Adequate public notice of the request for proposal shall be given in the same manner as public notice for invitation for bids.

(d) *Evaluation criteria.* Criteria, including the weight to be given to each factor, must be developed for evaluation of the proposal prior to notice and included in the request for proposal.

(e) *Receipt of proposals.* Names of offerors will be acknowledged in the presence of one (1) or more witnesses at the time and place designated in the public notice. Contents of the proposals shall not be disclosed to any of the competition or offerors during the selection or negotiation process. A register of the proposals shall be prepared containing the name of each offeror, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after the contract is awarded subject to exemptions from disclosure under the Freedom of Information Act (5 ILCS 140/1 et seq.).

(f) *Discussions with responsible vendor/offeror and revisions to proposals.* As provided in the request for proposals, discussions may be conducted with the responsible vendors/offerors who submitted proposals determined to be reasonably susceptible of being selected for award, for the purpose of clarification to ensure there is full understanding and responsiveness to the solicitation requirements. Vendors/offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revision may be permitted after submission and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

(g) *Award.* The County Board shall make the award to the responsible vendor/offeror whose proposal conforms to the solicitation and is determined, in writing, to be the most advantageous to the County, taking into consideration price and the evaluation factors set forth in the request for proposal. The contract file shall contain the basis on which the award is made.

(h) *Contract execution.* All purchases made at this procurement level must be made in accordance with the County Board procedures and such contracts must be signed by the County Board Chairman. (Ord. No. 21-15, art. II, pt. A, § 4, 7-20-2021)

Sec. 2-219. Sole source procurement.

(a) Notwithstanding the above, a contract that would otherwise be subject to County Administrator and Engineer approved procurements as set forth in Section 2-216 or to County Board level procurements as set forth in Section 2-217 may be awarded where the County considers only one (1) supplier because that supplier is a sole source. A sole source may exist in situations when materials, supplies, equipment, or services are available from only a single supplier/contractor or when only one (1) supplier/contractor is deemed economically feasible.

(b) If it is determined that sole source procurement must be utilized for a purchase greater than ten thousand dollars (\$10,000.00) but no more than thirty thousand dollars (\$30,000.00), the department head shall prepare supporting documentation for review by the County Administrator or Engineer for approval. Whenever the County Administrator or Engineer determines that a purchase must be made through sole source procurement, the basis for this determination shall be detailed in writing and retained with the contract.

(c) If it is determined that sole source procurement must be utilized for a purchase greater than thirty thousand dollars (\$30,000.00), the department head shall prepare supporting documentation for review by the parent committee, who shall upon Committee approval present the documentation to the County Board for approval. Whenever the County Board determines that a purchase must be made through sole source procurement, the basis for this determination shall be detailed in writing and retained with the contract.

(d) When sole source procurement has been determined to be appropriate, the requesting department head shall be tasked with the negotiation of price, delivery and other terms as is appropriate. The contract shall be approved by the County Administrator or Engineer, for purchases greater than ten thousand dollars (\$10,000.00) but no more than thirty thousand dollars (\$30,000.00), or by the County Board, for purchases greater than thirty thousand dollars (\$30,000.00).

(e) Each department head shall maintain a list of all contracts approved by it and then later awarded based upon a sole source determination. Such list shall be submitted to the County Board annually for review.

(Ord. No. 21-15, art. II, pt. A, § 5, 7-20-2021)

Sec. 2-220. Procurements not suitable for bid.

(a) The following types of procurements are not suitable for competitive bidding, as defined in Section 5-1022(c) of the Counties Code (55 ILCS 5/5-1022(c)):

- (1) Purchases of used equipment;
- (2) Purchases at auction;
- (3) Purchases from the Federal government;
- (4) Purchases of regulated utility services; or
- (5) Other services for which a tariff or set rates are published.

(b) Any contracts awarded under this section shall be awarded by the County Board exclusively and shall have no more than a one (1) year term, without an automatic renewal clause, but must be reviewed annually by the parent committee for permissive renewal which may then be approved by the County Board.

(Ord. No. 21-15, art. II, pt. A, § 6, 7-20-2021)

Sec. 2-221. Contracts for legal services.

The County State's Attorney is statutorily empowered to provide legal services on behalf of the County pursuant to Section 3-9005 of the Counties Code (55 ILCS 5/3-9005). No contract for legal services shall be made without the approval of the County State's Attorney.

(Ord. No. 21-15, art. II, pt. A, § 7, 7-20-2021)

Sec. 2-222. Contracts for certain data/telecommunication equipment.

Pursuant to Section 5-1022(d) of the Counties Code (55 ILCS 5/5-1022(d)), the County may let without advertising for bids in the case of purchases and contracts, when individual orders do not exceed thirty-five thousand dollars (\$35,000.00), for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software, and services. Department level and County Administrator and Engineer level purchases of such equipment and services shall be processed as set forth in Section 2-216, but the upper limit for County Administrator and Engineer level procurement shall be thirty-five thousand dollars (\$35,000.00). County Board level purchases of such equipment and services shall be processed as set forth in Section 2-217, but the lower threshold for County Board level procurement shall be thirty-five thousand dollars (\$35,000.00).

(Ord. No. 21-15, art. II, pt. A, § 8, 7-20-2021)

Sec. 2-223. Emergency procurements.

(a) The term "emergency," allowing for an emergency procurement, means an imminent disruption of essential operations or conditions adversely affecting the safety, health or security of persons or property, where it is impractical to remedy such disruption or conditions through the use of normal competitive bidding procedures.

(b) As has been authorized by Section 5-1022 of the Counties Code (55 ILCS 5/5-1022), in emergency situations, the County Board Chairman shall have the authority to waive the bidding and advertising requirements/procedures otherwise set forth in this article and to effect procurements in excess of the amount otherwise provided in this section and State statutes, pursuant to the following procedures:

- (1) For purchasing emergencies in excess of ten thousand dollars (\$10,000.00), the department head requiring such purchase shall submit a written and signed request to the County Board Chairman and County Administrator in a timely manner and detail the basis to declare that an emergency purchase is necessary.
- (2) Emergency purchases shall be limited to those materials, supplies, equipment, services, construction and construction-related services necessary to satisfy the emergency.
- (3) The County Board Chairman's determination of an emergency existing and the basis relied upon shall be memorialized in writing.
- (4) In such emergency situations, the County Board Chairman shall be empowered to negotiate and execute contracts without prior approval of the County Board.

- (5) Following the negotiating and entry of a contract or other means of emergency purchase, the County Board Chairman shall submit the documentation to the Finance Committee and then to the County Board for ratification.
- (6) Should the County Board Chairman not be available at the time of the emergency, then the County Board Vice-Chairman shall be authorized to perform the above-described functions in place.

(Ord. No. 21-15, art. II, pt. A, § 9, 7-20-2021)

Sec. 2-224. Cooperative joint purchasing authorized.

(a) Subject to applicable State statutes, such as the Governmental Joint Purchasing Act (30 ILCS 525/0.01 et seq.), the County may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of goods, services, or construction with one (1) or more governmental procurement units in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between such government units and open-ended State procurement contracts, which are made available to other government procurement units after having been bid by another government procurement unit where required.

(b) When joint purchasing is being utilized, Sections 2-215 to 2-218 shall not be applicable. Instead, the requesting department shall follow the statutory requirements of the Governmental Joint Purchasing Act (30 ILCS 525/0.01 et seq.), as well as any other applicable statutes. Such purchases must be approved by the County Board.

(Ord. No. 21-15, art. II, pt. A, § 10, 7-20-2021)

Sec. 2-225. Professional services selection process.

There will be circumstances where it will be necessary or advisable for the County to engage the services of independent professionals because of the County's need for such services as determined on a project-specific basis. In such cases, it shall be the goal of the County to negotiate the lowest reasonable fees consistent with obtaining the highest possible quality of service and expertise from the professional service providers. To this effect, the following shall apply:

- (1) *Types of professional services to be covered include engineering, architects and land surveyors.* These services require mandatory or essential technical skills provided by accredited professionals or quasi-professionals in connection with a defined assignment, which result in the preparation of a report, specifications or recommendation of a particular course of action, and may include supervision of an activity (such as construction).
- (2) *Architectural, engineering or land surveying services proposed for the County.* Whenever a project requiring architectural, engineering or land surveying services is proposed for the County, it shall proceed to obtain such services in accordance with the Local Government Professional Services Selection Act (50 ILCS 510/0.01 et seq.), unless it already has an existing satisfactory relationship for such services with one (1) or more firms. The selection of these services is excluded from the standard competitive bidding selection process and shall instead comply with the Local Government Professional Services Selection Act (50 ILCS 510/0.01 et seq.).

- (3) *Provider selection.* Providers of these services shall be selected in accordance with the Local Government Professional Services Selection Act (50 ILCS 510/0.01 et seq.) as it may be amended from time to time. As such, professional service providers shall be selected on the basis of their demonstrated competence and expertise relative to the services to be rendered, their qualifications, their willingness to meet time requirements, their firm's workload, their demonstrated or perceived ability to work with County staff and elected officials and/or the reasonableness of the cost of their services.
- (4) *Determination of necessity.* The engagement of an independent professional service shall be based on a determination by the requesting department head that it is necessary for at least one (1) of the following reasons:
- a. The project requires an independent professional as a condition of Federal, State or local law or regulation, or as a condition of a Federal, State or other grant or intergovernmental agreement;
 - b. The project requires specialized expertise or multiple areas of expertise not available from existing staff;
 - c. County staff is not available for the project due to present or anticipated workload or other time constraints;
 - d. The project requires a limited engagement where it is not cost-effective to hire new full-time staff to provide the necessary services or expertise;
 - e. An actual emergency exists where existing staff cannot effectively be deployed or mobilized due to the nature of the occurrence or time constraints.

Such determination by the appropriate department head shall be in writing and kept with the subsequent contracting documents.

- (5) *Professional services agreements.*
- a. Professional services agreements not expected to exceed nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$9,999.99) may be entered into by the requesting department head.
 - b. Professional services agreements at or above ten thousand dollars (\$10,000.00) and not expected to exceed thirty thousand dollars (\$30,000.00) may be entered into by the County Administrator and Engineer.
 - c. All professional services agreements for amounts over thirty thousand dollars (\$30,000.00) shall only be entered into by the County Board.
- (6) *Master agreements.* The County Board may enter into master agreements for professional services with those firms with which it has a satisfactory relationship. Following the creation and approval of such master agreements, any task orders to be issued for services covered by the agreement may be entered into as directed by Subsection (5) of this section.
- (7) *Performance criteria.* Upon completion of each contract over twenty-five thousand dollars (\$25,000.00), the department involved shall prepare a written evaluation of the consultant's performance. The details of the evaluation shall be consistent with the cost and complexity of

such assignments. Administrative services will maintain a record of such evaluations for the use of all departments when selecting future professional service/consultants. No consultant shall be awarded subsequent contracts unless the using department has submitted a satisfactory evaluation to administrative services.

(Ord. No. 21-15, art. II, pt. A, § 11, 7-20-2021)

Sec. 2-226. Cost plus percentage contracts.

Cost plus percentage of cost (CPPC) contracting shall not be used.

(Ord. No. 21-15, art. II, pt. A, § 12, 7-20-2021)

Secs. 2-227—2-245. Reserved.

Subdivision II. Responsibility of Bidders and Offerors

Sec. 2-246. Considerations in determining responsible bidder/offeror.

In determining responsibility of any bidder/offeror, the County may take into account:

- (1) Bidder/offeror's financial responsibility;
- (2) Experience of the bidder/offeror;
- (3) Adequacy of equipment and ability to complete performance within a specific time;
- (4) Whether the bidder/offeror is legally qualified to do business with the County;
- (5) The qualities of the articles supplied, their conformity with the specifications, and their suitability to the requirements of the County;
- (6) The availability of support services;
- (7) The uniqueness of the service, materials, equipment, or supplies as it applies to networked, integrated computer systems;
- (8) Compatibility to existing equipment;
- (9) The delivery terms.

(Ord. No. 21-15, art. II, pt. B, § 1, 7-20-2021)

Sec. 2-247. Decision to declare non-responsible.

If the County determines a bid is non-responsible, the basis for that determination shall be made in writing and be made part of the contract file.

(Ord. No. 21-15, art. II, pt. B, § 2, 7-20-2021)

Secs. 2-248—2-272. Reserved.

*Subdivision III. Contract Administration***Sec. 2-273. Contract administration.**

A contract administration system is designed to ensure that the contractor is performing in accordance with the terms and conditions of the contract. Contract administration results may be utilized by the parent committee chairman, administrative services and County Board for vendor evaluation. To that end:

- (1) It is the using department's responsibility to match contract terms and prices with invoices, and to otherwise monitor compliance with the contract terms. The using department is also responsible to determine the imminent need for, and to begin processing, a change order where appropriate.
- (2) Payment must be identified to an existing contract, task order or purchase order.
(Ord. No. 21-15, art. II, pt. C, § 1, 7-20-2021)

Sec. 2-274. County procurement records.

All determinations and other written records, notes of telephone conversations and notes of other oral conversations pertaining to the solicitation, award and performance of a contract shall be maintained for the County in the procurement records of the respective department for which the procurement is made.

(Ord. No. 21-15, art. II, pt. C, § 2, 7-20-2021)

Secs. 2-275—2-296. Reserved.*Subdivision IV. Authorization, Review and Approval Process***Sec. 2-297. Authorization to initiate bids or other solicitations.**

Each department head, the Sheriff, the Coroner, and a parent committee may initiate bids or other solicitations for any materials, supplies, equipment, services, construction and construction-related services for which they deem are necessary.

(Ord. No. 21-15, art. II, pt. D, § 1, 7-20-2021)

Sec. 2-298. Fiscal responsibility.

Prior to the issuance of any purchase order, contract, task order, change order or contract modification, the department head shall certify that sufficient budgeted funds are available.

(Ord. No. 21-15, art. II, pt. D, § 2, 7-20-2021)

Sec. 2-299. Legal review of contracts.

Prior to award, the department head, County Administrator, County Engineer, or County Board Chairman may request the State's Attorney's office to review a contract. This review shall not be required when the form and content of the contract documents have previously been approved by the State's Attorney's office.

(Ord. No. 21-15, art. II, pt. D, § 3, 7-20-2021)

Sec. 2-300. Multi-year contracts.

The County's policy on multi-year contracts includes the following:

- (1) All multi-year contracts presented for approval shall contain the total value of the award for the multi-year period in order to determine whether the contract is subject to competitive bidding requirements.
- (2) Only the current fiscal year portion shall be encumbered.
- (3) All multi-year contracts that exceed a total term of two (2) years must be presented to and approved by the County Board.

(Ord. No. 21-15, art. II, pt. D, § 4, 7-20-2021)

Sec. 2-301. Contract renewals.

(a) Contract renewal may occur to effectuate a continuation for an additional period under the original terms and conditions of a contract, where the renewal clause is included in the solicitation and the original contract. If the original contract does not include the terms and conditions of a renewal, any continuation of the contract is considered a new contract, which must be re-bid or otherwise newly approved pursuant to the conditions of this article.

(b) The following rules, as well as those that may arise by statute, govern contract renewals:

- (1) All contracts that contain an optional renewal clause shall be presented to the appropriate purchasing authority, based on the total dollar value for the initial period of award, as outlined above for approval.
- (2) All subsequent requests for contract renewals shall originate from the using department in the form of a written request indicating the desire for the renewal, the subsequent renewal term, and the total dollar value for the renewal period.
- (3) The request shall be submitted to the appropriate purchasing authority at least sixty (60) days prior to the expiration date of the current period or sooner if an earlier renewal notice is required by the contract.
- (4) The appropriate purchasing authority will submit the necessary correspondence to the contractor in order to execute the renewal.
- (5) All renewals shall be for the time period specified in the original contract document or shorter.
- (6) All contracts containing renewal clauses that exceed a total term of two (2) years must be presented to and approved by the County Board.

(Ord. No. 21-15, art. II, pt. D, § 5, 7-20-2021)

Sec. 2-302. Change orders and contract modifications.

(a) All change orders and contract modifications will be presented in advance to the appropriate County Contracting Authority who authorized the initial contract.

(b) For a contract originally approved through the department level procurement process, if the total purchase amount, including any proposed changes, does not exceed ten thousand dollars (\$10,000.00), the appropriate department head is authorized to approve the change order/modification. If the total purchase amount, including any proposed changes, will exceed ten thousand dollars (\$10,000.00), the County Administrator or Engineer must approve the change order/modification.

(c) For contracts originally approved through the County Administrator or Engineer level procurement process, if the total purchase amount, including any proposed changes, does not exceed thirty thousand dollars (\$30,000.00), the County Administrator or Engineer is authorized to approve the change order/modification.

(d) For a contract originally approved by the County Board, all change orders/modification shall be approved by the County Board unless the County Board approved a specific process for change orders at the time it approved the original contract.

(e) For any contract originally approved through the department level procurement process or through the County Administrator or Engineer level procurement process, no change order/modification is permitted if the total purchase amount, including any proposed changes, will exceed thirty thousand dollars (\$30,000.00).

(f) In accordance with Public Works Contract Change Order Act (50 ILCS 525/5), in the case of public works contracts, no change order, including a field condition change order can be made where the total contract value (or subcontract value) is increased to fifty (50) percent or more of the initial contract price. In such case, the portion of the contract covered by the change order shall be re-bid in the same manner as the original contract.

(g) Approval by the County Board is required where County Administrator/Engineer approval was required for the initial contract and the change order materially alters the scope of work to be performed.

(h) In accordance with section 33E-9 of the Criminal Code of 2012 (720 ILCS 5/33E-9), should a change order, or a series of change orders to any public contract, result in an increase or decrease in contract cost by a total of more than ten thousand dollars (\$10,000.00) or increase or decrease the time of completion by a total of thirty (30) days or more, then prior to the authorization of such change orders, the appropriate department head or committee chairman must provide a determination in writing that:

- (1) The circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed;
- (2) The change is germane to the original contract as signed; or
- (3) The change order is in the best interest of the County and authorized by law.

Such written determination and the resulting change orders shall then be kept in the contract's file. (Ord. No. 21-15, art. II, pt. D, § 6, 7-20-2021)

Secs. 2-303—2-322. Reserved.

DIVISION 4. SPECIFICATIONS

Sec. 2-323. Responsibility for specifications.

(a) The department head or designee (in general the head of the department utilizing such goods or services) shall prepare, revise, maintain, and monitor specifications for materials, supplies, equipment, services and construction required by the County except that specifications for any public work involving professional engineering shall be prepared by a professional engineer. The Highway Department may prepare specifications for construction and maintenance of highways, bridges, and culverts in accordance with IDOT standards.

(b) Specifications for grant-funded contracts shall include all terms and conditions required by the grant, and it shall be the responsibility of the using department to furnish such terms and conditions to the purchasing authority (whether it is the department head, parent committee, or County Board). (Ord. No. 21-15, art. III, pt. A, 7-20-2021)

Sec. 2-324. Maximum practicable competition.

(a) All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage competition in satisfying the County's needs and shall not be unduly restrictive. The policy applies to all specifications, including, but not limited to, those prepared for the County by architects, engineers, designers and draftspersons.

(b) To that end, when specifications refer to one (1) or more brand name products followed by the words "or equal," submissions will be accepted that contain products with minor differences in design, construction or features, which do not affect the suitability of the product for its intended use. (Ord. No. 21-15, art. III, pt. B, 7-20-2021)

Secs. 2-325—2-351. Reserved.

DIVISION 5. PROHIBITED INTERESTS AND REQUIRED DISCLOSURES AND VIOLATIONS

Sec. 2-352. Required disclosures of contractors and vendors.

In furtherance of this procurement article's purpose to protect against fraud and favoritism, the following disclosures must be made:

- (1) Prior to award, every person that is seeking a contractor two (2) or more individual contracts with the County resulting in an aggregate amount at, or in excess of, the amount required for a Board-level procurement, shall provide to the Finance Committee a written disclosure of all political campaign contributions made by such person within the current and previous calendar year to any incumbent County Board member or County-wide elected official whose office the contract to be awarded will benefit or to any political action Committee supporting said Board member or County-wide elected official. The person shall update such disclosure annually during the term of a multi-year contract and prior to any change order or renewal requiring approval by the County Board.

- (2) All persons who have obtained or are seeking contracts with the County shall disclose the names and contact information of their lobbyists, agents, representatives, and all other individuals who are or will be having contact with County officers or employees in relation to the contract or bid and shall update such disclosure with any changes that may occur.
- (3) Any person that knowingly violates the disclosure requirements set forth in this section is subject to penalties which may include, but are not limited to, the immediate cancellation of the contract and possible disbarment from future County contracts.

(Ord. No. 21-15, art. IV, pt. B, 7-20-2021)

Sec. 2-353. Prohibited interest in contracts.

No County officer or elected official shall have a direct or indirect pecuniary interest in any contractor or the subject contract, or, if any County officer or elected official does have a direct or indirect pecuniary interest in the contractor or the contract, that interest, and the procedure followed to effectuate the contract has and will comply with Section 3 of the Public Officer Prohibited Activities Act (50 ILCS 105/3).

(Ord. No. 21-15, art. IV, pt. C, 7-20-2021)

Sec. 2-354. Violations.

Nonconformance with this article may violate County rules and State civil and criminal laws and may result in appropriate legal action, contract cancellation, discipline and/or sanctions.

(Ord. No. 21-15, art. IV, pt. D, 7-20-2021)

Chapter 3

RESERVED

Chapter 4

ALCOHOLIC LIQUOR

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- Sec. 4-1. Authority.
- Sec. 4-2. Definitions.
- Sec. 4-3. Territorial applicability.
- Sec. 4-4. Fines and penalties.
- Sec. 4-5. Local Liquor Control Commissioner.
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Article II. Licenses

- Sec. 4-53. Required.
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KENDALL COUNTY CODE

- Sec. 4-59. Bond and insurance requirements.
- Sec. 4-60. Revocation or suspension; fines; appeals.

ARTICLE I. IN GENERAL**Sec. 4-1. Authority.**

Whenever reference is herein made to the "State law," it shall mean and refer to an act of the State General Assembly, entitled "Liquor Control Act of 1934," (235 ILCS 5/1-1 et seq.) approved January 31, 1934, as amended.

(Ord. No. 2019-04, art. I, § 1, 3-19-2019; Ord. No. 2020-03, art. I, § 1, 4-21-2020; Ord. No. 2023-03, art. I, § 1, 2-7-2023; Ord. No. 2023-10, art. I, § 1, 3-5-2023; Ord. No. 2023-12, art. I, § 1, 5-2-2023)

Sec. 4-2. Definitions.

Unless the context otherwise requires, all other words and phrases used herein shall have the same meaning as the same or similar words or phrases defined and used in the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), approved January 31, 1934, as amended.

(Ord. No. 2019-04, art. I, § 2, 3-19-2019; Ord. No. 2020-03, art. I, § 2, 4-21-2020; Ord. No. 2023-03, art. I, § 2, 2-7-2023; Ord. No. 2023-10, art. I, § 2, 3-5-2023; Ord. No. 2023-12, art. I, § 2, 5-2-2023)

Sec. 4-3. Territorial applicability.

The sale, keeping for sale, or offering for sale of alcoholic liquors in all of the territory which lies outside of the corporate limits of any city, village or town and lying within the corporate limits of the County shall be subject to the provisions of this chapter.

(Ord. No. 2019-04, intro. ¶, 3-19-2019; Ord. No. 2020-03, intro. ¶, 4-21-2020; Ord. No. 2023-03, intro. ¶, 2-7-2023; Ord. No. 2023-10, intro. ¶, § 1, 3-5-2023; Ord. No. 2023-12, intro. ¶, 5-2-2023)

Sec. 4-4. Fines and penalties.

Whoever violates any of the provisions of this chapter shall, upon conviction, be punished as provided in Section 1-9. In addition to the foregoing, to the extent permitted by State law, whoever violates the provisions of this chapter may be required to pay reasonable reimbursement to the County for the expenses of investigating and prosecuting such violation.

(Ord. No. 2019-04, art. XI, § 1, 3-19-2019; Ord. No. 2020-03, art. XI, 4-21-2020; Ord. No. 2023-03, art. XI, 2-7-2023; Ord. No. 2023-10, art. XI, 3-5-2023; Ord. No. 2023-12, art. XI, 5-2-2023)

Sec. 4-5. Local Liquor Control Commissioner.

(a) The Chairman of the County Board shall be the Local Liquor Control Commissioner of the County and shall be charged with the administration of this chapter; provided, however, that the authority and jurisdiction of said Local Liquor Control Commissioner shall extend only to that area of the County which lies outside of the corporate limits of the cities, villages and incorporated towns therein and shall, under no circumstances, extend to any area where the people of any local political subdivision have voted to prohibit the sale of alcoholic liquors in accordance with the terms and provisions of the State law governing the same.

(b) Said Local Liquor Control Commissioner may appoint a person to assist the Commissioner in the exercise of the powers and the performance of the duties herein provided for such Local Liquor Control Commissioner, or the Commissioner may appoint members of the County Board on a committee to be known as the Local Liquor Control Committee which Committee may assist the Commissioner in the exercise of the powers and the performance of the duties provided for by this chapter.

(c) Said Local Liquor Control Commissioner shall have the power to appoint or employ such clerks and other employees as may be necessary to carry out the provisions of this chapter or to perform the duties and exercise the powers conferred by this chapter upon the Local Liquor Control Commissioner.

(d) Said Local Liquor Control Commissioner shall not appoint or employ any clerks or other employees who have been convicted of any violation or any Federal or State law concerning the manufacture or sale of alcoholic liquor prior to or subsequent to the passage of the ordinance from which this chapter is derived or who has paid a fine or penalty in settlement of any prosecution for any violation of such laws or shall have forfeited bond to appear in court to answer charges for any such violation, nor shall any person be appointed who has been convicted of a felony.

(e) No person shall be appointed to act on said Local Liquor Control Commission who may directly or indirectly, individually or as a member of a partnership or as a shareholder or a corporation, have any interest whatsoever in the manufacture, sale or distribution of alcoholic liquor, nor receive any compensation or profit therefrom, nor have any interest whatsoever in the purchases or sales made by the persons authorized by this chapter, or to purchase or to sell alcoholic liquor as provided for in the State law governing the same.

(f) The office of the Local Liquor Control Commissioner shall be in the Office of the County Clerk, in the County office building in Yorkville, Illinois, or in such other place as the County Board shall designate.

(g) The Local Liquor Control Commissioner shall keep a record of the proceedings, transactions, communications and official acts of said Commissioner and any commission appointed by same, which said books and records shall be kept and maintained in the office of the Liquor Control Commissioner.

(h) The Local Liquor Control Commissioner shall be paid the sum of one thousand two hundred dollars (\$1,200.00) per annum and mileage as provided by ordinance for County officers. The members of any committee or person appointed by the said Commissioner to assist in the exercise of the powers and performance of the duties herein provided for shall receive the sum of twenty-five dollars (\$25.00) and mileage as aforesaid for each day actually spent in the performance of duties.

(i) The Local Liquor Control Commissioner and all clerks and employees of said Local Liquor Control Commissioner shall be reimbursed for any disbursements incurred or made by them in the discharge of their official duties.

(j) All charges or expenses or claims or demands incurred either by or against or on behalf of the Local Liquor Control Commissioner by reason of anything or matter in this chapter contained shall be claims against the County and shall be presented and paid or disallowed in the same manner as other claims against the County are allowed and paid or disallowed.

(k) The Liquor Control Commissioner shall have all the powers and authority granted and delegated to local liquor control commissioners in State law.

(Ord. No. 2019-04, arts. XII, XIII, 3-19-2019; Ord. No. 2020-03, arts. XII, XIII, 4-21-2020; Ord. No. 2023-03, arts. XII, XIII, 2-7-2023; Ord. No. 2023-10, arts. XII, XIII, 3-5-2023; Ord. No. 2023-12, arts. XII, XIII, 5-2-2023)

Sec. 4-6. Hours of prohibited sale.

(a) No licensee hereunder, with the exception of Class A licensees and Class B licensees, shall sell or offer for sale at retail any alcoholic liquor or furnish or give away or allow or permit the same to be consumed on the licensed premises or any other premises under the control directly or indirectly of the licensee during the following hours:

- (1) 1:00 a.m. and 6:00 a.m. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, on each and every day from Monday to Saturday of every week.
- (2) 1:00 a.m. and 10:00 a.m. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, on each and every Sunday.

(b) No Class A licensee or Class B licensee shall sell or offer for sale at retail any alcoholic liquor or furnish or give away or allow or permit the same to be consumed on the licensed premises or any other premises under the control directly or indirectly of the licensee during the following hours:

- (1) 1:00 a.m. and 6:00 a.m. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, on each and every day from Monday to Friday of every week.
- (2) 2:00 a.m. and 6:00 a.m. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, on each and every Saturday.
- (3) 2:00 a.m. and 10:00 a.m. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, on each and every Sunday.
- (4) 2:00 a.m. and 6:00 a.m. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, on each and every holiday of Memorial Day, Fourth of July, Labor Day, Thanksgiving, and New Year's Day. If the Fourth of July or New Year's Day occur on a Sunday in any given calendar year, the hours of prohibited sale shall be between 2:00 a.m. and 10:00 a.m. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, for that particular occurrence.

(c) The Local Liquor Control Commissioner may on special occasions extend the time during which a licensee may remain open. Said extensions shall be at the sole discretion of the Commissioner.

(Ord. No. 2019-04, art. IX, 3-19-2019; Ord. No. 2020-03, art. IX, 4-21-2020; Ord. No. 2023-03, art. IX, 2-7-2023; Ord. No. 2023-10, art. IX, 3-5-2023; Ord. No. 2023-12, art. IX, 5-2-2023)

Sec. 4-7. Prohibited interests by manufacturers, distributors or importing distributors of alcoholic liquors.

It shall be unlawful for licensee hereunder to directly or indirectly receive any financial aid or assistance or to receive as a loan or lease of otherwise any furnishing, fixture, or equipment on the premises of a place of business from any manufacturer, distributor or importing distributor of alcoholic liquors, and it shall be equally unlawful for any such licensee to allow any manufacturer, distributor or importing distributor or alcoholic liquors, directly or indirectly, to be interested in the ownership, conduct or operation of the business of any licensee under this chapter, and it shall be also equally unlawful for any licensee hereunder to permit or allow any manufacturer, distributor or importing distributor to be interested directly or indirectly or as owner or part owner of said premises described in the license or as lessee or lessor thereof.

(Ord. No. 2019-04, art. X, § 1, 3-19-2019; Ord. No. 2020-03, art. X, § 1, 4-21-2020; Ord. No. 2023-03, art. X, § 1, 2-7-2023; Ord. No. 2023-10, art. X, § 1, 3-5-2023; Ord. No. 2023-12, art. X, § 1, 5-2-2023)

Sec. 4-8. Loans or advances from manufacturer, distributor or importing distributor of alcoholic liquors for payment of license fee.

It shall be unlawful for any licensee hereunder to allow or permit any person engaged in the business of manufacturing, importing or distributing alcoholic liquors to pay for or advance, furnish, or lend money, directly or indirectly, for the payment of such license.

(Ord. No. 2019-04, art. X, § 2, 3-19-2019; Ord. No. 2020-03, art. X, § 2, 4-21-2020; Ord. No. 2023-03, art. X, § 2, 2-7-2023; Ord. No. 2023-10, art. X, § 2, 3-5-2023; Ord. No. 2023-12, art. X, § 2, 5-2-2023)

Sec. 4-9. Sales to underage persons, drunks, or drunkards.

It is unlawful for any person, including, but not limited to, any licensee or any associate, member, representative, agent, or employee of such licensee to sell, give, deliver or serve any alcoholic beverage to any person under the age of twenty-one (21) years or to any intoxicated person or to any person known to be a spendthrift, insane, mentally ill, mentally deficient or a habitual drunkard.

(Ord. No. 2019-04, art. X, § 3, 3-19-2019; Ord. No. 2020-03, art. X, § 3, 4-21-2020; Ord. No. 2023-03, art. X, § 3, 2-7-2023; Ord. No. 2023-10, art. X, § 3, 3-5-2023; Ord. No. 2023-12, art. X, § 3, 5-2-2023)

Sec. 4-10. Purchases by underage persons.

It shall be unlawful for any person under the age of twenty-one (21) years to purchase, accept or procure or to attempt to purchase accept or procure any alcoholic beverage from any liquor dealer or from any other person.

(Ord. No. 2019-04, art. X, § 4, 3-19-2019; Ord. No. 2020-03, art. X, § 4, 4-21-2020; Ord. No. 2023-03, art. X, § 4, 2-7-2023; Ord. No. 2023-10, art. X, § 4, 3-5-2023; Ord. No. 2023-12, art. X, § 4, 5-2-2023)

Sec. 4-11. Purchase for, or delivery to, underage persons.

It shall be unlawful for any person to order, to purchase or in any manner to obtain any alcoholic beverage for another person under the age of twenty-one (21) years. It shall be illegal for any person to sell, give or deliver any alcoholic liquor to another person under the age of twenty-one (21) years. It shall

be illegal for any person to directly or indirectly have any alcoholic beverage sold, given or delivered to another person less than twenty-one (21) years of age or to permit the sale, gift or delivery of any alcoholic beverage to another person less than twenty-one (21) years of age.

(Ord. No. 2019-04, art. X, § 5, 3-19-2019; Ord. No. 2020-03, art. X, § 5, 4-21-2020; Ord. No. 2023-03, art. X, § 5, 2-7-2023; Ord. No. 2023-10, art. X, § 5, 3-5-2023; Ord. No. 2023-12, art. X, § 5, 5-2-2023)

Sec. 4-12. Consumption, dispensing or possession by underage persons.

(a) It shall be unlawful for any person to whom the sale, gift, delivery or service of any alcoholic liquor is prohibited because of age to consume or to possess in any manner, including by consumption, any such alcoholic liquor, except as otherwise provided by law. The violation referred to in this section which relates to the possession of alcohol after it has been consumed may be identified as illegal possession of alcohol by consumption or by the section number of this chapter. This violation may be proven by evidence which indicates that the breath of the person charged with such offense has a smell associated generally or specifically with any alcoholic liquor, and no additional evidence relating thereto shall be necessary to find the defendant to be in violation of this chapter. It shall not be necessary to show that the person charged with an offense hereunder was at the time in question under the influence of any alcoholic liquor in any manner, but such evidence shall be admissible to prove a violation of this chapter.

(b) The possession and dispensing or consumption by a person under the age of twenty-one (21) years of an alcoholic beverage in the performance of a religious service or ceremony or the consumption of alcoholic liquor by a person under the age of twenty-one (21) years under the direct supervision and direct approval of the parents of such person in the privacy of a home is not prohibited by this chapter, and this provision shall be considered only as a defense for which the burden of proving that it applies to and was reasonably relied upon in a particular case shall be on the person charged with an offense under this section.

(Ord. No. 2019-04, art. X, § 6, 3-19-2019; Ord. No. 2020-03, art. X, § 6, 4-21-2020; Ord. No. 2023-03, art. X, § 6, 2-7-2023; Ord. No. 2023-10, art. X, § 6, 3-5-2023; Ord. No. 2023-12, art. X, § 6, 5-2-2023)

Sec. 4-13. Underage persons in licensed premises.

It shall be unlawful for any intoxicated persons or any person under the age of twenty-one (21) years to be or remain in any premises which are licensed hereunder except that any person under the age of twenty-one (21) years may be or remain on the premises:

- (1) If accompanied by such person's parents or legally appointed guardian;
- (2) If more than fifty (50) percent of the gross business income received therein results from the sale of services or commodities other than alcoholic liquor;
- (3) If legally employed by the license holder of the premises and if the person is actively performing such person's duties as a legal employee at the time in question. Employees of the licensee under age twenty-one (21) shall not draw, mix, pour, nor sell alcoholic beverages, but may carry and deliver said beverages to the patron for consumption; or

(4) If the premises has a Class "G," "I," or "J" license pursuant to this chapter. (Ord. No. 2019-04, art. X, § 7, 3-19-2019; Ord. No. 2020-03, art. X, § 7, 4-21-2020; Ord. No. 2023-03, art. X, § 7, 2-7-2023; Ord. No. 2023-10, art. X, § 7, 3-5-2023; Ord. No. 2023-12, art. X, § 7, 5-2-2023)

Sec. 4-14. Burden of proof.

The defendant/respondent in any court or administrative hearing shall have the burden of proving as a defense that Section 4-13(1), (2), or (3) applies to the case and the prosecutor shall have no responsibility to prove that any of said exceptions do not apply herein.

(Ord. No. 2019-04, art. X, § 8, 3-19-2019; Ord. No. 2020-03, art. X, § 8, 4-21-2020; Ord. No. 2023-03, art. X, § 8, 2-7-2023; Ord. No. 2023-10, art. X, § 8, 3-5-2023; Ord. No. 2023-12, art. X, § 8, 5-2-2023)

Sec. 4-15. Photographic evidence of age and identity.

(a) If a licensee or any officer, associate member, representative, agent or employee of such licensee believes or has any reason whatsoever to suspect or believe that the sale, gift, delivery or service to a prospective recipient of any alcoholic liquor is prohibited by this chapter because of the age of such person, such licensee, officer, associate member, agent or employee shall demand written evidence, and may not rely on oral evidence, of the prospective recipient's age and identity before making such sale, gift, delivery or service.

(b) Any person from whom such written evidence is demanded shall forthwith display such person's motor vehicle operator's license, Federal selective service card, Federal Armed Forces identification card or other written and photographic evidence of age and identity issued by a public officer in the performance of such officer's official duties.

(c) If any person fails to present such written evidence, such person shall be considered to be an under age person who is not entitled to any such alcoholic liquor. However, if such written and photographic evidence of age and identity is produced and shows the prospective recipient to be of the age required to purchase such alcoholic liquor and if such a sale, gift, delivery or service of alcoholic liquor is made in reasonable reliance thereon, the licensee and the licensee's representatives shall not be subject to the penalty provision of this chapter.

(d) The burden of proving that a demand of written and photographic evidence of the age and identity was made, that such written and photographic evidence was shown, the content of the written photographic evidence presented, and the reasonableness of the reliance thereon shall be on the person charged with an offense under this chapter.

(Ord. No. 2019-04, art. X, § 9, 3-19-2019; Ord. No. 2020-03, art. X, § 9, 4-21-2020; Ord. No. 2023-03, art. X, § 9, 2-7-2023; Ord. No. 2023-10, art. X, § 9, 3-5-2023; Ord. No. 2023-12, art. X, § 9, 5-2-2023)

Sec. 4-16. False identification.

It shall be unlawful for any person to present or offer to any licensee or to any officer, associate, member, representative, agent, or employee of a licensee or to any other person any written, printed or photostatic evidence or such person's age and identity or that of any other person which is false or fraudulent, for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or

attempting to procure any alcoholic liquor of any kind or description in violation of this chapter, or to have in such person's possession any false or fraudulent written, printed or photostatic evidence of age and identity.

(Ord. No. 2019-04, art. X, § 10, 3-19-2019; Ord. No. 2020-03, art. X, § 10, 4-21-2020; Ord. No. 2023-03, art. X, § 10, 2-7-2023; Ord. No. 2023-10, art. X, § 10, 3-5-2023; Ord. No. 2023-12, art. X, § 10, 5-2-2023)

Sec. 4-17. Barter and credit.

No person shall sell or furnish alcoholic liquor at retail to any person on credit, or order on a store, or in exchange for any goods, wares or merchandise, or in payment for any services rendered, provided that nothing herein contained shall be construed to prevent any club receiving a license under this chapter, from permitting checks or statement for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the bylaws of said club; and provided, further, that nothing herein contained shall be construed to prevent any hotel from permitting checks or statement for liquor to be signed by regular guests residing at said hotel and charged to the accounts of said guests.

(Ord. No. 2019-04, art. X, § 11, 3-19-2019; Ord. No. 2020-03, art. X, § 11, 4-21-2020; Ord. No. 2023-03, art. X, § 11, 2-7-2023; Ord. No. 2023-10, art. X, § 11, 3-5-2023; Ord. No. 2023-12, art. X, § 11, 5-2-2023)

Sec. 4-18. Curb service.

It shall be unlawful for any licensee to sell, offer for sale or furnish any alcoholic liquor to any person or patron in what is generally known as curbside service. Free dispensing of alcoholic liquor by any licensee is hereby prohibited and unlawful.

(Ord. No. 2019-04, art. X, § 12, 3-19-2019; Ord. No. 2020-03, art. X, § 12, 4-21-2020; Ord. No. 2023-03, art. X, § 12, 2-7-2023; Ord. No. 2023-10, art. X, § 12, 3-5-2023; Ord. No. 2023-12, art. X, § 12, 5-2-2023)

Sec. 4-19. No sale during prohibited hours.

It shall be unlawful to keep open for business or to admit the public or patrons or customers or persons to any premises licensed under this chapter for the retail sale of alcoholic liquor during the hours within which sale of such liquor is prohibited, or to permit or allow person, patron, or customer to remain in or about the licensed premises during the hours designated within which the sale and consumption of alcoholic liquors is prohibited on the licensed premises; provided, however, that restaurants, clubs, drug stores and hotels may keep their places of business open, subject only to the provisions that no sale at retail of alcoholic liquors or the consumption by patrons or customers or by the public of alcoholic liquors shall be permitted or allowed on said licensed premises during the hours prohibited.

(Ord. No. 2019-04, art. X, § 13, 3-19-2019; Ord. No. 2020-03, art. X, § 13, 4-21-2020; Ord. No. 2023-03, art. X, § 13, 2-7-2023; Ord. No. 2023-10, art. X, § 13, 3-5-2023; Ord. No. 2023-12, art. X, § 13, 5-2-2023)

Sec. 4-20. Disposal of business.

Whenever any licensee hereunder shall sell or otherwise dispose of the business conducted on the licensed premises, said licensee shall, with five (5) days thereafter, cause a notice in writing of such fact to be delivered to the County Liquor Control Commissioner. Said statement shall contain full information concerning the same, including the date of such date or disposal of said business and the name of the

purchaser, if any. Upon the occurrence of any of the foregoing the license issued hereunder shall be surrendered to the Liquor Control Commission, providing that the Liquor Control Commissioner in the Commissioner's discretion may permit the licensee to maintain said license upon the following circumstances: remodeling, casualty act of God or other business interruption deemed by the Commissioner to be beyond the control of the licensee. The Commissioner is further authorized to approve assignment of said license to a qualifying purchaser. Failure on the part of the licensee to comply with the provisions of this section shall subject said licensee to a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or by imprisonment in the County jail for not less than thirty (30) days nor more than four (4) months, and such penalties as herein provided in this section shall be in addition to any such penalties mentioned in this chapter for violation of any of the terms and provisions thereof.

(Ord. No. 2019-04, art. X, § 14, 3-19-2019; Ord. No. 2020-03, art. X, § 14, 4-21-2020; Ord. No. 2023-03, art. X, § 14, 2-7-2023; Ord. No. 2023-10, art. X, § 14, 3-5-2023; Ord. No. 2023-12, art. X, § 14, 5-2-2023)

Sec. 4-21. Required records.

It shall be the duty of every person licensed hereunder to keep complete and accurate records of all sales of liquor, wine or beer, which said records shall be produced by the person holding such a license at the request of the Local Liquor Control Commissioner.

(Ord. No. 2019-04, art. X, § 15, 3-19-2019; Ord. No. 2020-03, art. X, § 15, 4-21-2020; Ord. No. 2023-03, art. X, § 15, 2-7-2023; Ord. No. 2023-10, art. X, § 15, 3-5-2023; Ord. No. 2023-12, art. X, § 15, 5-2-2023)

Sec. 4-22. Sanitation.

All premises and equipment and utensils or paraphernalia used for the retail sales of alcoholic liquor, or for the storage of such liquor for sale purposes, shall be kept in a clean and sanitary condition and shall have running water at any service bar for the purpose of washing and cleaning dishes and glasses and other utensils used in and about the serving of alcoholic liquors, and every licensee hereunder shall install and maintain clean and sanitary toilets or toilet rooms for both sexes and shall keep the licensed premises in full compliance with the State law regulating the conditions of premises used for the storage or sale of food for human consumption. The provisions of this section may be modified by the Commissioner as deemed appropriate by the Commissioner for Class "G" and "J" licenses.

(Ord. No. 2019-04, art. X, § 16, 3-19-2019; Ord. No. 2020-03, art. X, § 16, 4-21-2020; Ord. No. 2023-03, art. X, § 16, 2-7-2023; Ord. No. 2023-10, art. X, § 16, 3-5-2023; Ord. No. 2023-12, art. X, § 16, 5-2-2023)

Sec. 4-23. Disease.

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease, and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

(Ord. No. 2019-04, art. X, § 17, 3-19-2019; Ord. No. 2020-03, art. X, § 17, 4-21-2020; Ord. No. 2023-03, art. X, § 17, 2-7-2023; Ord. No. 2023-10, art. X, § 17, 3-5-2023; Ord. No. 2023-12, art. X, § 17, 5-2-2023)

Sec. 4-24. Prohibited behavior.

It shall be unlawful for any licensee hereunder to permit or allow any lewd persons or any prostitutes to remain in and about any licensed premises or to allow or permit any soliciting to prostitution or lewdness, idleness, gaming, gambling, fornication or other misbehavior to be conducted on said licensed premises, or to permit or allow any slot machines or other devices used for gambling purposes, to be or to remain in or on or about the licensed premises, with the exception of those properly licensed locations and video gaming terminals as are allowed pursuant to the Illinois Video Gaming Act (230 ILCS 40/1 et seq.).

(Ord. No. 2019-04, art. X, § 18, 3-19-2019; Ord. No. 2020-03, art. X, § 18, 4-21-2020; Ord. No. 2023-03, art. X, § 18, 2-7-2023; Ord. No. 2023-10, art. X, § 18, 3-5-2023; Ord. No. 2023-12, art. X, § 18, 5-2-2023)

Sec. 4-25. Allowing drunks to remain on premises.

It shall be unlawful for any licensee to allow a person in a drunken condition to remain upon or loiter in and around any licensed premises or to harbor, conceal, aid or assist any person who has committed any criminal offense against the laws of the State, or to refuse to aid or assist the law enforcing officers of the County in the apprehension of a person accused of or suspected of a crime.

(Ord. No. 2019-04, art. X, § 19, 3-19-2019; Ord. No. 2020-03, art. X, § 19, 4-21-2020; Ord. No. 2023-03, art. X, § 19, 2-7-2023; Ord. No. 2023-10, art. X, § 19, 3-5-2023; Ord. No. 2023-12, art. X, § 19, 5-2-2023)

Sec. 4-26. Nuisance declared.

All places where alcoholic liquor is sold in violation of any of the provisions of this chapter shall be taken and held to be and are hereby declared to be common nuisances and may be abated as such.

(Ord. No. 2019-04, art. X, § 20, 3-19-2019; Ord. No. 2020-03, art. X, § 20, 4-21-2020; Ord. No. 2023-03, art. X, § 20, 2-7-2023; Ord. No. 2023-10, art. X, § 20, 3-5-2023; Ord. No. 2023-12, art. X, § 20, 5-2-2023)

Sec. 4-27. Disposition of fees.

All license fees received by the Local Liquor Control Commission shall be paid over to the County Treasurer and credited to the general fund of the County.

(Ord. No. 2019-04, art. X, § 21, 3-19-2019; Ord. No. 2020-03, art. X, § 21, 4-21-2020; Ord. No. 2023-03, art. X, § 21, 2-7-2023; Ord. No. 2023-10, art. X, § 21, 3-5-2023; Ord. No. 2023-12, art. X, § 21, 5-2-2023)

Sec. 4-28. Conduct.

It shall be unlawful to permit the following kinds of conduct on the premises:

- (1) The performance of act, or simulated act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;
- (2) The actual or simulated exhibition, touching, caressing or fondling of the breast, buttocks, pubic hair, anus, vulva, or genitals.

(Ord. No. 2019-04, art. X, § 22, 3-19-2019; Ord. No. 2020-03, art. X, § 22, 4-21-2020; Ord. No. 2023-03, art. X, § 22, 2-7-2023; Ord. No. 2023-10, art. X, § 22, 3-5-2023; Ord. No. 2023-12, art. X, § 22, 5-2-2023)

Sec. 4-29. Lapsed license.

In the event of the death of the named license holder, said license shall lapse and be of no further effect. Any license which is not used for a period of sixty (60) consecutive days shall be deemed to have lapsed due to such non-use. Any license which has lapsed as defined by this section will be of no further effect unless written waiver of such lapse is granted by the Commissioner, after a hearing held to evaluate the reason for such lapse.

(Ord. No. 2019-04, art. X, § 23, 3-19-2019; Ord. No. 2020-03, art. X, § 23, 4-21-2020; Ord. No. 2023-03, art. X, § 23, 2-7-2023; Ord. No. 2023-10, art. X, § 23, 3-5-2023; Ord. No. 2023-12, art. X, § 23, 5-2-2023)

Sec. 4-30. Record of hearings and proceedings.

A certified court reporter or certified shorthand reporter shall keep a record of all hearings held under the provisions of this chapter. The cost of such court reporter shall be paid by the applicant or licensee who is the subject of the proceeding. Any appeal taken from a decision of the Commissioner pursuant to the terms of this chapter shall be reviewed on the record of the hearing at which the decision was rendered as taken by and prepared by the certified court reporter or certified shorthand reporter.

(Ord. No. 2019-04, art. X, § 24, 3-19-2019; Ord. No. 2020-03, art. X, § 24, 4-21-2020; Ord. No. 2023-03, art. X, § 24, 2-7-2023; Ord. No. 2023-10, art. X, § 24, 3-5-2023; Ord. No. 2023-12, art. X, § 24, 5-2-2023)

Sec. 4-31. Premises identified on license.

Any license issued pursuant to this chapter shall specifically identify the location of the authorized premises for the license, and such premises shall be sufficiently identified on the license to make such premises readily identifiable.

(Ord. No. 2019-04, art. X, § 25, 3-19-2019; Ord. No. 2020-03, art. X, § 25, 4-21-2020; Ord. No. 2023-03, art. X, § 25, 2-7-2023; Ord. No. 2023-10, art. X, § 25, 3-5-2023; Ord. No. 2023-12, art. X, § 25, 5-2-2023)

Sec. 4-32. No refunds.

No applicant will be entitled to a refund for an unused license for any reason once a license has been issued.

(Ord. No. 2019-04, art. X, § 27, 3-19-2019; Ord. No. 2020-03, art. X, § 27, 4-21-2020; Ord. No. 2023-03, art. X, § 27, 2-7-2023; Ord. No. 2023-10, art. X, § 27, 3-5-2023; Ord. No. 2023-12, art. X, § 27, 5-2-2023)

Secs. 4-33—4-52. Reserved.**ARTICLE II. LICENSES****Sec. 4-53. Required.**

No person shall sell, furnish, deliver, solicit or receive orders for, keep or expose for sale at retail, or keep with intent to sell, or furnish any alcoholic liquor for beverage purposes for sale at retail in any of

the territory lying outside of the corporate limits of any city, village or town lying within the corporate limits of the County without first having a valid license issued by the County Liquor Control Commissioner, as hereinafter provided and a valid license issued by the State Liquor Control Commissioner. (Ord. No. 2019-04, art. II, § 1, 3-19-2019; Ord. No. 2020-03, art. II, § 1, 4-21-2020; Ord. No. 2023-03, art. II, 2-7-2023; Ord. No. 2023-10, art. II, 3-5-2023; Ord. No. 2023-12, art. II, 5-2-2023)

Sec. 4-54. Classification.

- (a) The classification of licenses authorized to be issued under this chapter shall be as follows:
- (1) Class "A" license which shall authorize the retail sale, on the premises specified, of all kinds of legalized alcoholic liquor for consumption on the premises and retail sales of alcoholic liquors by original package for consumption off the premises.
 - (2) Class "B" license which shall authorize the retail sale, on the premises specified, of all kinds of legalized alcoholic liquor for consumption on the premises, and the retail sale of package beer only to members of the licensee. Class "B" licenses shall be issued only to clubs as defined in the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), approved January 31, 1934, as amended, and as provided in this chapter, as amended.
 - (3) Class "C" license which shall authorize the retail sale, on the premises specified, of all kinds of legalized alcoholic liquor by original package for consumption off the premises.
 - (4) Class "D" license which shall authorize the retail sale, on the premises specified, of beer and wine by original package for consumption off the premises.
 - (5) Class "E" license which shall authorize the retail sale, on the premises specified, of all kinds of legalized alcoholic liquor for consumption on the premises requiring service, thereof, at tables in conjunction with the primary function of serving food to the public in said premises.
 - (6) Class "F" license which shall authorize the retail sale, on the premises specified, of beer and wine for consumption on the premises, requiring service, thereof, at the tables in conjunction with the primary function of serving food to the public in said premises.
 - (7) Class "G" license.
 - a. Class "G" licenses which authorize the retail sales on the premises specified of beer and wine only for a limited time, which shall be identified on the license as valid for either twenty-four (24), forty-eight (48), or seventy-two (72) hours by such not-for-profit corporations or organizations which provide adequate proof to the Commissioner of the following:
 1. Continuous existence in the community for a period of five (5) years preceding the application.
 2. Internal Revenue Service reports or such other information as requested by the Commissioner to verify the not-for-profit status of the corporation or organization.
 - b. Such licenses, when issued, shall be issued within seven (7) days of its authorized commencement date, and shall automatically expire twenty-four (24), forty-eight (48), or seventy-two (72) hours thereafter as noted on the license. A not-for-profit corporation or

organization shall not receive more than four (4) Class "G" licenses during a twelve (12) month period. For purposes of this subsection, the twelve (12) month period shall begin on January 1 and end on December 31 of each calendar year.

- c. Applicants for a Class "G" License must file the application for said license no less than thirty (30) days prior to the anticipated effective date of said license. Despite the provisions of this chapter, no public hearing shall be required prior to the issuance of a Class "G" license.
- (8) Class "H" licenses which authorize the retail sale, on the premises specified, of beer and wine only for consumption on the premises and retail sales of beer and wine only by original package for consumption off the premises.
 - (9) Class "I" licenses which shall authorize the retail sale of alcoholic liquor within the County by a caterer, as defined in the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, on the premises owned by the County Forest Preserve District commonly known as "Ellis House," "Ken Pickerill Estate House and Grounds," and the "Meadowhawk Lodge" for consumption within two hundred fifty (250) feet of the Ellis House, Ken Pickerill Estate House and Grounds, and the Meadowhawk Lodge buildings owned by the Forest Preserve District during times when food is dispensed for consumption within two hundred fifty (250) feet of the building from which food is dispensed and only as an incidental part of food service that serves prepared meals, which excludes the serving of snacks as the primary meal for private and public functions. Liquor shall not be served nor shall it be consumed inside horse stables of these Forest Preserve District properties. Licensee shall provide proof of general and liquor liability insurance which shall name the County Forest Preserve District as an additional insured. Sale of alcoholic liquor to the licensee shall only be made at the registered office of the licensee. A Class "I" license shall authorize the holder to engage in the retail sale of alcoholic liquor as described above at Ellis House, Ken Pickerill Estate House and Grounds, and the Meadowhawk Lodge without the need to apply for separate licenses.
 - (10) Class "J" licenses which authorize the retail sales on the premises specified of all kinds of legalized alcoholic liquor by such not-for-profit corporations or organizations which provide adequate proof to the Commissioner of the following:
 - a. Continuous existence in the community for a period of five (5) years preceding the application.
 - b. Internal Revenue Service reports or such other information as requested by the Commissioner to verify the not-for-profit status of the corporation or organization.

Such license shall limit the number of days all kinds of legalized alcoholic liquor may be sold on the premises to seventy-five (75) calendar days each calendar year. For purposes of this Subsection (a)(10), the calendar year shall begin on January 1 and end on December 31 of that same year. The licensee shall submit a list of each day the liquor license was used and nature of event to the Liquor Control Commissioner thirty (30) days after the end of the calendar year.

(11) Class "K" license.

- a. Class "K" licenses which shall authorize the retail sale, on the premises specified, of all kinds of alcoholic liquor for craft brewers/craft distillers, when such liquor has been manufactured on the premises, for consumption on the premises and shall authorize the retail sale of all kinds of alcoholic liquor, when such liquor has been manufactured on the premises, for consumption off the premises. Class "K" licensees may conduct limited beer and liquor tasting activities on the premises.
- b. A craft distiller under this license shall be allowed to manufacture of up to fifteen thousand (15,000) gallons of spirits by distillation per year and a craft brewer may only manufacture up to four hundred sixty-five thousand (465,000) gallons of beer per year. These amounts may be increased/reduced pursuant to amendment of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.).
- c. The Class "K" license does not permit the retail sale, either for consumption on the premises or off the premises, of any alcoholic liquor that has been purchased at wholesale nor does the Class "K" license permit the retail sale, either for consumption on the premises or off the premises, of any alcoholic liquor that has been manufactured off the premises.

(b) All licenses shall be signed by the County Liquor Control Commissioner, and shall state thereon the class or classification for which issued, and shall state thereon the name of the licensee, the address and description of the premises for which granted, together with the date of issuance and expiration thereof. Every renewed license shall be in all respects identical with the original or first license.

(c) A retailer's license shall allow the licensee to sell and offer for sale at retail, on the premises specified in such license, alcoholic liquor for use or consumption, but not for resale.

(d) All licenses issued hereunder are limited in use to the premises specified in said licenses and upon cessation in possession thereof, by the licensee, said license shall immediately be rendered null and void. (Ord. No. 2019-04, art. III, 3-19-2019; Ord. No. 2020-03, art. III, 4-21-2020; Ord. No. 2023-03, art. III, 2-7-2023; Ord. No. 2023-10, art. III, 3-5-2023; Ord. No. 2023-12, art. III, 5-2-2023)

Sec. 4-55. Fees.

(a) The annual license fees for each of the classes of licenses authorized by this chapter to be issued are hereby fixed in the following amounts:

| | |
|-----------|------------|
| Class "A" | \$2,000.00 |
| Class "B" | \$300.00 |
| Class "C" | \$2,000.00 |
| Class "D" | \$2,000.00 |
| Class "E" | \$2,000.00 |
| Class "F" | \$1,300.00 |
| Class "G" | \$100.00 |
| Class "H" | \$2,000.00 |

| | |
|-----------|------------|
| Class "I" | \$100.00 |
| Class "J" | \$300.00 |
| Class "K" | \$2,000.00 |

(b) Unless otherwise provided herein, all licenses issued hereunder shall be valid for a period of one (1) year from the date of issuance. No refunds shall be made for cancelled or surrendered licenses, nor shall any license issued hereunder be transferred, except as provided by the provisions of this chapter, or the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended.

(c) On application for a license hereunder, the applicant shall deposit with the County Liquor Control Commissioner at the time such applicant submits application for a license hereunder, the fee as is in this chapter provided. This shall be by certified check, bank draft or money order made payable to the County Liquor Control Commissioner.

(Ord. No. 2019-04, art. IV, 3-19-2019; Ord. No. 2020-03, art. IV, 4-21-2020; Ord. No. 2023-03, art. IV, 2-7-2023; Ord. No. 2023-10, art. IV, 3-5-2023; Ord. No. 2023-12, art. IV, 5-2-2023)

Sec. 4-56. Number.

(a) At the date of the adoption of the ordinance from which this chapter is derived, the maximum number of licenses for retail sale of alcoholic beverage is as follows:

| | |
|-----------|--|
| Class "A" | 7 |
| Class "B" | 3 |
| Class "C" | 2 |
| Class "D" | 2 |
| Class "E" | 0 |
| Class "F" | 0 |
| Class "G" | No more than 4 during a 12-month period per qualified organization as outlined in § 4-54(a)(7) |
| Class "H" | 2 |
| Class "I" | 10 |
| Class "J" | 1 |
| Class "K" | 1 |

(b) In the event any license issued hereunder is surrendered, for any reason whatsoever, the maximum number of licenses authorized in that class is accordingly reduced by the number of licenses surrendered. No further licenses may be issued until action of the County Board appropriately increases the maximum number allowed.

(Ord. No. 2019-04, art. V, 3-19-2019; Ord. No. 2020-03, art V, 4-21-2020; Ord. No. 2023-03, art. V, 2-7-2023; Ord. No. 2023-10, art. V, 3-5-2023; Ord. No. 2023-09, exh. A(art. V), 4-5-2023; Ord. No. 2023-11, § 2, 5-2-2023; Ord. No. 2023-12, art. V, 5-2-2023)

Sec. 4-57. Applications and renewals.

(a) Forms of application for a license under this chapter shall be furnished by the County Liquor Control Commissioner, and applicants for a license under this chapter shall secure the necessary forms from the Liquor Control Commissioner, and such application or applications shall be in writing and under oath and shall be filed with the Liquor Control Commissioner and shall contain the following information:

- (1) The names, date of birth, and address of residence of the applicant or any agent or manager who conducts the business in the case of an individual; in the case of a co-partnership, the names of all partners together with their ages and addresses; and, in the case of a corporation or club, the corporate name, the date of incorporation, place of incorporation, the object for which the corporation was organized, the names and addresses of the officers and directors thereof; the name, age and address of any officer, manager, director or any stockholder of said corporation owning more than five (5) percent of the stock in the said corporation and the exact percentage of stock so owned.
- (2) The citizenship of the applicant or any agent or manager who conducts the business, the applicant's place of birth and if naturalized citizen, the time and place of naturalization.
- (3) The location and description of the place of business where the applicant intends to conduct business which shall include the legal description and mailing address thereof.
- (4) Statement whether applicant or any agent or manager who conducts the business has made similar application for a similar other license on premises other than that described in the application and the disposition of such application.
- (5) A statement whether the applicant or any agent or manager who conducts the business has made any other application for liquor license in any other county in the State, and if so, the disposition of such application.
- (6) A statement whether a previous license by any state or subdivision thereof or by the Federal government has been revoked and if so the reason therefor.
- (7) A statement that the applicant or any agent or manager who conducts the business will not violate any of the laws of the State or of the United States or of the laws or regulations set forth in this chapter in the conduct of business.
- (8) A statement that the applicant has not received or borrowed money or anything of value and that the applicant will not receive or borrow money or anything of value other than merchandising credit in the ordinary course of business for a period not to exceed thirty (30) days as expressly permitted under 235 ILCS 5/6-5, directly or indirectly from any manufacturer, importing distributor or distributors, representatives of any such manufacturer, importing distributor or distributors nor to be a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor as set forth in 235 ILCS 5/6-5.
- (9) If such application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to be at least two members of such partnership or the president and secretary of any such corporation. In the event that the applicant seeks a Class

"B," "G" or "J" license, the applicant shall provide, at the time of application for the original license and any renewal thereof, written current verification the tax-exempt status of the applicant, a copy of the applicant's application for tax exempt status filed with the Internal Revenue Service, and the most recently filed tax return filed by the applicant. An applicant for a Class "B," "G," or "J" license which is itself not a tax-exempt organization may still qualify for a Class "B," "G," or "J" license if it proves, to the reasonable satisfaction of the County Liquor Commissioner, that the applicant is wholly owned by a tax-exempt organization which meets the qualifications for a Class "B," "G" or "J" license.

- (10) A statement that said applicant or any co-partner, except in the case of a club or corporation, is a resident of the County stating the date the applicant acquired residence in the County.
- (11) A statement as to whether or not the applicant, or in the event that the applicant is a partnership or corporation, any entity in which the applicant currently or previously held a five (5) percent or more interest, has any unpaid fines in any court of the State, for any violation of any law.
- (12) A statement that the applicant, or any agent or any manager who conducts the business is qualified to receive a license under the laws of the State and that such applicant, agent or manager will not violate nor permit any employees to violate any of the laws of the State or of the United States or of this chapter in the conduct of business and shall also state the name and address of the agent or manager in charge of any licensed premises if there is one.
- (13) A statement whether or not the proposed place of business is within 100 feet of any church, school (other than an institution of higher learning), hospital, home for aged or indigent persons or for veterans, their wives, or children or any military or naval station.
- (14) A statement as to whether or not the proposed location is within one-half (1/2)mile of the territorial limits of any city, village or incorporated town in the County.
- (15) If the applicant does not own the premises for which a license is sought the applicant shall exhibit a true copy of the lease for said premises for the full period for which the license is to be issued. The applicant shall also submit with the application the type of bond such applicant proposed to furnish as is hereinafter required if granted a license.
- (16) A statement that no law enforcing public official, mayor, alderman, trustee, member of a city council or commission, president of a village board of trustees, or president or member of a County board has any interest in any way, directly or indirectly, in the operation of the business for which the license is sought.
- (17) A statement that the applicant is the beneficial owner of the business to be operated by the license.
- (18) A statement that the applicant, any partner, if a co-partnership, any officer, manager, director or shareholder owning five (5) percent or more of the stock in said corporation has not:
 - a. Been convicted of:
 1. A felony under any State or Federal laws;
 2. Keeping a house of ill fame;
 3. Pandering or other crime or misdemeanor opposed to decency and morality;

4. Violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to January 31, 1934, or has forfeited bond to appear in court to answer for any such violation;
 5. Gambling offense as prescribed by Article 28 of the Criminal Code of 2012 (720 ILCS 5/28-1 et seq.).
- b. Had a license issued under the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) revoked for cause.
 - c. Been issued a Federal gaming device stamp or a Federal wagering stamp by the Federal government for the current tax period.
- (19) Statement that the premises in which the license is to be used has not had a Federal gaming device stamp or a Federal wagering stamp issued for the current tax period.
- (20) Statement if the applicant is a corporation, that no officer, manager, director or stockholder owning more than twenty (20) percent of the stock in the corporation has been issued a Federal gaming stamp or a Federal wagering stamp for the current tax period.
- (21) In the event that any of the information required to be provided pursuant to this article should change during the duration of the said license, the licensee shall notify the Commissioner of such change as soon as practicable, but in any event no later than seventy-two (72) hours after the said change takes effect.
- (22) In the event that the premises for which the license is proposed to be issued is licensed by any State or local health department, proof of said valid license and current health inspection results shall be provided at the time of application. In the event that said licensure by the local or State health department should lapse or terminate for any reason, the licensee shall immediately notify the Commissioner of the same, and in no event shall said notice be delayed for more than twenty-four (24) hours.
- (b) All applications to the Liquor Control Commission shall be filed in duplicate in the Office of the County Clerk and shall be accompanied by the full amount of the license fee required to be paid for the class of license applied for. All checks or money orders shall be made payable to the County Liquor Control Commissioner.
- (c) At the time of the filing of any application for a license under this chapter, except Class "G" licenses, the applicant shall file a notice of intent to seek liquor license, on a form to be provided to the applicant by the Commissioner, which notice shall be published, in a paper of general circulation in the County, at least once, and which notice shall contain the date, time and location of the public hearing required prior to the issuance of said license. Said publication shall take place no less than seven (7), or more than fifteen (15) days prior to the date of the scheduled public hearing required by the terms of this chapter. Said publication cost shall be paid by the applicant.
- (d) Every renewal license shall be in all respects identical with the original or first license and applications for renewal licenses shall be made in the same manner except that a statement shall be endorsed on the face of the renewal application that such application is for renewal and the hearing process shall be excused upon such renewal application. Submittal of renewal applications must be

received in the office of the County Clerk no less than thirty (30) days prior to the expiration of the license. Failure to meet submittal deadlines could result in a lapse of liquor license, failure to renew the liquor license and/or a fine pursuant to statute.

(e) Prior to the determination to grant or deny the issuance of any new license, or the determination as to whether to permit the transfer of a license to a different location, except Class "G" licenses, a public hearing shall be held by the Commissioner, at a date, time and location as identified by the Commissioner. Public notice of said hearing shall be given by means of the publication required in Subsection (c) of this section. The applicant shall also give notice of said public hearing by mailing a copy of said notice to the owners of all property located within two hundred fifty (250) feet of the subject premises, which notice shall be mailed certified mail, return receipt requested. At the time of said hearing, the applicant shall provide proof of the mailing of said notices to the Commissioner, as well as a listing of all persons so notified. For the purposes of this subsection, the mailing of a notice to the individual receiving the current real estate tax bill, as shown by the records of the County Supervisor of Assessments, shall constitute notice to the owner of each premises.

(f) The County Liquor Control Commissioner shall grant or refuse to grant the application within forty-five (45) days after the required public hearing has been held, and all required documentation has been received by the Commissioner, including any required background or fingerprint checks. The costs of any required background check, including fingerprint checks, shall be paid by the applicant.

(g) All original or renewal applications for liquor licenses shall be accompanied with proof of completion of a State-certified beverage alcohol sellers and servers education and training (BASSET) program for all persons who sell or serve alcoholic liquor, all management personnel working on the premises, and anyone whose job description entails the checking of identification for the purchase of alcoholic liquor, pursuant to that license. Class "G," "I" or "J" licensees must have a BASSET-trained person on the premises during an event. Class "G" or "I" licensees must provide the name and proof of BASSET training for that person when applying for a Class "G" or "I" license.

(h) A State-certified BASSET program shall be defined as a BASSET program licensed by the State Liquor Commission as required by 235 ILCS 5/3-12(11.1). All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card to participants as proof of completion. A photocopy of certificates of completion for all owners, managers, employees, or agents required to have BASSET training shall be maintained on the premises in a manner that will allow inspection, upon demand, by any designee of both the State or County.

(i) Any new owner, manager, employee or agent requiring BASSET training shall, within ninety (90) days from the beginning of their employment with that licensee, complete a State Liquor Control Commission BASSET approved seller/server training program and shall until completion of the BASSET program work under the supervision of a person who has completed BASSET training. (Ord. No. 2019-04, art. VI, 3-19-2019; Ord. No. 2020-03, art VI, 4-21-2020; Ord. No. 2023-03, art. VI, 2-7-2023; Ord. No. 2023-10, art. VI, 3-5-2023; Ord. No. 2023-12, art. VI, 5-2-2023)

Sec. 4-58. Prohibitions.

(a) No license under this chapter shall be issued if issuance would be prohibited by section 6-2 of the Liquor Control Act of 1934 (235 ILCS 5/6-2).

(b) No license shall be issued for the sale at retail of any alcoholic liquor if issuance would be prohibited by section 6-11 of the Liquor Control Act of 1934 (235 ILCS 5/6-11).

(c) No license shall be issued if issuance would be prohibited by section 6-12 of the Liquor Control Act of 1934 (235 ILCS 5/6-12).

(Ord. No. 2019-04, art. VII, 3-19-2019; Ord. No. 2020-03, art. VII, 4-21-2020; Ord. No. 2023-03, art. VII, 2-7-2023; Ord. No. 2023-10, art. VII, 3-5-2023; Ord. No. 2023-12, art. VII, 5-2-2023)

Sec. 4-59. Bond and insurance requirements.

(a) Every licensee hereunder shall furnish a bond to the County executed by such licensee and by good and sufficient corporate surety to be approved by the Local Liquor Control Commissioner, which bond shall be in the same amount as the license fee imposed for the issuance of said license as identified in Section 4-55, and conditioned that the licensee shall faithfully observe and conform to the State law and to all of the provisions of this chapter and any and all amendments hereafter passed during the period of said license, and conditioned further for the payment of any and all fines or penalties levied or assessed against such licensee for the violation of any of the terms and conditions of this chapter and of any amendments thereto or of the State law and shall be further conditioned that the licensee will pay all the necessary costs and charges incurred by reason of any complaint filed for the revocation of a license herein by the Local Liquor Control Commissioner or by any one person entitled to file such complaints before the Local Liquor Control Commissioner, as provided for in this chapter, where the same is occasioned by any violation under the terms and provisions of this chapter or of State law by said licensee, and no license shall be issued by the Local Liquor Control Commissioner until such bond has been fully executed by the principal and surety and duly approved by such Local Liquor Control Commissioner. The amount of bond required for a Class "G," "I" or "J" license shall be a minimum of five hundred dollars (\$500.00).

(b) No license shall issue, or be renewed, to any applicant unable to furnish evidence of dram shop liability insurance, in the form of a certificate of insurance, issued by an insurance company that is authorized to do business in the State, insuring the applicant, and the owner or lessor of the premises in at least the amount of five hundred thousand dollars (\$500,000.00) per occurrence.

(Ord. No. 2019-04, art. VIII, 3-19-2019; Ord. No. 2020-03, art. VIII, 4-21-2020; Ord. No. 2023-03, art. VIII, 2-7-2023; Ord. No. 2023-10, art. VIII, 3-5-2023; Ord. No. 2023-12, art. VIII, 5-2-2023)

Sec. 4-60. Revocation or suspension; fines; appeals.

(a) The Liquor Control Commissioner may suspend for not more than thirty (30) days, or may revoke, any liquor license issued by such Commissioner, or may impose a monetary fine as permitted as provided under State law, if the Commissioner determines that the licensee has violated any of the provisions of this chapter or any of the provisions of State law, or of any rule or regulation established by the State Liquor Control Commission which is not inconsistent with law.

(b) All proceedings for revocation or suspension of licenses issued by the Liquor Control Commissioner, and appeals therefrom, shall be in conformance with the applicable provisions of State law and this chapter.

(Ord. No. 2019-04, art. XIV, 3-19-2019; Ord. No. 2020-03, art. XIV, 4-21-2020; Ord. No. 2023-03, art. XIV, 2-7-2023; Ord. No. 2023-10, art. XIV, 3-5-2023; Ord. No. 2023-12, art. XIV, 5-2-2023)

Chapter 5

RESERVED

Chapter 6

ANIMALS

Sec. 6-1. County animal control fees.

Sec. 6-1. County animal control fees.

The following animal control fees are established in the County and shall be collected by the County Animal Control Department. These fees will then be remitted to the County Treasurer in accordance with Section 7 of the Illinois Animal Control Act (510 ILCS 5/7), unless required otherwise by applicable State statute or regulation:

- (1) *Rabies tags.* The following fees shall be imposed on all individuals obtaining rabies vaccination tags for dogs and cats that are companion animals from the County Animal Control Department:
 - a. One (1) year tags: twelve dollars (\$12.00) for an altered dog or cat, and twenty-seven dollars (\$27.00) for an intact dog or cat;
 - b. Three (3) year tags: thirty dollars (\$30.00) for an altered dog or cat, and sixty-five dollars (\$65.00) for an intact dog or cat;
 - c. Replacement tags: five dollars (\$5.00) for a replacement tag, with proof of vaccination.
- (2) *Relinquishment fees.* The following fees shall be imposed on all individuals seeking to relinquish ownership of a dog to the County Animal Control Department:
 - a. Fifty dollars (\$50.00) for a dog older than four (4) months;
 - b. Twenty-five dollars (\$25.00) for a puppy, four (4) months or younger;
 - c. Fifty dollars (\$50.00) for a nursing mother with puppies;
 - d. Twenty-five dollars (\$25.00) for the first puppy in a litter of puppies, four (4) months or younger, and five dollars (\$5.00) for each additional puppy in the litter.
- (3) *Reclaiming fees.* The following fees shall be imposed on all individuals seeking to reclaim an animal, owned by them, but taken into the custody of the County Animal Control Department, for whatever reason:
 - a. *Impoundment fees.* Forty-five dollars (\$45.00) for a first offense, ninety-five dollars (\$95.00) for a second offense, and one hundred twenty-five dollars (\$125.00) for each subsequent offense;
 - b. *Public safety fee.* Twenty-five dollars (\$25.00) fee or the amount required pursuant to Section 8 of the Illinois Animal Control Act (510 ILCS 5/10), whichever is greater. This fee, however, shall be waived for a first offense, but only if:
 1. The animal has been altered; or
 2. The animal is altered within fourteen (14) calendar days after being reclaimed and the owner submits proof thereof to the County Animal Control Department within a timely manner;
 - c. *Boarding fees.* Twelve dollars (\$12.00) per day for each calendar day the animal is boarded by the County Animal Control Department or an authorized agent of the County. A boarding fee will not be charged for the day the animal arrived at the County Animal Control Department (if the animal arrived during the Department's regular business hours), or the following day (if the animal arrived after regular business hours);

- d. *Rabies vaccination refundable deposit.* If an individual seeking to reclaim a dog does not present documentation to verify the dog is current with its rabies vaccination, the individual shall submit a rabies vaccination deposit before the dog may be reclaimed from the County Animal Control Department. The rabies vaccination deposit may only be refunded if proof of rabies vaccination is received by the County Animal Control Department within five (5) business days after the dog is reclaimed. The rabies vaccination deposit amount shall be forty dollars (\$40.00) for a first offense and eighty dollars (\$80.00) for each subsequent offense;
- e. *Spay/neuter refundable deposit.* If an intact animal is impounded by the County Animal Control Department more than once, the individual seeking to reclaim that animal must submit a forty dollars (\$40.00) spay/neuter deposit each time the intact animal is impounded after the first offense. No intact, impounded animal shall be released by the County Animal Control Department prior to receipt of the spay/neuter deposit. The spay/neuter deposit may only be refunded if proof that the animal has been altered is received by the County Animal Control Department within thirty (30) calendar days after the animal was reclaimed.

No animal will be released to the owner until all fees set forth in this Subsection (3) have been paid in full.

(4) *Adoption fees.*

- a. The following fees shall be imposed on all individuals who adopt an animal from the County Animal Control Department:

| <i>Animal</i> | <i>Animal Age</i> | <i>Days Available for Adoption at KC Animal Control</i> | <i>Adoption Fee</i> |
|---------------|--------------------|---|---------------------|
| Puppies | 6 months or less | Any | \$135.00 |
| Dogs | more than 6 months | 0—59 | \$120.00 |
| | more than 6 months | 60—89 | \$60.00 |
| | more than 6 months | 90+ | Waive fee |
| Kittens | 3 months or less | Any | \$95.00 |
| Cats | more than 3 months | 0—59 | \$70.00 |
| | more than 3 months | 60—89 | \$35.00 |
| | more than 3 months | 90+ | Waive fee |

- b. No adopted animal shall be released by the County Animal Control Department until the adoption fees are paid in full.

(Ord. No. 2021-14, §§ 1—4, 6-1-2021)

Chapter 7

RESERVED

Chapter 8

BUILDINGS AND BUILDING REGULATIONS

Article I. In General

Secs. 8-1—8-18. Reserved.

Article II. Building Codes

- Sec. 8-19. Adoption.
- Sec. 8-20. Scope.
- Sec. 8-21. Intent.
- Sec. 8-22. Violation, penalties.
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- Sec. 8-24. International Building Code.
- Sec. 8-25. International Residential Code.
- Sec. 8-26. 2017 National Electrical Code.
- Sec. 8-27. Illinois Plumbing Code.
- Sec. 8-28. International Mechanical Code.
- Sec. 8-29. International Fuel Gas Code.
- Sec. 8-30. International Existing Building Code.
- Sec. 8-31. Illinois Energy Conservation Code.
- Sec. 8-32. Illinois Accessibility Code.
- Sec. 8-33. Inspections.
- Sec. 8-34. Site inspection.
- Sec. 8-35. Footing inspection.
- Sec. 8-36. Foundation wall inspection.
- Sec. 8-37. Backfill inspection.
- Sec. 8-38. Electrical service inspection.
- Sec. 8-39. Framing and wiring.
- Sec. 8-40. Underfloor plumbing inspection.
- Sec. 8-41. Rough plumbing.
- Sec. 8-42. Insulation inspection.
- Sec. 8-43. Slab inspection.
- Sec. 8-44. Final plumbing inspection before occupancy.
- Sec. 8-45. Final or occupancy permit inspection.
- Sec. 8-46. Fees.
- Sec. 8-47. Zoning certificate required.
- Sec. 8-48. Address required.
- Sec. 8-49. Time of payment.
- Sec. 8-50. Additional review fees.
- Sec. 8-51. Waivers and refunds.
- Sec. 8-52. Gutters.
- Sec. 8-53. Piers.
- Sec. 8-54. Patios.
- Sec. 8-55. Pool, temporary fences.
- Sec. 8-56. Portable toilets.
- Sec. 8-57. On-site refuse/construction debris containers.
- Sec. 8-58. Elevators.

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- Sec. 8-59. Agriculture and farm residence exemptions.
- Sec. 8-60. Campgrounds.
- Sec. 8-61. Concrete trench foundation.
- Sec. 8-62. Plats of survey.
- Sec. 8-63. Site plans.

ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

ARTICLE II. BUILDING CODES**Sec. 8-19. Adoption.**

The County adopts, as the building code of the County, the following documents with certain insertions, deletions, amendments and changes. Should a conflict arise between codes, then the most stringent requirement shall apply.

- (1) 2018 International Building Code.
- (2) 2018 International Residential Code (including appendix A, B, C, E, F, G, H, J, O, Q).
- (3) 2017 National Electrical Code.
- (4) Illinois Plumbing Code.
- (5) 2018 International Mechanical Code.
- (6) 2018 International Fuel Gas Code.
- (7) 2018 International Existing Building Code.
- (8) Illinois Energy Conservation Code.
- (9) Illinois Accessibility Code.
- (10) 2018 International Swimming Pool and Spa Code.
(Ord. No. 2019-39, exh. A, § 1, 12-17-2019; Ord. No. 2023-07, 3-21-2023)

Sec. 8-20. Scope.

The County Building Code shall be applicable to all buildings and structures constructed, enlarged, erected, repaired, altered, demolished, relocated or changed in use or occupancy within the jurisdiction of the County.

(Ord. No. 2019-39, exh. A, § 1, 12-17-2019)

Sec. 8-21. Intent.

The intent of the Building Code of the County is to ensure public safety health and welfare insofar as they are affected by building construction through structural strength, adequate means of egress facilities, sanitary equipment, light and ventilation and fire safety and, in general, to secure safety to life and property from all hazards incidental to the design, erection, repair, removal demolition or occupancy of buildings, structures or premises.

(Ord. No. 2019-39, exh. A, § 1, 12-17-2019)

Sec. 8-22. Violation, penalties.

(a) Violations of this Code shall be processed in the manner prescribed for all other ordinance violations as established by the County Board. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of an ordinance violation, punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(b) Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000.00).

(c) Nothing herein shall prevent the County State's Attorney from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the persons responsible. (Ord. No. 2019-39, exh. A, § 1, 12-17-2019)

Sec. 8-23. Means of appeal.

(a) An appeal may be taken to the County Planning, Building and Zoning (PBZ) Committee by any person aggrieved, from any order, requirement, decision or determination made by the Building Officer in the Officer's interpretation of the County Building Code. Such appeal shall be taken within twenty (20) days of the date of the action from which it is taken by filing with the Code Official and with the County Planning, Building and Zoning Committee a notice of appeal, specifying the grounds thereof. The County Planning, Building and Zoning Committee shall thereupon set a reasonable date, time, and place for a hearing of said appeal, and shall cause written notice thereof to be mailed to the appealing party, or attorney and to the Code Official. The County Planning, Building and Zoning Committee shall appoint a subcommittee, approved by the County Board by this chapter, as needed that would include two (2) qualified individuals based upon experience and training on matters pertaining to building construction and one (1) member of the PBZ Committee.

(b) The County PBZ Committee may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination as, in its opinion, ought to be done or made in the premises, and to that end shall have all the powers vested in the Code Official by this chapter.

(c) The concurring vote of the majority of the PBZ Committee members shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions or determinations of the Code Official. The County PBZ Committee shall keep minutes of its proceedings hereunder, showing the vote of each member upon every question, or, if absent or failing to vote, indication such fact, and shall also keep records of its examinations and other official actions.

(d) All decisions of the County PBZ Committee hereunder shall be reduced to writing, filed with the Clerk of the County Board, and a copy thereof mailed to the appealing party and to the building officer. (Ord. No. 2019-39, exh. A, § 1, 12-17-2019)

Sec. 8-24. International Building Code.

Amendments to the International Building Code are as follows:

- (1) *Sec. 101.1.* "Title" insert "Kendall County."
- (2) *Sec. 101.4.3.* "Plumbing" delete International Plumbing Code and insert State of Illinois Plumbing Code as most recently published.
- (3) *Sec. 101.4.4.* "Property Maintenance" delete this section in its entirety.
- (4) *Sec. 101.4.5.* "Fire Prevention" delete this section in its entirety.
- (5) *Sec. 105.2.* "Work Exempt From Permit" delete 1. Under building.
- (6) *Sec. 105.5.* "Expiration" shall be replaced in its entirety with the following:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The County Planning, Building and Zoning Committee is authorized to grant in writing an extension or extensions to permits which have been open for a period exceeding two (2) years. The extension shall be requested in writing and justifiable cause demonstrated.

- (7) *Sec. 113.* "Board of Appeals" shall be replaced in its entirety with the following:

An appeal may be taken to the County Planning, Building and Zoning Committee by any person aggrieved, from any order, requirement, decision or determination made by the Building Officer in the Officer's interpretation of the County Building Code. Such appeal shall be taken within twenty (20) days of the date of the action from which it is taken by filing with the Code Official and with the County Planning, Building and Zoning Committee a notice of appeal, specifying the grounds thereof. The County Planning, Building and Zoning Committee shall thereupon set a reasonable date, time, and place for a hearing of said appeal and shall cause written notice thereof to be mailed to the appealing party, or attorney and to the Code Official. The County Planning, Building and Zoning Committee shall appoint a subcommittee, approved by the County Board by this chapter, as needed that would include two (2) qualified individuals based upon experience and training on matters pertaining to building construction and one (1) member of the PBZ Committee.

The County Planning, Building and Zoning Committee may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination as in its opinion ought to be done or made in the premises, and to that end shall have all the powers vested in the Code Official by this chapter.

The concurring vote of the majority of the Planning, Building and Zoning Committee members shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions or determinations of the Code Official. The County Planning, Building and Zoning Committee shall keep minutes of its proceedings hereunder, showing the vote of each member upon every question, or, if absent or failing to vote, indication such fact, and shall also keep records of its examinations and other official actions.

All decisions of the County Planning, Building and Zoning Committee hereunder shall be reduced to writing, filed with the Clerk of the County Board, and a copy thereof mailed to the appealing party and to the Code Official.

- (8) *Sec. 114.4.* "Violation Penalties" shall be replaced in its entirety by the following:

Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a petty offense, punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (9) *Sec. 115.3.* "Unlawful Continuance" shall be replaced in its entirety with the following:

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000.00).

- (10) *Chapter 35.* Referenced Standards.

- a. Change International Plumbing Code to Illinois Plumbing Code.
- b. Change International Electric Code to 2017 National Electrical Code.
- c. Delete International Property Maintenance Code.
- d. Delete International Private Sewage Code.
- e. For all accessibility issues, refer to Illinois Accessibility Code.

(Ord. No. 2019-39, exh. A, § 2, 12-17-2019)

Sec. 8-25. International Residential Code.

Amendments to the International Residential Code are as follows:

- (1) *Sec. R101.1.* "Title" insert "Kendall County."
- (2) *Sec. R105.2.* "Work Exempt From Permit" this section shall be eliminated in its entirety.
- (3) *Sec. R105.5.* "Expiration" shall be replaced in its entirety with the following:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The County Planning, Building and Zoning Committee is authorized to grant in writing an extension or extensions to permits which have been open for a period exceeding two (2) years. The extension shall be requested in writing and justifiable cause demonstrated.

- (4) *Sec. R112.* "Board of Appeals" amend to read as follows:

An appeal may be taken to the County Planning, Building and Zoning Committee by any person aggrieved, from any order, requirement, decision or determination made by the Building

Officer in the Officer's interpretation of the County Building Code. Such appeal shall be taken within twenty (20) days of the date of the action from which it is taken by filing with the Code Official and with the County Planning, Building and Zoning Committee a notice of appeal, specifying the grounds thereof. The County Planning, Building and Zoning Committee shall thereupon set a reasonable date, time, and place for a hearing of said appeal, and shall cause written notice thereof to be mailed to the appealing party, or attorney and to the Code Official. The County Planning, Building and Zoning Committee shall appoint a subcommittee, approved by the County Board by this chapter, as needed, that would include two (2) qualified individuals based upon experience and training on matters pertaining to building construction and one (1) member of Planning, Building and Zoning Committee.

The County Planning, Building and Zoning Committee may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination as in its opinion ought to be done or made in the premises, and to that end shall have all the powers vested in the Code Official by this chapter.

The concurring vote of the majority of the Planning, Building and Zoning Committee members shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions or determinations of the Code Official. The County Planning, Building and Zoning Committee shall keep minutes of its proceedings hereunder, showing the vote of each member upon every question, or, if absent or failing to vote, indication such fact, and shall also keep records of its examinations and other official actions.

All decisions of the County Planning, Building and Zoning Committee hereunder shall be reduced to writing, filed with the Clerk of the County Board, and a copy thereof mailed to the appealing party and to the building officer.

- (5) *Sec. R113.4. "Violation Penalties"* amend to read as follows:

Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a petty offense, punishable by a fine of not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (6) *Sec. R114.2. "Unlawful Continuance"* amend to read as follows:

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000.00).

- (7) *Table R301.2(1). Climatic and Geographic Design Criteria shall be completed with the following insertions:*

Ground snow load: 25 lbs./sq. ft.

Wind design (speed): 90 mph

Wind design (topographic effects): No

Seismic design category: B
 Subject to damage from (weathering): Severe
 Subject to damage from (frost line depth): 42" below grade
 Subject to damage from (termite): Moderate to heavy
 Winter design temperature: 5 degrees Fahrenheit
 Ice barrier underlayment required: Yes
 Flood hazards: Refer to local designations

- (8) *Sec. R313.* "Automatic Fire Sprinkler Systems" delete in its entirety.
- (9) For all accessibility issues, refer to Illinois Accessibility Code.
- (10) Replace Chapters 25 through 34 Plumbing with Illinois Plumbing Code.
 (Ord. No. 2019-39, exh. A, § 3, 12-17-2019)

Sec. 8-26. 2017 National Electrical Code.

There are no amendments, deletions or insertions to the National Electrical Code.
 (Ord. No. 2019-39, exh. A, § 4, 12-17-2019)

Sec. 8-27. Illinois Plumbing Code.

The Illinois Plumbing Code, as amended, published by the State Department of Public Health, is adopted and incorporated by reference as the rules and regulations for the installation, repair and alteration of plumbing, private water supply systems, private storms drainage systems and private sewage disposal systems.
 (Ord. No. 2019-39, exh. A, § 5, 12-17-2019)

Sec. 8-28. International Mechanical Code.

Amendments to the International Mechanical Code are as follows:

- (1) *Sec. 101.1.* "Title" insert "Kendall County."
- (2) *Sec. 106.4.3.* "Expiration" replace with the following:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The County Planning, Building and Zoning Committee is authorized to grant in writing an extension or extensions to permits which have been open for a period exceeding two (2) years. The extension shall be requested in writing and justifiable cause demonstrated.

- (3) *Sec. 106.5.* "Fees" delete.

- (4) *Sec. 108.4.* "Violation Penalties" replace with the following:

Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a petty offense, punishable by a fine of not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (5) *Sec. 109.* "Means of Appeal" replace with the following:

An appeal may be taken to the County Planning, Building and Zoning Committee by any person aggrieved, from any order, requirement, decision or determination made by the Building Officer in the Officer's interpretation of the County Building Code. Such appeal shall be taken within twenty (20) days of the date of the action from which it is taken by filing with the Code Official and with the County Planning, Building, and Zoning Committee a notice of appeal, specifying the grounds thereof. The County Planning, Building and Zoning Committee shall thereupon set a reasonable date, time, and place for a hearing of said appeal, and shall cause written notice thereof to be mailed to the appealing party, or attorney and to the Code Official. The County Planning, Building and Zoning Committee shall appoint a subcommittee, approved by the County Board and by this chapter, as needed, that would include two (2) qualified individuals based upon experience and training on matters pertaining to building construction and one (1) member of the PBZ Committee.

The County Planning, Building and Zoning Committee may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination as in its opinion ought to be done or made in the premises, and to that end shall have all the powers vested in the Code Official by this chapter.

The concurring vote of the majority of the Planning, Building and Zoning Committee members shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions or determinations of the Code Official. The County Planning, Building and Zoning Committee shall keep minutes of its proceedings hereunder, showing the vote of each member upon every question, or, if absent or failing to vote, indication such fact, and shall also keep records of its examinations and other official actions.

All decisions of the County Planning, Building and Zoning Committee hereunder shall be reduced to writing, filed with the Clerk of the County Board, and a copy thereof mailed to the appealing party and to the building officer.

- (6) *Chapter 15.* Referenced Standards. Change the following:

- a. Change International Plumbing Code to Illinois Plumbing Code.
- b. Change International Electrical Code to 2017 National Electrical Code.

(Ord. No. 2019-39, exh. A, § 6, 12-17-2019)

Sec. 8-29. International Fuel Gas Code.

Amendments to the International Fuel Gas Code are as follows:

- (1) *Sec. 101.1.* "Title" insert "Kendall County."

- (2) *Sec. 106.5.3.* "Expiration" replace with the following:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The County Planning, Building and Zoning Committee is authorized to grant in writing an extension or extensions to permits which have been open for a period exceeding two (2) years. The extension shall be requested in writing and justifiable cause demonstrated.

- (3) *Sec. 106.6.* "Fees" delete.

- (4) *Sec. 109.* "Means of Appeal" replace with the following:

An appeal may be taken to the County Planning, Building and Zoning Committee by any person aggrieved, from any order, requirement, decision or determination made by the Building Officer in the Officer's interpretation of the County Building Code. Such appeal shall be taken within twenty (20) days of the date of the action from which it is taken by filing with the Code Official and with the County Planning, Building and Zoning Committee a notice of appeal, specifying the grounds thereof. The County Planning, Building and Zoning Committee shall thereupon set a reasonable date, time, and place for a hearing of said appeal, and shall cause written notice thereof to be mailed to the appealing party, or attorney and to the Code Official. The County Planning, Building and Zoning Committee shall appoint a subcommittee, approved by the County Board and by this chapter, as needed, that would include two (2) qualified individuals based upon experience and training on matters pertaining to building construction and one (1) member of the PBZ Committee.

The County Planning, Building and Zoning Committee may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination as in its opinion ought to be done or made in the premises, and to that end shall have all the powers vested in the Code Official by this chapter.

The concurring vote of the majority of the Planning, Building and Zoning Committee members shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions or determinations of the Code Official. The County Planning, Building and Zoning Committee shall keep minutes of its proceedings hereunder, showing the vote of each member upon every question, or, if absent or failing to vote, indication such fact, and shall also keep records of its examinations and other official actions.

All decisions of the County Planning, Building and Zoning Committee hereunder shall be reduced to writing, filed with the Clerk of the County Board, and a copy thereof mailed to the appealing party and to the building officer.

- (5) *Chapter F.* Referenced Standards. Change the following:

- a. Change International Electrical Code to 2017 National Electrical Code.
- b. Change International Plumbing Code to Illinois Plumbing Code.

(Ord. No. 2019-39, exh. A, § 7, 12-17-2019)

Sec. 8-30. International Existing Building Code.

Amendments to the International Existing Building Code are as follows:

- (1) *Sec. 101.1.* "Title" insert "Kendall County."
- (2) *Sec. 105.5.* "Expiration" replace with the following:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The County Planning, Building and Zoning Committee is authorized to grant in writing an extension to permits which have been open for a period exceeding two (2) years. The extension shall be requested in writing and justifiable cause demonstrated.

- (3) *Sec. 112.* "Board of Appeals" see amended Section 113 of 2018 International Building Code. (Ord. No. 2019-39, exh. A, § 8, 12-17-2019)

Sec. 8-31. Illinois Energy Conservation Code.

The Illinois Energy Conservation Code, as amended and published by the Capital Development Board pursuant to the Capital Development Board Act (20 ILCS 3105/10.09-5) in Title 71, Chapter 1, Subchapter D, Part 600 of the Illinois Administrative Code, is adopted as the County's Energy Conservation Code to regulate energy efficient buildings standards for new construction, addition, alteration, renovation or repair, with the following amendments:

- (1) *Secs. C101.1 and R101.1.* "Title" insert "Kendall County."
- (2) *Secs. C109 and R109.* "Board of Appeals" see amended Section 113 of 2018 International Building Code.
- (3) *Chapter 5.* Referenced Standards. Change the following:
 - a. Change International Electrical Code to 2017 National Electrical Code.
 - b. Change International Plumbing Code to Illinois Plumbing Code.

(Ord. No. 2019-39, exh. A, § 9, 12-17-2019)

Sec. 8-32. Illinois Accessibility Code.

The regulations of the Illinois Accessibility Code, as published enforced by the State, published in pamphlet form, are adopted as the regulations governing accessibility in the County with such amendments as are hereafter set forth in this section.

(Ord. No. 2019-39, exh. A, § 10, 12-17-2019)

Sec. 8-33. Inspections.

The inspections listed in Sections 8-34 through 8-45 are generally required. The owner or contractor shall request the designated inspection forty-eight (48) hours in advance of the time when such inspection is to be made. An approved set of building plans shall be on the job site for all inspections. Plans not

available on the site will be reason for a failed inspection. For all inspections a representative of the property owners should be present. The provisions of Sections 8-34 through 8-45 are a list of the usual inspections required for new construction.

(Ord. No. 2019-39, exh. A, § 11(intro. ¶), 12-17-2019)

Sec. 8-34. Site inspection.

At the time the permit is applied for, the owner or builder shall put clearly visible stakes at the comers and offsets of all new construction and shall clearly mark the property boundary stakes. This inspection is conducted to satisfy the County zoning, floodplain and stormwater management requirements before the permit is issued.

(Ord. No. 2019-39, exh. A, § 11(1), 12-17-2019)

Sec. 8-35. Footing inspection.

This inspection is conducted after excavation when all the footing forms are in place and ready for the concrete to be poured.

(Ord. No. 2019-39, exh. A, § 11(2), 12-17-2019)

Sec. 8-36. Foundation wall inspection.

This inspection is conducted when forms are set and any reinforcement is in place before concrete walls are poured.

(Ord. No. 2019-39, exh. A, § 11(3), 12-17-2019)

Sec. 8-37. Backfill inspection.

This inspection is to be done not less than seven (7) days after concrete has been poured. Foundation walls must be stripped of forms. Damp proofing should be applied and visible down to the footing. Perimeter drain tile must be in place and covered with gravel as required by Code. Drain tile should be uncovered and visible at one (1) point on each wall and at point of distribution. Anchor bolts should also be in place and visible. During or after backfill an as-built (including top of foundation and distance to lot lines) survey must be submitted and approved by the Code Official prior to framing.

(Ord. No. 2019-39, exh. A, § 11(4), 12-17-2019)

Sec. 8-38. Electrical service inspection.

This inspection is scheduled prior to power being provided by supplier.

(Ord. No. 2019-39, exh. A, § 11(5), 12-17-2019)

Sec. 8-39. Framing and wiring.

This inspection is done after the structure is framed; roofed and rough wiring is installed. This is done before any lath or inside wall covering or insulation is installed.

(Ord. No. 2019-39, exh. A, § 11(6), 12-17-2019)

Sec. 8-40. Underfloor plumbing inspection.

This inspection is done when all the under concrete floor plumbing is installed. All underfloor plumbing must be left uncovered so that it can be visibly inspected.
(Ord. No. 2019-39, exh. A, § 11(7), 12-17-2019)

Sec. 8-41. Rough plumbing.

This inspection is done when all plumbing is installed and before insulation and drywall is in place.
(Ord. No. 2019-39, exh. A, § 11(8), 12-17-2019)

Sec. 8-42. Insulation inspection.

This inspection is done when all the insulation is installed. The inspection will include checking to see all the insulation is installed as required for energy conservation. The inspection will also include checking to see that all draft stopping is properly installed and complete at every level.
(Ord. No. 2019-39, exh. A, § 11(9), 12-17-2019)

Sec. 8-43. Slab inspection.

This inspection is done prior to pouring concrete for a basement floor, garage floor or crawl space floor. The depth for concrete, placement of wire mesh and vapor barrier will be checked.
(Ord. No. 2019-39, exh. A, § 11(10), 12-17-2019)

Sec. 8-44. Final plumbing inspection before occupancy.

This inspection is done during the final occupancy inspection. All plumbing must be complete and operable.
(Ord. No. 2019-39, exh. A, § 11(11), 12-17-2019)

Sec. 8-45. Final or occupancy permit inspection.

Before calling the building office for a final inspection and occupancy permit, construction must be complete, including heating, lighting, water and sanitary hookups, gutters, down spouts, steps, handrails, porches and all exterior finish. Final approvals of well, septic, and site development permits are also required before the release of the certificate of occupancy.
(Ord. No. 2019-39, exh. A, § 11(12), 12-17-2019)

Sec. 8-46. Fees.

(a) The following fee schedule shall be applicable to the County Building Code. Please note, a fifty-dollar (\$50.00) zoning certificate is required on all building permits.

| | |
|--|-----------------------------------|
| Single-family residential construction | \$1,800.00 |
| Accessory structures: | |
| Equal to or less than 120 sq. ft. | \$50.00 zoning certificate |
| 121—599 square feet | \$150.00, plumbing \$150.00/insp. |

| | |
|---|--|
| Equal to or greater than 600 sq. ft. (IRC) | \$50.00, inspection - plumbing \$150.00/insp., plus \$0.08/sq. ft. for plan review |
| Equal to or greater than 600 sq. ft. (IBC) | \$75.00, inspection - plumbing \$150.00/insp., plus \$0.08/sq. ft. for plan review |
| Signs: | |
| Non-illuminated | \$100.00, plus \$1.00/sq. ft. |
| Illuminated | \$150.00, plus \$1.00/sq. ft. |
| Temporary | \$50.00 zoning certificate |
| Deck | \$150.00 |
| Swimming pool | \$150.00 |
| Demolition | \$100.00 |
| Communication tower | \$1,000.00 |
| Moving or raising a structure | \$100.00 |
| Service upgrades | \$100.00 |
| Driveway | \$150.00 |
| Patios - new and enlarging (R-5, R-6, R-7 only) | \$50.00) zoning certificate |
| Re-inspection fee: | |
| Residential (IRC) | \$50.00 |
| Commercial (IBC) | \$75.00 |
| Plumbing | \$150.00 |
| Other IRC (International Residential Code) | \$0.08/sq. ft. for plan review, plus |
| Addition | \$50.00/inspection |
| Remodeling | \$50.00/inspection |
| Plumbing | \$150.00/inspection |
| Electrical | \$50.00/inspection |
| Miscellaneous | \$50.00/inspection |
| Permits (IBC International Building Code) | \$0.08/sq. ft. for plan review |
| Remodeling | \$75.00/inspection |
| Plumbing | \$75.00/inspection |
| Electrical | \$150.00/inspection |
| Miscellaneous | \$75.00/inspection |
| Change of occupancy | \$150.00 |
| Certificate of occupancy | \$150.00 |
| Zoning certificate (required on all permits) | |
| Solar panels: | |
| 0—10 kilowatts (kW) | \$150.00 |

| | |
|----------------------------|--|
| 11—50 kilowatts (kW) | \$300.00 |
| 51—100 kilowatts (kW) | \$600.00 |
| 101—500 kilowatts (kW) | \$1,200.00 |
| 501—1,000 kilowatts (kW) | \$2,750.00 |
| 1,001—2,000 kilowatts (kW) | \$6,000.00 |
| Over 2,000 kilowatts (kW) | \$6,000.00, plus \$200.00 for each additional 0—100 kilowatts |

(b) Notes to the fee schedule.

- (1) The permit fees for an attached garage, deck, or a driveway and similar appurtenances constructed in conjunction with the construction of the house are included in the permit fee for the house. The permit fee for a driveway constructed in conjunction with the construction of an accessory building is included in the permit fee for the accessory building.
- (2) For the purposes of calculating solar panel fees, kW shall be rounded up to nearest whole number.
- (3) Any solar energy system where construction has started before a building permit has been issued will be charged double the permit fee. The solar panel fees provided in Subsection (a) of this section do not apply to solar energy systems used to generate energy for on-site consumption of energy for agricultural purposes.

(Ord. No. 2019-39, exh. A, § 12, 12-17-2019; Ord. No. 2020-16, § 1, 9-15-2020)

Sec. 8-47. Zoning certificate required.

A zoning certificate shall be approved before a building permit may be issued and requires the payment of a separate fee.

(Ord. No. 2019-39, exh. A, § 12, 12-17-2019)

Sec. 8-48. Address required.

The fee for assigning an address to a property shall be fifty dollars (\$50.00).

(Ord. No. 2019-39, exh. A, § 12, 12-17-2019)

Sec. 8-49. Time of payment.

All permit fees shall be due and payable prior to the beginning of construction. All re-inspection fees shall be due and payable prior to each inspection.

(Ord. No. 2019-39, exh. A, § 12, 12-17-2019)

Sec. 8-50. Additional review fees.

In addition to the fees set forth in this chapter, all applicants seeking the approval of a building permit shall reimburse the County for all reasonable costs incurred as a result of the review of the application by a legal, engineering or other special consultant. The applicant shall provide a deposit to cover the

estimated consulting and review fees. Payment of the additional review fees shall be made prior to the issuance of the certificate of occupancy, except, when the payment is fully and completely secured by a deposit, the actual payment may occur after the issuance of the certificate of occupancy.

(Ord. No. 2019-39, exh. A, § 12, 12-17-2019)

Sec. 8-51. Waivers and refunds.

No waiver and no refund shall be made for any fee paid pursuant to this chapter without the approval of the Planning, Building and Zoning Committee of the County Board, except, all fees for actions or activities by the County or the County Forest Preserve District are hereby waived and all fees for non-profit organizations shall be charged half of the normal fees for permits, provided they show proof of non-profit status as determined by the Planning, Building and Zoning Department and that the permit be used only by the organization itself. All other government entities shall be charged half of the normal fee for permits as determined by the Code Official.

(Ord. No. 2019-39, exh. A, § 12, 12-17-2019)

Sec. 8-52. Gutters.

All new dwellings are required to have gutters and down spouts unless, in the opinion of the Code Official, an acceptable alternate method of roof stormwater runoff has been designed and installed.

(Ord. No. 2019-39, exh. A, § 13, 12-17-2019)

Sec. 8-53. Piers.

(a) Piers are acceptable for open porches and decks only. The minimum pier sizes in inches shall be twelve (12) inches diameter by forty-two (42) inches deep for attached structures.

(b) Exception. An enclosed screened room or porch will be allowed only if the prints are stamped and sealed by a State-licensed architect or engineer.

(Ord. No. 2019-39, exh. A, § 13, 12-17-2019)

Sec. 8-54. Patios.

Construction of new patios or expansions of existing patios which increase hard surface coverage in the R-5, R-6, and R-7 zoning districts shall require a building permit. Replacement of an existing patio that does not increase the size or amount of existing hard surface coverage will not require a permit.

(Ord. No. 2019-39, exh. A, § 13, 12-17-2019)

Sec. 8-55. Pool, temporary fences.

A temporary fence shall be installed around all in ground swimming pools during excavation and construction. The design should be approved by the Code Official.

(Ord. No. 2019-39, exh. A, § 13, 12-17-2019)

Sec. 8-56. Portable toilets.

Each new single or multi family dwelling and commercial structures under construction shall have a portable toilet on site or other means approved by the Code Official.

(Ord. No. 2019-39, exh. A, § 13, 12-17-2019)

Sec. 8-57. On-site refuse/construction debris containers.

In all residential, business and manufacturing districts, an appropriately sized refuse container shall be placed on new construction sites to contain construction debris in a neat and orderly manner and to prevent the blowing or washing away of materials onto surrounding properties or into the public way. The refuse container will need to be in place prior to approval of a foundation through completion of all construction activity and shall be emptied as needed to prevent overfilling and provide adequate waste containment during the construction process.

(Ord. No. 2019-39, exh. A, § 13, 12-17-2019)

Sec. 8-58. Elevators.

(a) Permanent mechanical devices for the conveyance of passengers, including elevators, escalators, automobile lifts, man lifts, personnel hoists and moving sidewalks shall conform to all adopted Codes of the County and the office of the State Fire Marshal except as modified herein.

(b) The following shall be certified as conforming to all applicable Codes:

- (1) Construction documents.
- (2) Acceptance test.
- (3) Periodic tests and inspections.

(c) Such certification shall be submitted by an approved agency. The term "approved agency" means a certified member of the National Association of Elevator Safety Authorities, or the American Society of Mechanical Engineers, or an equivalent approved by the Code Official.

(d) Periodic tests and inspections shall be done at intervals of not more than six (6) months or as otherwise required by the Code Official.

(e) Elevators in residential structures shall be exempted from the periodic test and inspection requirements.

(Ord. No. 2019-39, exh. A, § 13, 12-17-2019)

Sec. 8-59. Agriculture and farm residence exemptions.

(a) All agricultural structures and buildings shall not be required to conform to the standards of the County Building Code nor shall they be required to pay any building fees pursuant to 55 ILCS 5/5-12001. An owner affidavit is required to identify the agricultural use. A site plan is required from the owner to confirm setbacks and floodplain compliance.

(b) Owners of exempt agriculture and farm residence to be constructed may choose to voluntarily conform to the County Building Code, including plan submittal, inspections, certificate of occupancy, payment of fees, and all other procedures otherwise required of non-exempt construction.

(Ord. No. 2019-39, exh. A, § 13, 12-17-2019)

Sec. 8-60. Campgrounds.

Decks and sheds located in approved campgrounds shall meet all applicable building codes, all applicable requirements of the County campground regulations and all requirements of the applicable special use ordinance, but shall not require a building permit, and shall only be subject to an inspection during the annual campground inspection period.

(Ord. No. 2019-39, exh. A, § 13, 12-17-2019)

Sec. 8-61. Concrete trench foundation.

All trench foundations shall not be less than ten (10) inches in thickness, and forty-two (42) inches in depth and must bell out to twelve (12) inches at the base, and must be on clean, solid, undisturbed soil that will provide the required pounds per square inch (psi) prescribed by code to sustain the superimposed structure placed upon which shall not exceed one (1) story (fourteen (14) feet) at the highest point.

(Ord. No. 2019-39, exh. A, § 13, 12-17-2019)

Sec. 8-62. Plats of survey.

All building permits will require two (2) original plats of survey, certified by a State-licensed surveyor showing existing and proposed buildings. Structures, water wells and septic system envelope and well and septic systems that will serve the proposed new structures along with locations of existing adjacent well and septic systems demonstrating separation distances as required by State and County Health Codes and ordinances. This may be waived at the discretion of Code Official if documents are not necessary to show compliance.

(Ord. No. 2019-39, exh. A, § 13, 12-17-2019)

Sec. 8-63. Site plans.

(a) Where construction is to occur on a lot with a designated floodplain area, the Code Official may require the elevation of the first floor of proposed building be shown along with the base flood elevation and its location on the site.

(b) The Code Official shall have the authority to specify required foundation elevations on lots or parcels of land that have soils with seasonal high water tables, drainage problems, or that may be subject to localized flooding. In such a case, the Code Official shall also have the authority to require a site grading plan. The plan shall show existing topographic features, ground contours and drainage patterns as well as proposed building elevations, site improvements, ground contours and drainage design. Elevation information shall be on national geodetic vertical datum (NGVD). Verification of the finished improvements shall be drawn on a plat of survey showing the building location, finished foundation elevations, ground contours and drainage improvements.

(Ord. No. 2019-39, exh. A, § 13, 12-17-2019)

Chapter 9

RESERVED

Chapter 10

COURTS AND JUDICIAL SYSTEM

- Sec. 10-1. Child support collection fund established.
- Sec. 10-2. Fund use.
- Sec. 10-3. Annual fee.
- Sec. 10-4. Civil fees.
- Sec. 10-5. Criminal assessments.
- Sec. 10-6. County Circuit Court Clerk filing fee schedule.

Sec. 10-1. Child support collection fund established.

Pursuant to Section 27.1b of the Clerks of Court Act (705 ILCS 105/27.1b) there is hereby created in the County Circuit Clerk's office a child support collection fund, of which the Clerk shall be the custodian ex officio.

(Ord. No. 87-5, § 1, 1-13-1987)

Sec. 10-2. Fund use.

All sums collected in the aforesaid fund shall be used by the Clerk to further maintain child support collection efforts in the Circuit Clerk's office.

(Ord. No. 87-5, § 2, 1-13-1987)

Sec. 10-3. Annual fee.

In maintenance and child support matters the Circuit Clerk shall collect an annual fee of thirty-six dollars (\$36.00) from the person making payments.

(Ord. No. 87-5, § 3, 1-13-1987)

Sec. 10-4. Civil fees.

Fees in civil matters shall be assessed and distributed as set forth herein, in compliance with the Clerks of Courts Act (705 ILCS 105/27.1b).

- (1) The fees for filing a complaint, petition or other pleading initiating a civil action shall be as set forth in the schedules below in accordance with case categories established by the State Supreme Court:
 - a. Schedule 1: three hundred thirty-six dollars (\$336.00) to be divided as follows:
 1. Seventy-five dollars (\$75.00) to be retained by the Clerk of the Circuit Court and deposited as follows:
 - (i) Court automation fund: twenty dollars (\$20.00).
 - (ii) Court document storage fund: twenty dollars (\$20.00).
 - (iii) Circuit Court Clerk operation and administrative fund: five dollars (\$5.00).
 - (iv) Judicial facilities fee: thirty dollars (\$30.00).
 2. Eleven dollars (\$11.00) to be remitted to the State Treasurer and deposited as follows:
 - (i) Access to justice fund: two dollars (\$2.00).
 - (ii) Supreme Court special purposes fund: nine dollars (\$9.00).
 3. Two hundred fifty dollars (\$250.00) to be remitted to the County Treasurer and deposited as follows:
 - (i) Circuit Clerk fees: two hundred fifty dollars (\$250.00).

- b. Schedule 2: two hundred eighty-six dollars (\$286.00) to be divided as follows:
 - 1. Seventy-five dollars (\$75.00) to be retained by the Clerk of the Circuit Court and deposited as follows:
 - (i) Court automation fund: twenty dollars (\$20.00).
 - (ii) Court document storage fund: twenty dollars (\$20.00).
 - (iii) Circuit Court Clerk operation and administrative fund: five dollars (\$5.00).
 - (iv) Judicial facilities fee: thirty dollars (\$30.00).
 - 2. Eleven dollars (\$11.00) to be remitted to the State Treasurer and deposited as follows:
 - (i) Access to justice fund: two dollars (\$2.00).
 - (ii) Supreme Court special purposes fund: nine dollars (\$9.00).
 - 3. Two hundred dollars (\$200.00) to be remitted to the County Treasurer and deposited as follows:
 - (i) Circuit Clerk fees: two hundred dollars (\$200.00).
 - c. Schedule 3: one hundred nineteen dollars (\$119.00) to be divided as follows:
 - 1. Fifty-two dollars (\$52.00) to be retained by the Clerk of the Circuit Court and deposited as follows:
 - (i) Court automation fund: ten dollars (\$10.00).
 - (ii) Court document storage fund: ten dollars (\$10.00).
 - (iii) Circuit Court Clerk operation and administrative fund: two dollars (\$2.00).
 - (iv) Judicial facilities fee: thirty dollars (\$30.00).
 - 2. Eleven dollars (\$11.00) to be remitted to the State Treasurer and deposited as follows:
 - (i) Access to justice fund: two dollars (\$2.00).
 - (ii) Supreme Court special purposes fund: nine dollars (\$9.00).
 - 3. Fifty-six dollars (\$56.00) to be remitted to the County Treasurer and deposited as follows:
 - (i) Circuit Clerk fees: fifty-six dollars (\$56.00).
 - d. Schedule 4: zero dollars (\$0.00).
- (2) The fees for filing an appearance in a civil action shall be as set forth in the schedules below in accordance with case categories established by the State Supreme Court:
- a. Schedule 1: two hundred eleven dollars (\$211.00) to be divided as follows:
 - 1. Seventy-five dollars (\$75.00) to be retained by the Clerk of the Circuit Court and distributed as follows:
 - (i) Court automation fund: twenty dollars (\$20.00).
 - (ii) Court document storage fund: twenty dollars (\$20.00).
 - (iii) Circuit Court Clerk operation and administrative fund: five dollars (\$5.00).
 - (iv) Judicial facilities fee: thirty dollars (\$30.00).

2. Eleven dollars (\$11.00) to be remitted to the State Treasurer and deposited as follows:
 - (i) Access to justice fund: two dollars (\$2.00).
 - (ii) Supreme Court special purposes fund: nine dollars (\$9.00).
 3. One hundred twenty-five dollars (\$125.00) to be remitted to the County Treasurer and deposited as follows:
 - (i) Circuit Clerk fees: one hundred twenty-five dollars (\$125.00).
 - b. Schedule 2: one hundred thirty-nine dollars (\$139.00) to be divided as follows:
 1. Forty dollars (\$40.00) to be retained by the Clerk of the Circuit Court and distributed as follows:
 - (i) Court automation fund: four dollars (\$4.00).
 - (ii) Court document storage fund: four dollars (\$4.00).
 - (iii) Circuit Court Clerk operation and administrative fund: two dollars (\$2.00).
 - (iv) Judicial facilities fee: thirty dollars (\$30.00).
 2. Nine dollars (\$9.00) to be remitted to the State Treasurer and distributed as follows:
 - (i) Supreme Court special purposes fund: nine dollars (\$9.00).
 3. Ninety dollars (\$90.00) to be remitted to the County Treasurer for the purposes related to the operation of the court system.
 - c. Schedule 3 and 4: zero dollars (\$0.00).
- (3) Except as otherwise specifically provided, the following miscellaneous fees are to be deposited in the County general fund to be used for the purposes related to the operation of the court system in the County:
- a. Law library fee, deposited in the law library fund: twenty dollars (\$20.00).
 - b. Alias summons or citation: five dollars (\$5.00).
 - c. Jury services: Two hundred twelve dollars and fifty cents (\$212.50).
 - d. Change of venue: forty dollars (\$40.00).
 - e. Petition to vacate or modify:
 1. If filed within thirty (30) days: fifty dollars (\$50.00).
 2. If filed after thirty (30) days: seventy-five dollars (\$75.00).
 - f. Notice sent to Secretary of State: forty dollars (\$40.00).
 - g. Appeals preparation:
 1. If record is one hundred (100) pages or less: fifty dollars (\$50.00).
 2. If record is between one hundred (100) and two hundred (200) pages: one hundred dollars (\$100.00).
 3. If record is two hundred (200) pages or more: twenty-five cents (\$0.25) per additional page.

- h. Garnishment, wage deduction, and citation proceedings:
 - 1. Amount in controversy one thousand dollars (\$1,000.00) or less: fifteen dollars (\$15.00).
 - 2. Amount in controversy one thousand one dollars and one cent (\$1,000.01) to five thousand dollars (\$5,000.00): thirty dollars (\$30.00).
 - 3. Amount in controversy greater than five thousand dollars (\$5,000.00): fifty dollars (\$50.00).
- i. Mailing: ten dollars (\$10.00), plus postage.
- j. Certified copy of a judgment, following the first copy: ten dollars (\$10.00).
- k. Certification, authentication, and reproduction: six dollars (\$6.00).
- l. Reproduction of any document contained in the Clerk's files:
 - 1. Two dollars (\$2.00) for the first page;
 - 2. Fifty cents (\$0.50) per page for the next nineteen (19) pages;
 - 3. Twenty-five cents (\$0.25) per page for all additional pages.
- m. Record search: six dollars (\$6.00) per year searched.
- n. Hard copy print output: six dollars (\$6.00).
- o. Performing a marriage in court: ten dollars (\$10.00).
- p. Filing each deed of voluntary assignment: twenty dollars (\$20.00).
- q. Recording a deed of voluntary assignment: fifty cents (\$0.50) per one hundred (100) words.
- r. Expungement petition: sixty dollars (\$60.00), plus four dollars (\$4.00) per certified copy of an order to expunge arrest records.
- s. Collections:
 - 1. All collections (except State and County and maintenance and child support cases): two and one-half (2.5) percent of the amount collected and turned over.
 - 2. In child support and maintenance cases: thirty-six dollars (\$36.00) annually to be deposited in the child support maintenance fund.
 - 3. Certifications to Secretary of State pursuant to Section 7-703 of the Family Financial Responsibility Law (625 ILCS 5/7-703): five dollars (\$5.00).
 - 4. In proceedings to foreclose a delinquent real estate tax lien the State's Attorney may receive a fee of ten (10) percent of the total amount realized from the sale of real estate sold in the proceedings.
- t. Counterclaim or third-party complaint: When any defendant files a counterclaim or third-party complaint, as part of the defendant's answer or otherwise, the defendant shall pay a filing fee for each counterclaim or third-party complaint in an amount equal to the filing fee the defendant would have had to pay had the defendant brought a separate action

for the relief sought in the counterclaim or third-party complaint, less the amount of the appearance fee, if any, that the defendant has already paid in the action in which the counterclaim or third-party complaint is filed.

- u. Probate filings, for each account (other than one (1) final account) filed in the estate of a decedent or ward: twenty-five dollars (\$25.00).
- v. Filing a claim:
 - 1. Amount claimed less than one hundred fifty dollars (\$150.00) and greater than five hundred dollars (\$500.00): twenty-five dollars (\$25.00).
 - 2. Amount claimed less than five hundred dollars (\$500.00) and greater than ten thousand dollars (\$10,000.00): forty dollars (\$40.00).
 - 3. Amount claimed less than ten thousand dollars (\$10,000.00): sixty dollars (\$60.00).
- w. Equitable relief:
 - 1. For filing a claim, petition, or supplemental proceeding based upon an action seeking equitable relief: sixty dollars (\$60.00).
 - 2. For a jury demand: one hundred thirty-seven dollars and fifty cents (\$137.50).
- x. Certified copies: For each certified copy of letters of office, of court orders or other certifications: two dollars (\$2.00) per page.
- y. Exemplification: two dollars (\$2.00), plus certification fee.
- z. Case correction: twenty-five dollars (\$25.00).
- aa. Unpaid fees:
 - 1. Unless a court-ordered payment schedule is implemented or the fee requirements of this section are waived by court order, the Clerk may add to any unpaid fees and costs a delinquency amount equal to fifteen (15) percent of the unpaid fees that remain unpaid after ninety (90) days.
 - 2. Delinquency amounts collected pursuant to this provision shall be deposited into the Circuit Court Clerk operation and administrative fund to defray additional administrative costs incurred by the Clerk in collecting unpaid fees and costs.

(Ord. No. 2019-13, 5-21-2019; Ord. No. 21-12, 5-18-2021; Ord. No. 2021-33, 12-7-2021; Ord. No. 21-35, 12-30-2021; Ord. No. 2022-24, 9-6-2022)

Sec. 10-5. Criminal assessments.

Assessments shall be imposed in criminal, traffic, conservation and non-traffic matters in accordance with the schedules set forth in the Criminal and Traffic Assessment Act (705 ILCS 135/1-1 et seq.), and shall be distributed as follows:

- (1) *Schedule 1: Generic Felony Offenses.* The Clerk shall collect five hundred forty-nine dollars (\$549.00) and remit as follows:
 - a. Three hundred fifty-four dollars (\$354.00) to the County Treasurer who shall deposit the money as follows:
 - 1. Twenty dollars (\$20.00) to the court automation fund.

2. Twenty dollars (\$20.00) to the court document storage fund.
 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.
 4. Two hundred sixty-five dollars (\$265.00) to the County general fund.
 5. Two dollars (\$2.00) to the State's Attorney records automation fund.
 6. Two dollars (\$2.00) to the Public Defender records automation fund.
 7. Twenty dollars (\$20.00) to the County Jail medical costs fund.
 8. Twenty dollars (\$20.00) to the Probation and court services fund.
- b. One hundred ninety-five dollars (\$195.00) to the State Treasurer.
- (2) *Schedule 2: Felony DUI Offenses.* The Clerk shall collect one thousand seven hundred nine dollars (\$1,709.00) and remit as follows:
- a. Three hundred ninety-nine dollars (\$399.00) to the County Treasurer who shall deposit the money as follows:
 1. Twenty dollars (\$20.00) to the court automation fund.
 2. Twenty dollars (\$20.00) to the court document storage fund.
 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.
 4. Three hundred ten dollars (\$310.00) to the County general fund.
 5. Two dollars (\$2.00) to the State's Attorney records automation fund.
 6. Two dollars (\$2.00) to the Public Defender records automation fund.
 7. Twenty dollars (\$20.00) to the County Jail medical costs fund.
 8. Twenty dollars (\$20.00) to the probation and court services fund.
 - b. One thousand one hundred ten dollars (\$1,110.00) to the State Treasurer.
 - c. Two hundred dollars (\$200.00) to the treasurer of the unit of local government of the arresting agency.
- (3) *Schedule 3: Felony Drug Offenses.* The Clerk shall collect two thousand two hundred fifteen dollars (\$2,215.00) and remit as follows:
- a. Three hundred fifty-four dollars (\$354.00) to the County Treasurer who shall deposit the money as follows:
 1. Twenty dollars (\$20.00) to the court automation fund.
 2. Twenty dollars (\$20.00) to the court document storage fund.
 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.
 4. Two hundred sixty-five dollars (\$265.00) to the County general fund.
 5. Two dollars (\$2.00) to the State's Attorney records automation fund.
 6. Two dollars (\$2.00) to the Public Defender records automation fund.
 7. Twenty dollars (\$20.00) to the County Jail medical costs fund.
 8. Twenty dollars (\$20.00) to the probation and court services fund.
 - b. One thousand eight hundred sixty-one dollars (\$1,861.00) to the State Treasurer.

- (4) *Schedule 4: Felony Sex Offenses.* The Clerk shall collect one thousand three hundred fourteen dollars (\$1,314.00) and remit as follows:
- a. Three hundred fifty-four dollars (\$354.00) to the County Treasurer who shall deposit the money as follows:
 1. Twenty dollars (\$20.00) to the court automation fund.
 2. Twenty dollars (\$20.00) to the court document storage fund.
 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.
 4. Two hundred sixty-five dollars (\$265.00) to the County general fund.
 5. Two dollars (\$2.00) to the State's Attorney records automation fund.
 6. Two dollars (\$2.00) to the Public Defender records automation fund.
 7. Twenty dollars (\$20.00) to the County Jail medical costs fund.
 8. Twenty dollars (\$20.00) to the probation and court services fund.
 - b. Nine hundred sixty dollars (\$960.00) to the State Treasurer.
- (5) *Schedule 5: Generic Misdemeanor Offenses.* The Clerk shall collect four hundred thirty-nine dollars (\$439.00) and remit as follows:
- a. Two hundred eighty-two dollars (\$282.00) to the County Treasurer who shall deposit the money as follows:
 1. Twenty dollars (\$20.00) to the court automation fund.
 2. Twenty dollars (\$20.00) to the court document storage fund.
 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.
 4. Eight dollars (\$8.00) to the Circuit Court Clerk electronic citation fund.
 5. One hundred ninety-five dollars (\$195.00) to the County general fund.
 6. Two dollars (\$2.00) to the State's Attorney records automation fund.
 7. Two dollars (\$2.00) to the Public Defender records automation fund.
 8. Ten dollars (\$10.00) to the County Jail medical costs fund.
 9. Twenty dollars (\$20.00) to the probation and court services fund.
 - b. One hundred fifty-five dollars (\$155.00) to the State Treasurer.
 - c. Two dollars (\$2.00) to the treasurer of the unit of local government of the arresting agency.
- (6) *Schedule 6: Misdemeanor DUI Offenses.* The Clerk shall collect one thousand three hundred eighty-one dollars (\$1,381.00) and remit as follows:
- a. Three hundred twenty-two dollars (\$322.00) to the County Treasurer who shall deposit the money as follows:
 1. Twenty dollars (\$20.00) to the court automation fund.
 2. Twenty dollars (\$20.00) to the court document storage fund.
 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.

4. Eight dollars (\$8.00) to the Circuit Court Clerk electronic citation fund.
 5. Two hundred thirty-five dollars (\$235.00) to the County general fund.
 6. Two dollars (\$2.00) to the State's Attorney records automation fund.
 7. Two dollars (\$2.00) to the Public Defender records automation fund.
 8. Ten dollars (\$10.00) to the County Jail medical costs fund.
 9. Twenty dollars (\$20.00) to the probation and court services fund.
- b. Seven hundred seven dollars (\$707.00) to the State Treasurer.
 - c. Three hundred fifty-two dollars (\$352.00) to the treasurer of the unit of local government of the arresting agency.
- (7) *Schedule 7: Misdemeanor Drug Offenses.* The Clerk shall collect nine hundred five dollars (\$905.00) and remit as follows:
- a. Two hundred eighty two dollars (\$282.00) to the County Treasurer who shall deposit the money as follows:
 1. Twenty dollars (\$20.00) to the court automation fund.
 2. Twenty dollars (\$20.00) to the court document storage fund.
 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.
 4. Eight dollars (\$8.00) to the Circuit Court Clerk electronic citation fund.
 5. One hundred ninety-five dollars (\$195.00) to the County general fund.
 6. Two dollars (\$2.00) to the State's Attorney records automation fund.
 7. Two dollars (\$2.00) to the Public Defender records automation fund.
 8. Ten dollars (\$10.00) to the County Jail medical costs fund.
 9. Twenty dollars (\$20.00) to the probation and court services fund.
 - b. Six hundred twenty-one dollars (\$621.00) to the State Treasurer.
 - c. Two dollars (\$2.00) to the treasurer of the unit of local government of the arresting agency.
- (8) *Schedule 8: Misdemeanor Sex Offenses.* The Clerk shall collect one thousand one hundred eighty-four dollars (\$1,184.00) and remit as follows:
- a. Two hundred eighty-two dollars (\$282.00) to the County Treasurer who shall deposit the money as follows:
 1. Twenty dollars (\$20.00) to the court automation fund.
 2. Twenty dollars (\$20.00) to the court document storage fund.
 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.
 4. Eight dollars (\$8.00) to the Circuit Court Clerk electronic citation fund.
 5. One hundred ninety-five dollars (\$195.00) to the County general fund.
 6. Two dollars (\$2.00) to the State's Attorney records automation fund.
 7. Two dollars (\$2.00) to the Public Defender records automation fund.

8. Ten dollars (\$10.00) to the County Jail medical costs fund.
 9. Twenty dollars (\$20.00) to the probation and court services fund.
 - b. Nine hundred dollars (\$900.00) to the State Treasurer.
 - c. Two dollars (\$2.00) to the treasurer of the unit of local government of the arresting agency.
- (9) *Schedule 9: Major Traffic Offenses.* The Clerk shall collect three hundred twenty-five dollars (\$325.00) and remit as follows:
- a. Two hundred three dollars (\$203.00) to the County Treasurer who shall deposit the money as follows:
 1. Twenty dollars (\$20.00) to the court automation fund.
 2. Twenty dollars (\$20.00) to the Court document storage fund.
 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.
 4. Eight dollars (\$8.00) to the Circuit Court Clerk electronic citation fund.
 5. One hundred fifty dollars (\$150.00) to the County general fund.
 - b. Ninety-seven dollars (\$97.00) to the State Treasurer.
 - c. Twenty-five dollars (\$25.00) to the treasurer of the unit of local government of the arresting agency.
- (10) *Schedule 10: Minor Traffic Offenses.* The Clerk shall collect two hundred twenty-six dollars (\$226.00) and remit as follows:
- a. One hundred sixty-eight dollars (\$168.00) to the County Treasurer who shall deposit the money as follows:
 1. Twenty dollars (\$20.00) to the court automation fund.
 2. Twenty dollars (\$20.00) to the court document storage fund.
 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.
 4. Eight dollars (\$8.00) to the Circuit Court Clerk electronic citation fund.
 5. One hundred fifteen dollars (\$115.00) to the County general fund.
 - b. Forty-six dollars (\$46.00) to the State Treasurer.
 - c. Twelve dollars (\$12.00) to the treasurer of the unit of local government of the arresting agency.
- (11) *Schedule 10.5: Truck Weight and Load Offenses.* The Clerk shall collect two hundred sixty dollars (\$260.00) and remit as follows:
- a. One hundred sixty-eight dollars (\$168.00) to the County Treasurer who shall deposit the money as follows:
 1. Twenty dollars (\$20.00) to the court automation fund.
 2. Twenty dollars (\$20.00) to the court document storage fund.
 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.

- 4. Eight dollars (\$8.00) to the Circuit Court Clerk electronic citation fund.
 - 5. One hundred fifteen dollars (\$115.00) to the County general fund.
 - b. Ninety-two dollars (\$92.00) to the State Treasurer.
- (12) *Schedule 11: Conservation Offenses.* The Clerk shall collect one hundred ninety-five dollars (\$195.00) and remit as follows:
- a. One hundred sixty-eight dollars (\$168.00) to the County Treasurer who shall deposit the money as follows:
 - 1. Twenty dollars (\$20.00) to the court automation fund.
 - 2. Twenty dollars (\$20.00) to the court document storage fund.
 - 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.
 - 4. Eight dollars (\$8.00) to the Circuit Court Clerk electronic citation fund.
 - 5. One hundred fifteen dollars (\$115.00) to the County general fund.
 - b. Twenty-five dollars (\$25.00) to the State Treasurer.
 - c. Two dollars (\$2.00) to the treasurer of the unit of local government of the arresting agency.
- (13) *Schedule 12: Dispositions under Supreme Court Rule 529 (No Court Appearance Required Traffic Offenses).* The Clerk shall collect one hundred sixty-four dollars (\$164.00) and remit as follows:
- a. One hundred dollars (\$100.00) to the County Treasurer who shall deposit the money as follows:
 - 1. Twenty dollars (\$20.00) to the court automation fund.
 - 2. Twenty dollars (\$20.00) to the court document storage fund.
 - 3. Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.
 - 4. Eight dollars (\$8.00) to the Circuit Court Clerk electronic citation fund.
 - 5. Forty-seven dollars (\$47.00) to the County general fund.
 - b. Fourteen dollars (\$14.00) to the State Treasurer.
 - c. Fifty dollars (\$50.00) to the treasurer of the unit of local government of the arresting agency.
- (14) *Schedule 13: Petty Offense, Business Offense, or Non-Traffic Ordinance Violation.*
- a. The Clerk shall collect one hundred dollars (\$100.00) and remit as follows:
 - 1. Seventy-five dollars (\$75.00) to the County Treasurer who shall deposit the money as follows:
 - (i) Twenty dollars (\$20.00) to the court automation fund.
 - (ii) Twenty dollars (\$20.00) to the court document storage fund.
 - (iii) Five dollars (\$5.00) to the Circuit Court Clerk operation and administrative fund.
 - (iv) Eight dollars (\$8.00) to the Circuit Court Clerk electronic citation fund.

- (v) Twenty-two dollars (\$22.00) to the County general fund.
- 2. Twenty-five dollars (\$25.00) to the treasurer of the unit of local government of the arresting agency.
- b. Unpaid assessments.
 - 1. Unless a court-ordered payment schedule is implemented or the assessment requirements of this section are waived by court order, the Clerk may add to any unpaid assessments a delinquency amount equal to fifteen (15) percent of the unpaid assessments that remain unpaid after ninety (90) days.
 - 2. Delinquency amounts collected pursuant to this provision shall be deposited into the Circuit Court Clerk operation and administrative fund to defray additional administrative costs incurred by the Clerk in collecting unpaid assessments.

(Ord. No. 2019-13, § 34-3, 5-21-2019)

Sec. 10-6. County Circuit Court Clerk filing fee schedule.

The following County Circuit Court Clerk filing fee schedule is pursuant to Section 27.1b of the Clerk of Courts Act (705 ILCS 105/27.1b) and other applicable fee provisions effective July 1, 2019:

Civil New Case Filings

| | | | | | |
|---------------|----------------|-----------------|----------------|------------|-----------------------------|
| Schedule 1 | \$316.00 | Change of Venue | \$316.00 | Appearance | \$191.00 |
| Counter Claim | \$125.00 | | | | |
| D | Dissolution | ED | Eminent Domain | TX | Tax |
| F | Family | L | Law | LM | Law Magistrate \$15,000.01> |
| MR | Misc. Remedies | MC | Municipal Corp | CH | Chancery |

Per Section 15-1504 of the Code of Civil Procedure (735 ILCS 5/15-1504), an additional fifty dollars (\$50.00) shall be added to foreclosures and five hundred dollars (\$500.00) for Tier 1, two hundred fifty dollars (\$250.00) for Tier 2, and fifty dollars (\$50.00) for Tier 3.

| | | | | | |
|---------------|------------------------------|-----------------|-----------------------------|------------|----------|
| Schedule 2 | \$266.00 | Change of Venue | \$266.00 | Appearance | \$109.00 |
| Counter Claim | \$157.00 | | | | |
| LM | Law Magistrate < \$15,000.00 | SC | Small Claims (\$2,500.01 >) | P | Probate |

| | | | | | |
|---------------|----------------------------|-----------------|---|------------|--------|
| Schedule 3 | \$89.00 | Change of Venue | \$89.00 | Appearance | \$0.00 |
| Counter Claim | \$89.00 | | | | |
| AD | Adoption | L | Law (Eviction-Possession Only) | | |
| SC | Small Claims (<\$2,500.00) | LM | Law Magistrate (Eviction-Possession Only) | | |

| | | | | | |
|------------|--|--|--|------------|--------|
| Schedule 4 | \$0.00 | | | Appearance | \$0.00 |
| AD | Adoption, Petitions for appointment of a confidential intermediary (750 ILCS 50/18.3a) | | | | |

| | |
|----|---|
| P | Probate, Filing of a Will under the Probate Act of 1975 (755 ILCS 5/6-1) |
| F | Family, Parental Notice Parentage Act of 2015 (750 ILCS 46/309) |
| MH | Mental health |
| MR | Misc. Remedies, Estrays and Lost Property Act (765 ILCS 1020/1) and administrative review of unemployment |
| OP | Order of protection |
| WI | Wills |

*****All cases filed by units of local government or school districts.

| <i>Probate</i> | |
|---|----------|
| Each account (other than one final account) | \$25.00 |
| Filing a Claim: | |
| \$150.00—\$500.00 | \$25.00 |
| \$500.01—\$10,000.00 | \$40.00 |
| \$10,000.01 and over | \$60.00 |
| Filing a claim seeking equitable relief | \$60.00 |
| Certified copies per page | \$2.00 |
| Exemplification | \$2.00 |
| Plus certification fee | |
| Jury demand | \$137.50 |

Publications to be paid directly to the newspaper.

Executor, administrator, guardian, petitioner or other interested person or the same's attorney shall pay all postage charges incurred by the Clerk in mailing petitions, orders, notices or other documents.

There shall be no appearance fee for the purpose of consent or for an executor, administrator, guardian, guardian ad litem or special administrator.

| <i>Alias</i> | |
|---------------------|--------|
| Summons or citation | \$5.00 |

| <i>Appeals</i> | |
|---|----------|
| If record is less than 100 pages | \$50.00 |
| If record is between 100 and 200 pages | \$100.00 |
| If record is more than 200 pages, additional per page | \$0.25 |

| <i>Case Corrections</i> | |
|---|---------|
| For correction of case no, case title, or ARDC number on any document filed in the Clerk's office | \$25.00 |

| <i>Certification, Authentication and Reproduction</i> | |
|--|---------|
| For each certification or authentication | \$6.00 |
| Certified copy of a judgment | \$10.00 |
| Reproduction of any document contained in the Clerk's files: | |
| First page | \$2.00 |
| 2—20 pages | \$0.50 |

| <i>Certification, Authentication and Reproduction</i> | |
|---|-----------------------|
| 21 or more pages | \$0.25 |
| Hard copy printout (reports generated from Jano) | \$6.00 |
| Remands from the Supreme Court or Appellate Court | No charge |
| Mailing | \$10.00, plus postage |
| <i>Change of Venue</i> | |
| Preparation and certification of a record to another jurisdiction | \$40.00 |
| <i>Child Support</i> | |
| Annual child support maintenance fee | \$36.00 |
| Certifications made to SOS 625 ILCS 7-703 | \$5.00 |
| <i>Expungement</i> | |
| Petition | \$60.00 |
| Each certified copy of an order to expunge arrest records | \$4.00 |
| ISP (Separate check payable to the State police) | \$60.00 |
| <i>Foreign Judgments</i> | |
| Petition to enroll a judgment for modification or enforcement pursuant to 735 ILCS 5/12-652 would be the same fee as if you were filing a new suit. | |
| <i>Garnishment - Wage Deduction - Citation</i> | |
| Up to \$1,000.00 | \$15.00 |
| \$1,000.01—\$5,000.00 | \$30.00 |
| \$5,000.01 and over | \$50.00 |
| <i>Jury Demand</i> | |
| Civil (except ED) | \$212.50 |
| <i>NSF</i> | |
| For any check, draft or other bank instrument returned for nonsufficient funds, account closed or payment stopped | \$25.00 |
| <i>Petition to Vacate or Modify</i> | |
| Petition to vacate or modify any final judgment or order of the court: | |
| If filed within 30 days | \$50.00 |
| Except small claims, eviction, probate and child support | |
| If filed after 30 days (except child support) | \$75.00 |
| Notice sent to Secretary of State | \$40.00 |
| Ex parte judgment, judgment of forfeiture, FTA, FTC | |
| <i>Publication</i> | |
| All publication costs must be paid direct to the newspaper by executor, administrator, guardian, petitioner, or other interested person or attorney | |

| <i>Record Search</i> | |
|----------------------|--------|
| For each search | \$6.00 |

Exception: No fee for a Pltf or Deft index or case record inquiry made in person, with no request for a hard copy print out

| <i>Voluntary Assignment</i> | |
|--|---------|
| Deed of Voluntary Assignment (each filing) | \$20.00 |
| Recording a Deed of Voluntary Assignment per 100 words | \$0.50 |

Performing a marriage \$10.00

Transcript of judgment Same fee as new suit

All postage charges incurred by the Clerk in mailing petitions, orders, notices must be paid for by the requesting party.

(Ord. No. 2019-13, att., 5-21-2019)

Chapter 11

RESERVED

Chapter 12

ELECTIONS

Sec. 12-1. Number of election judges.

Sec. 12-1. Number of election judges.

The number of election judges can be reduced to three for any primary election.
(Ord. No. 2022-17, 7-19-2022)

Chapter 13

RESERVED

Chapter 14

EMERGENCY MANAGEMENT AND EMERGENCY SERVICES

Article I. In General

Secs. 14-1—14-18. Reserved.

Article II. Emergency Management Agency

- Sec. 14-19. Definitions.
- Sec. 14-20. Establishment.
- Sec. 14-21. Director/Coordinator.
- Sec. 14-22. Functions.
- Sec. 14-23. Service as Mobile Support Team.
- Sec. 14-24. Agreement with other political subdivisions.
- Sec. 14-25. Emergency action.
- Sec. 14-26. Compensation.
- Sec. 14-27. Reimbursement by State.
- Sec. 14-28. Purchases and expenditures.
- Sec. 14-29. Oath.
- Sec. 14-30. Office.

ARTICLE I. IN GENERAL

Secs. 14-1—14-18. Reserved.

ARTICLE II. EMERGENCY MANAGEMENT AGENCY**Sec. 14-19. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All other terms shall be interpreted consistently with Federal and State statutes unless otherwise noted herein.

Emergency means any natural or human-caused situation that results in or may result in substantial injury or harm to the population or substantial damage to or loss of property and shall include all circumstances described in State statutes (20 ILCS 3305/1 et seq.)

Disaster means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, or acts of domestic terrorism.

Public health emergency means the occurrence or imminent threat of an illness or health condition that:

- (1) Is believed to be caused by any of the following:
 - a. Bioterrorism;
 - b. The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;
 - c. A natural disaster;
 - d. A chemical attack or accidental release; or
 - e. A nuclear attack or accident; and
- (2) Poses a high probability of any of the following harms:
 - a. A large number of deaths in the affected population;
 - b. A large number of serious or long-term disabilities in the affected population; or
 - c. Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

Emergency management includes management of emergency, public health and disaster.
(Ord. No. 05-40, § 1, 7-7-2005)

Sec. 14-20. Establishment.

(a) There is hereby created the County Emergency Management Agency (EMA) to prevent, minimize, repair, and alleviate injury or damage resulting from emergency, public health emergency, or disaster caused by enemy attack, sabotage, or other hostile action, or from natural or artificial disaster, in accordance with the Illinois Emergency Management Agency Act (20 ILCS 3305/1 et seq.).

(b) This EMA shall consist of the Director/Coordinator and such additional members as may be selected by the Director.

(c) Nothing herein shall be construed to conflict with or supersede the powers, rights and duties of the State or the United States, but it is intended that EMA shall act in cooperation with State, Federal, and local authorities where appropriate.

(Ord. No. 05-40, § 2, 7-7-2005)

Sec. 14-21. Director/Coordinator.

(a) The Director of the County EMA shall be appointed by the County Board Chairman and shall serve until removed by Chairman.

(b) The Director shall have direct responsibility for the organization, administration, training, and operation of the EMA, subject to the direction and control of the County Board Chairman as provided by statute.

(c) The Director shall coordinate the County's involvement in the full range of activities within which domestic incident management activities occur, including awareness, prevention, preparedness, response, and recovery to emergencies, public health emergencies, disasters, and significant events in accordance with the National Incident Management System.

(d) In the event of the absence, resignation, death or inability to serve as the Director, the County Board Chairman or any person designated by the Chairman, shall be and act as Director until a new appointment is made as provided in this article.

(Ord. No. 05-40, § 3, 7-7-2005)

Sec. 14-22. Functions.

The County EMA shall perform such emergency management functions within the County as shall be prescribed in and by the state Emergency Management Agency's Emergency Operations Plan and programs, orders, rules, and regulations as may be promulgated by the Illinois Emergency Management Agency, and by local ordinance and, in addition, shall conduct such functions outside of those territorial limits as may be required under mutual aid agreements and compacts as are entered into.

(Ord. No. 05-40, § 4, 7-7-2005)

Sec. 14-23. Service as Mobile Support Team.

(a) All or any members of the County EMA organization may be designated as members of a Mobile Support Team created by the director of the State EMA, as provided by law.

(b) The leader of such Mobile Support Team shall be designated by the Director of the County EMA organization.

(c) Any member of a Mobile Support Team, who is a County employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the County, while so serving, shall receive from the State reasonable compensation as provided by law.

(Ord. No. 05-40, § 5, 7-7-2005)

Sec. 14-24. Agreement with other political subdivisions.

The Director of EMA may negotiate and enter into on behalf of the County, mutual aid agreements with other cities or political subdivisions of the State, provided such agreements are consistent with the model agreement heretofore approved by the County Board, but no such agreement shall be effective until it has been received by the County Board Chairman.

(Ord. No. 05-40, § 6, 7-7-2005)

Sec. 14-25. Emergency action.

If the Governor proclaims that a disaster, emergency, or public health emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of a major disaster resulting from enemy sabotage or other hostile action, or from artificial or natural disaster, it shall be the duty of the County EMA to cooperate fully with the State EMA and with the Governor in the exercise of emergency powers as provided by law.

(Ord. No. 05-40, § 7, 7-7-2005)

Sec. 14-26. Compensation.

Members of the EMA who are paid employees or officers of the County, if called for training by the State Director of EMA, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such County employees or officers shall receive for such training time such compensation as may be established by the County Board Chairman.

(Ord. No. 05-40, § 8, 7-7-2005)

Sec. 14-27. Reimbursement by State.

The County Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the County for expenses incident to training the members of EMA as prescribed by the State Director of EMA, compensation for services and expenses of members of a Mobile Support Team while serving outside the County in response to a call by the Governor or State Director of EMA, as provided by law, and other reimbursement made by the State or Federal government incident to EMA activities as provided by law.

(Ord. No. 05-40, § 9, 7-7-2005)

Sec. 14-28. Purchases and expenditures.

(a) The County Board may, on recommendation of the County Director of EMA, authorize any purchase or contracts necessary to place the County in a position to combat effectively any emergency, public health emergency, or disaster and to protect the public health, and safety, protect property, and provide emergency assistance to victims in the case of such emergency, public health emergency or disaster. Unless such purchases or contracts are made in the event of an emergency as provided below, they shall be subject to all State and County procedures and formalities governing procurement.

(b) In the event of an emergency, public health emergency, or disaster, the County Director of EMA is authorized, on behalf of the County, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to County contracts of obligations, as authorized by the Illinois Emergency Management Agency Act, provided that if the County Board meets at such time the EMA Director shall act subject to the directions and restrictions imposed by that body. This authorization shall only be effective for seven (7) days but is renewed without further action if a declaration of emergency, public health emergency or disaster is extended pursuant to statute.

(c) The County EMA, with the approval of the County Board, shall be responsible for applying for and accepting all appropriate Federal and State funding that relates to combating terrorism.

(d) With regards to response and operation at and around emergency, public health emergency, and disaster areas, County-owned vehicles assigned to EMA are considered authorized emergency vehicles. (Ord. No. 05-40, § 10, 7-7-2005)

Sec. 14-29. Oath.

Every person appointed to serve in any capacity in the County EMA organization shall, before entering upon the person's duties, subscribe to the following oath, which shall be filed with the Director:

"I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States of or this State by force or violence; and that during such time as I am affiliated with the Kendall County Emergency Management Agency, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of the State by force or violence."

(Ord. No. 05-40, § 11, 7-7-2005)

Sec. 14-30. Office.

The County Board Chairman is authorized to designate space in a County building, or elsewhere, as may be provided for by the County Board Chairman for the County EMA as its office.

(Ord. No. 05-40, § 12, 7-7-2005)

Chapter 15

RESERVED

Chapter 16

ENVIRONMENT AND NATURAL RESOURCES

Article I. In General

- Sec. 16-1. Burning of leaves and landscape waste.
Secs. 16-2—16-20. Reserved.

Article II. Stormwater Management

Division 1. Generally

- Sec. 16-21. Stormwater Management Planning Committee.
Sec. 16-22. Administration.
Secs. 16-23—16-47. Reserved.

Division 2. County-Wide Stormwater Management Ordinance

Subdivision I. In General

- Sec. 16-48. Statutory authority.
Sec. 16-49. County Stormwater Management Plan.
Sec. 16-50. Purpose.
Sec. 16-51. Reference to watershed plans.
Sec. 16-52. Definitions.
Secs. 16-53—16-77. Reserved.

Subdivision II. Requirements for Stormwater Management

- Sec. 16-78. General information.
Sec. 16-79. General stormwater requirements.
Sec. 16-80. Site runoff requirements.
Sec. 16-81. Site runoff storage requirements.
Secs. 16-82—16-105. Reserved.

Subdivision III. Soil Erosion and Sediment Control

- Sec. 16-106. General principles.
Sec. 16-107. Soil erosion and sediment control plan.
Sec. 16-108. Design and operations standards and requirements.
Sec. 16-109. Maintenance of erosion control measures.
Sec. 16-110. Inspection.
Sec. 16-111. Special precautions.
Sec. 16-112. Amendment of plans.
Secs. 16-113—16-137. Reserved.

Subdivision IV. Protection of Floodplain and Floodway

- Sec. 16-138. General.
Sec. 16-139. Floodplain, regulatory floodplain, base flood elevation (BFE) and regulatory floodway locations.

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- Sec. 16-140. General performance standards.
- Sec. 16-141. Compensatory storage volume standards.
- Sec. 16-142. Floodway standards.
- Sec. 16-143. Riverine floodplain.
- Sec. 16-144. Disclaimer.
- Secs. 16-145—16-171. Reserved.

Subdivision V. Stormwater Management Permit Submittal Requirements

- Sec. 16-172. Generally.
- Sec. 16-173. Duration and revision to permits.
- Sec. 16-174. Required submittals.
- Sec. 16-175. Record drawings.
- Sec. 16-176. Issuance or denial of permit and appeal of permit denial.
- Secs. 16-177—16-205. Reserved.

Subdivision VI. Long-Term Maintenance

- Sec. 16-206. Long-term maintenance.
- Sec. 16-207. Transfer to permitting authority or other public entity.
- Sec. 16-208. Transfer to homeowners' or similar association.
- Sec. 16-209. Conveyance to one or more persons.
- Sec. 16-210. Require maintenance plan, permit submittals.
- Sec. 16-211. Incorporation of maintenance obligations in stormwater management permit.
- Sec. 16-212. Funding for long-term maintenance of stormwater facilities.
- Sec. 16-213. Enforcement.
- Secs. 16-214—16-234. Reserved.

Subdivision VII. Enforcement and Penalties

- Sec. 16-235. Inspection and maintenance authority.
- Sec. 16-236. Required inspections.
- Sec. 16-237. Offenses—Generally.
- Sec. 16-238. Offenses—Penalties; remedies.
- Secs. 16-239—16-269. Reserved.

Subdivision VIII. Miscellaneous Provisions

- Sec. 16-270. Scope of regulation.
- Sec. 16-271. Exemptions.
- Sec. 16-272. Community's list of proposed exempt developments.
- Sec. 16-273. Interpretation.
- Sec. 16-274. Warning and disclaimer of liability.
- Sec. 16-275. Choice of planning jurisdiction.
- Sec. 16-276. Violations.
- Sec. 16-277. Severability.
- Sec. 16-278. Amendments.
- Secs. 16-279—16-304. Reserved.

Subdivision IX. Variances

- Sec. 16-305. Purpose.
- Sec. 16-306. Application.
- Sec. 16-307. Application fee.

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ARTICLE I. IN GENERAL**Sec. 16-1. Burning of leaves and landscape waste.**

(a) It shall be unlawful for any person to cause or allow the burning of leaves and landscape waste within the County in areas designated as R-6 or R-7 according to Chapter 36, and official County Zoning Maps (zoning maps), as amended.

(b) This section shall only be effective in townships with a population in excess of 15,000, based upon the last official census.

(c) Any person who violates the provision of this section shall be guilty of a petty offense. A conviction for this offense shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). A second conviction for the violation of this section shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00). A third or subsequent conviction for violation of this section shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). Each day's violation of this section shall constitute a separate offense.

(d) Persons actually engaged in the business of agriculture shall be exempt from the provision of this section, if the actions of said person are in support of their agricultural pursuits. A person shall be deemed to be acting in support of their agricultural pursuits if that person is acting upon or adjacent to their agricultural lands, and while they are engaged in activities such as controlled burning for the purpose of weed eradication, and similar activities.

(e) Persons actually engaged in the process of native prairie grass restoration shall be exempt from the provisions of this section while such persons are carrying out activities directly related to the establishment of native prairie grass.

(Ord. No. 97-12, §§ 1—5, 7-1-1997; Ord. No. 2020-39, 7-21-2020)

Secs. 16-2—16-20. Reserved.**ARTICLE II. STORMWATER MANAGEMENT****DIVISION 1. GENERALLY****Sec. 16-21. Stormwater Management Planning Committee.**

The County Board hereby establishes, in accordance with the provisions of 55 ILCS 5/5-1062.2, a Stormwater Management Planning Committee to oversee the consolidation of the existing County and municipal stormwater management framework into a united, County-wide structure along with the establishment of a set minimum standards for floodplain and stormwater management in the County and preparation of a County-wide plan for the management of stormwater runoff, including the management of natural and man-made drainageways. Said Committee shall consist of twelve (12) voting members to be comprised of three (3) County Board and three (3) municipal representatives within District 1 and three (3) County Board and three (3) municipal representatives within District 2. Pursuant

to the governing statutes, the County representatives shall be appointed by the County Board Chairman. Municipal members from each County Board District shall be appointed by a majority vote of the mayors of those municipalities that have the greatest percentage of their respective populations residing in that County Board District. Additional members may be appointed to serve on the Committee as either ex-officio (non-voting) or voting members as may be determined by the twelve (12) members of the Planning Committee in the adoption of the bylaws setting forth the rules under which said Committee shall be governed. In accordance with the statutes, said Committee shall be required to meet at least quarterly and shall be required to hold at least one (1) public meeting during the preparation of the Stormwater Management Plan prior to its submittal to the County Board.

(Res. No. 2020-35, 6-16-2020)

Sec. 16-22. Administration.

The administrator of the regulations set forth in Division II of this article shall be the County Zoning Administrator and designees.

(Res. No. 2020-39, 7-21-2020)

Secs. 16-23—16-47. Reserved.

DIVISION 2. COUNTY-WIDE STORMWATER MANAGEMENT ORDINANCE

Subdivision I. In General

Sec. 16-48. Statutory authority.

(a) This division shall be known, and may be cited, as the "Kendall County Stormwater Management Ordinance" (the KCSMO).

(b) The County Board adopts this division pursuant to its authority to regulate stormwater management and governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in the County, in accordance with the County Stormwater Management Plan. The statutory authority for this division is contained in 55 ILCS 5/5-1062.2, 55 ILCS 5/5-1041, 55 ILCS 5/5-1063, 65 ILCS 5/1-2-1, 5/4-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2 and other applicable authority, all as amended from time to time.

(c) As applicable, the Communities within the County adopt and enforce this division or in the alternative adopt and enforce a municipal ordinance that is consistent with and at least as strict as the County Ordinance. Pursuant to 55 ILCS 5/5-1062.2, 55 ILCS 5/5-1041, 55 ILCS 5/5-1063, 65 ILCS 5/1-2-1, 5/4-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2 and other applicable authority, all as amended from time to time.

(Res. No. 12-28, § 100, 6-19-2012)

Sec. 16-49. County Stormwater Management Plan.

The County Stormwater Management Plan was recommended by the County Stormwater Management Committee and adopted by the County Board, after review by the appropriate agencies and a public hearing on December 12, 2010. The Plan is available for public inspection in the office of the County Clerk.

(Res. No. 12-28, § 101, 6-19-2012)

Sec. 16-50. Purpose.

(a) The purpose of this division is to diminish threats to public health, safety and welfare caused by excess stormwater runoff from new development and redevelopment. This division seeks to establish stormwater management practices and promote sustainable planning and design to counter increases in stormwater runoff quantity and rate and the impairment of water quality from development and land improvement throughout the entire County.

(b) The further purpose of this division is to accomplish the following objectives:

- (1) To ensure that new development does not create or increase flood hazards or cause damages due to erosion;
- (2) To protect existing buildings, new buildings and major improvements to buildings from flood damage due to increased stormwater runoff;
- (3) To protect human life and health from the hazards of increased flooding;
- (4) To lessen the burden on the taxpayer for stormwater management, flood control projects, repairs to flood-damaged public facilities and utilities and correction of channel erosion conditions from new development;
- (5) To protect and conserve land and water resources in the context of orderly land development;
- (6) To make Federally-subsidized flood insurance available;
- (7) To reasonably preserve the natural hydrologic and hydraulic functions of watercourses, floodplains and open space areas and to protect water quality and aquatic habitats;
- (8) To control soil erosion due to development and provide effective sediment management measures on construction sites;
- (9) To require the design and evaluation of site stormwater management plans consistent with watershed capacities;
- (10) To require stormwater storage and encouraging the use of and infiltration of stormwater in preference to stormwater conveyance;
- (11) To minimize conflicts between agricultural and urban drainage systems and maintaining agriculture as a viable and productive land use;
- (12) To encourage cooperation and consistency in stormwater management activities within and between the units of government having floodplain and stormwater management jurisdiction;

- (13) To establish requirements and promote regular, planned maintenance of stormwater management facilities;
- (14) To provide a procedure by which communities throughout the County may petition the Committee for authority to implement and enforce the provisions of this division;
- (15) To require strict compliance with and enforcement of this division.

(c) The purposes of this division are intended to be consistent with and supersede the County Unified Stormwater Management Plan for those applicable sections.

(Res. No. 12-28, § 102, 6-19-2012)

Sec. 16-51. Reference to watershed plans.

(a) This division recognizes the integrated nature of the watershed system and the need to study certain flood control alternatives and other stormwater management functions on a watershed-wide basis. A generalized process for development of watershed plans was recommended in the adopted County Stormwater Management Plan. This process includes a public hearing review and approval by the Committee, and adoption by the County.

(b) Individual watershed plans or interim watershed plans which recognize the unique attributes of each watershed may be prepared and periodically updated for the major watersheds, to identify management projects and establish criteria for development. These plans may also recommend changes to this division effective within the study boundary. Watershed plans or interim watershed plans may be adopted which recommend more or less stringent criteria than the criteria in this division. When adopted by the County Board, these watershed-specific criteria established in such watershed plans or interim watershed plans shall be set forth by the County.

(Res. No. 12-28, § 103, 6-19-2012)

Sec. 16-52. Definitions.

The following words, terms and phrases, when used in this division or a certified community ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning; words, terms and phrases not defined shall have the meanings indicated by common dictionary definition:

Administrator means the person designated by resolution of the permitting authority to administer and enforce this division as provided in Section 16-22.

Administrative violation means an administrative violation of the ordinance occurs when rules and procedures regarding permit applications and stormwater management permits are not followed.

Agricultural use. Agriculture includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquiculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, wholesale greenhouses, and the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds, including agricultural structures and accessories thereto. In interpreting the foregoing definition, it is the intent of this division to make the definition of the term "agriculture" as used herein identical to the definition of the term

"agriculture" used in 55 ILCS 5/5-12001, as amended from time to time, exempting agriculture from the zoning authority of the County Board. Cultivating the ground, including the harvesting of crops, and rearing and management of livestock: tillage; husbandry; farming. In a broader sense, the science and art of the production of plants and animals useful to humans, including, to a variable extent, the preparation of these products for human use, not including a manufacturing activity or use. The term "agriculture" includes grain storage, horse stables, nurseries, animal feed, commercial feeding, dairy and the like.

Agricultural subsurface drainage means a water management technique driven by economic and safety concerns, where the rate at which surplus groundwater should be removed is determined primarily by the moisture/air requirements of the vegetation (commonly called tiles, field tiles, etc.).

Applicable engineering practice means procedures, methods, or materials recommended in standard engineering textbooks or references as suitable for the intended purpose.

Applicant means any person, firm or governmental agency who executes the necessary forms to procure official approval of a development or permit to carry out construction of a development from the County or appropriate, certified local governmental unit.

Base flood means the flood having a one (1) percent probability of being equaled or exceeded in a given year.

Base flood elevation (BFE) means the highest water surface elevation that can be expected during the base flood expressed in a numeric value relative to North American Vertical Datum of 1988 (NAVD 88).

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Best management practices (BMPs) means a measure used to control the adverse stormwater-related effects of development. BMPs include structural devices (e.g., swales, filter strips, infiltration trenches, and stormwater management basins) designed to remove pollutants, reduce runoff rates and volumes, and protect aquatic habitats. The term "BMPs" also includes nonstructural approaches, such as public education efforts to prevent the dumping of household chemicals into storm drains, street sweeping, etc.

Building. See Structure.

Buffer means an area of predominantly vegetated land located adjacent to channels, wetlands, lakes or ponds for the purpose of reducing contaminants in stormwater that flows to such areas.

Bulletin 75 means the Precipitation Frequency Study for Illinois by James R. Angel and Momcilo Markus, with contributing authors Kexuan Ariel Wang, Brian M. Kerschner, and Shailendra Singh, dated March 2020.

Bypass flows means stormwater runoff or groundwater from upstream properties tributary to a property's drainage system but not under its control.

Certified community means a community which has met the requirements to be delegated the responsibility for ordinance enforcement as determined by the Stormwater Committee.

Channel means any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainageway, which has a definite bed and bank or shoreline, in or into which surface, groundwater, effluent, or industrial discharges flow either perennially or intermittently.

Channel modification means alteration of a channel by changing the physical dimensions or materials of its bed or banks. The term "channel modification" includes damming, rip rapping (or other armoring), widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation but does not include the clearing of debris or removal of trash or dredging to previously documented thalweg elevations and side slopes.

Clearing means any activity which removes vegetative ground cover.

Committee means the County Stormwater Management Committee.

Community means the County or any city or village within the County.

Compensatory storage means an excavated, hydrologically and hydraulically equivalent volume of storage created to offset the loss of existing flood storage.

Conditional letter of map revision (CLOMR). A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the Special Flood Hazard Area (SFHA).

Corps of Engineers (COE) means the United States Army Corps of Engineers.

Conservation planning means the practices and procedures associated with the management of soil, water, plants, plant nutrients and other elements of agricultural production. Documentation of the management system shall only be as required by the NRCS or in cases of a complaint, as requested by the Administrator in response to a notification of a complaint.

Control structure means a structure designed to limit the rate of flow of stormwater runoff that passes through the structure to a specific rate, given a specific upstream and downstream water surface elevation.

Critical duration means the duration of a storm event that results in the greatest peak runoff.

Dam means any obstruction, wall embankment, or barrier, together with any abutments and appurtenant works, constructed to store or divert water or to create a pool (not including underground water storage tanks).

Department means the County Planning, Building and Zoning Department.

Depressional storage means the volume contained below a closed contour on a one (1) foot contour interval topographic map, the upper elevation which is determined by the topographic overflow elevation or the critical duration base flood elevation, whichever is less.

Developer means a person who creates or causes development.

Development.

- (1) The term "development" means the cumulative man-made changes to real property after the effective date of the ordinance from which this division is derived, including:
 - a. Construction, reconstruction or replacement of a building or an addition to a building, with the exception of agricultural structures and accessories thereto outside the floodplain;
 - b. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days;
 - c. Drilling, mining, installing utilities, construction of roads, bridges or similar projects;
 - d. Construction or erection of levees, walls, fences, dams, or culverts, channel modifications, filling, dredging, grading, excavating, paving, or other nonagricultural alterations of the ground surface, storage materials, deposit of solids or liquid waste;
 - e. Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal.
- (2) The following are not considered development so long as these activities occur outside the floodplain:
 - a. Maintenance of existing drainage systems limited to the purpose of agricultural use and for maintaining cultivated areas and crop production;
 - b. Improvements undertaken for an agricultural use pursuant to an NRCS conservation plan.

Director means the County Board Chairman, or designee by resolution, charged with performing the duties specified in this division.

Drainage area means the land area above a given point that may contribute runoff flow at that point from rainfall.

Effective date means the date to be determined by the County Board.

Elevation certificates means an official record that shows new buildings and substantial improvements in all identified special flood hazard areas (SFHAs) are properly elevated. This elevation information is needed to show compliance with the floodplain management ordinance. Permitting authorities shall use the most current version of the elevation certificate developed by FEMA. Communities participating in the community rating system (CRS) are required to use the FEMA elevation certificate.

Ephemeral stream means a stream whose bed elevation does not intersect the groundwater table; it carries flow only during and immediately after a runoff producing rainfall event.

Erosion means the general process whereby soil is detached by the action of water, wind or construction activities.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are affixed or

buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extended detention means a volume of runoff temporarily detained and released over a long period of time to reflect pre-development hydrology (see Section 16-81(f)).

Federal Emergency Management Agency (FEMA) means the Federal agency and its regulations, at 44 CFR 59—79, effective as of September 29, 1989, or as amended.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal ways or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood frequency means normally expressed as a period of years, based on a percent chance of occurrence in any given year from statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded. For example, the two (2) year flood frequency has a fifty (50) percent chance of occurrence in any given year. Similarly, the one hundred (100) year flood frequency has a one (1) percent chance of occurrence in any given year.

Flood fringe means that portion of the floodplain outside of the designated floodway.

Flood insurance rate map (FIRM) means a map issued by FEMA that is an official community map, on which map FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the community. This map may or may not depict floodways.

Flood insurance study (FIS) means a study of flood discharges and flood profiles for a community, adopted and published by FEMA.

Floodplain or special flood hazard area (SFHA), these terms being synonymous, means the land in the floodplain within the County subject to a one (1) percent or greater chance of flooding in any given year. The floodplains of the Aux Sable Creek, Blackberry Creek, Clear Creek, Dave-Bob Creek, East Branch Little Rock Creek, Big Rock Creek, Fox River, Harvey Creek, Middle Aux Sable Creek, North Arm Saratoga Creek, Waubensee Creek, and West Aux Sable Creek are generally identified on the County-wide Flood Insurance Rate Map of Kendall County prepared by the Federal Emergency Management Agency and dated February 4, 2009 for panels 0005, 0010, 0015, 0020, 0030, 0040, 0051, 0052, 0053, 0054, 0056, 0057, 0058, 0059, 0070, 0078, 0086, 0087, 0089, 0100, 0125, 0176, 0200 and dated January 8, 2014 for panels 0035, 0037, 0039, 0045, 0065, 0130, 0135, 0140, 0145 and 0225. The term "floodplain" also includes those areas of known flooding identified by the County or Administrator.

Flood protection elevation (FPE) means the elevation of the BFE, plus two (2) feet of freeboard for structures within the plan limits of the base flood elevation. Outside the plan limits, the water table or one hundred (100) year design water surface elevation of any overland flood path or adjacent stormwater management basin, whichever is higher, plus two (2) feet of freeboard.

Floodproof means any combination of structural and nonstructural additions, changes or adjustments to structures or property which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodproofing certificate means a form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the FPE.

Floodway or *designated floodway* means and includes the channel, on-stream lakes, and that portion of the floodplain adjacent to a stream or channel which is needed to store and convey the critical duration one hundred (100) year frequency flood discharge with no more than a one-tenth (0.1) foot increase in flood stage due to the loss of flood conveyance or storage, and no more than a ten (10) percent increase in velocities.

Floodway conveyance means the measure of the flow-carrying capacity of the floodway section and is defined using Manning's equation as, $K = 1.4863 AR^{2/3}/n$, where "n" is Manning's roughness factor, "A" is the effective area of the cross section, and "R" is the ratio of the wetted area to the wetted perimeter.

Freeboard means an increment of height added to the BFE or one hundred (100) year design water surface elevation to provide a factor of safety for uncertainties in calculations, unknown local conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Functional means stormwater facilities which serve their primary purpose but may not be completed.

Groundwater means water that is located within soil or rock below the surface of the earth. The term "subsurface water" is synonymous.

Groundwater control system means a designed system which may consist of tiles, under drains, French drains, or other appropriate stormwater facilities whose purpose is to lower the groundwater table to a predictable elevation throughout the year.

Hydraulics means the science and study of the mechanical behavior of water in physical systems and processes.

Hydraulically connected impervious area means those areas of concrete, asphalt and gravel surfaces along with roof tops which convey flows directly to an improved drainage system consisting of storm sewers or paved channels. Rooftops whose downspouts discharge to unpaved surfaces which are designed for the absorption and filtration of stormwater runoff shall not be considered as hydraulically connected impervious surfaces. Roadways whose primary conveyance is through open ditches and swales shall not be considered as hydraulically connected impervious surface. Roadways drained by curb and gutter and storm sewer, and driveways hydraulically connected to those roadways shall be considered as directly connected impervious surface.

Hydraulically equivalent compensatory storage means compensatory storage either adjacent to the floodplain fill or not located adjacent to the development but can be shown by analysis to be hydrologically and hydraulically equivalent to compensatory storage located adjacent to the development.

Hydrologically disturbed means an area where development causes the land surface to be cleared, grubbed, compacted, or otherwise modified that changes runoff volumes or rates; or that changes runoff direction.

Hydrology means the science of the behavior of water, including its dynamics, composition, and distribution in the atmosphere, on the surface of the earth, and underground.

IDNR/OWR means the Illinois Department of Natural Resources, Office of Water Resources.

Impervious surfaces means areas that cause the majority of rainfall to be converted to direct runoff, including asphalt, concrete, roofing systems and compacted gravel not designed nor constructed to promote infiltration or storage of stormwater runoff.

Interim watershed plan means a regional study of a watershed which does not address the entire range of purposes, goals and objectives outlined in the County-wide Stormwater Management Plan approved by the Committee and adopted by the County.

Intermittent stream means a stream whose bed intersects the groundwater table for only a portion of the year on the average or any stream which flows continuously for at least one (1) month out of the year but not the entire year.

Letter of map amendment (LOMA) means FEMA's determination that either an entire legally defined parcel of land, or the lowest grade adjacent to a structure, is above the base flood elevation and is therefore the specific structure is excluded from the SFHA. A LOMA amends the effective flood hazard boundary map, flood boundary floodway map, or flood insurance rate map.

Letter of map revision (LOMR) means FEMA's modification to an effective flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), or both. The term "LOMR" means a formal indication of map change by FEMA to revise base flood elevations, flood insurance rate zones, flood boundaries, or floodways as shown on an effective flood insurance rate map based on approved record drawings. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the flood insurance study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

Lake means a natural or artificial body of water encompassing an area of two (2) or more acres, which retains water throughout the year.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this division.

Major stormwater system means that portion of a stormwater facility needed to store and convey flows beyond the capacity of the minor stormwater system. A constructed major stormwater system shall be designed to convey the one hundred (100) year flood frequency runoff event.

Manufactured home means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to

the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on site for more than one hundred eighty (180) consecutive days. The term "manufactured home" does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mass grading means development in which the primary activity is a change in topography affected by the movement of earth materials.

Minor stormwater system consists of all infrastructure, including, but not limited to, curb, gutter, culverts, roadside ditches and roadside swales, storm sewers, and subsurface drainage systems intended to convey stormwater runoff on a frequent basis. The recurrence frequency for design purposes shall be the ten (10) year event.

Mitigation means measures taken to offset negative impacts from development in wetlands or the floodplain.

National Flood Insurance Program (NFIP) means a Federal program whose requirements are codified in Title 44 of the Code of Federal Regulations.

Net watershed benefit in water quality means the institution of best management practices as part of a development that when compared to the pre-development condition can be judged to reduce downstream sediment loading or pollutant loadings.

Net watershed benefit in flood control means a finding that, when compared to the existing condition, the developed project will do one (1) of the following: substantially reduce (more than ten (10) percent) downstream peak discharges; reduce downstream flood stages (more than one-tenth (0.1) of a foot); or reduce downstream damages to structures occurring in the pre-development condition. The demonstration of one (1) of these conditions must be through detailed hydrologic and hydraulic analysis of watersheds on a regional scale as approved by the Administrator.

New construction means, for the purposes of floodplain management, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community or the County and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of floodplain management regulations adopted by a community or the County.

Non-riverine means areas not associated with a stream or river such as isolated depressional storage areas, ponds and lakes.

Natural Resources Conservation Service (NRCS) means the United States Department of Agriculture, Natural Resources Conservation Service.

Observation structures means structures (manholes) built on a field tile where the pipe inflow and outflow is visible upon removal of a lid.

Open channel means a conveyance system with a definable bed and banks carrying the discharge from field tiles and surface drainage. Open channels do not include grassed swales within farm fields under agricultural production, which are ephemeral in nature.

Ordinary high water mark (OHWM) means the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Overland flow path means a design feature of the major stormwater system which carries flows in excess of the minor stormwater system design capacity in an open channel or swale, or as sheet flow or weir flow over a feature designed to withstand the particular erosive forces involved.

Oversight Committee means a certified community's body of officials charged by said community with overseeing variance of the regulations set forth in this division within said community. The Oversight Committee may be a body of elected or appointed officials. See Section 16-345.

Perennial streams means riverine watercourses whose thalweg generally intersects the groundwater table elevation and flows throughout the year.

Permitting authority means the County or a certified community.

Plan means the County Stormwater Management Plan, as adopted by the County Board, and as amended from time to time.

Pond means a body of water of less than two (2) acres, which retains a normal water level year round.

Primary gravity outlet means the outlet device designed to meet the release rate requirements of this division.

Professional land surveyor means a land surveyor registered in the State, under the Illinois Land Surveyors Act (225 ILCS 330/1 et seq.), as amended.

Professional engineer means an engineer registered in the State, under the Illinois Professional Engineering Practice Act (225 ILCS 325/1 et seq.), as amended.

Property means contiguous land under single ownership or control.

Public bodies of water means all open public streams and lakes capable of being navigated by watercraft in whole or in part for commercial uses and purposes and all lakes, rivers and streams, which in their natural conditions were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the State, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

Public flood control project means a flood control project, which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures, which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing in whole or in part of a flood control project by persons or parties who are not public agencies.

Public flood easement means an easement acceptable to the appropriate jurisdictional body that meets the regulations of the IDNR/OWR, the County, and the community, and that provides legal assurances that all areas subject to flooding will remain open to allow flooding.

Record drawings means drawings prepared, signed, and sealed by a registered professional engineer or registered land surveyor representing the final as-built record of the actual in-place elevations, location of drainage systems, and topography.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck;
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment means development on a parcel upon which the existing condition prior to the effective date of the ordinance from which this division is derived is a nonagricultural land use and includes infrastructure associated with nonagricultural activities. Widening of an existing street by a unit of local government, including, but not limited to, the County Highway Department and township road districts, may be considered redevelopment.

Registered structural engineer means a person licensed under the laws of the State as a structural engineer.

Regulatory floodplain means the floodplain as depicted on maps recognized by FEMA as defining the limits of the SFHA.

Regulatory floodway means regulatory floodways are those portions of the floodplain depicted on maps as floodway and recognized by the IDNR/OWR for regulatory purposes.

Removal of vegetation means cutting vegetation to the ground or stumps, complete extraction, or killing vegetation by spraying.

Retention facility means a retention facility stores stormwater runoff without a gravity release.

Riverine means related to, formed by, or resembling a channel (including creeks and rivers).

Runoff means the waters derived from melting snow or rain falling within a tributary drainage basin that exceeds the infiltration capacity of the soils of that basin.

Seasonal high groundwater table means the upper limits of the soil temporarily saturated with water, being usually associated with spring wetness conditions. This may be indicated by soil mottles with a Munsell color of 2 chroma or less.

Sedimentation means the process that deposits hydraulically moved soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

Sediment trap means a device or area that allows for the temporary deposit and removal or disposal of sediment materials from stormwater runoff.

Seepage means the movement of drainable water through soil and rock.

Special flood hazard area (SFHA). See *Floodplain*.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97—348), includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stormwater facility means all ditches, channels, conduits, bridges, culverts, levees, ponds, natural and man-made impoundments, wetlands, riparian environment, tile, swales, sewers, or other natural or artificial drainage systems, devices or measures which serve as a means of draining surface and subsurface water from land.

Stormwater management basin (detention) means a constructed stormwater facility for the temporary storage of stormwater runoff at a controlled release rate.

Stormwater management permit means the permit issued under Subdivision V of this division.

Stripping means any activity that removes the vegetative surface cover, including tree removal, clearing, and storage or removal of topsoil.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

Substantial improvement. When work is performed on an existing building and any of the following three conditions occur, or any combination thereof, the work is classified as a substantial improvement and the entire building must comply with the building protection standards:

- (1) An improvement made to a building whose cost is equal or greater than fifty (50) percent of the structure's market value prior to the start of construction;
- (2) Reconstruction or repair of a building, the cost of which or is equal or greater than fifty (50) percent of the structure's market value prior to the start of construction; or
- (3) Additions to an existing building whose cost or is equal or greater than fifty (50) percent of the structure's market value prior to the start of construction or increases the floor area by more than twenty (20) percent.

Note that if a building is substantially improved, then the entire building must comply with the building protection standards.

Subsurface drainage means the removal of excess soil water to control water table levels at predetermined elevations for structural, environmental or other reasons in areas already developed or being developed for residential, industrial, commercial, or recreational uses.

Subsurface water means water beneath the ground or pavement surface. Subsurface water is sometimes referred to as groundwater or soil water.

Technical manual means the manual adopted by the County Board, which refers to this division and provides additional explanations and examples.

Thalweg means a line along the lowest point in a channel.

Transition section means reaches of the stream or floodway where water flows from a narrow cross section to a wide cross section, or vice versa.

Water body means any water holding lake, pond, basin, wetland, quarry, or natural or man-made water impoundment that has a definite bed and banks or shoreline, into which surface water or groundwater flows and is impounded, either perennially or intermittently.

Water table means the upper limit of a free water surface in a saturated soil or underlying material.

Watercourse means any river, stream, creek, brook, branch, flowage, ravine, or natural or man-made drainageway that has a definite bed and banks or shoreline, in or into which surface water or groundwater flows, either perennially or intermittently.

Waters of the U.S. means as defined by the United States Army Corps of Engineers in their Federal Methodology for the Regulation of Wetlands. The term "waters of the U.S." includes wetlands, lakes, rivers, streams, creeks, bogs, fens, and ponds. The term "waters of the U.S." does not include maintained stormwater facilities.

Watershed means all land area drained by, or contributing water to, the same stream, lake, stormwater facility, or draining to a point.

Watershed characteristics means and includes land use, physiology, habitat, climate, drainage system and community profile.

Watershed plan means a study and evaluation of an individual drainage basin's stormwater management, floodplain management, water quality and flood control needs and capabilities.

Wetland means land area defined in the 1987 Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1, U.S. Army Engineers Waterways Experiment Station, Vicksburg, Mississippi ("the 1987 Manual") or other current federal methodology recognized by the U.S. Army Corps of Engineers for regulatory purposes.

(Res. No. 12-28, § 104, 6-19-2012; Ord. No. 2013-25, 12-17-2013; Ord. No. 2021-13, 5-18-2021)

Secs. 16-53—16-77. Reserved.

*Subdivision II. Requirements for Stormwater Management***Sec. 16-78. General information.**

All developments shall meet the requirements specified for general stormwater requirements (Section 16-79), site runoff requirements (Section 16-80), sediment and erosion control (Subdivision III of this division), long-term maintenance (Subdivision VI of this division) and performance security (Subdivision XII of this division).

(Res. No. 12-28, § 200, 6-19-2012)

Sec. 16-79. General stormwater requirements.

(a) *Requirements applicable to all development.* All development shall ensure the development site is reasonably safe from flooding. No development shall:

- (1) Result in any new or additional expense to any person other than the developer for flood protection; nor
- (2) Increase flood elevations or decrease flood conveyance capacity upstream or downstream of the area under the ownership or control of the developer. This requirement shall not prohibit the removal or reduction of built obstructions to flow, such as increasing culvert capacity or lowering roadway elevations.

(b) *Building permits.* Stormwater facilities shall be functional before building permits are issued for residential and nonresidential subdivisions.

(c) *Single parcel developments.* Stormwater facilities shall be functional where practicable for single parcel developments before building construction begins.

(d) *Overland flow paths.* The development shall have an overland flow path that will pass the base flood flow from disturbed areas to the project stormwater facilities or stormwater management basin without increasing damage to structures or property. If the upstream drainage area is less than twenty (20) acres, a storm sewer system and inlets sized for the base flood can be constructed in lieu of providing an overland flow path. Such storm sewer systems shall be considered part of the major stormwater system. Overland flow paths internal to the site shall be considered part of the major stormwater system and shall be designed for conveyance of the base flood (critical duration) or at a minimum one (1) CFS per tributary acre, without damage to structures.

(e) *Protection of buildings.*

- (1) All space in new buildings or added to existing buildings hydraulically connected to a stormwater management basin or base flood elevation shall be elevated, floodproofed, or otherwise protected to at least two (2) feet above the one hundred (100) year design water surface elevation or current FIS elevation, whichever is greater. The design water surface elevation of the stormwater management basin is determined as the elevation associated with the design release rate as determined in Section 16-80(c).
- (2) All space in new buildings or added to existing buildings hydraulically connected to a major stormwater system, or overland flow path with a tributary area of twenty (20) acres or greater

shall be elevated, floodproofed, or otherwise protected to at least two (2) feet above the one hundred (100) year design water surface elevation or current FIS elevation, whichever is greater.

- (3) All space in new buildings or added to existing buildings hydraulically connected to a major stormwater system, or overland flow path with a tributary area less than twenty (20) acres shall be elevated, floodproofed, or otherwise protected to at least one (1) foot above the one hundred (100) year design water surface elevation or current FIS elevation, whichever is greater.

(f) *Depressional storage.* The function of existing on-site depressional storage shall be preserved for up to the base flood event. The function of existing on-site depressional storage shall be preserved for both on-site and off-site tributary flows in addition to required site runoff storage volume. When depressional storage is removed it must be compensated for in the stormwater management basin at a one (1) to one (1) ratio, provided that off-site areas tributary to the existing depressional storage are routed through the stormwater management basin. This requirement is in addition to the stormwater management basin required in Section 16-81.

(Res. No. 12-28, § 201, 6-19-2012)

Sec. 16-80. Site runoff requirements.

(a) *Stormwater facility discharges.* Stormwater facilities shall be required and designed so that runoff exits the site at a point where it exited prior to the subject development and in a manner such that flows will not increase flood damage to adjacent property except when otherwise approved in writing by the Administrator. Concentrated discharges from new developments must enter conveyance systems capable of carrying the design flow rate without increasing flood damages or maintenance costs downstream.

(b) *Minor stormwater system criteria.* Minor stormwater systems shall be sized to convey runoff from the tributary watershed under pre-development or fully developed conditions as may create the greatest amount of runoff. The recurrence frequency for design purposes shall be the ten (10) year event. The rainfall data shall be from ISWS Bulletin 75. Inlet capacity shall generally be provided such that depth of ponding does not exceed six (6) inches to facilitate the ten (10) year event. Pipe capacity shall generally be provided such that the calculated hydraulic grade line does not exceed the top of pipe elevation. The extent and determination of minor (and major) stormwater systems shall be at the discretion of the permitting authority based on project conditions.

(c) *Major stormwater system criteria.* Major stormwater systems shall be sized to carry the base flood without causing additional flood damage. A constructed major stormwater system shall be designed to convey the critical duration base flood event from all tributary areas underdeveloped or undeveloped conditions whichever may result in greater flows. The extent and determination of major (and minor) stormwater systems shall be at the discretion of the permitting authority based on project conditions.

(d) *Existing subsurface and surface drainage systems.* Stormwater systems shall properly incorporate and be compatible with existing subsurface and surface drainage systems, including agricultural systems. Designs shall not cause damage to the existing drainage systems or the existing adjacent or tributary land, including those with agricultural uses. The following principles and requirements shall be observed in the design:

- (1) *Off-site outfall.* Agricultural subsurface and surface drainage systems shall be evaluated with regard to their capacity and capability to properly convey low flow groundwater and stormwater

management basin release without damage to downstream drainage systems and land use on the adjacent property. If the outfall drain tile and surface drainage systems prove to be inadequate it will be necessary to modify the existing systems or construct new systems which will not conflict with the existing systems and will not impact the existing agricultural land use. Existing subsurface systems shall only be used as an outfall if extended detention volume is provided in the stormwater management basin.

- (2) *On site.* Agricultural drainage systems shall be located and evaluated on site. All existing on-site agricultural drain tile not serving a beneficial use shall be abandoned by trench removal prior to other development and documented on record plans. If any existing drain tiles continue to upland watersheds the applicant must maintain drainage service at all times, including during construction.
- (3) *Off-site tributary.* Existing drainage systems shall be evaluated with regard to existing capabilities and reasonable future expansion capacities. All flows from existing tributary drain tiles shall be facilitated by the proposed stormwater conveyance system, including observation structures located at the property limits as appropriate. The proposed stormwater system shall provide a free flow discharge from tributary drain tiles and shall not allow surface runoff to enter the system. Off-site surface flows (including agricultural) shall be facilitated by the proposed project with consideration given to water quality and sediment control and mitigation measures.
- (4) *Existing subsurface systems.* New roadway construction and utility construction shall preserve existing subsurface systems within the right-of-way and the entire project area.

(e) *Design runoff rate.* Design runoff rates shall be calculated using event hydrograph methods. Acceptable hydrograph methods shall be determined by the Administrator. Design runoff rates for minor stormwater systems may be calculated using the rational method if the tributary area is less than twenty (20) acres.

(f) *Design rainfall.* Any design runoff rate calculation shall use Illinois State Water Survey Bulletin 75 rainfall data to calculate flow from all tributary area upstream of the point of design. Peak discharges for conveyance design purposes shall be based on the critical duration event considering the appropriate rainfall distribution. Rational method design of conveyance systems shall use Illinois State Water Survey Bulletin 75, Sectional Rainfall Data Based Intensity-Duration-Frequency Curves.

(g) *Stormwater system easements.* For projects involving subdivision, major and minor stormwater systems shall be located within easements or rights-of-way explicitly providing for public access and maintenance of such facilities. For all other projects requiring a permit, easements are required to provide public access for maintenance of new stormwater facilities (or for modifications) involving stormwater management basins or components of a drainage system that conveys runoff from off-site properties.

(h) *Flow depths.* Maximum flow depths for new transverse stream crossings shall not exceed one (1) foot at the crown of the road during the base flood condition. The maximum flow depth on a roadway shall not exceed six (6) inches at the crown for flow parallel to the roadway. For flow over a new roadway or parallel to a new roadway the product of the flow depth (in feet) and velocity (in feet per second) shall not exceed four (4) for the base flood condition.

(i) *Diversion of flow between watersheds.* Transfers of waters between watersheds (diversions) shall be prohibited except when such transfers will not violate the provisions of Section 16-79(a) and are otherwise lawful. Watersheds for the purpose of regulation under this section shall be the watershed divides, as defined in the County Stormwater Plan.

(Res. No. 12-28, § 202, 6-19-2012; Ord. No. 2021-13, 5-18-2021)

Sec. 16-81. Site runoff storage requirements.

(a) *Applicability of site runoff storage requirements.*

(1) All developments shall comply with the site runoff storage requirements provided in this section in which:

- a. A single-family, detached land use property consisting of five (5) or more residential structures having an average lot size of three (3) acres or less;
- b. A nonresidential land use or a residential land use other than single-family, detached property of contiguous ownership equal to or greater than three (3) acres:
 1. Resulting in more than forty-five thousand (45,000) square feet of development; or
 2. Resulting in more than thirty-two thousand (32,000) square feet of impervious surface area.

The area of development and impervious surface and corresponding storage requirements shall be determined on an aggregate basis from the effective date of the ordinance from which this division is derived.

- c. A nonresidential land use or a residential land use other than single-family, detached property of contiguous ownership less than three (3) acres and resulting in disturbance of more than five thousand (5,000) square feet and resulting in twenty-five (25) percent or more of the site area as impervious surface. The area development and corresponding storage requirements shall be determined on an aggregate basis from the effective date of the ordinance from which this division is derived.
- d. Public roadway developments in rights-of-way under the ownership or control of a unit of local governments where the new impervious surface area tributary to any drainage outlet exceeds two (2) acres. New impervious surface includes PCC and asphalt pavement, sidewalks and paved trails but does not include previously paved areas.
- e.
 1. The developer of a redevelopment project may request that a fee in lieu of detention (site runoff storage volume) be approved, provided that all of the following are demonstrated to the sole satisfaction of the Administrator:
 - (i) The drainage plan will not increase existing flood damages; and
 - (ii) The drainage plan provides a net watershed benefit in water quality compared to the existing development.
 2. The Administrator shall determine the appropriate fee to be collected, as defined in Subdivision XIII of this division, and such decision in the matter shall be considered final.

3. All impervious area shall be included when considering the threshold for requiring stormwater storage regardless of when it was created. No impervious surface is grandfathered with regard to the threshold. However, stormwater storage is only required on development after the effective date of the ordinance from which this division is derived. Additionally, it is noted that a gravel surface is considered impervious unless it is designed and constructed to promote infiltration or provide stormwater storage.
- (2) The following projects/work activities are not considered development nor subject to the site runoff storage requirements of this section:
- a. Maintenance or repair of existing buildings and facilities;
 - b. Repair and replacement of existing parking lots outside the floodplain, provided:
 1. The net impervious surface is not increased;
 2. There is no increase in peak flows;
 3. There is no change in the location or type of stormwater discharge (sheet flow or point discharge);
 - c. Repair and replacement of existing parking lots outside the floodplain with an increase in impervious surface, provided:
 1. The net impervious surface increases by no more than ten (10) percent of the area of the parking lot but in no case shall the impervious surface increase by more than forty-five thousand (45,000) square feet;
 2. Best management practices are constructed;
 3. The best management practices provide a reduction in total runoff volume or reduction in pollutant load. This shall be documented with a quantitative evaluation of before project and after project conditions;
 - d. Resurfacing of streets or highways outside the floodplain;
 - e. Resurfacing publicly owned streets and highways within the floodplain provided elevation changes are limited to two (2) inches or less;
 - f. Excavation or removal of vegetation in rights-of-way or public utility easements for the purpose of installing or maintaining utilities, not including storm sewers.

(b) *Release rate.* Sufficient excess runoff/flood storage volume shall be provided so that the proposed project will not discharge at a rate greater than fifteen-hundredths (0.15) CFS per acre of disturbance for a rainfall event with a one hundred (100) year recurrence frequency. Additionally, sufficient excess runoff/flood storage volume shall be provided so that the proposed project will not discharge at a rate greater than four-hundredths (0.04) CFS per acre of disturbance for a rainfall event with a two (2) year recurrence frequency. The area of hydrologic disturbance for the entire project shall be used to calculate the site runoff storage volume requirements.

(c) *Design methods.* Event hydrograph routing methods shall be used to calculate runoff storage volume requirements for stormwater management basins with total tributary areas greater than five (5) acres. The hydrograph routing shall be HEC-1, (SCS methodology), HEC-HMS, TR-20, or TR-55 tabular method or as otherwise approved by the Administrator. Event hydrograph methods shall incorporate the following assumptions:

- (1) Antecedent moisture condition equals two (2);
- (2) Appropriate Huff rainfall distribution;
- (3) Twenty-four (24) hour duration storm with a one (1) percent probability (one hundred (100) year frequency) of occurrence in any one (1) year as specified by Illinois State Water Survey Bulletin 75 rainfall data multiplied by a correction factor of one and thirteen-hundredths (1.13) to account for Bulletin 75 rainfall data.

Runoff storage volume requirements for stormwater management basins with total tributary areas equal to or less than five (5) acres may utilize the percent impervious to unit area detention nomograph developed by the Northeastern Illinois Planning Commission (NIPC) (now known as the Chicago Metropolitan Agency for Planning (CMAP)) depicted in Table 16-81.

(d) *Existing release rate less than allowable.* For sites where the undeveloped release rate is less than the maximum release rate in Subsection (b) of this section, the developed release rate and corresponding site runoff storage volume requirement shall be based on the existing undeveloped release rate for the development.

(e) *Downstream water surface elevations.* All hydrologic and hydraulic computations must utilize appropriate assumptions for downstream water surface elevations, from low flow through the base flood elevation, considering the likelihood of concurrent flood events.

(f) *Extended detention requirement.*

- (1) The requirements of this section will apply only when the outfall from a stormwater management basin is proposed to connect to an off-site agricultural drain tile system. The first seventy-five-hundredths (0.75) of an inch of runoff from a rainfall event over the hydraulically connected impervious area of the development shall be stored below the elevation of the primary gravity outlet (extended detention) of the stormwater management basin. The facility may be designed to allow for evapotranspiration or infiltration of this volume into a subsurface drainage system and shall not be conveyed through a direct positive connection to downstream areas.
- (2) The hydraulically connected impervious area used in the calculation of required extended detention volume may be reduced by the Administrator if the soils are prepared to maximize infiltration and deep rooted grasses or other plants selected for their ability to promote infiltration or water absorption are planted in areas appropriately dedicated. The reduction in hydraulically connected impervious area used in the calculation shall be equal to the area of the development meeting the above soils/native planting requirement.

- (3) Subsurface drainage systems may be designed as a component of the extended detention portion of the stormwater management basin to assist in infiltration in accordance with the following criteria:
 - a. The extended detention volume shall be discharged at a rate no greater than that required to empty the calculated extended detention volume within five (5) days of the storm event and at a rate no less than that required to empty the calculated extended detention volume within thirty (30) days of the storm event.
 - b. No subsurface drainage pipe shall be located within ten (10) feet of drainage pipes directly connected to the stormwater management basin.
 - c. For the purposes of meeting the maximum subsurface drainage discharge requirements, flow control orifices and weirs may be used.
 - d. All design extended detention volume shall be provided above the seasonal high groundwater table or the invert elevation of the groundwater control system.
 - e. Farm field tile shall not be considered a subsurface drainage system.

(g) *Stormwater management basin design requirements.* Stormwater management basins shall be designed and constructed with the following characteristics:

- (1) The stormwater management basin shall provide one (1) foot of freeboard above the design high water elevation or BFE.
- (2) The stormwater management basin shall be located on the site and designed such that they are accessible by motorized maintenance equipment necessary for regular and long-term maintenance operations. The route to the basin shall be formalized with an access easement and that the surface of such route shall be easily traversable by maintenance equipment/operations as determined by the Administrator.
- (3) All site runoff storage volume shall be provided above the seasonal high groundwater table or above the invert of the groundwater control system.
- (4) Stormwater management basins shall facilitate sedimentation and catchment of floating material. Unless specifically approved by the Administrator, impervious low-flow ditches shall not be used in stormwater management basins. Stormwater management basins shall maximize the normal flow distance between stormwater management basin inlets and outlets, to the extent possible.
- (5) Stormwater management basins shall reduce impacts of stormwater runoff on water quality by incorporating best management practices.
- (6) Stormwater management basins shall be designed with an emergency overflow weir capable of passing the inflow from the critical duration base flood event under developed conditions. The predicted emergency water surface elevation shall be below the top of embankment for any other portion of the stormwater management basin. The weir design shall provide appropriate erosion control measures.

- (7) Stormwater management basins with single pipe outlets shall have a minimum inside diameter of twelve (12) inches. If design release rates necessitate a smaller outlet, flow control devices such as perforated risers, or flow control orifices shall be used.
- (8) Stormwater management basins intended to support potential fish habitat with a permanent pool, shall be at least ten (10) feet deep over twenty-five (25) percent of the bottom area.
- (9) Stormwater management basins shall have a maximum side slope of four to one (4:1).
- (10) Stormwater management basins with a permanent pool shall have a safety shelf at least eight (8) feet wide a maximum of two (2) feet below the normal water pool.
- (11) Stormwater management basins shall have a maximum drawdown time of seventy-two (72) hours for a twenty-four (24) hour duration rainfall event with one hundred (100) year recurrence frequency.
- (12) All stormwater management basins shall comply with IDNR dam safety requirements where applicable.

(h) *Site runoff storage volume within the regulatory floodplain.* Stormwater management basins and other facilities to satisfy site runoff storage volume requirements located within the regulatory floodplain shall:

- (1) Conform to all applicable requirements specified in this article;
- (2) Store the required amount of site runoff to meet the release rate requirement under all stream flow and backwater conditions in the receiving stream up to the ten (10) year flood elevation;
- (3) Site runoff storage volume provided by enlarging existing regulatory floodplain storage without providing a flow control device regulating discharge (on-stream detention) will be allowed only as a variance. The applicant must demonstrate that flood damages are not increased and the development will not increase flood flows for both the two (2) year and one hundred (100) year floods on the stream with developed conditions on the site;
- (4) The Administrator may approve designs which can be shown by detailed hydrologic and hydraulic analysis to provide a net watershed benefit in flood control not otherwise realized by strict application of the requirements in Subsections (h)(1) through (3) of this section.

(i) *Site runoff storage volume within the regulatory floodway.* Stormwater management basins and other facilities to satisfy site runoff storage volume requirements located within the regulatory floodway shall:

- (1) Meet the requirements for locating stormwater management basins in the regulatory floodplain;
- (2) Be evaluated by performing hydrologic and hydraulic analysis consistent with the standards and requirements for any adopted watershed plans;
- (3) Provide a net watershed benefit in flood control.

(j) *Site runoff storage volume, channel impoundment.* Flow control structures constructed across any channel to impound water to meet site runoff storage requirements shall be prohibited on any perennial stream unless part of a public flood control project with a net watershed benefit in flood control. Those

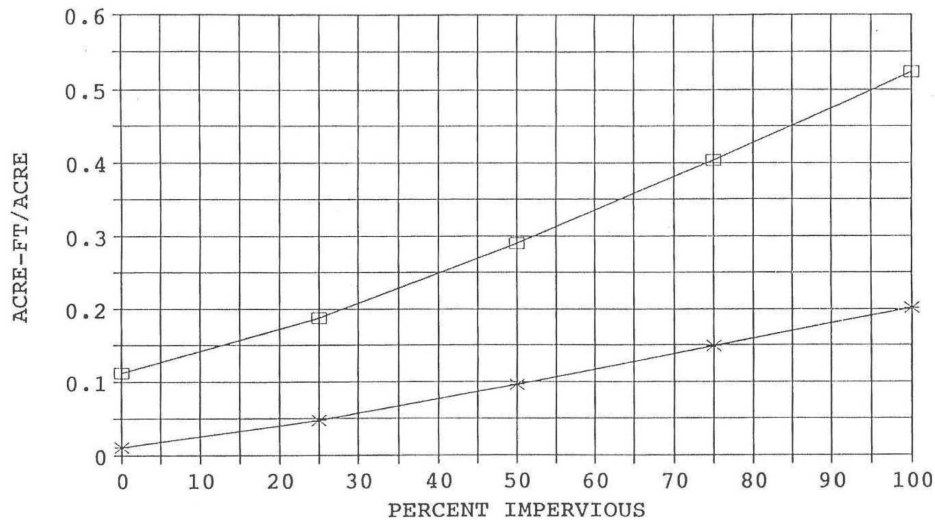
streams appearing as blue on a USGS Quadrangle map shall be assumed perennial unless better data is obtained. All cross stream flow control structures for the purpose of impounding water to provide site runoff storage in all cases on perennial and intermittent streams must demonstrate that they will not cause short-term or long-term stream channel instability.

(k) *Off-site stormwater management basins.* Stormwater management basins and other facilities to satisfy site runoff storage volume requirements may be located off site if the following conditions are met:

- (1) The off-site stormwater management basin meets all of the requirements of this article;
- (2) Adequate storage capacity in the off-site facility is dedicated to the development;
- (3) The development includes means to convey stormwater to the off-site stormwater management basin.

Table 16-81

DETENTION VOLUME VS PERCENT IMPERVIOUS
 2-YEAR AND 100-YEAR UNIT AREA DETENTION



2-year release = 0.04 cfs/acre, 100-year release = 0.15 cfs/acre

—*— 2-YEAR —□— 100-YEAR

Reference: Northeastern Illinois Planning Commission, Investigation of Hydrologic Methods for Urban Development in Northeastern Illinois

(Res. No. 12-28, § 203, 6-19-2012; Ord. No. 2013-11, 5-21-2013; Ord. No. 2021-13, 5-18-2021)

Secs. 16-82—16-105. Reserved.

*Subdivision III. Soil Erosion and Sediment Control***Sec. 16-106. General principles.**

(a) Measures taken to control soil erosion and sediment runoff should be adequate to ensure that sediment is not transported from the site. The following principles shall apply to all development activities within the County:

- (1) Erosion and sediment control planning shall be part of the initial site planning process. In planning the erosion and sediment control strategy, preference shall be given to reducing erosion rather than controlling sediment.
- (2) Development shall be related to the topography and soils of the site to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required shall be avoided, and natural contours should be followed.
- (3) Natural vegetation shall be retained and protected. Areas immediately adjacent to natural watercourses, lakes, ponds, and wetlands shall be left undisturbed to the greatest extent possible. Temporary crossings of watercourses, when permitted, must include appropriate watercourse and bank stabilization measures.
- (4) Special precautions shall be taken to prevent damages resulting from any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventative measures shall reflect the sensitivity of these areas to erosion and sedimentation.
- (5) The smallest practical area of land shall be exposed for the shortest practical time during development.
- (6) Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or erosion control measures shall be installed prior to or concurrent with site clearing and grading. Measures implemented on site shall be maintained to prevent erosion and remove sediment from runoff waters from land undergoing development.
- (7) The selection of erosion and sediment control measures shall be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion (and at a minimum a rainfall event with a twenty-five (25) year recurrence frequency).
- (8) Provision shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Drainageways shall be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion on site or downstream.
- (9) Permanent vegetation and drainage systems shall be installed and functional at the earliest possible time during development.
- (10) Those areas being converted from agricultural purposes to other land uses shall be vegetated with an approved protective cover prior to development.
- (11) All waste generated as a result of site development activity shall be properly disposed of and prevented from being carried off the site by either wind or water.

- (12) All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.
- (13) Temporary vegetation or, where appropriate, mulching or other non-viable cover shall be used to protect areas exposed during development.

(b) All development shall comply with the minimum requirements of NPDES regulations for construction activities. This division may provide other requirements but is not intended to relieve NPDES requirements.

(Res. No. 12-28, § 300, 6-19-2012)

Sec. 16-107. Soil erosion and sediment control plan.

(a) A soil erosion and sediment control plan shall be provided showing all measures necessary to meet the objectives of this division throughout all phases of construction and permanently after completion of development of the site, including:

- (1) The plan shall provide a description of the nature of the construction activity, the name of the receiving waters, an estimate of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading or other activities.
- (2) A site map indicating drainage patterns and approximate slopes anticipated before and after major grading activities.
- (3) Location and description of all off-site tributary areas that will cause runoff and the potential to cause sediment flow on to the project site and or within the project limits. The extent of off-site area, nature of land use and off-site land cover shall be identified. Depict and identify the on-site erosion control and sediment control measures to facilitate potential off-site flows and sediment.
- (4) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected dates and the sequences of installation of temporary sediment control measures, installation of temporary soil stabilization measures, clearing and grading, estimated duration of exposure of cleared areas, installation of storm drainage, paving of streets and parking areas, final grading, establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the permitting authority of any significant changes that occur in the site development schedule after the soil erosion and sediment control plan has been approved.
- (5) Location and description, including specifications, of all erosion control measures, including temporary or permanent seeding, mulching, erosion control blanket, and types of non-vegetative stabilization measures.
- (6) Location and description, including standard details and design specifications, of all sediment control measures, including, but not limited to, methods to prevent tracking of sediment off site, diversions, sediment traps, sediment basins, inlets and outlets, as appropriate.
- (7) Description of dust control measures.

- (8) Locations of stockpiles and description of stabilization methods.
- (9) Descriptions of off-site fill or borrow volumes, locations, and methods of stabilization.
- (10) Provisions for construction dewatering, if needed, to address water that is pumped or discharged from the site during construction. Means shall be provided to prevent erosion from a dewatering operation as well as filter or treat water to prevent sediment from discharging off site.
- (11) Location of outfalls.
- (12) Provisions for maintenance of control measures, including type and frequency of maintenance.

(b) These submissions shall be prepared in accordance with the requirements of this division and the standards and specifications contained in the Illinois Urban Manual (2010 or current edition) which standards and requirements are hereby incorporated into this division by reference. Erosion and sediment control planning shall be in accordance with the Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois (The Green Book, 1988 or current edition).

(c) The permitting authority may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this division.

(Res. No. 12-28, § 301, 6-19-2012)

Sec. 16-108. Design and operations standards and requirements.

(a) *Generally.* This section establishes the design features and the design criteria, standards, and methods to be used in developing a Soil Erosion and Sedimentation Control Plan.

(b) *Site design requirements.*

- (1) On-site soil erosion and sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.
 - a. Disturbed areas draining less than one (1) acre shall, at a minimum, provide filter barriers (including silt fences, or equivalent control measures) to control all on- and off-site runoff as specified in referenced handbooks. Vegetated filter strips, with a minimum width of twenty-five (25) feet located on the subject property, may be used as an alternative only where runoff in sheet flow is expected.
 - b. Disturbed areas draining more than one (1) but less than five (5) acres, shall, at a minimum, be protected by a sediment trap or equivalent control measure and such protection shall be constructed at the downslope point of the disturbed area as specified in referenced handbooks.
 - c. Disturbed areas draining more than five (5) acres shall, at a minimum, be protected by a sediment basin with a dewatering device or equivalent control measure and such protection shall be constructed at the downslope point of the disturbed area as specified in referenced handbooks.

- d. Sediment basin and sediment trap designs shall provide for both detention storage and sediment storage. The detention storage shall be composed of equal volumes of wet detention storage and dry detention storage and each shall be sized for the two (2) year, twenty-four (24) hour runoff from the site under maximum runoff conditions during construction. The release rate of the basin shall be that rate required to achieve minimum detention times of at least ten (10) hours. The elevation of the control structure shall be placed such that it only drains the dry detention storage.
 - e. The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one (1) year. For construction periods exceeding one (1) year, a sediment removal schedule shall be provided.
- (2) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the ten (10) year frequency storm without erosion. All constructed or modified channels shall be stabilized within forty-eight (48) hours.
 - (3) Soil disturbance shall be conducted in such a manner as to minimize erosion. Areas of the development site that are not to be graded shall be protected from construction traffic or other disturbance until final seeding is performed. Soil stabilization methods shall consider the time of year, site conditions and use of temporary or permanent measures.
 - (4) Properties and channels adjoining development sites shall be protected from erosion and sedimentation. At points where concentrated flow leaves a development site, energy dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the drainage outlet to the watercourse.
 - (5) Development in excess of twenty (20) acres shall provide a detailed schedule for earthwork, including a timeline in days for stripping, excavating, filling, and establishment of erosion controls. Such schedule shall consider phasing of operations to limit the area of disturbance on site at any one time. The erosion control plan must ensure temporary or permanent soil erosion and sediment control measures can be maintained.
 - (6) Disturbed areas shall be stabilized with temporary or permanent measures within seven (7) calendar days following the end of active disturbance, or re-disturbance, consistent with the following criteria:
 - a. Appropriate temporary or permanent stabilization measures shall include seeding, mulching, erosion control blanket, sodding, and/or non-vegetative measures in accordance with the Illinois Urban Manual.
 - b. Areas having slopes greater than twelve (12) percent shall be stabilized with turf reinforcement mat, or blanket in combination with seeding, or equivalent.
 - c. The seven (7) day stabilization requirement may be precluded by snow cover or when construction activity will resume within fourteen (14) days from when activities have

ceased, then stabilization measures do not have to be initiated on that portion of the site by the seventh day after construction activity temporarily ceased given that portion of the site has appropriate soil erosion and sediment controls.

- (7) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:
 - a. Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.
 - b. The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be restabilized within forty-eight (48) hours after channel disturbance is completed, interrupted, or stopped.
 - c. Whenever channel relocation is necessary, the new channel shall be constructed dry and fully stabilized before flow is diverted.
- (8) Storm sewer inlets and culverts shall be protected by an appropriate sediment control measure.
- (9) Soil storage piles containing more than ten (10) cubic yards of material shall not be located with a downslope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. Filter barriers, including filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.
- (10) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through an effective sediment control measure (e.g., an appropriately designed sediment traps or basins, or equivalent) and monitored for performance and compliance with the approved plan.
- (11) Each site shall have a stabilized mat of aggregate underlain with filter cloth (or other appropriate measure) of sufficient length and width and stone gradation to prevent sediment or stone from being tracked onto public or private roadways at any point where traffic will be entering or leaving a construction site to or from entrance roads, access drives, and parking areas. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.
- (12) The applicant shall provide adequate receptacles for the deposition of all construction material debris generate during the development process. The applicant shall not cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of construction material debris upon or into any development site, channel, watercourse or water body.
- (13) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to ensure effective performance of their intended function.
- (14) All temporary erosion and sediment control measures shall be maintained until site stabilization is achieved with permanent soil stabilization measures. In the case of bare ground seeding, erosion controls must be maintained until a minimum of seventy (70) percent density of cover

and two (2) inches of growth is established. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

- (15) The condition of the construction site for the winter shutdown period shall address proper erosion and sediment control early in the fall growing season so that slopes and other bare earth areas may be stabilized with temporary and/or permanent vegetative cover and other cover types/stabilization methods. All open areas that are to remain idle throughout the winter shall receive temporary erosion control measures prior to the end of the fall growing season. The areas to be worked beyond the end of the growing season must incorporate soil stabilization measures that do not rely on vegetative cover.

(c) *Handbooks adopted by reference.* The standards and specifications contained in the Illinois Urban Manual (2010 or current edition) and the Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois (The Green Book, 1988 or current edition) are hereby incorporated into this section and made a part hereof by reference for the purpose of delineating procedures and methods of operation under site development. In the event of conflict between provisions of said manuals and of this division, this division shall govern.

(Res. No. 12-28, § 302, 6-19-2012)

Sec. 16-109. Maintenance of erosion control measures.

(a) All soil erosion and sediment control measures necessary to meet the requirements of this division shall be maintained by the applicant or subsequent landowner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance. Soil erosion and sediment control measures shall be inspected in accordance with NPDES requirements or at least weekly and following an equivalent one-half ($\frac{1}{2}$) inch rainfall event and repaired or replaced as necessary.

(b) With issuance of the stormwater permit by the permitting authority the applicant agrees to maintain the soil erosion and sediment control measures and shall execute a maintenance agreement with future owners of the property to maintain the property's soil erosion and sediment control plan and stormwater pollution prevention plan as applicable.

(c) The applicant also specifically authorizes representatives or subcontractors of the permitting authority to enter onto the property for the purpose of inspections and maintenance of the drainage system.

(d) If the permitting authority notifies the property owner in writing of maintenance problems that require correction, the property owner shall make such corrections within seven (7) calendar days of such notification.

(e) If the corrections are not made within this time period, the permitting authority may issue a stop work order and revoke the permit.

(Res. No. 12-28, § 303, 6-19-2012)

Sec. 16-110. Inspection.

(a) The permitting authority or their agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the stormwater permit or soil erosion and sediment control plan, as approved.

(b) Plans for grading, stripping, excavating, and filling work approved by the permitting authority shall be maintained during progress of the work. Revisions to the approved plan (including formal revisions and field revisions) shall be maintained at the site.

(c) In order to ensure compliance with the stormwater permit and approved soil erosion and sediment control plan, stormwater pollution prevention plan and this division, the permitting authority may perform inspections in conjunction with scheduled building inspections.

(d) Performance inspections shall be scheduled by the permittee for all development requiring a stormwater permit.

(e) For performance inspections, the permittee shall notify the permitting authority within two (2) working days of the construction stages specified below:

- (1) After establishment of erosion controls concurrent with the start of stripping and clearing;
- (2) After final grading;
- (3) After seeding and landscaping deadlines;
- (4) After final stabilization and landscaping, prior to removal of sediment controls.

(f) If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area.

(Res. No. 12-28, § 304, 6-19-2012)

Sec. 16-111. Special precautions.

(a) If at any stage of development the permitting authority determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the permitting authority may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril.

(b) Special precautions may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer, a certified professional in erosion and sediment control (CPESC), a registered professional engineer and/or an engineering geologist.

(c) Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary erosion control devices or measures or take such other measures as may be required to protect adjoining property or the public safety.

(d) On large developments or where unusual site conditions prevail, the permitting authority may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

Sec. 16-112. Amendment of plans.

Major amendments of the site development plan, soil erosion and sediment control plan, stormwater pollution prevention plan or stormwater permit shall be submitted to the permitting authority and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the permitting authority by written authorization to the permittee.

(Res. No. 12-28, § 306, 6-19-2012)

Secs. 16-113—16-137. Reserved.

Subdivision IV. Protection of Floodplain and Floodway

Sec. 16-138. General.

(a) This subdivision sets forth requirements for developments within floodplains and floodways. References to IDNR/OWR permits or approvals in this section shall be construed as their designee where a portion or all of their authority has been delegated.

(b) Development that qualifies for any of the self-issuing Statewide or regional permits administered by IDNR/OWR (Statewide Permit Nos. 2 through 14) are similarly permitted under this article. The developer need only submit a permit application to the Administrator with such information as shall show the Administrator that the development qualifies for the particular Statewide or regional permit in question under the regulations established by IDNR/OWR for such permit and no further submittal need be made under this article. All other provisions of this division applicable to such development, however, continue to apply.

(Res. No. 12-28, § 400, 6-19-2012)

Sec. 16-139. Floodplain, regulatory floodplain, base flood elevation (BFE) and regulatory floodway locations.

The BFE shall be delineated onto the site topography to establish the regulatory floodplain area limits for regulation under this division. Regulatory floodplains shall be delineated onto the site map from the current FEMA FIRM or LOMR and include those areas of the SFHA which are not regulatory floodplains. Each community, whether certified or not, remains responsible for maintaining the effective FIS and a list of FIRM panels for their respective communities.

(1) *Base flood elevation.* The BFE shall be:

- a. The base flood elevation for the floodplains of Aux Sable Creek, Blackberry Creek, Clear Creek, Dave-Bob Creek, East Branch Little Rock Creek, Big Rock Creek, Fox River, Harvey Creek, Middle Aux Sable Creek, North Arm Saratoga Creek, Waubensee Creek,

and West Aux Sable Creek shall be as delineated on the one hundred (100) year flood profiles in the County-wide Flood Insurance Study of Kendall County prepared by the Federal Emergency Management Agency on February 4, 2009, for panels 0005, 0010, 0015, 0020, 0030, 0040, 0051, 0052, 0053, 0054, 0056, 0057, 0058, 0059, 0070, 0078, 0086, 0087, 0089, 0100, 0125, 0176, 0200 and dated January 8, 2014, for panels 0035, 0037, 0039, 0045, 0065, 0130, 0135, 0140, 0145 and 0225.

- b. In the case of FEMA delineated "AH zones" the elevation noted on the map shall be the BFE. In the case of FEMA delineated "AO zones" the BFE shall be the depth number shown on the County-wide flood insurance rate map.
- c. The base flood elevation for each of the remaining floodplains delineated as an A zone on the County-wide flood insurance rate map shall be according to the best data available from Federal, State, or other sources. All best available data and sources will be verified by the Administrator prior to the use of the data. Should no other data exist, an engineering study must be financed by the applicant to determine the base flood elevations. The base flood elevations shall be determined using a site-specific floodplain study by a professional engineer using appropriate hydrologic and hydraulic models as follows:
 1. Hydrologic models: TR-20, HEC-1, HEC-HMS;
 2. Hydraulic models: HEC-2, HEC-RAS, WSP-2; or
 3. A technique approved by the Administrator and the IDNR/OWR.

Where a channel has a tributary drainage area of six hundred forty (640) acres or more in an urban area or six thousand four hundred (6,400) acres or more in a rural area, the above analyses shall be submitted to the IDNR/OWR for concurrent approval.

- d. For floodplains that are not regulatory, are not draining more than six hundred forty (640) acres in an urban area or six thousand four hundred (6,400) acres or more in a rural area, and with no BFE determined, the Administrator may require a site-specific floodplain study for the purpose of establishing an FPE for the development.

(2) *Floodway.*

- a. The location of the regulatory floodway shall be as delineated on the current effective regulatory maps maintained by each community. The location of the regulatory floodway boundary shall be scaled onto the site plan using references common to both the map and the plan (typically the centerlines of adjacent roadways). Where an interpretation is needed to determine the exact location of the regulatory floodway boundary, IDNR/OWR should be contacted.
- b. Note: If an area of the site is located in the regulatory floodway that is higher than the BFE, that area is subject to the Floodway Standards of Section 16-142 until such time as a LOMR is received from FEMA with concurrence by IDNR/OWR.
- c. General criteria for analysis of flood elevations in the regulatory floodway are as follows:
 1. The flood profiles, flows, and data in the current effective FIS must be used for analysis of the base conditions. If the study data appears to be in error or conditions

have changed, FEMA and IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use. The Director shall be copied on all related correspondence.

2. If the BFE at the site of the proposed development is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed development shall be shown to meet the requirements of this section with the receiving stream at both the normal water and BFEs.
3. If the applicant is informed by IDNR/OWR, local governments, or a private owner that a downstream or upstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five (5) years, the proposed development shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built, removed or modified as applicable.
4. IDNR/OWR will review all proposed floodway modifications, including BFE, and issue permits for any work modifying the floodway.

(Res. No. 12-28, § 401, 6-19-2012; Ord. No. 2013-25, 12-17-2013)

Sec. 16-140. General performance standards.

(a) *Regulatory floodplain.* The following general performance standards are applicable to all development in a regulatory floodplain. The standards of this section apply except when superseded by more stringent requirements in other Code sections.

- (1) No development except as allowed in Section 16-142 shall be allowed in the regulatory floodplain that singularly or cumulatively creates an increase in flood stage or velocity off site, or a damaging or potentially damaging increase in flood heights or velocity on site or threat to public health, safety and welfare.
- (2) For all projects involving a channel modification, fill, stream maintenance or a levee, the flood conveyance and storage capacity of the regulatory floodplain shall not be reduced.
- (3) If the proposed development would result in a change in the BFE and regulatory floodplain, the applicant shall obtain a LOMR from FEMA. No buildings may be built in the existing or proposed regulatory floodplain until the LOMR receives concurrence from IDNR/OWR and is issued by FEMA and the building meets all the building protection standards (Subsection (c) of this section). Proposed changes to the regulatory floodway delineation and the BFE must also be submitted to IDNR/OWR for concurrence.
- (4) If the development is located in a public body of water, as defined by IDNR/OWR, a permit or a waiver of a permit must also be received from IDNR/OWR.

- (5) For public flood control projects, the floodplain management standards will be considered met if the applicant can demonstrate to IDNR/OWR and the County or the certified community that each of the following conditions are met:
- a. Demonstrate by hydraulic and hydrologic modeling that the proposed project will not singularly or cumulatively result in increased flood heights outside the project site or demonstrate that any increases will be contained in easements for all flood events up to and including the base flood event.
 - b. Demonstrate that the project will be operated and maintained by a public agency.
 - c. Demonstrate that the project will reduce flood damage to an existing building or structure.

These standards do not preclude the design, engineering, construction or financing, in whole or in part of a public flood control project by persons who are not public agencies.

- (6) Proposals for new subdivisions, planned unit developments (PUDs) and additions to subdivisions or PUDs shall include base flood or one hundred (100) year frequency flood elevation data and floodway delineations.

(b) *Public health protection standards.* Public health standards must be met for all floodplain development. In addition to the requirements of this article and Sections 16-142 and 16-143 apply:

- (1) No development in the floodplain shall include location or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Subsection (c) of this section.
- (2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
- (3) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above-ground openings located below the flood protection elevation shall be watertight.
- (4) New on-site waste disposal systems, such as septic systems, shall not be constructed within the floodplain. An applicant seeking a variance to this restriction shall comply with all provisions of Subdivision IX of this division and with the following minimum standards:
 - a. The invert of any wastewater distribution lines shall be a minimum of two (2) feet above the water surface elevation of the base flow of any perennial stream;
 - b. The lateral distance from a ditch, creek, or other riverine source to the wastewater distribution lines shall be a minimum of seventy-five (75) feet;
 - c. The elevation of any areas which are to receive wastewater distribution shall be above the OHWM;
 - d. The soil of the receiving field shall be of a type suitable for septic fields;
 - e. The tank shall be placed out of the floodplain with the invert of the outlet about the BFE.

- (5) New, substantially improved, or replacement wastewater treatment plants shall have watertight openings for those openings located below the FPE. Such facilities should be located to avoid impairment to the facility or contamination of floodwaters during the base flood.
- (6) New and replacement water supply facilities shall be designed and constructed to minimize or eliminate infiltration of floodwater.
- (7) If a proposed building site is in a floodplain, all new construction and substantial improvements shall:
 - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Be constructed with materials resistant to flood damage;
 - c. Be constructed by methods and practices that minimize flood damages;
 - d. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (8) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding, including the following requirements:
 - a. All such proposals are consistent with the need to minimize flood damage within the floodprone area;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided to reduce exposure to flood hazards.

(c) *Building protection standards.* The lowest floor, including basements, of all new construction and substantial improvements must have the lowest floor elevated to the FPE except nonresidential buildings may be dry-floodproofed up to the flood protection elevation instead of having the lowest floor elevated as noted in Subsection (c)(3) of this section. An attached garage for a structure must be elevated up to at least one-half (0.5) foot above the BFE.

- (1) The building protection requirements applies to the following situations:
 - a. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000.00) or seventy (70) square feet.
 - b. Substantial improvements or structural alteration made to an existing building that increases the floor area by more than twenty (20) percent or is equal or greater than fifty (50) percent of the structure market value prior to the start of construction of the improvements. Alteration shall be figured cumulatively during a ten (10) year period from the date of the permit application. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

- c. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building. If substantially damaged the entire structure must meet the flood protection standards of this section.
 - d. Any combination of new construction or improvements, figured cumulatively during a ten (10) year period from the date of the permit application, regardless of whether some or all of the improvements are characterized as repairs, remodeling, reconstruction, addition, improvement, betterment, renewal, etc., that equals or exceeds fifty (50) percent of the market value of the building, must result in a requirement to bring the building into compliance.
 - e. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage). If the manufactured home was originally placed after the effective date of flood regulations adopted by the County then placing it back on the site after it was removed to avoid flood damage must be in compliance with the regulations (ordinance, FIRM and FIS or FHBM) that were in effect at the time it was originally placed.
 - f. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
- (2) Residential or nonresidential buildings can meet the building protection requirements by one (1) of the following methods:
- a. The building may be constructed on permanent land fill in accordance with the following:
 - 1. The lowest floor (including basement) shall be at or above the flood protection elevation;
 - 2. The fill shall be placed in layers no greater than six (6) inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation;
 - 3. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
 - 4. The fill shall be composed of rock or soil and not incorporated debris or refuse material; and
 - 5. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales and basins shall be incorporated.
 - b. The building may be elevated by structural means in accordance with the following:
 - 1. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to floodwaters.
 - 2. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meter shall be located at or above the flood protection elevation.

3. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a registered professional engineer or by having a minimum of one (1) permanent opening on each wall not more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, the lowest inside grade must match the lowest existing outside grade adjacent to the structure.
 4. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current waves, ice and floating debris.
 5. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
 6. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation, provided they are waterproofed.
 7. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.
 8. In lieu of the above criteria, the design methods to comply with these requirements shall be certified by a registered professional engineer.
- c. The building may be constructed with a crawlspace located below the flood protection elevation, provided that the following conditions are met:
1. The building must be designed and adequately anchored to resist floatation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.
 3. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one (1) opening on each wall having a total net area of not less than (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.
 4. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
 5. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.
 6. Utility systems within the crawlspace must be elevated above the flood protection elevation.

- (3) Nonresidential buildings may be structurally dry floodproofed (in lieu of elevation), provided a registered professional engineer or registered structural engineer certifies that:
- a. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
 - b. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy and the impact from debris and ice.
 - c. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity. Levees, berms, floodwalls and similar works are not considered floodproofing for the purposes of this subsection.
- (4) Manufactured home or travel trailers to be permanently installed on site shall be:
- a. Elevated to or above the flood protection elevation in accordance with Subsection (c)(3) of this section.
 - b. Anchored to resist floatation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act (210 ILCS 120/1 et seq.) issued pursuant to 77 Ill. Admin. Code and 870.
- (5) Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of Subsection (c)(4) of this section unless the following conditions are met:
- a. The vehicle must be either self-propelled or towable by a light-duty truck.
 - b. The hitch must remain on the vehicle at all times.
 - c. The vehicle must not be attached to external structures such as decks and porches.
 - d. The vehicle must be designed solely for recreation, camping, travel or seasonal use rather than as a permanent dwelling.
 - e. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
 - f. The vehicle's wheels must remain on axles and inflated.
 - g. Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain.
 - h. Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the one hundred (100) year flood elevation.
 - i. The vehicle must be licensed and titled as a recreation vehicle or park model and must either:
 1. Entirely be supported by jacks; or
 2. Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.

- (6) Garages, sheds, or other minor accessory structures constructed ancillary to an existing residential use may be permitted, provided the following conditions are met:
- a. The garage or shed must be non-habitable.
 - b. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
 - c. The garage or shed must be located outside of the floodway or have the appropriate State and/or Federal permits.
 - d. The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.
 - e. Below the base flood elevation, the garage or shed must be built of material not susceptible to flood damage.
 - f. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
 - g. The garage or shed must have at least one (1) permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
 - h. The garage or shed must have a value less than ten thousand dollars (\$10,000.00) in market value or replacement cost whichever is greater or be less than less than five hundred (500) square feet in total floor area.
 - i. The structure shall be anchored to resist floatation and overturning.
 - j. All flammable or toxic materials (gasoline, paint, insecticides, fertilizer, etc.) shall be stored above the flood protection elevation.
 - k. The lowest floor elevation should be documented, and the owner advised of the flood insurance implications.
 - l. Accessory structures that do not meet all of the above criteria may be constructed if they are dry floodproofed or elevated at least one-half (½) foot above the BFE.

(Res. No. 12-28, § 402, 6-19-2012)

Sec. 16-141. Compensatory storage volume standards.

The following standards apply within the regulatory floodplain:

- (1) Hydraulically equivalent compensatory storage volume will be required for development in a riverine regulatory floodplain and shall be at least equal to the regulatory floodplain flood storage volume displaced. To the greatest extent practicable, storage volume displaced below the existing ten (10) year frequency flood elevation must be replaced below the proposed ten (10) year frequency flood elevation. To the greatest extent practicable storage, volume displaced above the ten (10) year existing frequency flood elevation must be replaced above the proposed ten (10) year frequency flood elevation.

- (2) Compensatory storage volume for development in a non-riverine regulatory floodplain area that is also adjacent to a lake shall be equal to the storage volume displaced.
 - (3) Compensatory storage volume requirements for development in a non-riverine regulatory floodplain that is not adjacent to a lake shall be replaced in accordance with the requirements for the loss of depressional storage in Section 16-79(f).
 - (4) Compensatory storage areas shall be designed to drain freely and openly to the channel and shall be located adjacent to the development. This standard does not apply to a non-riverine regulatory floodplain.
 - (5) A recorded covenant or easement running with the land is required to maintain the compensatory storage volume in areas modified to provide compensatory storage volume.
- (Res. No. 12-28, § 403, 6-19-2012)

Sec. 16-142. Floodway standards.

Within any floodway identified on the County-wide flood insurance rate map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- (1) Except as provided in Subsection (2) of this section, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood height or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
 - a. Bridge and culvert crossing of streams in rural areas meeting all conditions of the IDNR/OWR Statewide Permit Number 2.
 - b. Barge fleeting facilities meeting all conditions of IDNR/OWR Statewide Permit Number 3.
 - c. Aerial utility crossings meeting all conditions of IDNR/OWR Statewide Permit Number 4.
 - d. Minor boat docks meeting all conditions of IDNR/OWR Statewide Permit Number 5.
 - e. Minor, non-obstructive activities meeting all conditions of IDNR/OWR Statewide Permit Number 6.
 - f. Outfall pipes, devices and drainage ditch outlets meeting all conditions of IDNR/OWR Statewide Permit Number 7.
 - g. Underground pipeline and utility crossings meeting all the conditions of IDNR/OWR Statewide Permit Number 8.
 - h. Bank stabilization projects meeting all the conditions of IDNR/OWR Statewide Permit Number 9.
 - i. Accessory structures and additions to existing residential buildings meeting all conditions of IDNR/OWR Statewide Permit Number 10.
 - j. Minor maintenance dredging activities meeting all conditions of IDNR/OWR Statewide Permit Number 11.

- k. Bridge and culvert replacement structures and bridge widening meeting all conditions of IDNR/OWR Statewide Permit Number 12.
 - l. Temporary construction activities meeting all conditions of IDNR/OWR Statewide Permit Number 13.
 - m. Special uses of public waters meeting all conditions of IDNR/OWR Statewide Permit Number 14.
 - n. Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permits requirements.
- (2) Other development activities not listed in Subsection (a) of this section may be permitted only if:
- a. The development will result in a change in the regulatory floodway location or a change in the BFE, the applicant shall submit the information required to be issued a conditional letter of map revision (CLOMR) to IDNR/OWR, FEMA and the Administrator. Filling, grading, dredging or excavating may not take place until issuance of a CLOMR from FEMA, an IDNR/OWR permit and approval from the Administrator. Subsequent to completion of work within the floodway the applicant shall submit record plans and information to the Administrator and FEMA for consideration of the final LOMR. No further development activities shall take place in the existing or proposed floodplain until a letter of map revision (LOMR) is issued by FEMA unless such activities meet all the requirements of the Section 16-140. The Director shall be copied on all related correspondence.
 - b. At a minimum, the following information is submitted to IDNR/OWR for their review and concurrence:
 1. Analysis of the flood profile due to a proposed bridge, culvert crossings and roadway approaches.
 2. An engineer's determination that an existing bridge, culvert crossing or approach road is not a source of flood damage and the analysis indicating the proposed flood profile.
 3. Alternative transition sections and hydraulically equivalent compensatory storage.
- (Res. No. 12-28, § 404, 6-19-2012)

Sec. 16-143. Riverine floodplain.

The standards provided for in this section apply to riverine regulatory floodplains without a regulatory floodway. The applicant shall obtain approval from IDNR/OWR for all development any portion of which is located partially or completely within the regulatory floodplain (without a delineated regulatory floodway) with a tributary drainage area of six hundred forty (640) acres or more in an urban area or six thousand four hundred (6,400) acres or more in a rural area.

- (1) The development shall not singularly or cumulatively result in an obstruction of flood flows or potential flood damages outside the site due to an increase in flood heights, velocities, or loss of floodplain area storage.

- (2) A professional engineer shall submit a study that demonstrates one (1) of the following:
- a. Determine a floodway which meets the definition of a regulatory floodway and demonstrate that the proposed development meets the floodway standards in Section 16-142; or
 - b. Determine a BFE and demonstrate that the proposed development will maintain the existing conditions conveyance, will not increase flood velocities, will not increase flood profiles and will compensate for any lost floodplain storage.

(Res. No. 12-28, § 405, 6-19-2012)

Sec. 16-144. Disclaimer.

Nothing in this article purports to alter or affect the regulatory program administered by IDNR/OWR. Anything in this article to the contrary notwithstanding, if, under the rules and regulations administered by IDNR/OWR, a submittal need not be made to IDNR/OWR or a review, approval, or permit from IDNR/OWR need not be obtained, then nothing in this division shall be construed to impose a requirement that such a submittal be made or that such a review, approval, or permit be obtained from IDNR/OWR. Similarly, if IDNR/OWR has delegated its regulatory authority to another entity, then anything in this division to the contrary notwithstanding, if required by such entity, such submittal shall be made or such review, approval or permit shall be obtained from such entity.

(Res. No. 12-28, § 406, 6-19-2012)

Secs. 16-145—16-171. Reserved.

Subdivision V. Stormwater Management Permit Submittal Requirements

Sec. 16-172. Generally.

(a) Stormwater management and other permits required.

- (1) A stormwater management permit shall be required if:
- a. The development or a substantial improvement is located in the regulatory floodplain or there is a regulatory floodplain within the property boundary;
 - b. Any land disturbing activity to be performed in a watercourse or water body;
 - c. Fill that will exceed three (3) feet in vertical height at its highest point measured from the natural ground surface where such fill violates the purpose or objectives of this division, as determined by the permitting authority;
 - d. Any land disturbing activity requiring a site runoff storage facility; or
 - e. The development disturbs more than forty-three thousand five hundred (43,500) square feet of ground cover, unless the development solely involves one (1) or more of the following:
 1. Installation, renovation, or replacement of a septic system, potable water service line, or other utility to serve an existing structure.

2. Maintenance, repair, or at grade replacement of:
 - (i) Existing lawn;
 - (ii) Garden or cultivated areas;
 - (iii) Residential driveway;
 not otherwise requiring a stormwater permit under this division.
 3. Maintenance of an existing stormwater facility, not requiring other State or Federal permits or approvals.
 4. Excavation below final grade for tanks, vaults, tunnels, swimming pools, cellars, or for basements and/or footings of a single-family residence and appurtenant structures on a site that is part of an engineered and final platted subdivision or for which a building permit has been issued by the permitting authority, unless the site would otherwise require a stormwater management permit.
 5. Public roadway or bridge projects; consisting of improvement to an existing public roadway or public bridge sponsored by a public roadway agency and contracted as a public bid project.
- (2) The following activities shall be exempt from this division and shall not require a stormwater management permit:
- a. Tilling of the soil for fire protection purposes.
 - b. Engaging in the following only if in connection with a farming or other agricultural or conservation enterprise, purpose, or use and only if there is no placement of fill within the floodplain:
 1. Construction of sod waterways;
 2. Construction of terraces;
 3. Construction of surface water diversions (but not across watershed boundaries);
 4. Construction of grade stabilization berms or systems;
 5. Tilling of the soil; or
 6. The implementation of conservation measures included in a farm conservation plan approved by the County soil and water conservation district.
 - c. Agricultural use of land and development on un-platted residentially zoned property larger than three (3) acres in size, except that the paved surfaces with an impervious area totaling more than forty-three thousand five hundred sixty (43,560) square feet and construction of any structures or any substantial improvement to a building within the floodplain shall require a stormwater management permit.
- (3) All development shall secure all Federal, State, regional and local approvals, including, without limitation, an IDNR/OWR floodway/floodplain construction permit, a USACOE permit and an IDNR/OWR dam safety permit if required, meeting all Federal, State, regional and local approvals prior to the issuance of a stormwater management permit for proposed work and areas of a site requiring such other approvals.

(b) *Permit review fees.* All permit fees shall be paid at the time of application. Permit fees shall be established by separate resolution of the permitting authorities. Fees may include, but are not limited to, the cost of permit administration, review and inspections prior to construction, during construction and within the permanent cover establishment period following construction.

(c) *Professional seals and certifications required.*

- (1) The design of stormwater facilities, calculations for the determination of the regulatory floodplain, or calculations of the impacts of development shall meet the standards of this division and shall be prepared, signed, and sealed by a professional engineer. The professional engineer shall provide an opinion that the technical submittal meets the criteria required by this division or the applicable certified community ordinance.
- (2) For flow control/containment dams, walls, weirs or devices (not including earth embankments) that are subject to a differential water pressure greater than three (3) feet the submittal shall include evidence that the subject design has been reviewed by a qualified professional who shall, as a minimum, have registration as a professional engineer. Such reviews shall include stability of the dam, wall, weir or device under design conditions considering the protection of downstream life and property in the event of a failure. When directed by the Administrator, the calculations submitted for such dam, wall, weir or device shall be reviewed, signed and sealed by a registered structural engineer.
- (3) For projects which include earth embankments which are subjected to differential water pressure, the submittal shall include evidence that the embankment design and construction specifications are adequate for the design conditions. This review shall include consideration of the existing foundation soils for the embankment, the materials from which the embankment is to be constructed, compaction requirements for the embankment and protection of the embankment from failure due to overtopping. Construction and materials specifications for all such embankments shall be included with the plan set submittal. When directed by the Administrator, or when the impounded water pressure differential exceeds three (3) feet, or when appropriate considering the volume impounded and water surface elevation differential to which the embankment is subjected, these calculations may be required to be reviewed, signed and sealed by a qualified geotechnical or structural engineer.
- (4) A topographical map of the site, record drawings, and other required drawings shall be prepared, signed, and sealed by a professional land surveyor or professional engineer and tied to North American Vertical Datum, 1988 adjustment and any FEMA benchmarks.

(Res. No. 12-28, § 500, 6-19-2012)

Sec. 16-173. Duration and revision to permits.

(a) *Expiration.* Permits shall expire and become null and void if the work authorized by the permit has not been commenced within three hundred sixty-five (365) days from the date of permit issuance. Permits expire December 31 of the third year following the date of permit issuance or upon expiration of State or Federal permits required for any development activities.

(b) *Extension.* If the permitted activity has been started but is not completed by the expiration date of the permit, and the permittee intends to pursue the permitted activity, then the permittee may submit a written request that the expiration date be extended. Upon receipt of such request, the Administrator may extend the expiration date in one (1) year increments a maximum of three (3) times for permitted activities outside regulatory floodplains and floodways. Expiration dates for permitted activities in regulatory floodplains and floodways may be extended in one (1) year increments a maximum of three (3) times, provided the activity is in compliance with then current requirements of this division or the applicable certified community ordinance.

(c) *Revision.* If, after permit issuance, the permittee decides to revise the approved plans, the permittee shall submit revised plans to the Director or the Administrator, along with a written request for approval. If the Director or the Administrator determines that the revised plans are in compliance with then-current requirements of this division or the applicable certified community ordinance, an approval of the revised plans may be issued.

(Res. No. 12-28, § 501, 6-19-2021)

Sec. 16-174. Required submittals.

(a) *Materials.* All permit submittals shall include the material listed in the sections noted in Table 16-174 for the applicable type of development unless the submittal requirements are specifically modified by the procedure in Subsection (b) of this section.

Table 16-174. Required Submittals (Refer to Sections Listed for Specific Material)

| | <i>Section No./Description</i> | | | | | | |
|---|--|---|---------------------------------------|-----------------------------|-----------------------------|-----------------------------|---|
| | <i>16-174(c)</i> | <i>16-174(d)</i> | <i>16-174(e)</i> | <i>16-174(f)</i> | <i>16-174(g)</i> | <i>16-174(h)</i> | <i>16-174(i)</i> |
| | <i>Application and Project Overview Plan</i> | <i>Erosion Control Plan Set Submittal</i> | <i>Engineering Plan Set Submittal</i> | <i>Stormwater Submittal</i> | <i>Floodplain Submittal</i> | <i>Performance Security</i> | <i>Maintenance Schedule and Funding</i> |
| All development requiring a permit | X | X | | | | | X |
| All development requiring detention/retention | X | X | X | X | | X | X |
| All development requiring a permit 20 acres | X | X | X | X | | X | X |
| All developments on sites with floodplains | X | X | X | | X | X | X |
| All applications requesting variances | X | X | X | X | If on site | X | X |

(b) *Modification of submittal requirements.* The Administrator may, at the discretion of the same, modify the submittal requirements on a case-by-case basis considering the size, complexity and likelihood that a development will affect the discharge of stormwater. Such modifications may increase or decrease the submittal requirements noted above. The Administrator shall note in writing the specific submittal requirements and relevant findings to support the modified requirements.

(c) *Application and project overview plan.* All applicants for a stormwater permit shall provide the following information as a minimum, on forms or in a format approved by the Administrator:

(1) *Application.*

- a. The name and legal address of the owners of the site and the permit applicant;
- b. The common address, legal description, property identification number (PIN) of the site;
- c. The name of the project, area of the site in acres, type of development;
- d. A general narrative description of the development, existing and proposed conditions, stormwater management practices being employed and project planning principles considered, including best management practices used;
- e. Affidavits signed by the owner or the applicant's authorized representative attesting to their understanding of the requirements of this division or the applicable certified community ordinance and their intent to comply therewith;
- f. A statement of opinion by a qualified person either denying or acknowledging the presence of a floodplain on the development site;
- g. Copies of other stormwater related permits or permit applications by other jurisdictions or agencies;
- h. An engineer's estimate of probable construction cost of the stormwater facilities.

(2) *Project overview plan.*

- a. A location map or description providing township, range, and nearest roadways to accurately locate the development site;
- b. Acreage and zoning of property area;
- c. Property area lines and dimensions, including rights-of-way, easements, and setback lines;
- d. Existing and proposed site conditions, including all buildings, roads, impervious surfaces, and ground elevations where site grading is proposed;
- e. Proposed limits and restoration of disturbed areas;
- f. Existing and proposed drainage features such as culverts, conduits, swales, streams, ponds, wetlands, etc.;
- g. Location and report of on-site subsurface drains and tiles and all off-site drain tiles (upstream or downstream) potentially impacted by the development;
- h. Location of wells, septic systems, water mains, and sanitary sewers.

(d) *Erosion control plan set submittal.* All applicants for a stormwater permit shall submit a sediment and erosion control plan meeting the requirements of Section 16-107, and such submittal shall be accompanied by a notice of intent for construction activities as well as a stormwater pollution prevention plan as required by current NPDES regulation.

(e) *Engineering plan set submittal.* All applicants required to submit a plan set in accordance with Table 16-174 shall provide the following basic plan exhibits: Site topographic map, general plan view drawing, sediment/erosion control plan, and a vicinity topographic map. Each exhibit may be on more than one (1) drawing for clarity. The specific information to be included on each exhibit shall be as follows:

- (1) Site topographic map meeting the following requirements shall be submitted:
 - a. Map scales as one (1) inch equals one hundred (100) feet (or less) and accurate to plus or minus one-half (0.5) foot;
 - b. Existing and proposed contours on site and within one hundred (100) feet of site;
 - c. Existing and proposed drainage patterns and watershed boundaries;
 - d. Delineation of pre-development regulatory floodplain/floodway limits;
 - e. Delineation of post-development regulatory floodplain/floodway limits;
 - f. Location of cross sections and any other hydrologic/hydraulic computer modeled features;
 - g. Location of all on-site drain tiles and all off-site drain tiles (upstream or downstream) potentially impacted by the development;
 - h. Location of all wells, septic systems, water main, sanitary sewer and storm sewers;
 - i. Boundary of all wetlands, lakes, ponds, etc., with normal water elevation noted;
 - j. Location of all existing buildings and those to remain on the site noted;
 - k. Nearest base flood elevations;
 - l. FEMA and any site-specific benchmarks (tied to County benchmarks) used;
 - m. Highlight all contours used in the calculation of depressional storage.
- (2) General plan view drawing meeting the following requirements shall be submitted:
 - a. Drawing at the same scale as the site topographic map;
 - b. Existing major and minor stormwater systems;
 - c. Proposed major and minor stormwater systems;
 - d. Design details for stormwater facilities (i.e., drainage system and outlet work detail drawings, etc.);
 - e. Scheduled maintenance program for permanent stormwater facilities, including BMP measures;
 - f. Planned maintenance access routes, tasks and schedule;
 - g. Identification of entities responsible for maintenance;
 - h. Permanent public access maintenance easements granted or dedicated to, and accepted by, a government entity;
 - i. Proposed regulatory floodplain and floodway location (with the base flood and flood protection elevations noted);

- j. Highlight all plan areas at elevations below the one hundred (100) year high water elevation of site runoff storage facilities.
- (3) Vicinity topographic map meeting the following requirements shall be submitted:
- a. Vicinity topographic map identifying all off-site areas draining to the development and downstream to the receiving intermittent or perennial stream. (A two (2) foot contour map is preferred at a scale readable by the reviewer, but a USGS quadrangle map is acceptable);
 - b. Watershed boundaries for areas draining through or from the development;
 - c. Soil types related to hydrologic soils group, vegetation and land cover affecting runoff upstream of the site for any area draining through the site;
 - d. Location of development site within the major watersheds;
 - e. Show the overland flow path from the downstream end of the development to the receiving intermittent or perennial stream.

(f) *Stormwater submittal.* All applicants required to submit a stormwater submittal in accordance with Table 16-174 shall provide a narrative discussion and calculations to support a finding that the proposed development complies with the technical requirements of the permitting authority's ordinance. The submittal shall consist of, at a minimum, the following material:

- (1) A narrative description of the existing and proposed site drainage patterns and conditions, including description of off-site conditions, which help to identify stormwater issues considered in the design.
- (2) A schedule for implementation of the site stormwater plan.
- (3) On-site and off-site runoff calculations which address the following:
 - a. Documentation of the procedures/assumptions used to calculate hydrologic and hydraulic conditions for sizing major and minor systems;
 - b. Cross section data for open channels;
 - c. Hydraulic grade line and water surface elevations under design flow conditions;
 - d. Hydraulic grade line and water surface elevations under base flood flow conditions.
- (4) Site runoff storage calculations, which address the following:
 - a. Calculation of hydraulically connected impervious area and corresponding retention volume.
 - b. Documentation of the procedures/assumptions used to calculate hydrologic and hydraulic conditions for determining the allowable release rate.
 - c. Documentation of the procedures/assumptions used to calculate on-site depressional storage.
 - d. Documentation of the procedures/assumptions used to calculate hydrologic and hydraulic conditions for determining the storage volume.
 - e. Elevation-area-storage data and calculations for site runoff storage.

- f. Elevation-discharge data and calculations specifically related to the outlet control structure depicted in the plan.
- g. The general plan view drawing of Subsection (e)(2) of this section shall indicate all impervious areas, including directly connected impervious areas.

(g) *Floodplain submittal.* The applicant shall obtain approval from IDNR/OWR and FEMA for those cases in which their permitting authority applies or as noted in Subdivision IV of this division. The stormwater management permit will not be issued until such approval is received. Documentation supporting a finding that the proposed development is in compliance with Subdivision IV of this division shall be submitted with the application. At a minimum, the following material shall be submitted for approval with the application:

- (1) Regulatory floodplain boundary determination. The applicant shall:
 - a. Provide source of flood profile information.
 - b. Provide all hydrologic and hydraulic study information for site-specific floodplain studies, unnumbered Zone A area elevation determinations, and floodplain map revisions.
- (2) Floodway hydrologic and hydraulic analyses for the following conditions:
 - a. Existing conditions (land used and stream systems).
 - b. Proposed conditions (land used and stream systems).
 - c. Tabular summary of one hundred (100) year flood elevations and discharges for existing and proposed conditions.
 - d. Calculations used for model development.
 - e. Hydraulic/hydrologic computer model input/output.
- (3) Floodplain fill and compensatory storage calculations for below and above ten (10) year flood elevation up to the base flood elevation.
 - a. Tabular summary for below and above ten (10) year flood elevation of fill, compensatory storage, and compensatory storage ratios provided in proposed plan.
 - b. Cross sections used for the above calculations.
- (4) Floodproofing measures. Narrative discussion of floodproofing measures, including material specifications, calculations, and design details, operation summary.
- (5) Flood protection easements when required by this division or the applicable certified community ordinance.

(h) *Performance security.* Performance security in accordance with Subdivision XII of this division shall be required for any constructed land improvements or temporary erosion control measure prior to permit issuance.

(i) *Maintenance plan, schedule and funding.* A comprehensive maintenance plan for the stormwater management facilities, floodplain/floodway protection or natural resource protection areas, in accordance with Subdivision VI of this division shall be submitted, including identification of the entity responsible for maintenance, primary funding and back-up funding sources for maintenance in accordance with Subdivision VI of this division.

(Res. No. 12-28, § 502, 6-19-2012)

Sec. 16-175. Record drawings.

(a) The developer is required to submit record drawings of all permitted stormwater management facilities, including, but not limited to, storm sewers, culverts, overland flow paths and stormwater management basins. The record drawings shall include the following:

- (1) The record drawings shall be in the same format and include the same sheet count as the approved permitted engineering plans. Supplemental topographic plans may be added to better detail stormwater management basins or overland flow paths. Submittal of record drawings shall be on such media and in such format as the certified community determines.
- (2) All storm sewers and culverts shall depict actual location and elevation of all pipe inverts at all manholes and end sections. Rim elevation of all storm sewer frames and grates shall be noted. Pipe material and size shall be noted. All sump pump locations and connections shall be noted.
- (3) All pipe slopes shall be calculated based on constructed elevations and lengths. The approved slope shall be crossed out and the record slope noted adjacent to the approved slope.
- (4) All design cross sections shall be surveyed and record elevation and widths noted. Overland flow path slopes shall be surveyed and record elevation and locations noted. Design water surface elevations shall be calculated where cross section area or slope is less than the approved plan.
- (5) Stormwater management basins and floodplain compensatory storage shall be surveyed and a one (1) foot topographic map provided. The flow control structure shall indicate type, size and elevation of the control device. Overflow measures such as control weirs, etc., shall be surveyed noting material, location, width and elevation. The record drawings shall include calculations verifying that the volumes of detention and compensatory storage required in the permit have been provided. The calculations shall compare proposed to actual volumes at one (1) foot elevation intervals.
- (6) The plans shall be signed and sealed by a professional engineer who shall state that the project is constructed and will function in substantially conformance and with the approved and permitted plans and calculations.
- (7) The plans shall identify the entity with current maintenance responsibility and the entity with future maintenance responsibility for stormwater management facilities, including, but not limited to:
 - a. Stormwater management basins.
 - b. Storm sewers.
 - c. Drainage ditches.

- d. Overland flood routes.
- e. Wetlands and natural areas.

(b) The plans shall identify a schedule for transfer of maintenance responsibility and the status of funding for maintenance activities.

(Res. No. 12-28, § 503, 6-19-2012)

Sec. 16-176. Issuance or denial of permit and appeal of permit denial.

(a) The Administrator shall either issue or deny a stormwater permit within thirty (30) calendar days of receiving a complete permit application and all required submittals and fees unless additional time is agreed upon by both the Administrator and the applicant. Failure of the Administrator to respond in writing within thirty (30) calendar days of the complete submittal shall be construed as approval of the permit as submitted. Denial of a permit shall be provided to the applicant in writing and shall be accompanied by specific reasons for denial.

(b) If a permit is denied, the applicant may appeal the Administrators decision to the Director, provided such appeal is made in writing within fifteen (15) business days of the date of the notification of denial. Such appeal shall state the reasons for denial and provide responses demonstrating compliance with this division and certified community ordinance amendments as appropriate. If the permit denial is found to be based on noncompliance with a certified community ordinance amendment, the Director shall not be required to respond. If the permit denial is based on noncompliance with this division only, the Director shall render a decision to issue the stormwater permit or uphold the Administrator's denial of the permit. The Director shall render a decision within thirty (30) calendar days of the appeal. Failure of the Director to respond in writing within thirty (30) calendar days of the appeal shall be construed as approval of the permit as submitted. Denial of a permit shall be provided to the applicant in writing and shall be accompanied by specific reasons for denial.

(c) Upon denial by the Director, the applicant may file an appeal in writing within fifteen (15) business days of the denial to the County Board. Such appeal shall state the reasons for denial and provide responses demonstrating compliance with this division and certified community ordinance amendments as appropriate. If the permit denial is found to be based on noncompliance with a certified community ordinance amendment, the County Board shall not be required to respond. If the permit denial is based on noncompliance with this division only, the County Board shall render a decision to issue the stormwater permit or uphold the Directors denial of the permit. The County Board shall render a decision within thirty (30) calendar days of the appeal. Failure of the County Board to respond in writing within thirty (30) calendar days of the appeal shall be construed as approval of the permit as submitted. Denial of a permit shall be provided to the applicant in writing and shall be accompanied by specific reasons for denial.

(Res. No. 12-28, § 504, 6-19-2012)

Secs. 16-177—16-205. Reserved.

*Subdivision VI. Long-Term Maintenance***Sec. 16-206. Long-term maintenance.**

(a) Unless and until maintenance responsibility has been delegated to and accepted by another qualified entity under this section, the owner shall maintain that portion of a stormwater drainage system and stormwater facilities located upon the land of the same. With the approval of the Administrator, the stormwater drainage system and stormwater facilities, or specified portions thereof, may be:

- (1) Dedicated or otherwise transferred to and accepted by the certified community or other public entity;
- (2) Conveyed or otherwise transferred to and accepted by a homeowner's association, or similar entity, the members of which are to be the owners of all of the lots or parcels comprising the development; or
- (3) Conveyed to one (1) or more persons or in one (1) or more undivided interests to one (1) or more persons.

(b) Included for all applications for a stormwater permit shall be a plan for the long-term management, operation and maintenance of the stormwater drainage facilities and a description of ownership and the sources of funding therefor.

(Res. No. 12-28, § 600, 6-19-2012)

Sec. 16-207. Transfer to permitting authority or other public entity.

Those portions of the stormwater facilities to be dedicated or otherwise transferred to the permitting authority or other public entity under Section 16-206(a)(1), shall have reserved appropriate easements for protection of drainage rights, ingress and egress and maintenance of such portions of stormwater facilities for the benefit of the permitting authority and such other public entity on the final plat.

(Res. No. 12-28, § 601, 6-19-2012)

Sec. 16-208. Transfer to homeowners' or similar association.

If those portions of the stormwater facilities are to be dedicated or otherwise transferred to a homeowner's or similar association under Section 16-206(a)(2), then:

- (1) Appropriate easements for protection of drainage rights, ingress and egress and maintenance of stormwater facilities of such portions of stormwater facilities shall be reserved for the benefit of such association and the permitting authority on the final plat;
- (2) The final plat shall contain a provision reserving the right of the permitting authority to enter upon the land to perform the maintenance required in this section if the owner does not do so and to place a lien against the land for the cost thereof;
- (3) The final plat shall contain a legend imposing the maintenance obligations of this section upon the grantee and successors in interest as a covenant running with the land and incorporating by reference the plan of long-term maintenance set forth in the application for a stormwater management permit, with approved amendments;

- (4) The association shall be duly incorporated and a copy of the certificate of incorporation, duly recorded, and bylaws, and any amendment to either of them, shall be delivered to the Administrator;
- (5) The bylaws of the association shall, at a minimum, contain:
 - a. A provision acknowledging and accepting the association's obligation to maintain certain portions of the stormwater drainage system as required by this division;
 - b. A mechanism for imposing an assessment upon the owners of all of the lots or parcels comprising the development sufficient, at a minimum, to provide for the maintenance of those portions of the stormwater drainage system as required by this division and the payment of all taxes levied thereon;
 - c. A provision adopting the plan of long-term maintenance set forth in the application for a stormwater management permit, with approved amendments;
 - d. A provision identifying the officer of the association responsible for carrying out the obligations imposed upon the association under this division, and an obligation to inform the Administrator of the name, address and telephone number of this officer and any changes thereto;
 - e. A provision requiring the consent of the permitting authority to any amendment of the bylaws changing any of the provisions of the bylaws required by this division;
 - f. A provision requiring the consent of the permitting authority to the dissolution of the association.
- (6) Any conveyance or other instrument of transfer delivered under Section 16-206(a)(2) shall include a covenant affirmatively imposing upon the association the obligations set forth in this section and the association's affirmative acceptance thereof.

(Res. No. 12-28, § 602, 6-19-2012)

Sec. 16-209. Conveyance to one or more persons.

If those portions of the stormwater facilities are to be conveyed to one (1) or more persons under Section 16-206(a)(3), then:

- (1) Appropriate easements for protection of drainage rights, ingress and egress and maintenance of such portions of stormwater facilities shall be reserved for the benefit of such association and the permitting authority on the final plat;
- (2) The final plat shall contain a provision reserving the right of the permitting authority to enter upon the land to perform the maintenance required in this section if the owner does not do so and to place a lien against the land for the cost thereof;
- (3) The final plat shall contain a legend imposing the maintenance obligations of this section upon the grantee and successors in interest as a covenant running with the land and incorporating by reference the plan of long-term maintenance set forth in the application for a stormwater management permit, with approved amendments;

- (4) Any conveyance delivered under Section 16-206(a)(3), and any subsequent conveyance, shall include a covenant affirmatively imposing upon the grantee the obligations, restrictions and provisions set forth in this section and the grantee's affirmative acceptance thereof.
- (Res. No. 12-28, § 603, 6-19-2012)

Sec. 16-210. Require maintenance plan, permit submittals.

(a) All permit submittals where stormwater facilities are proposed shall include a maintenance plan. The entities (public or private) responsible for maintenance of all elements of stormwater facilities shall be identified in the maintenance plan as part of the permit application. All stormwater elements, including, but not limited to, stormwater basins, storm sewers, swales, natural areas and wetlands shall be included. All entities and their respective maintenance responsibilities shall be listed. Maintenance responsibilities proposed shall be approved by the Administrator.

(b) The maintenance plan shall include the following elements as appropriate and as determined by the designer and approved permitting agency:

- (1) Emergency procedure and contact list.
 - a. Emergency condition procedure.
 - b. Call list and protocol.
- (2) Subdivision information.
 - a. Subdivision plat and easements.
 - b. Engineering plans (record drawings in hard copy and electronic format).
 - c. Stormwater management permit and calculations.
 - d. Covenants and by laws.
 - e. HOA official contact list (after established).
 - f. Management company contact list and tenant contact list.
- (3) Inspections and recordkeeping.
 - a. Routine inspections.
 - b. Post rainfall inspection.
 - c. Incident inspection.
 - d. Annual reporting format.
 - e. Inspector qualifications.
 - f. Inspection checklists.
- (4) Annual maintenance guidelines and schedule.
 - a. Flushing, cleaning and sediment removal.
 - b. Vegetation management.
 - c. Stormwater management basin.
 - d. Televising, lamping.

- e. Operations budget.
 - (5) Maintenance and expense log.
 - (6) Inspection/report log.
 - (7) Appendix.
 - a. Guideline copy and revision log.
 - b. Applicability.
 - c. Definitions.
 - d. Additional contacts and resources.
 - e. Quick guide/education resources.
 - (8) Capital budget.
- (Res. No. 12-28, § 604, 6-19-2012)

Sec. 16-211. Incorporation of maintenance obligations in stormwater management permit.

The provisions of this subdivision shall be incorporated by reference in the stormwater management permit and the applicant's acceptance of the permit shall be deemed to be the applicant's acceptance and assumption of the obligations imposed under this section. At the option of the Administrator, the stormwater management permit may be recorded.

(Res. No. 12-28, § 605, 6-19-2012)

Sec. 16-212. Funding for long-term maintenance of stormwater facilities.

(a) As a condition of approval of any application for a stormwater management permit, unless the maintenance responsibility for the stormwater facilities in connection therewith has been accepted by a public entity, the Administrator shall require the establishment of a special service area pursuant to 35 ILCS 200/27-5 et seq., as a backup means of providing for the long-term maintenance of the facilities in the event the entity designated by the applicant as having primary maintenance responsibility fails to adequately carry out its duties.

(b) If the establishment of a special service area is required, the Administrator shall require a good faith estimate by the applicant of the funding levels required to support the maintenance activities identified in the maintenance plan and the tax rate and tax to be levied upon all taxable property within the area benefitted by stormwater facilities. The applicant shall submit the same to the permitting authority for approval. The Administrator shall incorporate the approved rate into its ordinances necessary for enactment and establishment of the tax to support long-term maintenance of the stormwater facilities.

(Res. No. 12-28, § 606, 6-19-2012)

Sec. 16-213. Enforcement.

Failure to comply with the maintenance plan approved with the stormwater permit is considered a violation.

(Res. No. 12-28, § 606, 6-19-2012)

Secs. 16-214—16-234. Reserved.*Subdivision VII. Enforcement and Penalties***Sec. 16-235. Inspection and maintenance authority.**

Pursuant to the authority granted by 55 ILCS 5/5-1104 and 5-1062, the County may, after thirty (30) days' notice to the owner or occupant, enter upon any lands or waters within the County for the purpose of inspecting and/or maintaining stormwater facilities or causing the removal of any obstruction to an affected watercourse.

(Res. No. 12-28, § 700, 6-19-2012)

Sec. 16-236. Required inspections.

Any development constructed pursuant to a stormwater management permit shall be subject to periodic inspections by the Administrator, Director, or designee to ensure conformity with permit provisions and conditions.

(Res. No. 12-28, § 701, 6-19-2012)

Sec. 16-237. Offenses—Generally.

(a) *In general.* Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any provision of this division (ordinance violation) or any requirement or condition in any permit issued pursuant to this division (permit violation), and, in the case of a permit violation, fails to correct such violation, omission or neglect, or cease such disobedience, refusal or resistance after notice and reinspection as provided in Subsection (c) of this section, shall be guilty of an offense under this division.

(b) *Permit violations; notice.* Whenever the Administrator or Director determines that a permit violation exists, the same shall give notice of the violation in the manner prescribed in Section 16-347 to the permittee. Such notice shall state the nature of the violation and fix a date not less than ten (10) days after the date of the notice when the site will be reinspected.

(Res. No. 12-28, § 702, 6-19-2012)

Sec. 16-238. Offenses—Penalties; remedies.

(a) Any person found guilty of an offense under this division shall pay a civil fine in an amount not less than Twenty-five dollars (\$25.00) and not more than seven hundred fifty dollars (\$750.00). Each calendar day during which such violation continues to exist shall constitute a separate offense.

(b) In addition to any fine imposed under Subsection (a) of this section, the Administrator or the Director may revoke any stormwater management permit issued to such person.

(c) In addition to any fine imposed under Subsection (a) of this section or action taken under Subsection (b) of this section, the Administrator or the Director may issue an order requiring the suspension of any further work on the site. Such stop work order shall be in writing, shall indicate the reason for its issuance, and shall specify the action, if any, required to be taken in order to resume work

and shall provide a reasonable period to cure deficiencies based on the risks associated with noncompliance. One copy of the stop work order shall be posted on the site in a conspicuous place and one (1) copy shall be delivered in the manner prescribed in Section 16-347 to the permittee, if any, or if none, to the person in whose name the site was last assessed for taxes as disclosed by the records of the Supervisor of Assessments.

(d) In the enforcement of this division, the Administrator or the Director may bring any action, legal or equitable, including an action for injunctive relief that may be necessary.

(Res. No. 12-28, § 703, 6-19-2012)

Secs. 16-239—16-269. Reserved.

Subdivision VIII. Miscellaneous Provisions

Sec. 16-270. Scope of regulation.

This division applies to all development within the County, including that under the control of any governmental entity, agency, or authority. Development within the regulatory floodway, requiring a permit, shall obtain such permit from IDNR/OWR prior to issuance of a stormwater management permit. All units of local government shall obtain stormwater management permits from the permitting authority within whose boundaries the development is located.

(Res. No. 12-28, § 800, 6-19-2012)

Sec. 16-271. Exemptions.

This division does not apply to:

- (1) Development which has been substantially completed before the effective date of the ordinance from which this division is derived.
- (2) Development, which has been determined to be exempt by the permitting authority.
- (3) Nonconforming structures existing before the effective date of the ordinance from which this division is derived; however, if such structures are replaced, altered or substantially improved within the floodplain they may no longer be exempt and shall comply with Subdivision IV of this division accordingly.

(Res. No. 12-28, § 801, 6-19-2012)

Sec. 16-272. Community's list of proposed exempt developments.

- (a) The County or a community may place a property on its list of exempt developments only if:
 - (1) A site-specific stormwater plan, master plan, or a regional master plan has been submitted and substantially approved by the certified community's professional engineer; or
 - (2) A contractual agreement, specifically exempting the development from the stormwater regulations of the community, was entered into before the effective date of the ordinance from which this division is derived.

(b) A community's list of exempt developments shall be adopted by an official action of the corporate authorities of the community and shall be included in the stormwater management ordinance adopted by the certified community. Each exempt development shall be defined by a legal description (subdivision plat, annexation agreement, metes and bounds, etc.). Prior to taking such action, the community shall publish the exempt development list in accordance with Section 16-348, a notice in substantially the following form:

On [date], at [time], the [corporate authorities] of the [type of community] of [community] will consider and take formal action with respect to the approval of the following list of developments proposed as exempt from the provisions of the County Stormwater Management Ordinance, adopted by the County Board on Month Date, Year. Any person wishing to do so, may attend the meeting and be heard prior to the [corporate authorities] taking such action.

[List of proposed exempt developments]

(c) Prior to the effective date of the ordinance from which this division is derived and upon similar notice and by similar official action, a community may revise the list by adding or deleting developments there from. If a development is to be deleted from the list, an additional notice shall be served in the manner set forth in Section 16-347 upon the affected developer. Revisions to the list shall be submitted to the Director. Subsequent to the effective date of the ordinance from which this division is derived, the list may not be changed without review and recommendation by the Committee, which shall be forwarded to the County Board for approval.

(Res. No. 12-28, § 802, 6-19-2012)

Sec. 16-273. Interpretation.

(a) This division shall be liberally construed to protect the health, welfare, safety, and the environment of the residents of the County and to effectuate the purposes of this division and the enabling legislation.

(b) Nothing in this division shall be deemed to consent to, license, permit to locate, construct, or maintain any structure, site, facility or operation, or to carry on any trade, industry, occupation, or activity.

(c) When provisions of this division differ from any other applicable law, statute, ordinance, rule or regulation, the more stringent provision shall apply.

(d) The provisions of this division are cumulative of all other laws, statutes, ordinances, rules and regulations which relate to the subject matter hereof and, except as otherwise expressly provided herein, nothing in this division shall be construed as a limitation upon the application or enforcement of any such law, statute, ordinance, rule or regulation. To the greatest extent possible, the provisions of this division shall be construed to be consistent with the provisions of such other laws, statutes, ordinances, rules or regulations, and with each other, to the end that all such provisions may be given their fullest application.

(Res. No. 12-28, § 803, 6-19-2012)

Sec. 16-274. Warning and disclaimer of liability.

(a) The degree of flood protection provided by this division is considered reasonable for regulatory purposes and is based upon engineering experience and scientific methods of study. Increased flooding may result from causes beyond the control of any governmental authority. This division does not, therefore, guarantee that areas outside the floodplain or permitted land uses within the floodplain will be free from flooding and associated damages.

(b) Nothing in this division shall be construed or applied in any manner to create liability on the part of or a cause of action against the County, any municipality or other governmental authority, or any elected official, or any officer, agent, or employee of any of the foregoing, or any certified review specialist for any flood damage resulting from reliance on the provisions of this division.

(Res. No. 12-28, § 804, 6-19-2012)

Sec. 16-275. Choice of planning jurisdiction.

Pursuant to 55 ILCS 5/5-1062.2(b), a community that is located in more than one (1) county may choose, at the time of the formation of the Committee, and based upon watershed boundaries, to participate in the stormwater management planning program of either or both of the counties. The Committee shall include such community within the scope of its planning and enforcement jurisdiction unless the community provides evidence of its participation or intent to participate in the stormwater management planning program of another county.

(Res. No. 12-28, § 805, 6-19-2012)

Sec. 16-276. Violations.

(a) It shall be unlawful for any person to undertake any development without first securing a stormwater management permit as required by this division.

(b) It shall be unlawful for any person to violate, disobey, omit, neglect and refuse to comply with, or resist enforcement of any provision of this division or any condition of a stormwater management permit.

(Res. No. 12-28, § 806, 6-19-2012)

Sec. 16-277. Severability.

The several provisions of this division shall be severable in accordance with the following rules:

- (1) If any court of competent jurisdiction shall adjudge any provision of this division to be invalid, such judgment shall not affect any other provision of this division.
- (2) In any court of competent jurisdiction shall adjudge to be invalid the application of any provision of this division, to a particular parcel of land, a particular structure, or a particular development, such judgment shall not affect the application of said provision to any other land, structure or development.

(Res. No. 12-28, § 807, 6-19-2012)

Sec. 16-278. Amendments.

No amendment to this division may be passed without a public hearing first being held before the County Board upon notice as provided in Section 16-348.

(Res. No. 12-28, § 808, 6-19-2012)

Secs. 16-279—16-304. Reserved.*Subdivision IX. Variances***Sec. 16-305. Purpose.**

In order to provide a narrowly circumscribed means by which relief may be granted when strict compliance with the requirements of this division is impossible or impracticable, variances from the specific provisions of this division may be granted according to the standards set forth in this article.

(Res. No. 12-28, § 900, 6-19-2012)

Sec. 16-306. Application.

An application for a variance to the certified community and/or this division, signed by the owner or developer of the development shall be filed with the Administrator. No application for a variance will be accepted for filing unless it relates to a previously or contemporaneously filed application for a stormwater management permit. Applications for a variance shall be filed in such number of duplicate copies as the Administrator may designate. No action will be taken on an application for a variance unless it, and the corresponding application for a stormwater management permit to which it relates, are complete as determined by the Administrator.

- (1) *Local variance.* Variances to certified community requirements which are more stringent than this division do not require approval by the Director or the County Board, provided they result in full compliance with this division.
- (2) *County and floodplain variances.* Variances to the requirements of this division or any variance of Subdivision IV of this division require approval by the certified community, the Director and the County Board in accordance with the procedures set forth herein.
- (3) *Administrator responsibilities.* The Administrator shall send a copy of the complete application to the Director with a certified community determination of compliance related to certified community and requirements of this division. The Administrator shall also send a copy of the complete application to all other certified communities within the same watershed.
- (4) *Application format.* Applications for a variance need not be made upon any specific form but shall contain the information set forth as follows:
 - a. The common addresses and legal descriptions of all lands comprising the development;
 - b. The names and addresses of all owners of record of the legal title of all lands comprising the development;
 - c. If title to any of the land comprising the development is held in trust, the names and addresses of all beneficiaries of the trust;

- d. The names and addresses of the developers of the land, if different from the owner;
- e. The names and addresses of all consultants retained by the developer in connection with the application for a variance;
- f. The names and addresses of all property owners within two hundred fifty (250) feet of the development;
- g. The specific features of the development that require a variance;
- h. The specific provision of the certified community stormwater ordinance from which a variance is sought and the precise extent of the variance therefrom;
- i. The specific provision of this division from which a variance is sought and the precise extent of the variance therefrom;
- j. A statement of the characteristics of the development that prevent compliance with the provisions of this chapter;
- k. A statement that the variance requested is the minimum variance necessary to permit the development;
- l. A statement as to how the variance requested satisfies the standards set forth in Section 16-309.

(Res. No. 12-28, § 901, 6-19-2012)

Sec. 16-307. Application fee.

With the filing of the application for a variance, the applicant shall pay all fees prescribed by the Administrator and Director.

(Res. No. 12-28, § 902, 6-19-2012)

Sec. 16-308. Public hearing.

When the application is deemed complete and acceptable by the Administrator, a public hearing on the application before the certified community Oversight Committee may be scheduled and the applicant notified. Not more than thirty (30) nor less than fifteen (15) days before the hearing, notice of the hearing shall be sent by first class mail, postage prepaid, to the applicant, to the Director, to all property owners within two hundred fifty (250) feet of the development as disclosed in the application, and to each certified community within the same watershed as the development and to the certified community Oversight Committee. Within the same time period, notice of the hearing shall be published at least once in a newspaper published within the certified community having jurisdiction over the application, or within the County if the County has jurisdiction over the application. If no newspaper is published within the certified community, then the notice shall be published in a newspaper with a general circulation within the certified community, which is published in the County. The notices given under the section shall set forth the common name, address and legal description of the development and a brief description of the variance is requested.

(Res. No. 12-28, § 903, 6-19-2012)

Sec. 16-309. Granting of variances.*(a) Variance standards.*

- (1) The Oversight Committee shall not recommend nor shall the County Board or corporate authority grant a variance for a project from the provisions of this division unless the variance is consistent with the purpose of this division (Section 16-50) and meets the following standards based upon substantial evidence submitted with the variance application or at the hearing:
 - a. The variance will not increase the probability of flood damage or create an additional threat to the public health, safety or welfare.
 - b. The variance requested is the minimum relief necessary to accomplish the objectives of the development without compromising the objectives of Section 16-50.
 - c. The variance will not result in a reduction of water quality benefits as compared to compliance with ordinance requirements.
 - d. The variance is not requested solely for the purpose of reducing site runoff storage requirements.
 - e. The variance shall not cause conveyance of stormwater from the project to increase peak discharges beyond design capacity of existing off-site conveyance facilities for any storm event from the two (2) year to the one hundred (100) year recurrence frequency.
 - f. The variance shall seek to preserve valuable environmental and biological resources, including, but not limited to, stands of native trees, existing wetlands and natural flood-plain storage.
- (2) In addition to the standards noted above, any variance to any part of Subdivision IV of this division shall be restricted as noted herein or meet the following additional standards:
 - a. Variances shall not be issued by the permitting agency within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
 - b. Variances may be issued by the permitting agency for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the following procedures of this section:
 1. Variances shall only be issued by the permitting agency upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. A permitting agency shall notify the applicant in writing over the signature of the Administrator that:
 - (i) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - (ii) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in this section.
4. The permitting agency shall:
 - (i) Maintain a record of all variance actions, including justification for their issuance; and
 - (ii) Report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.

(b) *Floodway.* No variance shall be granted for any development in the regulatory floodway, the effect of which would be to create regulation less restrictive than the Federal or State minimum standards applicable to development in such areas.

(Res. No. 12-28, § 904, 6-19-2012)

Sec. 16-310. Procedure and recommendations.

(a) *Local variance.*

- (1) The Administrator shall send a copy of the complete application to the Director with a certified community determination of compliance with this division. The Administrator or designee shall review the application for a variance and present written recommendations to the Oversight Committee at the public hearing with a copy to the Director. Not more than forty-five (45) days after the close of the hearing, the Oversight Committee shall forward the application with its written recommendations to the corporate authorities and the Director. The written recommendations of the Oversight Committee, when forwarded, shall be accompanied by written findings of fact with respect to each of the considerations set forth in Section 16-309 with citations to the evidence taken at the public hearing.
- (2) The corporate authorities shall grant the variation, grant the variation with modifications or conditions, or deny the variation in writing within forty-five (45) days after receipt of the written recommendations of the Oversight Committee and shall forward its final decision to the Director. In the event the corporate authorities do not act on the recommendations of the Oversight Committee then the recommendation from the Oversight Committee is considered to be endorsed and adopted by the corporate authorities.

(b) *County and floodplain variance.*

- (1) The Administrator shall send a copy of the complete application to the Director with a certified community determination of noncompliance with this division.

- (2) The Administrator or designee shall review the application for a variance and present written recommendations to the Oversight Committee at the public hearing with a copy to the Director.
 - (3) Not more than forty-five (45) days after the close of the hearing, the Oversight Committee shall forward the application with its written recommendations to the County Board and the Director. The written recommendations of the Oversight Committee, when forwarded, shall be accompanied by written findings of fact with respect to each of the considerations set forth in Section 16-309 with citations to the evidence taken at the public hearing.
 - (4) The County Board shall grant the variation, grant the variation with modifications or conditions, or deny the variation in writing within forty-five (45) days after receipt of the written recommendations of the Oversight Committee and shall forward its final decision to the Director. In the event the County Board does not act on the recommendations of the Oversight Committee, then the recommendation from the Oversight Committee is considered to be endorsed and adopted by the corporate authorities.
- (Res. No. 12-28, § 905, 6-19-2012)

Sec. 16-311. Conditions.

- (a) A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief, but not to the relief requested.
- (b) In granting a variance, the County Board or corporate authority may impose such specific conditions and limitations concerning any matter relating to the purposes and objectives of this division on the applicant as may be necessary or appropriate.
- (c) Whenever any variance is granted subject to any condition or limitation to be met by the applicant, upon meeting such conditions, the applicant shall file evidence to that effect with the Administrator.

(Res. No. 12-28, § 906, 6-19-2012)

Secs. 16-312—16-340. Reserved.

Subdivision X. Administration

Sec. 16-341. Responsibility generally.

- (a) The County Board shall determine policy related to this division.
- (b) The Director and Administrator shall administer this division. In performing their duties, the Director and the Administrator may delegate and oversee enforcement of responsibilities to any named designee.
- (c) Each community shall remain solely responsible for its standing in the National Flood Insurance Program, including:
 - (1) The maintenance of all records and the submission of all reports required for eligibility in the program, including elevation certificates, floodproofing certificates, and lowest floor elevations;

- (2) The notification of the Director, FEMA and IDNR/OWR of any proposed amendment to this division.

(d) The Director, or designee, shall be solely responsible for administering this division relative to any County Department of Transportation projects on the County highway system or any township road district project on the township road district system regardless of the jurisdictions in which the project may lie.

(Res. No. 12-28, § 1000, 6-19-2012)

Sec. 16-342. Duties of Director.

The Director shall:

- (1) Supervise the enforcement of this division.
- (2) Supervise the development, revision and implementation of the plan for approval by the Committee and the County Board.
- (3) Supervise the review of complex stormwater management permits for any community that requests such assistance.
- (4) Notify all of the communities in the County, FEMA, IDNR/OWR, USACOE, the State Environmental Protection Agency, and the United States Environmental Protection Agency of any amendments to the Plan or to this division.
- (5) Review variance requests for the Committee.
- (6) Assume the duties of the Administrator for the unincorporated County and non-certified communities, including the County Department of Transportation projects on the County highway system or any township road district project on the township road district system.

(Res. No. 12-28, § 1001, 6-19-2012)

Sec. 16-343. Duties of Administrator.

The Administrator shall:

- (1) Receive a listing of all required Federal, State, regional and County permit applications filed for the project prior to issuing a permit under this division for areas covered by other stormwater related jurisdictions. The Administrator may request copies of the stormwater related permit applications;
- (2) Ascertain whether any floodplains/floodways exist on any site which is the subject of an application for a permit under this division and whether or not any new development is within the SFHA;
- (3) Review permit applications and determine whether to issue or deny permits;
- (4) Ensure that the required notice of an application for a variance has been given in accordance with Sections 16-347 and 16-348;
- (5) Notify the Director of an application for a variance, a CLOMR or a LOMR;
- (6) Provide for inspections of developments as required by this division;

- (7) Investigate complaints of violations of this division within the community;
 - (8) Notify violators within regulatory floodplains that failure to comply with the provisions of the National Flood Insurance Program could make them ineligible to receive flood insurance;
 - (9) Initiate any proceeding necessary to enforce this division within the community;
 - (10) Advise, consult and cooperate with other governmental agencies to promote the purposes of this division;
 - (11) Maintain copies of all applications and submittals, Federal and State permits, variances, CLOMR, LOMR, CLOMA, LOMA and all documentation associated with any of the foregoing for public inspection;
 - (12) Maintain documentation and data on the cost of any improvement to a structure in the floodplain in order to enforce the provisions of this division pertaining to substantial improvements to such structures;
 - (13) Notify adjacent communities in writing thirty (30) days prior to issuing a permit for the alteration or relocation of a watercourse affecting the adjacent community.
- (Res. No. 12-28, § 1002, 6-19-2012)

Sec. 16-344. Representative capacity.

In all cases, when any action is taken by the Director or the Administrator, or duly appointed designee, to enforce the provisions of this division, such action shall be taken either in the name of the County or the certified community as the case may be, and neither the Director nor the Administrator, nor designee, in so acting shall be rendered personally liable.

(Res. No. 12-28, § 1003, 6-19-2012)

Sec. 16-345. Oversight committees.

The corporate authorities of each community within the County shall establish an oversight committee to oversee the implementation and enforcement of this division within its jurisdiction and to perform the duties assigned to the oversight committee in this division. The oversight committee may be comprised of the corporate authorities or any committee thereof, plan commission, zoning board of appeals, or other existing body, or the corporate authorities may, according to their own rules and procedures, establish a separate oversight committee. The County Board Committee of the Whole shall act as the oversight committee for the County.

(Res. No. 12-28, § 1004, 6-19-2012)

Sec. 16-346. Non-certified communities.

The Director may delegate the duties of the Administrator for non-certified communities. The County may designate an oversight committee in these non-certified communities.

(Res. No. 12-28, § 1005, 6-19-2012)

Sec. 16-347. Service.

Unless otherwise provided herein, service of any notice or instrument under this division may be made upon any person in one (1) of the following manners:

- (1) By certified mail/return receipt requested, postage prepaid and addressed to the address then on file for such person, if any, or if none, to such person's last-known address; or
 - (2) By any method prescribed under the Illinois Code of Civil Procedure.
- (Res. No. 12-28, § 1006, 6-19-2012)

Sec. 16-348. Publication.

Unless otherwise provided herein, publication of any notice or other instrument under this division shall be made by publishing such notice or other instrument once in a newspaper published within the community having jurisdiction over the matter to which the publication relates (or, if no newspapers published within the community then a newspaper published in the County and having a general circulation within the community), such publication being not less than fifteen (15) or more than thirty (30) days before the hearing or other event to which the publication relates.

(Res. No. 12-28, § 1007, 6-19-2012)

Secs. 16-349—16-369. Reserved.*Subdivision XI. Certified Community Enforcement***Sec. 16-370. Authority.**

Pursuant to Section 5-1062 of the Counties Code (55 ILCS 5/5—1062), the provisions of this division shall not be enforced by the County in any certified community.

(Res. No. 12-28, § 1100, 6-19-2012)

Sec. 16-371. Petition for certification and waiver of enforcement.

Any community that desires to enforce the provisions of this division within its borders shall file a petition for certification and waiver of enforcement (petition for certification) on or before December 1, 2012. After December 1, 2012, petitions for such certification may be filed during the month of November of each year.

(Res. No. 12-28, § 1100, 6-19-2012)

Sec. 16-372. Filing and contents of petition for certification.

A petition for certification shall be filed with the Director. The petition need not be on any particular form but, at a minimum, shall set forth and be accompanied by:

- (1) The agreement of the corporate authorities of the community to adopt, if certified, the provisions of this division by reference;
- (2) The community's plan for the implementation and enforcing of this division, including proposed staffing;

- (3) The agreement of the corporate authorities of the community to include in any new annexation agreement a provision requiring every other party to the agreement to affirmatively agree to comply with the provisions of this division as amended from time to time;
 - (4) The agreement of the corporate authorities of the community that the community will be bound by the rules and procedures of the committee by which certification is granted or revoked and County jurisdiction is reasserted over the enforcement of this division within the boundaries of the community;
 - (5) The list of projects to which this division or some portion of this division do not apply (grandfathered projects) pursuant to the requirements of Subdivision VIII of this division.
- (Res. No. 12-28, § 1102, 6-19-2012)

Sec. 16-373. Committee consideration of petition for certification.

The Committee shall consider each properly filed petition for certification at a regular or special meeting called for such purpose not later than sixty (60) days after the filing of the petition. The meeting may be continued from time to time. The Committee may adopt rules for the taking of evidence and conduct of such meetings.

(Res. No. 12-28, § 1103, 6-19-2012)

Sec. 16-374. Standards for grant of petition.

Upon a finding of the Committee that the community has complied with Sections 16-371 and 16-372, that the community's plan for the implementation and enforcement of this division is reasonably feasible, the Committee shall grant the petition for certification. The Committee's decision shall be in writing and shall specify the reasons for granting or denying the petition.

(Res. No. 12-28, § 1104, 6-19-2012)

Sec. 16-375. Certified community records.

(a) *Permit records.* Every certified community shall maintain adequate records of every stormwater management permit issued and every variance granted under this division for development within its borders.

(b) *Stormwater facilities and drainage systems.* Every certified community shall retain record drawings of all drainage systems and stormwater management facilities erected or constructed pursuant to a stormwater management permit issued or variance granted by such community.

(c) *Records inspections.* The records of each certified community maintained under this division may be periodically inspected by the Director or Committee.

(d) *Annual reporting and recertification.*

- (1) The Administrator of every certified community shall report annually to the Director on forms provided by the Director reporting the following information:
 - a. Staff and/or consultant staff names performing stormwater permit reviews.

- b. Stormwater management permits; total number and those involving:
 - 1. Site runoff storage facility.
 - 2. Floodplain fill/modification.
 - 3. Floodway construction.
 - c. Wetland permit (USACE).
 - d. IDNR/OWR permit.
 - e. Variances, local and county ordinance.
 - f. Active construction projects/sites (any time during the reporting period).
 - g. Stormwater facilities formally accepted by the certified community or acknowledged as complete for private maintenance during the reporting period.
 - h. Enforcement actions or complaint responses.
 - i. Backup special service areas (SSA) established; SSAs levied for stormwater management maintenance.
 - j. Fee in lieu of on-site detention received by the certified community.
- (2) The reporting period shall be based on the calendar year January through December. Reports shall be submitted to the Director no later than January 31 of the year following the reporting period. The Director shall review and provide comments to the Administrator by March 15 of the year following the reporting period. Certified communities which do not submit an annual report by January 31 of the year following the reporting period will cause the initiation of an investigation and complaint in accordance with Section 16-377.
- (3) The Director may offer written comments or responses to the certified community annual report, and all permits, records and supporting documents are subject to audit at any time by the Director. If the Director offers no written comments or responses to the annual report, then the certified community is automatically re-certified for an additional calendar year. A certified community's standing as certified remains valid and in effect unless and until it is changed in writing by the County Board.
- (Res. No. 12-28, § 1105, 6-19-2012)

Sec. 16-376. Committee review of enforcement by a certified community.

The Committee shall periodically review the implementation and enforcement of this division by each certified community.

(Res. No. 12-28, § 1106, 6-19-2012)

Sec. 16-377. Investigations; complaints.

(a) *Initiation of investigation and complaint.* The Director, upon the same's own initiative or at the request of any person, may conduct an investigation into a certified community's implementation and enforcement of this division. Such investigation may include, without limitation, making an inspection of all relevant records maintained by the community and making field inspections of relevant developments, drainage systems, or stormwater facilities. If, upon such investigation, the Director determines

that the community has failed in some significant way, or has repeatedly failed, to implement or enforce this division, then the same shall prepare a report of the findings along with a complaint for the revocation or partial revocation of the community's certification and then file the same with the Committee. The complaint shall contain a short and plain statement describing how the certified community has failed in some significant way, or has repeatedly failed, to implement or enforce this division.

(b) *Community notification and response.* Upon receipt of a written complaint, the Committee shall serve a copy thereof along with a copy of the report of the Director upon the community named therein. As appropriate, a copy of the complaint and report shall also be sent to IDNR/OWR, FEMA, impacted communities within the same watershed, and to any person who has requested an investigation of the community's enforcement of this division by the Director within six (6) months immediately preceding the filing of the complaint. The community may file a written answer to the complaint but shall do so within thirty (30) days of being served in order to be considered by the Committee.

(Res. No. 12-28, § 1107, 6-19-2012)

Sec. 16-378. Hearing on complaint.

The Committee shall conduct a hearing on the complaint not less than forty-five (45) nor more than ninety (90) days after service of the complaint upon the community. Notice of the hearing shall be given to the community. The hearing may be continued from time to time. The Committee may adopt rules for the taking of evidence and conduct of such hearings.

(Res. No. 12-28, § 1108, 6-19-2012)

Sec. 16-379. Committee decision.

Within thirty (30) days of the conclusion of the hearing, the Committee shall recommend to the County Board what action to be taken which may include whether or not to revoke in whole or in part the certification of the community. The recommendation of the Committee shall be in writing and shall include the specific findings and conclusions supporting its determination. The County Board shall decide appropriate remedies and shall take any actions necessary to implement the remedies. A copy of the County Board's decision and order, if any, shall be served upon the community. The decision of the County Board to revoke the certification of the community is final, subject only to the right of the community to reapply for certification at or after such time as the County shall specify in its order of revocation.

(Res. No. 12-28, § 1109, 6-19-2012)

Secs. 16-380—16-401. Reserved.

*Subdivision XII. Performance Security***Sec. 16-402. General security requirements.**

(a) As security to the County or the certified community for the performance by the applicant to complete the construction of any and all stormwater facilities required by the stormwater management permit, to pay all costs, fees and charges due from the applicant pursuant to the permitting authorities of this division and to otherwise faithfully perform the applicant's developer's undertakings pursuant to this division or the applicable certified community ordinance, the applicant shall post:

- (1) Construction performance security as provided in Section 16-403 prior to issuance of a stormwater management permit.
- (2) Sediment and erosion control security as provided in Section 16-404, prior to issuance of a stormwater management permit if a sediment and erosion control plan is required pursuant to Section 16-174.
- (3) Maintenance security as provided in Section 16-405 prior to acceptance of stormwater management facilities by any public or private entity.

(b) Nothing contained herein shall prevent the applicant from submitting financial security that combines purposes set forth above, so long as that security is for acceptable by the County or the certified community.

(c) The applicant/developer or agent shall bear the full cost and responsibility of securing and maintaining the securities required by this section.

(Res. No. 12-28, § 1200, 6-19-2012)

Sec. 16-403. Performance security.

- (a) A construction performance security shall be posted and shall include:
- (1) A schedule, agreed upon by the applicant/developer and the Administrator, for the completion of the construction of any stormwater facilities required by the permit;
 - (2) An irrevocable letter of credit, or such other adequate security as the Administrator may approve, in an amount equal to not less than one hundred ten (110) percent of the estimated probable cost to complete the construction of any stormwater facilities required by the stormwater management permit, which estimated probable cost shall be prepared by a registered professional engineer and shall be approved by the Administrator;
 - (3) A statement signed by the applicant granting the Administrator the right to draw on the security and the right to enter the development site to complete required work in the event that work is not completed according to the work schedule;
 - (4) A statement signed by the applicant that the applicant shall indemnify the community and the County for any additional costs incurred attributable to the concurrent activities of or conflicts between the applicant's contractor and the community or County's remedial contractor at the site.

(b) The security required by this section shall be maintained and renewed by the applicant and shall be held in escrow by the Administrator until the conditions set forth in this section or other applicable provisions are satisfied.

(c) The Administrator may approve periodic reductions in the letter of credit based on progress of construction. However, not more than ninety (90) percent of the security provided for in this section may be released prior to approval of record drawings and final inspection.

(Res. No. 12-28, § 1201, 6-19-2012)

Sec. 16-404. Sediment and erosion control security.

(a) If a sediment and erosion control plan is required pursuant to Section 16-174, then a sediment and erosion control security shall be required. Such a security shall include:

- (1) An irrevocable letter of credit, or such other adequate security as the Administrator shall approve, in an amount equal to not less than one hundred ten percent (110 percent) of the estimated probable cost to install and maintain the sediment and erosion control measures, which estimated probable cost shall be approved by the Administrator;
- (2) A statement signed by the applicant granting the Administrator, as applicable, the right to draw on the security and the right to enter the development site to complete or maintain sediment and erosion control measures in the event that such measures are not installed and/or maintained according to the established schedule.

(b) The security required by this section shall be maintained and renewed by the applicant, and shall be held in escrow by the Administrator, as applicable, until the conditions set forth in this section are satisfied.

(c) The Administrator may approve periodic reductions in the letter of credit based on progress of construction. However, not more than ninety (90) percent of the security provided for in this section may be released prior to completion of all construction, establishment of vegetation, removal of all sediment from stormwater facilities, and final inspection and approval by the Administrator.

(Res. No. 12-28, § 1202, 6-19-2012)

Sec. 16-405. Maintenance security.

(a) Maintenance security shall be posted and shall include:

- (1) A schedule, agreed upon by the applicant/developer and the Administrator, for the follow up inspection and maintenance repair of any stormwater facilities required by the permit. Generally, the maintenance period will be a minimum of one (1) year;
- (2) An irrevocable letter of credit, or such other adequate security as the Administrator may approve, in an amount equal to not less than ten (10) percent of the estimated probable cost to complete the construction of any stormwater facilities required by the stormwater management permit, which estimated probable cost shall be prepared by a Registered professional engineer and shall be approved by the Administrator;

- (3) A statement signed by the applicant granting the Administrator the right to draw on the security and the right to enter the development site to complete required work in the event that stormwater facilities require maintenance according to the work schedule;
- (4) A statement signed by the applicant that the applicant shall indemnify the community and the County for any additional costs incurred attributable to the concurrent activities of or conflicts between the applicant's contractor and the community or County's remedial contractor at the site.

(b) The security required by this section shall be maintained and renewed by the applicant and shall be held in escrow by the Administrator until the conditions set forth in this section or other applicable provisions are satisfied.

(Res. No. 12-28, § 1203, 6-19-2012)

Sec. 16-406. Letters of credit.

(a) Letters of credit posted pursuant to Sections 16-402 through 16-405 shall be in a form satisfactory to the Director or the Administrator, as applicable.

(b) Each letter of credit shall be from a lending institution:

- (1) Acceptable to the Director or the Administrator, as applicable;
- (2) Having capital resources of at least ten million dollars (\$10,000,000.00), or such other amount acceptable to the Director or the Administrator;
- (3) With an office in the County or an adjacent County or within the Chicago Metropolitan Area;
- (4) Insured by the Federal Deposit Insurance Corporation.

(c) Each letter of credit shall, at a minimum, provide that:

- (1) It shall not be canceled without the prior written consent of the Director or the Administrator;
- (2) Shall not expire without written notification of the Director or Administrator at least forty-five (45) days prior to expiration;
- (3) It shall not require the consent of the developer prior to any draw on it by the Director or the Administrator;
- (4) If at any time it will expire within forty-five (45) or any lesser number of days, and if it has not been renewed and the renewal submitted to the Director or the Administrator, and if any applicable obligation of the developer for which its security remains uncompleted or is unsatisfactory, then the Director or the Administrator may, without notice and without being required to take any further action of any nature whatsoever, call and draw down the letter of credit and thereafter either hold all proceeds as security for the satisfactory completion of all such obligations or employ the proceeds to complete all such obligations and reimburse the County or the certified community for any and all costs and expenses, including legal fees and administrative costs, incurred by the County or the certified community, as the Director or the Administrator shall determine.

(d) If at any time the Director or the Administrator determines that the funds remaining in the letter of credit are not, or may not be, sufficient to pay in full the remaining unpaid cost of all stormwater facility construction or sediment and erosion control measures, then, within ten (10) days following a demand by the Director or the Administrator, the developer shall increase the amount of the letter of credit to an amount determined by the Director or the Administrator to be sufficient to pay such unpaid costs. Failure to so increase the amount of the security shall be grounds for the Director or the Administrator to draw down the entire remaining balance of the letter of credit.

(e) If at any time the Director or the Administrator determines that the bank issuing the letter of credit is without capital resources of at least ten million dollars (\$10,000,000.00), is unable to meet any Federal or State requirement for reserves, is insolvent, is in danger of becoming any of the foregoing, or is otherwise in danger of being unable to honor such letter of credit at any time during its term, or if the Director or the Administrator otherwise reasonably deems the bank to be insecure, then the Director or the Administrator shall have the right to demand that the developer provide a replacement letter of credit from a bank satisfactory to the Director or the Administrator. Such replacement letter of credit shall be deposited with the Director or the Administrator not later than ten (10) days following such demand. Upon such deposit, the Director or the Administrator shall surrender the original letter of credit to the developer.

(f) If the developer fails or refuses to meet fully any of its obligations under this division or the applicable certified community ordinance, then the Director or the Administrator may, in the discretion of the same, draw on and retain all or any of the funds remaining in the letter of credit. The Director or the Administrator thereafter shall have the right to take any action the same deems reasonable and appropriate to mitigate the effects of such failure or refusal, and to reimburse the County or the certified community from the proceeds of the letter of credit for all of its costs and expenses, including legal fees and administrative expenses, resulting from or incurred as a result of the developer's failure or refusal to fully meet its obligations under this division or the applicable certified community ordinance. If the funds remaining in the letter of credit are insufficient to repay fully the County or the certified community for all such costs and expenses, and to maintain a cash reserve equal to the required letter of credit during the entire time such letter of credit should have been maintained by the developer, then the developer shall, upon demand of the Director or the Administrator therefor, immediately deposit with the Director or the Administrator such additional funds as the Director or the Administrator determines are necessary to fully repay such costs and expenses and to establish such cash reserve.

(Res. No. 12-28, § 1204, 6-19-2012)

Secs. 16-407—16-425. Reserved.

Subdivision XIII. Fee in Lieu of Site Runoff Storage

Sec. 16-426. Generally.

(a) Fee in lieu of site runoff storage shall only be allowed for redevelopment projects as defined by this division.

(b) The Administrator may allow the payment of a fee in lieu of site runoff storage to fulfill all or part of the site runoff storage requirement for a development. Fee in lieu of site runoff storage shall be the lesser of:

- (1) The fee computed for each acre-foot or part thereof of detention required and approved in accordance with the procedures and schedules as approved and adopted by the County or the certified community; or
- (2) The estimated construction cost, as approved by the County or the certified community of the applicant's proposed and approved site runoff storage, including land costs.

(c) The following fee in lieu of detention procedures apply to communities with adopted procedures for requiring and collecting fee in lieu of revenues for detention requirements:

- (1) The Administrator may allow, or the applicant may submit, a written request for the payment of a fee in lieu of site runoff storage to fulfill all of part of the site runoff storage requirement in accordance with Section 16-81. A request for fee in lieu of site runoff storage shall be either rejected or approved within forty five (45) days of the written request unless additional engineering studies are required.
- (2) Approval of a request for fee in lieu of site runoff storage on a development site shall be determined by the Administrator.
- (3) A fund will be maintained by the certified community, or the County for non-certified communities, for each of the major watersheds for the purpose of identifying and controlling all revenues and expenses related to stormwater drainage services resulting from fee in lieu of site runoff storage approvals. All monies collected for fee in lieu of site runoff storage shall be deposited in these funds and may only be used for the purposes related to stormwater management as noted in Subsection (c)(4) of this section.
- (4) Fee in lieu of site runoff storage revenues from development sites may be used to plan, design or construct an upgrade to existing or future stormwater management systems if the upgrade is consistent with a watershed plan, floodplain study or stormwater system improvement that has been approved by the County for non-certified communities or the community-elected board of officials in a certified community.

(Res. No. 12-28, § 1300, 6-19-2012)

Secs. 16-427—16-450. Reserved.

ARTICLE III. SITE APPROVAL FOR REGIONAL POLLUTION CONTROL FACILITIES

Sec. 16-451. Definitions.

The terms used in these procedural rules and regulations shall have the same meanings as the same terms are defined in the State Environmental Protection Act (415 ILCS 5/1 et seq.) in effect as of the date of the ordinance from which this article is derived and as said Act may be amended or modified from time to time.

(Ord. No. 97-08, art. 1, 3-18-1997)

Sec. 16-452. Filing of request.

(a) A minimum of thirty (30) complete copies of requests for site approval shall be filed in the office of the County Clerk by the applicant. Upon receipt of any such requests and the filing fee as provided in Section 16-453(a), the County Clerk shall date stamp same, retain one (1) copy, and deliver the remaining copies to the County Board office. All exhibits that the applicant wishes to have considered as evidence by the Board must be attached to the request for site approval at the date of filing.

(b) At any time prior to the completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for cross questioning by the County Pollution Control Site Hearing Committee and any participants, the applicant may file not more than one (1) amended request for site approval upon payment of an additional fee as set forth in Section 16-426(a). In the event an amended request is filed, it shall comply with Section 16-426(a). The time limitation for final action as set forth by the Environmental Protection Act (415 ILCS 5/1 et seq.) shall be extended for an additional period of ninety (90) days.

(c) The request for site approval shall contain a sworn statement by the applicant that all statutory requirements for request for site approval have been met by the applicant, specifically stating the actions taken by the applicant to comply with such requirements and documentation of any and all receipts, etc. (Ord. No. 97-08, art. 2, 3-18-1997)

Sec. 16-453. Filing fee.

(a) There shall be paid to the County Clerk for delivery to the County Treasurer for deposit in a special fund at the time of the filing of a request for site approval a fee of three hundred thousand dollars (\$300,000.00). In the event an amended request is filed pursuant to Section 16-452(b), an additional filing fee of three hundred thousand dollars (\$300,000.00) shall accompany said amended request. A fee of five hundred thousand dollars (\$500,000.00) is required if said facility is designed as a Hazardous Waste Disposal Site. In the event an amended request is filed pursuant to Section 16-452(b), an additional fee of five hundred thousand dollars (\$500,000.00) shall accompany such amended request.

(b) The County Board may use the fee to pay any costs incurred by the County in reviewing the request, employing qualified professional persons to evaluate the information contained in the request, to pay the costs involved in any hearing, including the fees of Court reporters and expert witnesses employed by the County to clarify or refute any information contained in the request, to pay any costs incurred in the appeal of any decision of the County Board as to the request and to pay any other cost or expenses in any way connected with the request, including, but not limited to, remand hearings.

(c) If the costs incurred by the County under this section exceed the amount of the filing fee, the County shall present a claim to the applicant for the excess. Payment of this excess is due within thirty (30) days of the date the claim is presented to the applicant. (Ord. No. 97-08, art. 3, 3-18-1997)

Sec. 16-454. Contents of request for site approval.

(a) *Background of applicant.* The request for site approval shall contain the following information concerning the applicant:

- (1) Applicant's full name, address, and telephone number. If applicant is a partnership, the names and addresses of each partner.

- (2) If applicant is a corporation:
 - a. The names and addresses of all officers, directors, all stockholders owning five (5) percent or more of the capital stock of the corporation and the name, address, and telephone number of the corporation and the registered agent of the corporation;
 - b. The articles of incorporation and the most recent annual report.
 - (3) If applicant is a corporation and more than ten (10) percent of its capital stock is owned by another corporation, either directly or derivatively, then the requirements of this Subsection (a) shall apply to such corporation.
 - (4) Balance sheet and statement of profit and losses, each certified by a certified public accountant, for each of the last five (5) years.
 - (5) A list of any and all court actions or administrative proceedings of any kind in which the applicant (including any person, corporation or partnership identified pursuant to this Subsection (a)) has been a named party and the subject matter was related to waste hauling or disposal. Such list shall identify the court or agency, the number of the case, and a brief summary of the facts and decision of the case.
 - (6) With respect to each individual named in the request for site approval, said request for site approval shall state the prior employment history and qualifications of such person as it relates to the proposed site operation.
 - (7) If the applicant (or any person, partnership, or corporation identified by the section) has previously closed any facility regulated by the United States or State Environmental Protection Agencies, the applicant shall make available, upon request, a copy of all closure documents. The terms of this subsection shall apply to facilities which were owned or operated by a corporation or partnership of which the applicant was the owner of more than ten (10) percent of the ownership interest of the corporation or partnership which owned or operated the facility.
- (b) *Site description.* The request for site approval shall contain the following information concerning the description of the proposed site:
- (1) Legal description of the site for the proposed use.
 - (2) Vertical height of site as it exists and vertical height of the site as it would exist upon closure.
 - (3) Name, address, and telephone number of the owners of the property. The requirements of Subsection (a) of this section shall apply to owners of the property and such information should be provided at the time the request for site approval is filed by the applicant.
 - (4) If the site is not owned by the applicant, then documents giving the applicant the right to develop the proposed use must be attached to the request for site approval by the applicant.
 - (5) A map, prepared and certified by a licensed professional engineer, of sufficient size, showing, but not limited to:
 - a. Location of the site;
 - b. Location and depths of all water wells within one and one-half (1½) miles of the boundaries of the proposed site and such wells as may be affected by the proposed use;

- c. Location of all aquifers, streams, ponds, rivers and lakes and such bodies of water as may be affected by the proposed use;
 - d. Location of all roads and bridges and transportation structures that may be affected by the proposed use;
 - e. Location of all buildings within five hundred (500) feet of the proposed site and all buildings that may be affected by the proposed use.
- (6) A complete hydrologic study of the site by a qualified hydrologist, including, but not limited to:
- a. Studies completed by any Federal or State agency;
 - b. General description of the hydrologic conditions of site and the surrounding area;
 - c. Complete log of each boring made during the exploratory program, including, but not limited to:
 - 1. Textural classification (USDA);
 - 2. Particle size distribution for representative samples;
 - 3. Coefficient of permeability based on field and laboratory determinations;
 - 4. Ion-exchange capacity and ability to absorb and fix heavy metal ions.
 - d. If bedrock was encountered:
 - 1. Depth of bedrock;
 - 2. Physical character and hydrologic characteristics of the bedrock formation;
 - 3. Names and ages of the formation encountered.
- (7) Information on any existing surface or subsurface mining on the site within an area that may be affected by the proposed use, including, but not limited to:
- a. Legal description of areas mined;
 - b. Materials removed by mining;
 - c. Approximate size of displacement.
- (8) Information on any other activity that has occurred on the site in which the natural condition of the soil or support of the surface has been disturbed.
- (c) *Proposed service areal/volume.*
- (1) The request for site approval shall specify the geographic area that the proposed site is intended and designed to serve.
- (2) The request shall list the location of each regional pollution control facility (RPCF) within the proposed service area and within fifty (50) miles of the perimeter of the proposed service area, providing the following information:
- a. Dimensions of the RPCF (including permitted vertical air space) that remains unfilled by waste, estimating life span of such facility;
 - b. Owner and operator;
 - c. Classification of permit.

- (3) The request shall include complete documentation of the facts and reasons supporting applicant's assertion that the facility is necessary to accommodate the waste needs of the proposed service area.

(d) *Site development plan.* The request for site approval shall contain the following information concerning the site development plan:

- (1) Detailed topographic map of the site as it exists at the time of the request for site approval, prepared and certified by a licensed professional engineer, drawn to a scale of not less than one (1) inch to two hundred (200) feet, showing:
 - a. Five (5) foot contour intervals on sites, or portions thereof, where the relief exceeds twenty (20) feet, and two (2) foot contour intervals on sites, or portions thereof, having less than twenty (20) feet of relief;
 - b. Location of all buildings, ponds, streams, wooded areas, bedrock outcrops, underground and overhead utilities, roads, fences, culverts, drainage ditches, drain tiles, easements, streets, boundaries, areas previously mined or where soil has been disturbed from its natural condition, the location and elevations of borings made under Subsection (b) of this section, and any other item that may be affected by the proposed use.
- (2) Detailed topographic map of the site as it is to be developed, prepared and certified by a licensed professional engineer, drawn to a scale of not less than one (1) inch to two hundred (200) feet, showing the same types of information as the map in this Subsection (d), and more specifically:
 - a. Location and description of all monitoring devices which will be utilized on the site;
 - b. Location of all buildings and equipment to be utilized by the proposed use.
- (3) Detailed topographic map of the site as it will appear at the time of closure, prepared and certified by a licensed professional engineer, drawn to a scale of not less than one (1) inch to two hundred (200) feet, showing the same types of information as the map in this Subsection (d), and more specifically:
 - a. Location and description of all monitoring devices which will be utilized on the site after closure;
 - b. Location of all buildings and equipment that will remain after closure.
- (4) Approximate period of time for which the proposed facility will be in operation.

(e) *Operating procedures.* The request for site approval shall contain the following information concerning the operating and closing procedures of the proposed facility:

- (1) Detailed operating procedures for the facility;
- (2) Specific details for the following items:
 - a. Personnel requirements, including training and supervision;
 - b. Traffic control on the site;
 - c. Method of determining the quantity and contents of waste delivered to the facility;
 - d. Method of chemical analysis of waste.

(f) *Contingency and emergency plans.* The request for site approval shall include information on contingency and emergency plans, including, but not limited to:

- (1) List of possible emergency situations which might occur at or near this facility which might affect the operations of the facility, including, but not limited to, explosion, fire, spills, tornadoes, and vandalism.
- (2) The applicant's plan to insure against risks of injury to the person and property of others, including copies of insurance policies or commitment letters.
- (3) Detailed closure plan. The request for site approval shall contain a detailed plan for voluntary or involuntary closure of the facility, including, but not limited to:
 - a. Financial planning;
 - b. Technical information and planning;
 - c. Closure planning in accordance with current State Pollution Control Board regulations.

(g) *Floodplain.*

- (1) The request for site approval shall include a statement that the facility is within or outside the one hundred (100) year floodplain as determined by the Federal Emergency Management Agency.
- (2) There shall be filed with the request for site approval a map prepared and certified by a licensed professional engineer documenting the boundaries of the one hundred (100) year floodplain.
- (3) If the site is within the one hundred (100) year floodplain, there shall be filed:
 - a. Evidence that the site has been floodproofed to meet the requirements of the Federal Emergency Management Agency and the requirements of any other Federal or State agency;
 - b. Evidence of approval by applicable Federal and State agencies.

(h) *Traffic patterns.* There shall be filed with the request for site approval:

- (1) A map of the County, prepared by a licensed professional engineer, showing the roads which will be used to transport material to and from the site.
- (2) A traffic study showing the present traffic flows on said roadways and the impact that the traffic generated by this facility will have thereon.
- (3) A statement of the estimated number of motor vehicles and the types and weights (loaded and empty gross) thereof which will be entering and exiting the site during each month of operation.
- (4) A statement of the load limitations of any and all roads and bridges that will be utilized by traffic entering and exiting the site.

(Ord. No. 97-08, art. 4, 3-18-1997)

Sec. 16-455. Public inspection and comment.

(a) A copy of the request for site approval shall be made available for public inspection in the offices of the County Clerk, and members of the public shall be allowed to obtain a copy of the request for site approval or any part thereof upon payment of actual costs of reproduction to the County Clerk. All copying requests shall be fulfilled by the County Clerk in accordance with the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.).

(b) The County Clerk shall receive and date stamp written comments from any person concerning the appropriateness of the proposed site for its intended purpose.

(c) Copies of written comments shall be made available for public inspection in the offices of the County Clerk, and members of the public shall be allowed to obtain a copy of any written comment upon payment of actual cost of reproduction. All copying requests shall be fulfilled by the County Clerk in accordance with the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.).

(d) Any written comment received by the County Clerk postmarked not later than thirty (30) days after the date of the last public hearing shall be made part of the record of the public hearings as hereinafter described and the County Board shall consider any such timely written comments in making its final determination. In the event that the 30th day falls on a Saturday, Sunday, a Federal or County holiday, the next day of which mail is received by the County Clerk shall be considered the 30th day for the purposes of this subsection.

(Ord. No. 97-08, art. 5, 3-18-1997)

Sec. 16-456. Retention of experts.

The County Board may, at its discretion, retain the services of one or more professional consultants to assist the Board and County staff in the process of reviewing any site approval request. Any expense shall be paid from the filing fee.

(Ord. No. 97-08, art. 6, 3-18-1997)

Sec. 16-457. Record.

(a) The County Clerk or designee shall be responsible for keeping the record of the hearing and site review process.

(b) The record shall consist of the following:

- (1) The request for siting approval.
- (2) Proof of notice as described in Section 16-458(d)(3).
- (3) Proof of notice given by applicant pursuant to Section 39.2(b) of the Environmental Protection Act (415 ILCS 5/39.2(b)).
- (4) Written comments filed by the public and received by the County Clerk or postmarked within thirty (30) days of the last public hearing.
- (5) All evidence, reports, studies, exhibits or documents submitted into evidence at the public hearing.

- (6) A complete transcript of the public hearings.
 - (7) The finding and recommendations of the County Pollution Control Site Hearing Committee.
 - (8) A copy of the resolution containing the final decision of the County Board.
- (Ord. No. 97-08, art. 7, 3-18-1997)

Sec. 16-458. County Regional Pollution Control Site Hearing Committee; public hearing.

(a) *Committee.* The County Pollution Control Site Hearing Committee shall be appointed by the County Board.

- (1) The County Board shall appoint five (5) people to serve on the Pollution Control Site Hearing Committee. The County Board shall also designate a Chairman of the Committee. The Committee may include Board members, professional consultants or any other individuals the Board, at its discretion, merit appointment. Compensation for the Committee will be funded by the request for site approval filing fee.
- (2) Quorum. One (1) member of the Committee shall constitute a quorum.

(b) *Hearing officer.* The County Board shall appoint a Hearing Officer to govern the proceedings under this article. The Hearing Officer will preside over the quasi-judicial process and be responsible for ruling on preliminary motions, objections or any other contested legal issues. The Hearing Officer shall be a licensed attorney in the State. The Hearing Officer shall have the duty to conduct a fair hearing, to take all necessary actions to avoid delay, to maintain order and to ensure development of a clear, complete and concise record.

(c) *Evidentiary standards.*

- (1) The Hearing Officer shall receive evidence which is admissible under the rules of evidence as applied in the Courts of the State pertaining to civil actions except as this article otherwise provides. The Hearing Officer may receive evidence, which is material, relevant, and would be relied upon by reasonably prudent persons in the conduct of serious affairs, provided that the rules relating to privileged communications and privileged topics shall be observed.
- (2) When the admissibility of evidence depends upon an arguable interpretation of substantive law, the Hearing Officer shall admit such evidence.
- (3) Relevant scientific or technical articles, treatises or materials may be introduced into evidence subject to refutation or disputation through any introduction of comparable documentary evidence or expert testimony.

(d) *Public hearing.*

- (1) Within a reasonable time from the date the request for site approval is filed, the Pollution Control Site Hearing Committee shall determine the date, time and location upon which such public hearing shall be held. The initial public hearing shall be scheduled no sooner than ninety (90) days but no later than one hundred twenty (120) days from the date the request for site approval was filed with the County Clerk.

- (2) If, in the Committee's opinion, County facilities are not sufficient to accommodate the number of persons expected to attend the hearing, the Committee may arrange for the hearing to be conducted at another site. In such an event, the Committee is authorized to lease an adequate auditorium and sound system for the hearing. Any and all costs associated with such acquisition shall be paid from the filing fee.
 - (3) The Committee shall cause notice to be published in accordance with the applicable provisions of the Environmental Protection Act (415 ILCS 5/1 et seq.).
 - (4) The State's Attorney, or an assistant, shall serve as legal advisor for the County Regional Pollution Control Site Hearing Committee.
 - (5) Members of the public shall be allowed to obtain copies of any documents filed upon payment of the actual cost of reproduction.
 - (6) All testimony at any public hearing shall be under oath or affirmation.
 - (7) The applicant requesting site approval shall have the burden of going forward with evidence of the suitability of the site for its proposed use.
 - (8) Any person appearing at the public hearing shall have the right to give testimony and comment on the suitability of the proposed use for the site location. Any person testifying shall be required to state their name and address.
 - (9) The opportunity for any person appearing at the public hearings to cross examine any witness may be limited by the Hearing Officer. The Hearing Officer reserves the right to limit testimony, questions, comments and cross examination to prevent argumentative comments, and personal attacks on other parties, to maintain order and decorum during the hearing process, and to prevent cumulative, repetitive or irrelevant materials in the record. The Committee reserves the right to ask questions of any party testifying in order to clarify an issue, statement, or fact.
 - (10) The Committee shall have the right to obtain and consider as evidence the previous operating experience and past record of convictions or admissions of violations of the applicant (any subsidiary or parent corporation) in the field of solid waste management when considering statutory criteria ii and v in Section 39.2(a) of the Environmental Protection Act (415 ILCS 5/39.2(a)).
 - (11) Any person shall have the right to be represented by a licensed attorney-at-law at the public hearings. Such attorneys shall have the right of reasonable cross examination. Any person not represented by an attorney shall also have the right to reasonable cross examination of witnesses. The scope of cross examination shall be determined by the Hearing Officer.
- (Ord. No. 97-08, art. 8, 3-18-1997)

Sec. 16-459. Site approval decision.

(a) After the public hearings or any continuation thereof, the County Regional Pollution Control Site Hearing Committee shall hold a public review meeting for the purposes of establishing findings of fact and a recommendation concerning the site approval request. Any findings of fact and recommendation shall be supported by the record and shall be presented by the Committee to each County Board Member.

(b) The County Board shall consider the record of the public hearing, the findings of fact and the recommendations of the Pollution Control Site Hearing Committee and shall make a written decision concerning a site approval request not more than one hundred eighty (180) days from the date of the County Clerk's receipt of the site approval request. In the event a request for site approval is amended, the County Board shall render a decision within two hundred seventy (270) days. The County Board may accept a request for site approval and impose conditions in accordance with Section 39.2(e) of the Illinois Environmental Protection Act (415 ILCS 5/39.2(e)).
(Ord. No. 97-08, art. 9, 3-18-1997)

Sec. 16-460. Administration of fees and costs.

(a) The filing fee received pursuant to Section 16-453 shall be deposited with the County Treasurer. The County Treasurer is hereby authorized and directed to receive and hold said filing fee until payment is directed as described in this section.

(b) All expenses incurred by the County as a result of the request for site approval and the hearing process set forth herein may be paid from the filing fee.

(c) All costs incurred by the County, its staff officials, departments as a result of administering the hearing process herein shall be reported to the County Board.

- (1) Upon approval by the County Board, the Board may authorize reimbursement for expenditures and payment of all bills upon proper documentation.
- (2) Upon termination of any proceedings under the hearing process, the County Clerk shall prepare a final accounting and summary of all bills and expenses which shall be presented for approval to the County Board.

(Ord. No. 97-08, art. 10, 3-18-1997)

Chapter 17

RESERVED

Chapter 18

HEALTH

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KENDALL COUNTY CODE

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ARTICLE I. IN GENERAL

Secs. 18-1—18-18. Reserved.

ARTICLE II. PUBLIC HEALTH NUISANCES**Sec. 18-19. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural operation means any operation devoted to a bona fide production of crops, animal, or fowl, including, but not limited to, the production of fruits and vegetables of all kinds; meat, dairy, poultry, and fish products; nuts, tobacco, nursery and floral products, and the production and harvest of products of silviculture activity.

Enforcement officer means that person designated by the County Board and the County Board of Health to enforce this chapter.

Garbage means any accumulation of waste resulting from the handling, processing, preparation, cooking, and consumption of food or produce.

Health authority means the Director of Environmental Health of the County or designated agent.

IEPA means Illinois Environmental Protection Agency.

Noxious means detrimental to one's health.

Public health nuisance means any condition considered harmful to persons or property, or which may be hazardous to the public health. The term "public health nuisance" indicates a nuisance that has far reaching effects and has the ability to affect the health, safety, or welfare of the public in general.

Refuse means all solid wastes, excluding bodily wastes, including garbage, rubbish, dead animals, abandoned automobiles, discarded appliances, and solid manufacturing and industrial wastes.

Rubbish means combustible and non-combustible waste, except garbage, including, but not limited to, rags, old clothes, scrap metal, glass, cement, paper, raw (untreated) scrap lumber, cardboard, and similar materials.

Stagnant water means standing, motionless water, devoid of natural mosquito predators and parasites, that persists for seven (7) days or more.

Vermin means collectively noxious, troublesome and disease-transmitting small animals such as rodents and insects such as cockroaches, flies, lice, mosquitoes, etc.

Yard waste means any waste generated as the result of tree trimming, lawn mowing, gardening, leaf raking, and other yard activities and consisting of branches, brush, grass clippings, leaves, sod, hedge trimmings and other plant waste from yard and garden sources.

(Ord. No. 21-27, § 1, 10-19-2021)

Sec. 18-20. Incorporated or referenced materials.

The latest version of the Environmental Protection Act (415 ILCS 5) is hereby incorporated by reference into this chapter.

(Ord. No. 21-27, intro. ¶, 10-19-2021)

Sec. 18-21. Refuse; storage and disposal.

(a) It shall be unlawful to cause, or allow to cause, the dumping of any refuse on any public or private land, unless such dumping occurs at an IEPA permitted disposal site.

(b) It shall be unlawful to collect or accumulate refuse, offal, animal carcasses, tires, abandoned vehicles, and other materials which could potentially be a harborage for mosquitoes, rodents, or other vermin, or which may impose a physical hazard to the public, with the exception of normal storage of manure or machinery on a farm for agricultural purposes.

(Ord. No. 21-27, § 2, 10-19-2021)

Sec. 18-22. Open burning/incineration.

(a) Open burning of garbage, as herein defined, is prohibited except at those facilities which have been issued a permit to incinerate garbage by the IEPA, and only when such burning is done in a manner which complies with all rules adopted by the IEPA for lawful burning.

(b) The open burning of leather, rubber, carpets, furniture, plastic, tires, and all other toxic materials as defined by the IEPA is prohibited at all times in the County except at facilities which have been issued a permit to burn such material by the IEPA and only when the burning at said facility is done in a manner which complies with all rules adopted by the IEPA for the lawful burning of such material as defined by the IEPA.

(c) In the areas where burning is permitted, open burning of yard waste is only permitted on the property from which it was generated, subject to the following conditions:

- (1) Atmospheric conditions allow for ready dispersal of contaminants.
- (2) Open burning is prohibited on "code red" or "ozone action" alert days as determined by the IEPA.
- (3) The burning does not create visibility hazards on roadways, tracks, or airfields.
- (4) Burning is not done within twenty (20) feet of any building or structure.
- (5) Burning is supervised until the fire is extinguished, and a hose or fire extinguisher is readily available.
- (6) The material to be burned is clean and dry.
- (7) The material does not contain varnish, paint, finishes, or other chemicals which would cause toxic emissions when burned, as per Subsection (b) of this section.

(Ord. No. 21-27, § 3, 10-19-2021)

Sec. 18-23. Declared public health nuisances.

The following, except in conjunction with standard farming practices, and standard road work practices on County and township roads, are hereby declared general nuisances when affecting the health and well-being of persons residing within the County or adversely affecting the property of County residents and are prohibited:

- (1) To cause or allow to cause the deposit of any animal carcass, offal, or other noxious or potentially hazardous material in any lake, pond, stream, well, common sewer, waterway, street or public highway.
- (2) To cause or permit the pollution of any well, cistern, spring, underground water source, stream, lake, canal or other body of water by sewage or industrial wastes, or any other substance considered hazardous to the public health.
- (3) All buildings, walls, or other structures which have been damaged by fire or have become dilapidated, rundown, or decayed and are so situated as to endanger the safety of the public or provide a possible harborage for rodents, insects, and other vermin.
- (4) To maintain any kennel, stable, barn, coop, pen, yard, or other place where animals, including pets, are kept in an unsanitary condition which leads to noxious conditions or provides a harborage for insects and other vermin.
- (5) To cause or allow for the impoundment and stagnation of water which harbors vermin or promotes the breeding of disease causing vermin on land used for residential, commercial, business, industrial and manufacturing purposes as defined in Chapter 36.

(Ord. No. 21-27, § 4, 10-19-2021)

Sec. 18-24. Odors and dust at waste processing facilities.

Dense smoke, vapors, gas, dust, soot, cinders, or other airborne particles, or offensive and lingering odors produced by IEPA permitted waste processing facilities may be investigated and corrections to resolve the matter will be suggested at the time of the inspection. If corrective measures cannot be identified at the time of inspection or the corrections are not promptly completed upon a follow up inspection and within the amount of time provided, the matter will be forwarded to the IEPA for enforcement.

(Ord. No. 21-27, § 5, 10-19-2021)

Sec. 18-25. Right to farm.

In order to limit the circumstances under which agricultural operations may be deemed to be a nuisance, especially when nonagricultural land uses are initiated near existing agricultural operations, no agricultural operation or any of its appurtenances shall be considered a nuisance, public or private, if such operations are conducted in accordance with existing best management practices and comply with existing laws and regulations of the State (Farm Nuisance Suit Act, 740 ILCS 70/0.01 et seq.) and local ordinances. The exemptions specified in this section shall not apply whenever a nuisance results from the

negligent or improper operation of any agricultural operation or its appurtenances, nor shall these exemptions supersede any restrictions or requirements of farming operations set forth in any other County regulations.

(Ord. No. 21-27, § 6, 10-19-2021)

Sec. 18-26. Enforcement and penalties.

(a) *Authorization to enter premises.* The enforcement officer is hereby authorized to make the necessary inspections to obtain compliance with this chapter. For the purpose of making such inspections, the enforcement officer is hereby authorized to request entry to any property at any reasonable time upon reasonable notice, for the purpose of determining compliance with this chapter. Refusal of right to entry shall be cause for the enforcement officer to seek the permission of the court for right of entry.

(b) *Notice to abate.* Upon investigation of the nuisance complaint by the enforcement officer, if it is determined that a nuisance does exist, the same shall issue a written notice to abate the nuisance condition within a reasonable amount of time to be determined by the Health Authority. A follow-up inspection will then be made in an effort to ensure that compliance has been achieved. Depending on the nature and conditions of the violations and/or responsible party, a series of follow-up inspections may be necessary to achieve total compliance. However, a final date by which all violations are to be fully resolved shall be established and adhered to. If it is determined that the condition constitutes an immediate and serious threat to the health and safety of the population, the enforcement officer may approach the court for an immediate abatement order.

(c) *Failure to abate condition.* Any person, firm or corporation who violates any of the provisions of this article shall be guilty of an ordinance violation punishable by a fine not to exceed five hundred dollars (\$500.00) with each week the violation remains uncorrected constituting a separate offense.

(Ord. No. 21-27, § 7, 10-19-2021)

Sec. 18-27. Annual review of the Public Health Nuisance Ordinance.

In an effort to evaluate the efficacy of this article, the County Health Department shall prepare and present to the County Board no later than the first regular Board meeting of each calendar year the previous year's nuisance complaint and investigation activity. Said report shall include, but not be limited to, the numbers and types of public health nuisance complaints received and investigated by the Health Department, and the numbers of public health nuisance complaints resolved by means of the County State's Attorney's Office.

(Ord. No. 21-27, § 8, 10-19-2021)

Secs. 18-28—18-56. Reserved.

ARTICLE III. WATER SUPPLIES

Sec. 18-57. Scope.

(a) The ordinance from which this article is derived is enacted to establish and provide for the enforcement of minimum standards to assure that water wells are properly designed, constructed, operated, maintained and serviced and all other matters relating to private water wells, semi-private water wells, non-community water supplies and closed loop wells, to protect the health, safety and general welfare of the public.

(b) The State statutes grant to the County Board the power to enact such ordinances that protect the health of the citizens of the County.

(c) After the effective date of the ordinance from which this article is derived, all private water supply systems as described herein shall only be constructed or modified in accordance with this article. (Ord. No. 2023-22, § 1, 5-16-2023)

Sec. 18-58. Adoption by reference.

In addition to those provisions set forth, this article shall be interpreted and enforced in accordance with provisions set forth in the following statutes, rules, and regulations of the State Department of Public Health and any subsequent amendments or revisions thereto, which publications are incorporated herein and adopted by reference as part of this article:

- (1) Illinois Water Well Construction Code (77 Ill. Admin. Code 920).
- (2) Illinois Water Well Pump Installation Code (77 Ill. Admin. Code 925).
- (3) Public Area Sanitary Practice Code (77 Ill. Admin. Code 895).
- (4) Drinking Water Systems Code (77 Ill. Admin. Code 900).
- (5) Surface Source Water Treatment Code (77 Ill. Admin. Code 930).
- (6) Safe Drinking Water Act (Public Law 104-182).

(Ord. No. 2023-22, § 2, 5-16-2023)

Sec. 18-59. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned well means a water well or monitoring well which is no longer used to supply water, or which is in such a state of disrepair that the well or boring has the potential for transmitting contamination into an aquifer or otherwise threatens the public health or safety.

Applicant means the property owner as defined herein who has applied for a permit or such applicant's authorized agent.

Approved or *approval* means constructed and installed in compliance with technical standards and requirements of this article. An approval does not imply or ensure that a system will perform satisfactorily.

Director means the Director of Environmental Health Services.

Health Department means the County Health Department, including its duly authorized representatives.

Inspection fee means a fee for inspection to be conducted in the fulfillment of a water well construction permit and which is assessed at the time of the inspection scheduling by the County Health Department.

Modification means the alteration of the structure of an existing water well, including, but not limited to, deepening, elimination of a buried suction line, installation of a liner, replacing, repairing or

extending casing, or replacement of a well screen. Pertaining to closed loop wells, the term "modification" also means any alteration to the construction of the borehole of an existing closed loop well, including, but not limited to, regrouting and installation of additional boreholes.

Permit fee means a fee assessed for the issuance of a permit by the County Health Department.

Potable water means water that is suitable for human consumption and which meets public health standards for drinking water.

Property means any parcel or combination of contiguous parcels, under ownership or control for which legal title has been recorded and which is designated by its owner as a tract of land to be used, developed, or built upon as a unit.

Property owner means the person in whose name legal title to property is recorded.

Revocation means nullification.

Transient non-community water system permit means an annual permit issued by the County Health Department to the owner or operator of a non-community water system. The permit may be transferred to a new owner within the permitting year, which shall run from January 1 to December 31.

Water well means an excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, but the term "water well" does not include an excavation made for the purposes of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying or for inserting media to repressure an oil or natural gas bearing formation or for storing petroleum, natural gas, or other products or for observation or any other purpose in connection with the development or operation of a gas storage project.

Well means a bored, drilled or driven shaft, or dug hole, the depth of which is greater than the largest surface dimension.

(Ord. No. 2023-22, § 3, 5-16-2023)

Sec. 18-60. New construction.

Water well and well permit plans shall be approved for new construction prior to the issuance of the building permit.

(Ord. No. 2023-22, § 4, 5-16-2023)

Sec. 18-61. Potable water supply required.

(a) All premises intended for human habitation shall be provided with a potable water supply. Each potable water supply shall provide quantities of water that are sufficient for the dwelling or structure served.

- (1) *Surface water supplies.* Water systems which receive their source of water from ponds, lakes, streams, rivers, or other surface collectors of water shall be designed, constructed, and operated in accordance with the Surface Source Water Treatment Code (77 Ill. Admin. Code 930). No surface water shall be utilized as a potable water supply unless the Health Department has reviewed and approved the supply and its components.

(2) *Cisterns.* Cisterns shall not be used as a potable water supply except where adequate groundwater resources are not available. Cistern water shall receive treatment in accordance with the Surface Source Water Treatment Code (77 Ill. Admin. Code 930). No surface water shall be utilized as a potable water supply unless the Health Department has reviewed and approved the supply and its components.

(b) The potable water supply shall not be connected to non-potable water and shall be protected against backflow and backsiphonage in accordance with the requirements of the Illinois Plumbing Code (77 Ill. Admin. Code 890).

(Ord. No. 2023-22, § 5, 5-16-2023)

Sec. 18-62. Powers and duties of the Health Department.

(a) The Health Department shall be responsible for regulating the design, construction, operation, maintenance and service of private water wells, semi-private water wells, non-community water supplies, closed loop wells or dewatering wells.

(b) The Health Department shall be empowered to issue permits authorizing the installation and modification of private water wells, semi-private water wells, non-community water supplies, closed loop wells or dewatering wells within their jurisdiction.

(c) The Health Department shall be empowered to withhold issuance of a permit for a private water well, semi-private water well, non-community water supply, closed loop wells or dewatering well if the permit application is incomplete, the permit application and resulting well fail to conform to this article or State law, or if site conditions are inconsistent with those provided within the submitted permit application.

(d) The Health Department shall make all necessary sanitary and health investigations and inspections to ensure compliance with the appropriate administrative codes, statutes and ordinances as are necessary to protect and improve the public health.

(e) The Health Department shall either institute, or cause to be instituted, legal proceedings in the Circuit Court of the County in cooperation with the County State's Attorney's Office where a violation of this article occurs or a condition presents a substantial hazard to public health.

(Ord. No. 2023-22, § 6, 5-16-2023)

Sec. 18-63. Right of entry and inspection.

(a) Pursuant to 55 ILCS 5/5-25013(A)(8) and the administrative codes cited in Section 18-58, the Health Department shall conduct inspections, investigations and site evaluations of properties, public and private, to determine compliance with the provisions of this article. The Health Department shall perform all inspections, investigations and site evaluations at a reasonable time.

(b) It shall be the duty of all property owners or occupants to allow the Health Department personnel free access to the subject property at reasonable times to conduct inspections, investigations and site evaluations. Persons who deny Health Department personnel the ability to discharge the duties described in this section shall be in violation of this article. In the event that Health Department personnel are

refused permission to inspect any property at a reasonable time, such personnel shall have the authority to seek an injunction and/or administrative investigative warrant from the Circuit Court of the County, as well as any other relief the Court may deem appropriate.

(Ord. No. 2023-22, § 7, 5-16-2023)

Sec. 18-64. General permit requirements.

(a) An application for a permit to install or modify a private water well, semi-private water well, non-community water supply, closed loop well or dewatering well shall be submitted, in writing, on forms provided by the County Health Department.

(b) The applicable permit fee will be paid at the time of permit application.

(c) The applicable inspection fee will be paid at the time of inspection scheduling.

(d) If the Health Department finds that a permit application meets the requirements of the Illinois Department of Public Health Water Well Construction Code (77 Ill. Admin. Code 920) and all requirements of this article, a permit shall be issued to the applicant.

(e) Three copies of the water well plan or closed loop plan shall accompany the permit application.

(f) The following specification shall be included on, or with, a water well or closed loop well permit application:

- (1) A drawing indicating lot size, direction of slope, location of property lines, and distances from proposed well construction to septic tanks, abandoned wells, property lines, seepage fields, sewers, and all other sources of contamination, and an indication of the type of contamination source;
- (2) Water well drillers license number and name;
- (3) Estimated daily pumping capacity if greater than one hundred thousand (100,000) gallons per day;
- (4) The location of the water well, including county, city, street address, or lot number, township, range, directions to the site and section;
- (5) Name and address of the owner of the well;
- (6) Type of well to be constructed (bored, dug, driven or drilled);
- (7) An estimate of the depth of the well;
- (8) Type of well (i.e., non-potable use well, such as an irrigation, livestock or industrial water well, private water well, semi-private water well or non-community public water well);
- (9) Proposed aquifer.

(g) No water well or closed loop well shall be installed, modified or sealed until a permit has been issued by the Health Department. Failure to obtain a permit prior to beginning any such water well or closed loop well work shall constitute a violation of this article.

(Ord. No. 2023-22, § 8, 5-16-2023)

Sec. 18-65. Transient non-community water system permit requirements.

(a) No person shall operate a transient non-community water system without a valid permit issued by the Health Department. The permit shall be renewed annually and shall be available at the well site.

(b) The Health Department shall inspect all transient non-community water systems to determine compliance with this article and applicable State codes.

(c) The Health Department may collect water samples from a transient non-community water system in order to determine compliance with applicable State codes.

(Ord. No. 2023-22, § 9, 5-16-2023)

Sec. 18-66. Revocation or suspension of permit.

(a) The Health Department shall have the authority to revoke or suspend water well permits, closed loop well permits or transient non-community water system permits when information serving as the basis for approval is found to be false or erroneous, or when provisions of this article, applicable State statutes or administrative codes are violated.

(b) The reason for the suspension or revocation of a permit shall be posted in writing at the site, or mailed to the applicant at the address provided on the permit application, by certified mail, return receipt requested.

(Ord. No. 2023-22, § 10, 5-16-2023)

Sec. 18-67. Permit validity.

A Health Department issued permit for the installation or modification of a private water well, semi-private water well, non-community water supply well, closed loop well, dewatering well or well sealing is valid for a period of twelve (12) months from the date of permit issuance. If construction has not started within that twelve (12) month period, the permit is void. Written request for extension may be submitted prior to remaining thirty (30) days of twelve (12) month period.

(Ord. No. 2023-22, § 11, 5-16-2023)

Sec. 18-68. Fees.

The following schedule of fees shall apply to water supplies:

| <i>Water Supply Fees</i> | |
|---------------------------------------|----------|
| Water well construction permit | \$100.00 |
| Water well inspection | \$150.00 |
| Water well sealing permit | \$100.00 |
| Water well capping permit | \$100.00 |
| Closed loop well system permit | |
| Up to first 10 boreholes | \$100.00 |
| After 10 boreholes, each additional | \$10.00 |
| Closed loop well system inspection | \$100.00 |
| Water well sample collection/analysis | \$70.00 |

| <i>Water Supply Fees</i> | |
|---|----------------|
| Change of contractor | \$25.00 |
| Public water supply feasibility letter | \$25.00 |
| Variance request review | \$50.00 |
| Transient non-community annual operating permit | \$150.00 |
| Transient non-community well resampling fee due to positive detect, per each detect | \$150.00 |
| Water well final construction re-inspection | \$50.00 |
| Site evaluation | \$50.00 |
| Noncompliance fee (work performed without a permit) | Permit fee x 2 |
| Property transaction inspection fee - well and septic site evaluation and report | \$200.00 |

- (1) Fee exemptions will be granted to those organizations that are classified as official units of the County government.
 - (2) An applicant that can prove 501(c)(3) status will be granted a fee reduction of 50 percent of the regular fee as listed on this schedule.
- (Ord. No. 2023-22, § 12, 5-16-2023)

Sec. 18-69. Exceptions.

A permit for installation or modification of a water well shall not be required by the Health Department when the water well does, or will, serve a community public water system or function as a monitoring well.

(Ord. No. 2023-22, § 13, 5-16-2023)

Sec. 18-70. Water well or well installation.

All wells shall be constructed by contractors meeting any and all applicable licensing and or certification requirements within the State.

- (1) *Installer responsibilities.*
 - a. No water well or closed loop well shall be installed or modified except in accordance with the provisions of this article.
 - b. It is the responsibility of the licensed water well contractor or licensed closed loop well contractor to install the water well or closed loop wells per the approved design. Failure to install a water well or closed loop well per the approved permit application is a violation of this article which may result in a suspension or revocation of permit, delay of system approval and/or occupancy.
 - c. It is the responsibility of the licensed water well contractor or licensed closed loop contractor to notify the Health Department of any intended change to the approved permit application. Notification of these intended changes shall be provided, in writing, to the Health Department prior to changes being implemented. Failure to provide the department with written notice of changes is a violation of this article which may result in a suspension or revocation of permit, delay of system approval and/or occupancy.

- d. The installation contractor shall be present during the system inspection. If the licensed or certified contractor is not present, a representative of such contractor shall be present during the system inspection.
 - (2) *Notification.* The property owner or licensed contractor shall provide a minimum twenty-four (24) hours' advance notification to the Health Department before beginning installation, modification or sealing of a water well or closed loop well for which a permit has been issued.
 - (3) *Site access.* In order to determine compliance with this article, site access for system inspection shall be deemed essential for, but not limited to, the following:
 - a. On-site system layout review or site evaluations.
 - b. At any stage of well construction, modification or sealing.
 - c. Final inspection, following completion of the system installation.
 - d. As may otherwise be necessary in compliance with Section 18-63.
- (Ord. No. 2023-22, § 14, 5-16-2023)

Sec. 18-71. Emergency repairs/modification.

In the case of emergency repairs or modifications which require a permit, the emergency repair or modification shall be performed only after written notice has been provided to the Health Department outlining the necessary repair or modification. This section only applies to those emergency repairs and modifications which, if not promptly addressed, may present an immediate public health threat.

(Ord. No. 2023-22, § 15, 5-16-2023)

Sec. 18-72. Abandoned wells.

Wells that are abandoned shall be sealed in a manner prescribed by the Illinois Water Well Construction Code (see 77 Ill. Admin. Code 920.120). The Health Department may inspect abandoned wells to determine compliance with said Code.

(Ord. No. 2023-22, § 16, 5-16-2023)

Sec. 18-73. Planning, Building and Zoning Department recommendation.

It is recommended that the property owner, water well contractor or closed loop contractor contact the subdivision developer and County Planning, Building and Zoning Department to review the previously accepted engineering plans for the subdivision to determine locations of required setbacks, drainage requirements, easements, floodplains, surface drain system, detention/retention ponds and other features. Nothing contained herein shall absolve the applicant from the necessity of following all applicable plats, planned unit developments (PUD), covenants, etc., that are in effect regarding applicant's property.

(Ord. No. 2023-22, § 17, 5-16-2023)

Sec. 18-74. Closed loop wells.

(a) All closed loop wells shall be constructed by contractors meeting applicable licensing and or certification requirements within the State.

(b) Application for permit of a closed loop well shall be made, in writing, and submitted on forms provided by the County Health Department. The closed loop well contractor and property owner shall sign the permit application.

(c) Applications for permit shall be accompanied by payment that is in accordance with the Health Department fee schedule.

(d) The application for permit shall also be accompanied with a plan listing the type of facility to be served (e.g., single-family residence, apartment building, business, factory, school), the number and depth of the closed loop boreholes and showing the location of the closed loop well system, geographic location of the site using global positioning equipment and a description including county, city, street address, subdivision lot number, township, range, section and directions to the site. The plan shall also show all existing dwellings, seepage fields, sewers accessory structures, wells, septic system components, bodies of water or other property information requested by the Health Department to aid in the permitting of the closed loop well system. Changes in location of the closed loop well system shall be approved by the Health Department prior to installation.

(e) All closed loop well setback distances described in the latest edition of the Illinois Water Well Construction Code (77 Ill. Admin. Code 920) shall be maintained.

(f) Construction reports for each closed loop well shall be provided to the Health Department within thirty (30) days of completion of drilling.
(Ord. No. 2023-22, § 18, 5-16-2023)

Sec. 18-75. Variations.

The Health Department shall be empowered to grant variations to the requirements of these regulations in situations when the strict application of such requirements would create a unique hardship or unfair burden upon those affected. A variation shall be authorized only when it can be reasonably demonstrated that a public health hazard will not result. Variation requests shall be submitted in writing, on forms provided by the County Health Department. The Health Department shall notify the applicant in writing of its decision to either grant or deny the variation. The approved variation documents shall be recorded on the property deed and filed with the County Recorder of Deeds.
(Ord. No. 2023-22, § 19, 5-16-2023)

Sec. 18-76. Disinfection and analysis.

(a) All components of a newly constructed or modified water well used for drinking, culinary and sanitary purposes shall be thoroughly disinfected with a strong chlorine solution which will yield a dosage of at least one hundred (100) parts per million to the water in the well and piping system.

(b) Water samples shall be collected by the water well contractor or property owner within thirty (30) days of water well completion. A certified laboratory shall analyze all samples for newly constructed water wells. A copy of the analysis shall be filed with the Health Department.
(Ord. No. 2023-22, § 20, 5-16-2023)

Sec. 18-77. Violations.

(a) Whenever the Health Department determines that there is a violation of any provisions of this article or applicable State code, the Health Department shall give notice of such alleged violation to the property owner, who shall then remedy the violation within the time allotted.

(b) The notice of violation shall:

- (1) Be in writing.
- (2) Include a statement of the reasons for the issuance of the notice.
- (3) Contain details of the remedial action to be taken.
- (4) Allow reasonable time to take remedial action and to otherwise comply with this article.
- (5) Be served upon the property owner, or resident, via personal delivery or sent via registered or certified mail.

(c) In addition to the revocation or suspension of any permit issued, if such violation continues, the matter will be referred to the County State's Attorney's Office to prosecute violations of the article and to initiate any necessary action in the Circuit Court of the County, in order to abate such violating condition as enumerated in this article or the associated State law, including, but not limited to, seeking injunctive relief.

(Ord. No. 2023-22, § 21, 5-16-2023)

Sec. 18-78. Hearings and appeals.

(a) Any person may appeal a permitting decision to the Health Department by written request that shall be filed with the Department within ten (10) business days after receipt of the subject notice to revoke, suspend or deny the permit at issue.

(b) A hearing for such appeal shall be scheduled to take place as soon as reasonably possible, but no later than fifteen (15) business days from the date of filing such request, unless a later date is agreed upon. The health officer conducting the hearing shall give notice by phone and regular mail of the date, time and location of such hearing. Written notice of the hearing to a party may be waived by that party.

(c) The hearing shall be conducted by a health officer at the place and time designated by such officer. All hearings shall be conducted so as to provide the parties adequate time to prepare, the right to present evidence in support of their position, the right to cross examine, and the right to legal counsel at their own expense. The formal rules of evidence shall not apply. The health officer may ask questions of any witness to assist in reaching a decision. The health officer shall make a record of the proceedings. Should a party desire a verbatim transcript of such hearings, they may obtain a court reporter at the party's own expense.

(d) Based upon the record of such hearing, the Health Department shall make a finding and a written decision shall be prepared. Such decision shall be considered final and shall be provided to the permit holder by the Health Department within fifteen (15) days and a record of the same shall be maintained.

(Ord. No. 2023-22, § 22, 5-16-2023)

Sec. 18-79. Penalty.

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or refuses to remedy a violation of the provisions of this article shall be guilty of a business offense and be fined not less than one hundred dollars (\$100.00) and no more than one thousand dollars (\$1,000.00) for each offense. Each day upon which such violation continues shall constitute a separate offense. Further penalties shall be assessed as outlined in the latest edition of the Illinois Department of Public Health Water Well Construction Code (77 Ill. Admin. Code 920), Water Well Pump Installation Code (77 Ill. Admin. Code 925), Public Area Sanitary Practice Code (77 Ill. Admin. Code 895), Drinking Water Systems Code (77 Ill. Admin. Code 900) or Surface Source Water Treatment Code (77 Ill. Admin. Code 930).

(Ord. No. 2023-22, § 24, 5-16-2023)

Sec. 18-80. Maintenance of records.

The Health Department shall maintain a record of construction applications and permits, notices of subsequent lowerings, records of hearings and the information contained in those documents, which shall be available for public inspection.

(Ord. No. 2023-22, § 25, 5-16-2023)

Sec. 18-81. Enforcement.

Enforcement of this article shall be performed by the County Health Department.

(Ord. No. 2023-22, § 26, 5-16-2023)

Secs. 18-82—18-105. Reserved.**ARTICLE IV. ON-SITE WASTEWATER TREATMENT SYSTEMS****Sec. 18-106. Scope.**

This chapter is enacted to establish and provide for the enforcement of minimum standards to ensure that on-site wastewater treatment systems are designed and constructed to ensure properly operating wastewater treatment systems through the construction phase in such a way as to protect the health of the public and natural resources within the County from impairment, pollution, or destruction. The maintenance and servicing of these systems are also inspected through regular food establishment inspections, complaint driven events, or homeowner requests to meet the requirements of applicable State Code.

(Ord. No. 21-28, § 1, 11-16-2021)

Sec. 18-107. Adoption by reference.

The rules and regulations in the latest edition of the State Department of Public Health Private Sewage Disposal Licensing Act (225 ILCS 225/1 et seq.) and Code (77 Ill. Admin. Code 905), and any subsequent amendments or revisions thereto, are adopted and incorporated as part of this article.

(Ord. No. 21-28, § 2, 11-16-2021)

Sec. 18-108. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means any structure with a roof that is not attached to the dwelling.

Agricultural land means land on which a food crop, feed crop, or fiber crop is grown such as range land, pastureland or farms.

Applicant means the property owner as defined herein or authorized agent.

Approved or *approval* means constructed and installed in compliance with technical standards and requirements of this chapter. The term "approved" does not imply or ensure that a system will perform satisfactorily.

Director means the Director of Environmental Health Services.

Domestic sewage or *sewage* means human wastewater derived principally from plumbing fixture drains in dwellings, business or office buildings, institutions, food service establishments, and similar facilities. The term "domestic sewage" or "sewage" does not include animal waste, industrial waste or commercial processing waste.

Health Department means the County Health Department and authorized representatives.

Inspection fee means a fee assessed for the inspection of work performed which relates to an on-site wastewater treatment system.

Interceptor drain means a drain tile located upslope from the soil treatment area and consists of a perforated tile extending beyond the septic field width and then outlets through a non-perforated tile that runs down slope on one (1) side of the on-site wastewater treatment system.

On-site wastewater treatment system (OWTS) means an absorption system relying on natural processes and/or mechanical components that is used to collect, store, treat, neutralize, stabilize, or dispose sewage which is not a part of or connected to a sewage treatment works. An OWTS is commonly referred to as a septic system. Also see 225 ILCS 225/3(7), private sewage disposal system.

On-site wastewater treatment system component means a component of an on-site wastewater treatment system that is installed on the site at which the wastewater is produced, including, but not limited to, a septic tank, lift station, a secondary pretreatment unit, or soil treatment area. The term "on-site wastewater treatment system component" may also be referred to as a system component.

Nonresidential property means any property that is not used for a single-family home.

Perimeter drain means a perforated drain tile that encircles the soil treatment area and outlets down slope through a non-perforated tile.

Permit means the document that is issued by the Health Department upon proper application, which authorizes the construction, repair or alteration of an on-site wastewater treatment system under this article.

Permit fee means a fee assessed for the issuance of a permit by the County Health Department.

Property means any parcel or combination of contiguous parcels, under ownership or control for which legal title has been recorded and which is designated by its owner as a tract of land to be used, developed, or built upon as a unit.

Property owner means the person in whose name legal title to property is recorded.

Revocation means nullification.

Segment drain means an extension of an interceptor or perimeter drain that extends between sections of a split soil treatment field. Segment drains supplement drainage efficiency in large soil treatment fields or where soil permeability is moderately slow as in soil design groups IX, X, and XI.

Should means the stated provision is recommended, but not required.
(Ord. No. 21-28, § 3, 11-16-2021)

Sec. 18-109. Powers and duties of the Health Department.

(a) The Health Department shall be responsible for regulating the design, construction, operation, maintenance and service of on-site wastewater treatment systems and their compliance with this chapter, the State Department of Public Health Private Sewage Disposal Licensing Act (225 ILCS 225/1 et seq.) and the Private Sewage Disposal Code (77 Ill. Admin. Code 905).

(b) The Health Department shall be empowered to issue permits authorizing the installation, repair, alteration or renovation of on-site wastewater treatment systems within their jurisdiction.

(c) The Health Department shall be empowered to withhold issuance of or revoke an on-site wastewater treatment system permit if the permit application is incomplete or if site conditions are inconsistent with those provided within the submitted permit application.

(d) The Health Department shall make all necessary sanitary and health investigations and inspections to ensure compliance with the appropriate administrative codes, statutes and ordinances as is necessary to protect and improve the public health.

(e) The Health Department shall either institute, or cause to be instituted, legal proceedings in the circuit court of the County in cooperation with the County State's Attorney's office where a violation of this chapter occurs or a condition presents a substantial hazard to public health.

(Ord. No. 21-28, § 4, 11-16-2021)

Sec. 18-110. Right of entry and inspection.

(a) Pursuant to 55 ILCS 5/5-25013(A)(8), the Health Department shall be empowered to conduct inspections, investigations and site evaluations of properties, public and private, to determine compliance with the provisions of this chapter. The Health Department shall perform all inspections, investigations and site evaluations at a reasonable time.

(b) It shall be the duty of all property owners or occupants to allow the Health Department personnel free access to the subject property at reasonable times to conduct inspections, investigations and site evaluations. Persons who deny Health Department personnel the ability to discharge the above-described duties shall be in violation of this chapter. In the event that Health Department personnel are

refused permission to inspect any property at a reasonable time; such personnel shall have the authority to seek an injunction and/or administrative investigative warrant from the County Circuit Court, as well as any other relief the Court may deem appropriate.

(Ord. No. 21-28, § 5, 11-16-2021)

Sec. 18-111. Nonresidential on-site wastewater treatment systems.

(a) The Health Department shall review any proposal for an on-site wastewater treatment system to service a nonresidential property via an informal meeting with the designer prior to its submittal for approval. The review shall consider those elements of the proposal which may impact the functioning and longevity of the on-site wastewater treatment system, including, but not limited to, waste strength, peak flows, removal of non-domestic wastewater, seasonal flow variations, soil or site limitations, adequate future replacement area and elements of the proposal which may require special arrangements for access and maintenance.

(b) In all cases where nonresidential properties are proposed for development, an area for a full-size replacement system shall be provided. The area shall be suitable for an on-site wastewater treatment system as confirmed by on-site soil investigation and designated for future on-site wastewater treatment system replacement. The replacement area shall be kept free of development, traffic or soil modification on all properties.

(c) An aeration treatment plant servicing a nonresidential system shall meet the requirements of 77 Ill. Admin. Code 905.100J and may be subject to routine or periodic wastewater sampling which may be requested by the County Health Department at their discretion.

(Ord. No. 21-28, § 6, 11-16-2021)

Sec. 18-112. Soil investigations.

Soil investigations shall be conducted as outlined in the latest edition of the State Department of Public Health Private Sewage Disposal Code (77 Ill. Admin. Code 905).

(Ord. No. 21-28, § 7, 11-16-2021)

Sec. 18-113. Interceptor drain and perimeter drain installations to affect a seasonal high water table with a subsurface seepage system.

(a) *Generally.*

- (1) The minimum size and grade of drain tile shall be four (4) inch single-wall corrugated, perforated HDPE pipe conforming to ASTM F405. Non-perforated tile conforming to ASTM F405 shall be the minimum used for outlet tiles.
- (2) Well-graded pit run gravel with less than five (5) percent fines passing the No. 200 sieve and no aggregate more than one and one-half (1½) inches in diameter shall be used for gravel backfill around the drainage tile. Ideal material will contain a mixture of medium and coarse sand with fine and medium gravel.
- (3) Other department approved synthetic media may be used in lieu of gravel and tile, provided their drainage capability equals or exceeds that of gravel.

- (4) Drain tile installed in sandy soil, as indicated on the soil evaluation report, shall be wrapped in geo-textile fabric with an effective opening size between two-tenths (0.2) and eighty-five hundredths (0.85) millimeters.
- (5) The drain tile outlet shall be metal or PVC a minimum of two (2) feet in length that is equipped with a rodent guard.
- (6) Gravity discharge from the outlet is strongly preferred, and the outlet pipe shall be placed to encourage free flow of water in all seasons.
- (7) If a gravity-flow outlet cannot be achieved, the drain shall flow into a vault of sufficient size to maximize the life of the sump pump.
- (8) Any existing drainage tiles encountered in the proposed soil treatment area during construction shall be rerouted.
- (9) A cross section of the curtain drain shall be provided on the on-site wastewater treatment system plan. All construction details of the curtain drain shall be provided on the cross section.
- (10) Discharge to roadside drainage ditches is not permitted without written permission from the responsible highway authority, responsible township authority or other entity responsible for the roadside drainage ditch.

(b) *Placement requirements.*

- (1) The minimum trench width shall be eight (8) inches.
- (2) A minimum of three (3) inches of gravel, or approved synthetic aggregate, shall be placed in the trench bottom prior to installation of drainage tile.
- (3) Outlet tiles do not require gravel, or approved synthetic aggregate, and should be backfilled with native material.
- (4) Drainage tile shall be placed so that no sags occur that may impede drainage. Minimum slope on drain tile is two-tenths (0.2) foot per one hundred (100) feet of run (two-tenths (0.2) percent).
- (5) Buried open ends of drainage tile shall be capped to prevent siltation within the tile.
- (6) The center of all tiles in drainage systems shall be placed a minimum of ten (10) feet from the center of any septic field lines.
- (7) If the shallowest depth to restrictive permeability is thirty-six (36) to forty-two (42) inches below the surface, the drain tile trench bottom should extend six (6) inches into the restricted permeability zone. In these instances, septic lines must lie at-grade or within twelve (12) inches of the surface.
- (8) If the shallowest depth to restrictive permeability is forty-two (42) inches or more, the drain tile trench bottom should extend six (6) inches into the restricted permeability zone or lie three (3) feet below the bottom of the deepest septic field trench, whichever is shallower.

- (9) Drain tiles installed parallel to effluent lines shall not lie more than fifty (50) feet apart in soils with design loading rates in design groups IX or X, thirty (30) feet apart in design group XI. Segment drains shall be used to achieve proper intervals. Drain tile intervals shall not exceed sixty-five (65) feet for soils in design groups II through VIII.

(c) *Perimeter segment drain requirements.*

- (1) Drain tile trench should be backfilled with gravel, or approved synthetic aggregate, to a depth of six (6) inches above the shallowest seasonal high water table depth shown by the soil evaluation report. The remainder of the trench may be backfilled with native material. Backfilling with gravel or approved synthetic aggregate, to within six (6) inches of the soil surface and capping with topsoil to final grade is recommended for soils in design groups IX, X, and XI.
- (2) Segment drains may be used in conjunction with both perimeter and interceptor drains. Ten (10) foot setbacks to septic field lines must be maintained with segment drains.

(d) *Interceptor drain requirements.*

- (1) The center of the drain tile shall lay a minimum of ten (10) and a maximum of fifteen (15) feet upslope from the center of the nearest effluent line.
- (2) The drain tile trench shall be backfilled with gravel, or approved synthetic aggregate, to within six (6) inches of the surface and capped with topsoil to final grade.

(Ord. No. 21-28, § 8, 11-16-2021)

Sec. 18-114. Permit requirements.

(a) An application for a permit to install, repair or renovate an on-site wastewater treatment system shall be submitted, in writing, on forms provided by the County Health Department.

(b) The applicable permit fee and any related inspection fee shall be paid at the time of permit application.

(c) If the Health Department finds that a permit application meets the requirements of the State Department of Public Health Private Sewage Disposal Code (77 Ill. Admin. Code 905) and all requirements of this chapter, a permit shall be issued to the applicant.

(d) Three (3) copies of the on-site wastewater treatment system plan shall accompany the permit application. Plans shall be drawn with an engineer's scale (one (1) inch equals ten (10), twenty (20), thirty (30), forty (40), fifty (50) or sixty (60) feet).

(e) The following specifications shall be included on, or with, the on-site wastewater treatment system permit application:

- (1) Location of all existing and proposed buildings, accessory structures, driveways, roads, parking areas, sidewalks, patios, decks, swimming pools and any other improvements that may affect the location of on-site systems;
- (2) Location and dimensions of all lot boundaries and easements on the property;
- (3) Location of all existing water wells and on-site wastewater treatment system components whether existing or proposed on the subject and adjacent properties;

- (4) Location of all proposed stormwater systems, including, but not limited to, storm sewers, detention basins, retention basins or drainage tiles on the subject and adjacent properties;
- (5) Location of any lake, stream, wetland or body of water, floodplains, detention or retention areas on the subject property;
- (6) Identification of any agricultural land which is used for farming purposes (on the subject property);
- (7) Existing roadways and other areas where existing soil may be disturbed;
- (8) Description and location of all existing and proposed components of the on-site wastewater treatment system. The description shall include manufacturer name and size of each component of the system. The location of all components of the on-site wastewater treatment system shall be provided on the design plan. This includes tanks, lift stations, distribution piping (material and size), distribution boxes, drop boxes, soil treatment components, gravel application beds in mound systems and any area where fill is to be applied;
- (9) A copy of the soil investigation report, including the location of all soil evaluation points. All soil borings locations shall be transposed onto the permit design plans;
- (10) Existing and proposed topography in two (2) foot contours;
- (11) A cross section view of the subsurface seepage system, including the total amount of soil cover, in inches, over the system. For subsurface seepage systems, the minimum and maximum cover shall be provided, in inches, on the plan. If a curtain drain is utilized, include a cross section of the curtain drain, including construction details and depth, in inches, of the curtain drain;
- (12) Elevations necessary to describe the sewage flow to, and through, the on-site wastewater treatment system. These elevations include, but are not limited to, the top of the foundation or another suitable benchmark, plumbing stub-out, inlet and outlet of any tanks, inlet of distribution boxes, top or bottom elevations of seepage lines or other subsurface seepage components.

(f) No on-site wastewater treatment system shall be installed, repaired or renovated until a permit has been issued by the Department.

(Ord. No. 21-28, § 9, 11-16-2021)

Sec. 18-115. Revocation of permit.

(a) The Health Department shall have the authority to revoke on-site wastewater treatment system permits when information serving as the basis for approval is found to be false or erroneous, or when provisions of this chapter or the State Department of Public Health Private Sewage Disposal Code (77 Ill. Admin. Code 905) are violated.

(b) The Health Department shall have the authority to revoke on-site wastewater treatment system permits if the area designed for the soil treatment is disturbed by major filling, compaction, excavation, paving or other disturbances that adversely impact the permeability of the soil.

(c) The reason for the revocation of a permit shall be posted in writing at the site or mailed to the applicant at the address provided on the permit application, by certified mail, return receipt requested. (Ord. No. 21-28, § 10, 11-16-2021)

Sec. 18-116. Permit validity.

A Health Department issued permit for the installation, repair or renovation of an on-site wastewater treatment system is valid for a period of twelve (12) months from the date of permit issuance. If construction has not started within that twelve (12) month period, the permit is void. Written request for extension may be submitted to the Environmental Health Department prior to remaining thirty (30) days of the twelve (12) month period.

(Ord. No. 21-28, § 11, 11-16-2021)

Sec. 18-117. Fees.

The following schedule of fees shall apply to on-site wastewater treatment systems:

| <i>On-Site Wastewater Treatment System (OWTS) Fees</i> | |
|--|----------------|
| OWTS permit (new construction or replacing existing tank and field) | \$340.00 |
| OWTS septic tank replacement permit | \$100.00 |
| OWTS soil absorption system repair permit | \$200.00 |
| OWTS re-inspection | \$50.00 |
| OWTS permit (new construction - community/cluster) | \$500.00 |
| OWTS permit plan revision | \$50.00 |
| Permanent holding tank | \$150.00 |
| Septic tank abandonment | \$50.00 |
| Variance request | \$70.00 |
| Change of contractor | \$25.00 |
| Annual domestic sewage land applicator | \$100.00 |
| Soil evaluation consultation and report | \$50.00 |
| Subdivision plat review (per lot) | \$50.00 |
| Public sewer feasibility letter | \$25.00 |
| Site evaluation | \$50.00 |
| Community system administrative and inspection fee | \$400.00 |
| Noncompliance fee (work performed without a permit) | Permit fee x 2 |
| Property transaction inspection fee - well and septic site evaluation and report | \$200.00 |

(1) Fee exemptions will be granted to those organizations that are classified as official units of the County government.

(2) An applicant that can prove 501(c)(3) status will be granted a fee reduction of fifty (50) percent of the regular fee as listed on this schedule.

(Ord. No. 21-28, § 12, 11-16-2021)

Sec. 18-118. On-site wastewater treatment system installation.

(a) *Installer responsibilities.*

(1) No on-site wastewater treatment system shall be installed, repaired or renovated except in accordance with the provisions of this chapter.

- (2) It is the responsibility of the licensed private sewage disposal installation contractor to install the on-site wastewater treatment system per the approved permit application. Failure to install the on-site wastewater treatment system per the approved permit application is a violation of this chapter which may result in a delay of system approval and/or occupancy and/or the revocation of any permit granted for the same.
- (3) It is the responsibility of the licensed private sewage disposal contractor to notify the Health Department of any changes to the approved permit application. Notification of any changes shall be provided, in writing, to the Health Department. Failure to provide the department with written notice of changes is a violation of this chapter which may result in a delay of system approval and/or occupancy and/or the revocation of any permit granted for the same.
- (4) The system installer shall be present during a system inspection. If the system installer is unable to be present, the representative shall be present.

(b) *Protection of the on-site wastewater treatment system.* The area of an on-site wastewater treatment system shall be selected and maintained so that it is free from soil compaction or soil disturbance caused by, but not limited to, driveways, decks, patios, slabs, accessory structures, swimming pools, parking areas, buried lawn sprinkling systems, underground utility services, and addition to the original structure. Access to all on-site wastewater treatment system components shall be provided at all times for maintenance and servicing.

(c) *Construction traffic.* On properties where installation equipment will have limited access to the proposed on-site wastewater treatment system area, the Health Department may request that the location for material storage and the designated path for construction traffic be specified on, or with, the system plan.

(d) *Agricultural land.* On-site wastewater treatment systems and on-site wastewater treatment system components shall not be installed on agricultural land which is routinely farmed.

(e) *Notification.* The property owner or licensed contractor shall provide a minimum twenty-four (24) hours' advance notification to the Health Department before beginning installation, repair or renovation of any component or components of the on-site wastewater treatment system for which a permit has been issued.

(f) *Site access.* In order to determine compliance with this chapter, site access for system inspection shall be deemed essential for, but not limited to, the following:

- (1) On-site system layout review or site evaluations.
- (2) Observing soil investigations and soil borings.
- (3) At any stage of installation of the system.
- (4) Final inspection, following completion of the system installation, prior to covering.
- (5) As may otherwise be necessary in compliance with Section 18-110.

(g) *Tree removal.* Any removal of trees from the proposed on-site wastewater treatment system area which have a trunk diameter measuring greater than twelve (12) inches shall be removed by cutting near the surface. Stumps shall be removed by grinding or cutting. On wooded lots, it is strongly recommended that property owners and/or private sewage disposal system installation contractors contact County Health Department prior to any tree or soil disturbance.

(h) *Patios, concrete slabs and decks.*

- (1) New construction of patios and slabs shall maintain a five (5) foot horizontal separation distance to a septic tank, aeration device, lift station, holding tank or any other component of the septic system.
- (2) New decks shall be built so as to accommodate the integrity, functionality, or servicing of any component of septic system; allowing for a five (5) foot horizontal separation from the septic tank.
- (3) Existing decks, patios and slabs located over septic system components shall be modified to allow access for maintenance of the on-site wastewater treatment system.

(i) *Above-ground swimming pools.* New construction of above-ground swimming pools not meant to be emptied and stored between uses shall maintain a five (5) foot horizontal separation distance to a septic tank, aeration device, lift station, holding tank, seepage field or any other component of the septic system.

(j) *Access to on-site wastewater treatment system components.* All on-site wastewater treatment system tanks, lift stations, aeration devices and any other treatment components installed after the effective date of the ordinance from which this chapter is derived shall be provided with risers that terminate a minimum of three (3) inches above finished grade in order to allow access for pumping and maintenance. (Ord. No. 21-28, § 13, 11-16-2021)

Sec. 18-119. Emergency repairs.

In the case of emergency repairs which require a permit, the emergency repair shall be performed only after written notice has been provided to the Health Department outlining the necessary repair. This section only applies to those emergency repairs which, if not promptly addressed, may endanger the public or present an immediate threat to public health.

(Ord. No. 21-28, § 14, 11-16-2021)

Sec. 18-120. Order to uncover.

If any person backfills, or covers, any portion of the system with earth, or other material which prevents the Health Department from properly inspecting the system to determine compliance with this chapter, the system installer shall uncover the portions of the system deemed necessary by the Health Department to allow for system inspection. (See 77 Ill. Admin. Code 905.190.)

(Ord. No. 21-28, § 15, 11-16-2021)

Sec. 18-121. Protection of the on-site wastewater treatment system.

(a) The on-site wastewater treatment system area shall be protected by fencing, or other department approved measures, prior to applying for a permit. The system shall remain protected throughout the duration of any construction to eliminate compaction of the soil or damage to the soil or the on-site wastewater treatment system.

(b) It shall be the responsibility of the property owner to protect the areas of the on-site wastewater treatment system and all system components.

(c) It shall be the responsibility of the property owner to reserve any areas designated for future installation of an on-site wastewater treatment system.

(Ord. No. 21-28, § 16, 11-16-2021)

Sec. 18-122. Building and zoning recommendation.

It is recommended that the designer of the system contact the subdivision developer and the County Planning Building and Zoning Department to review the accepted engineering plans for the subdivision to determine locations of required setbacks, drainage requirements, easements, floodplains, surface drain system, detention/retention ponds and other features. Nothing contained herein shall absolve the applicant from the necessity of following all applicable plats, PUDs, covenants, etc., that are in effect regarding applicant's property.

(Ord. No. 21-28, § 17, 11-16-2021)

Sec. 18-123. Building construction projects and permitting.

All on-site wastewater treatment systems shall either be in compliance with the Illinois Private Sewage Disposal Licensing Act (225 ILCS 225/1 et seq.) and this chapter or new on-site wastewater treatment system plans shall be submitted to the Health Department and approved by the Health Department prior to the issuance of the building permit by the building authority.

(Ord. No. 21-28, § 18, 11-16-2021)

Sec. 18-124. Variations.

The Health Department may grant a variation by modifying or waiving specific requirements of this chapter if, in the opinion of the Health Department a public health hazard will not result from the issuance of the variation. Variation requests shall be submitted in writing, on forms provided by the County Health Department. The Health Department shall notify the applicant in writing of its decision to either grant or deny the variation. The approved variation documents shall be recorded on the property deed and filed with the County Recorder of Deeds.

(Ord. No. 21-28, § 19, 11-16-2021)

Sec. 18-125. Violations.

(a) Whenever the Health Department determines that there is a violation of any provision of this chapter, the Health Department shall give notice of such alleged violation to the property owner, who shall then remedy the violation within the time allotted.

(b) The notice of violation shall:

- (1) Be in writing.
- (2) Include a statement of the reasons for the issuance of the notice.
- (3) Contain details of the remedial action to be taken.
- (4) Allow reasonable time to take remedial action and to otherwise comply with this chapter.
- (5) Be served to the property owner, or resident, via personal deliver or sent via registered or certified mail.

(c) In addition to the revocation or suspension of any permit issued, if such violation continues, the matter will be referred to the County State's Attorney's office to prosecute violations of this article and to initiate any necessary action in the Circuit Court, in order to abate such violating condition as enumerated in this article or the associated State law, including, but not limited to, seeking injunctive relief.

(Ord. No. 21-28, § 20, 11-16-2021)

Sec. 18-126. Hearings and appeals.

(a) Any person may appeal a permitting decision to the Health Department by written request that shall be filed with the Department within ten (10) business days after receipt of the subject notice to revoke or deny the permit at issue.

(b) A hearing for such appeal shall be scheduled to take place as soon as reasonably possible, but no later than fifteen (15) business days from the date of filing such request, unless a later date is agreed upon. The health officer conducting the hearing shall give notice by telephone and regular mail of the date, time and location of such hearing. Written notice of the hearing to a party may be waived by that party.

(c) The hearing shall be conducted by a health officer at the place and time designated by the same. All hearings shall be conducted so as to provide the parties adequate time to prepare, the right to present evidence in support of their position, the right to cross examine, and the right to legal counsel at the party's own expense. The formal rules of evidence shall not apply. The health officer may ask questions of any witness to assist in reaching a decision. The health officer shall make a record of the proceedings. Should a party desire a verbatim transcript of such hearings, they may obtain a court reporter at their own expense.

(d) Based upon the record of such hearing, the Health Department shall make a finding and a written decision shall be prepared. Such decision shall be considered final and shall be provided to the permit holder by the Health Department within fifteen (15) days and a record of the same shall be maintained. (Ord. No. 21-28, § 21, 11-16-2021)

Sec. 18-127. Penalty.

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or refuses to remedy a violation of the provisions of this chapter shall be guilty of an ordinance violation and be fined an amount not to exceed one thousand dollars (\$1,000.00) for each violation, plus one

hundred dollars (\$100.00) for each day the violation continues. If, however, the violation constitutes conduct addressed under Section 905.205 of the Private Sewage Disposal Code, the penalty shall be in accordance with that section. (See 77 Ill. Admin. Code 905.205.)

(Ord. No. 21-28, § 23, 11-16-2021)

Sec. 18-128. Maintenance of records.

The Health Department shall maintain a record of applications and permits, notices of subsequent enforcement, records of hearings and the information contained in those documents, which shall be available for public inspection.

(Ord. No. 21-28, § 24, 11-16-2021)

Sec. 18-129. Enforcement.

Enforcement of this chapter shall be performed by the County Health Department.

(Ord. No. 21-28, § 25, 11-16-2021)

Secs. 18-130—18-156. Reserved.

ARTICLE V. FOOD PROTECTION

Sec. 18-157. Scope.

This chapter is enacted to establish and provide for the minimum standards to protect the health of the public through the permitting and regulation of food service establishments within the County.

(Ord. No. 21-26, § 1, 11-16-2021)

Sec. 18-158. Adoption by reference.

The rules and regulations set forth in the Illinois Food Service Sanitation Code (77 Ill. Admin. Code 750), Sanitary Food Preparation Act (410 ILCS 650/0.01 et seq.) and Food Handling Regulation Enforcement Act (410 ILCS 625/0.01 et seq.), as now enacted or hereafter amended, are adopted by reference and fully incorporated herein.

(Ord. No. 21-26, § 2, 11-16-2021)

Sec. 18-159. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the business or property owner or authorized agent.

Commissary means a food service establishment, restaurant, or any other permitted/licensed place in which food, containers, or supplies are kept, handled, prepared, packaged, cleaned, or stored.

Director means the Director of Environmental Health Services.

Embargo means to detain or place a hold on food or equipment.

Establishment rating inspection score or grade has the same meaning as outlined by the Illinois Food Service Sanitation Code.

Food service establishment means a food service establishment, food establishment, or a restaurant location, as defined in the Illinois Food Service Sanitation Code, including, but not limited to, an operation conducted in mobile, stationary, temporary, or permanent facility or location.

Health department means the County Health Department and its authorized representatives.

Mobile food service establishment means a vehicle-, trailer-, or cart-mounted food service establishment designed to be readily movable. Regulations are found in the Illinois Food Service Sanitation Code.

Non-profit describes an organization or food operator such as a 501(c)(3) organization or an organization or special event organized for one (1) of the purposes identified in Section 103.05 of the General Not-For-Profit Corporation Act of 1986 (805 ILCS 105/03.05(a)).

Permit holder means any business or property owner or agent holding a permit issued by the Health Department.

Person includes any individual, organization, partnership, corporation, association, or legal entity.

Potluck event is defined pursuant to Section 3.1 of the Food Handling Regulation Enforcement Act (410 ILCS 625/3.1) as an event that meets all of the following conditions:

- (1) People are gather to share food at the event;
- (2) There is no compensation provided to people for bringing food to the event;
- (3) There is no charge for any food or beverage provided at the event;
- (4) The event is not conducted for commercial purposes; and
- (5) It is generally understood by the participants at the event that neither the food nor the facilities have been inspected by the State or local certified public health department.

Revocation means the nullification of a permit, or approval.

Seasonal food service establishment means any food service establishment which routinely operates at an approved, fixed location and for a temporary period of time not exceeding eight (8) consecutive months within a permit year, excluding temporary food service establishments.

Should means the stated provision is a recommendation, but not required.

Suspension means a temporary hold on a permit.

Temporary food service establishment means a food service establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days of a single event or celebration.

Vending machine means a self-service device that, upon insertion of a coin, paper currency, token, card, or key or by electronic transaction, dispenses or provides unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.
(Ord. No. 21-26, § 3, 11-16-2021)

Sec. 18-160. Food handling permits.*(a) Permits in general.*

- (1) Any person seeking to operate a food establishment within the County's jurisdiction shall possess a valid permit issued by the County Health Department. Only a person, who meets and complies with the requirements of this chapter, referenced State law and codes, and any applicable variance, shall be entitled to receive or retain such a permit. It shall be unlawful for any person to operate a food establishment outside of defined parameters as set forth in this chapter and related State code.
- (2) The food handling permit is not transferable to another person nor is it useable by the same permit holder at another location or outside of the permitted, fixed facility.
- (3) A valid food handling permit shall be posted for public display at every food service establishment.
- (4) Annual food handling permits shall be issued for a period of one (1) year, April 1 to March 31, unless subject to suspension or revocation.

(b) Permit application.

- (1) Any person desiring to operate a food service establishment shall make a written application for a food handling permit on forms provided by the Health Department. Applications shall include, but not be limited to, the following:
 - a. Applicant's full name, post office address, and telephone number;
 - b. Whether said applicant is an individual, firm, corporation, partnership, or other legal entity;
 - c. The name, location, and type of the proposed establishment;
 - d. Proof of access to commissary, if applicable; and
 - e. The signature of the applicant.
- (2) Upon receipt of such application, the Health Department shall make an inspection of the food service establishment to determine compliance with the provisions of this chapter. If the inspection reveals that the application requirements have been met, a permit shall be issued by the Health Department.

(c) Permit renewal. A renewal application must be completed prior to the expiration date of the annual food handling permit. Whenever an inspection, or the record, reveals a serious or repeated violation of this chapter, the annual food handling permit may not be renewed and the Health Department shall notify the applicant in writing that the annual food handling permit will not be renewed and that an opportunity for a hearing will be provided if a written request for such hearing is filed within five (5) business days from receipt of the notice with the Health Department by the applicant. Such hearings, and the notice for them, shall be as directed in Section 18-162(d).

(d) Conditional food handling permit. When conditions exist that prevents an annual food handling permit from being issued, a conditional food handling permit may be issued. A conditional food handling permit shall be issued for a period of no more than ninety (90) days. The issuance of an annual

food handling permit shall be contingent upon the completion of items requiring correction during the conditional food handling permit period. No more than two (2) consecutive conditional food handling permits may be issued.

(e) *Temporary food service establishment permits.*

- (1) Food establishments, including food stands that operate at a fixed location for a period of time not to exceed fourteen (14) consecutive days, must obtain a temporary food permit from the health authority prior to commencing with food operations. Applications shall include, but not be limited to, the following:
 - a. Applicant's full name, post office address and telephone number;
 - b. The name and dates of the event;
 - c. The location of the temporary establishment;
 - d. The menu to be served;
 - e. Proof of access to commissary, if applicable; and
 - f. The signature of the applicant.
- (2) Temporary food handling permit applications submitted less than forty-eight (48) hours (2 days) in advance of the start of the event shall be assessed a late fee, as designated in the fee schedule, in addition to the permit fee.
- (3) No more than two (2) consecutive temporary food handling permits shall be issued.

(f) *Vending machine permits.*

- (1) Only those vending machines that vend food or beverages that are in part or in total, time/temperature controlled for safety, shall be subject to the requirements of this chapter. Vending machines must meet all applicable requirements in the 2017 FDA Food Code, 77111. Administrative Code 750 (Section 1-201.10), and any subsequent revisions.
- (2) Vending machines that vend in part or in total, food and/or beverages that require time/temperature control for safety and are located and serviced by the same operator of a permitted food service establishment who already holds a County food service establishment permit are not subject to vending machines permit fees. These vending machines shall be permitted and inspected under the food service establishment's existing permit.

(g) *Potluck events.*

- (1) Notwithstanding any other provision of law, the County Health Department shall not regulate the serving of food that is brought to a potluck event sponsored by a group of individuals or a religious, charitable, or non-profit organization by individuals attending the potluck event for consumption at the potluck event.
- (2) Individuals who are not members of a group or organization sponsoring a potluck event may attend the potluck event and consume food at the event.
- (3) Pursuant to the Food Handling Regulation Enforcement Act (410 ILCS 625/3.1), no fee may be charged for admission to a potluck event that is exempt from regulation under this section, nor

may food be sold at a potluck event that is exempt from regulation under said Act. A business establishment dealing in the sale of food items may not sponsor a potluck event. Potluck event food may not be brought into the kitchen of a business establishment dealing in the sale of food items.

(Ord. No. 21-26, § 4, 11-16-2021)

Sec. 18-161. Inspections.

The Health Authority shall inspect each food service establishments, food stores and seasonal operations within the County as described in this chapter and the applicable State code.

(1) *Access to establishments.*

- a. The Health Department, after proper identification, shall be permitted to enter, at any reasonable time, any food service establishment within the County, for the purpose of conducting inspections or investigations to determine compliance with this chapter. Refusal to permit access after proper identification may be cause for immediate suspension or revocation of the permit.
- b. The Health Department shall be permitted to examine the records of any food service establishment to obtain information pertinent to food safety, including, but not limited to, food and supplies purchased, food received or sold, services acquired, and persons employed.

(2) *Inspection frequency.* The frequency of routine inspections of permitted food service establishments by the Health Department shall be as outlined below, or as required by the State Department of Public Health Local Protection Grants Rules if they are more restrictive (see 77 Ill. Admin. Code 615.310):

- a. The local health department shall inspect facilities at least as often as prescribed by the following schedule:
 1. Category I facilities shall receive three inspections per year, or two (2) inspections per year if one (1) of the following conditions is met:
 - (i) A certified food service manager is present at all times the facility is in operation; or
 - (ii) Employees involved in food operations receive a Hazard Analysis Critical Control Point (HACCP) training or in-service training in another food service sanitation area or attend an educational conference on food safety or sanitation.
 2. Category II facilities shall receive one (1) inspection per year.
 3. Category III facilities shall receive one (1) inspection every two (2) years.
 4. Vending machines that vend food or beverages that are in part or in total time/temperature controlled for safety shall receive two (2) inspections per year.
- b. The Health Department shall make as many additional inspections as necessary for the enforcement of this chapter.

- (3) *Inspection records.* Upon inspection of a food service establishment by the Health Department, the inspection findings shall be recorded on an inspection report provided for this purpose and a copy shall be provided to the permit holder.
 - (4) *Inspection reports.* When the Health Department makes an inspection of a food service establishment and discovers that any of the requirements of this chapter have been violated, it shall notify the permit holder in writing. Written notification shall include:
 - a. The specific violations found;
 - b. A reasonable time frame for correction of said violations;
 - c. A statement that failure to comply with any time limits for correction may result in immediate suspension and/or revocation of the subject permit and/or further legal action; and
 - d. When applicable, the establishment rating.
- (Ord. No. 21-26, § 5, 11-16-2021)

Sec. 18-162. Administrative.

- (a) *Suspension of permits.*
 - (1) Permits may be suspended by the Health Department for failure of the permit holder to comply with the requirements of this article. Whenever a permit holder has failed to comply with a notice issued under provisions of this chapter, requiring mitigation of conditions capable of compromising the health and safety of the public, the permit holder shall, pursuant to Subsection (e) of this section, be notified in writing that the food handling permit is immediately suspended. An opportunity for a hearing will be provided if a written request for such a hearing is filed, within five (5) calendar days from receipt of the notice at the Health Department by the permit holder.
 - (2) If the Health Department finds unsanitary or other conditions in the operations of a food service establishment that constitute a substantial health risk to the public, or in the event that there is reasonable cause to suspect the possibility of disease transmission from any food service establishment or any employee, the Health Department may issue a notice of suspension of the food handling permit, requiring the permit holder to immediately suspend all food service operations. At that time, the permit shall be removed from the establishment by the Health Department. An opportunity for a hearing will be provided if a written request for such a hearing is filed, within five (5) calendar days from suspension, at the Health Department by the permit holder.
- (b) *Reinstatement of suspended permits.* A permit holder whose food handling permit has been suspended may make a written request for a re-inspection of the food service establishment for the purpose of reinstatement of the food handling permit. If the permit holder is in substantial compliance with the requirements of this article, and any applicable agreements from administrative actions, the food handling permit may be reinstated.

(c) *Revocation of permits.*

- (1) For serious or repeated violations of any of the requirements of this article, for the failure to correct permit suspension violations, or for the interference with the Health Department in the performance of its duties, the Health Department may revoke any food handling permit.
- (2) Prior to such action, the Health Department shall notify the permit holder in writing of the reasons for which the food handling permit is subject to revocation and advising the permit holder that the food handling permit shall be revoked after five (5) calendar days following service of the notice unless a request for a hearing is filed with the Health Department by the permit holder within five (5) calendar days of receiving such notice. A food handling permit may be suspended for cause pending revocation. Following revocation, the Health Department shall obtain the permit from the establishment.

(d) *Hearings.*

- (1) Any person may appeal a permitting decision to the Health Department by written notice that shall be filed with the Department within ten (10) business days after the receipt of the subject notice to revoke, suspend or deny the permit at issue.
- (2) A hearing for such appeal shall be scheduled to take place as soon as reasonably possible, but no later than fifteen (15) business days from the date of filing such request, unless a later date is agreed upon. The health officer conducting the hearing shall give notice by telephone and regular mail of the date, time and location of such hearing. Written notice of the hearing to a party may be waived by that party.
- (3) The hearing shall be conducted by a health officer at the place and time designated by the same. All hearings shall be conducted so as to provide the parties adequate time to prepare, the right to present evidence in support of their position, the right to cross examine, and the right to legal counsel at their own expense. The formal rules of evidence shall not apply. The Health Office may ask questions of any witness to assist in reaching a decision. The health officer shall make a record of the proceedings. Should a party desire a verbatim transcript of such hearings, they may obtain a court reporter at their own expense.
- (4) Based upon the record of such hearing, the Health Department shall make a finding and a written decision shall be prepared. Such decision shall be considered final and shall be provided to the permit holder by the Health Department within fifteen (15) days, and a record of the same shall be maintained.

(e) *Service of notices.* Notices shall be considered properly served when a copy of the inspection report or other notice has been delivered to the permit holder or applicant or mailed to the permit holder or applicant at the address provided on the permit application, by certified mail, return receipt requested. A copy of the notice shall be kept on file by the Health Department.

(Ord. No. 21-26, § 6, 11-16-2021)

Sec. 18-163. Plan review for new or remodeled facilities.

When a food service establishment is to be constructed or remodeled, and whenever an existing structure is converted for such use, properly prepared plans and specifications shall be submitted to the

Health Department for review and approval prior to commencement of construction or remodeling. The plans and specifications shall be approved by the Health Department, in writing, only if they meet the requirements of this article. The plans and specifications shall include the following:

- (1) A copy of the proposed menu;
 - (2) A completed plan review application;
 - (3) The proposed layout/arrangement of equipment;
 - (4) Mechanical and plumbing schematics;
 - (5) Proposed equipment types and models;
 - (6) Proposed construction materials and finish schedules.
- (Ord. No. 21-26, § 7, 11-16-2021)

Sec. 18-164. Fees.

The following schedule of fees shall apply to food service sanitation:

| <i>Food Service Sanitation Fees</i> | |
|---|----------|
| Food service establishment/retail food store annual permit: | |
| Risk Type 1 (Low) | \$190.00 |
| Risk Type 2 (Medium) | \$350.00 |
| Risk Type 3 (High) | \$500.00 |
| Retail grocery w/food prep (per check-out lane, in addition to risk-based permit fee) | \$20.00 |
| Vending machine (requiring time/temperature control for food safety) | \$25.00 |
| New food establishment permit fees for applications received after October 1 but prior to April 1 will be prorated. | |
| Mobile food vendor permit: | |
| Risk Type 1 | \$175.00 |
| Risk Type 2 | \$225.00 |
| Risk Type 3 | \$275.00 |
| Temporary/special event: | |
| Risk Type 1 and all non-profit organizations or events | \$30.00 |
| Risk Type 2 | \$50.00 |
| Risk Type 3 | \$70.00 |
| Temporary event permit late fees | \$10.00 |
| Construction plan reviews: | |
| Risk Type 1: | |
| Up to 1,500 sq. ft. | \$300.00 |
| 1,501—3,000 sq. ft. | \$350.00 |
| 3,001—5,000 sq. ft. | \$450.00 |
| Over 5,001 sq. ft. | \$550.00 |
| Risk Type 2: | |

| <i>Food Service Sanitation Fees</i> | |
|---|----------------------------|
| Up to 1,500 sq. ft. | \$400.00 |
| 1,501—3,000 sq. ft. | \$450.00 |
| 3,001—5,000 sq. ft. | \$550.00 |
| Over 5,001 sq. ft. | \$650.00 |
| Risk Type 3: | |
| Up to 1,500 sq. ft. | \$450.00 |
| 1,501—3,000 sq. ft. | \$500.00 |
| 3,001—5,000 sq. ft. | \$550.00 |
| Over 5,001 sq. ft. | \$650.00 |
| Conditional permit | Permit fee × 50 percent |
| Re-inspection/noncompliance fee | \$100.00 |
| Late payment fee | 25 % of fee |
| Outdoor grilling plan review | \$100.00 |
| Pre-operational re-inspection | \$50.00 |
| Application to perform reduced oxygen packaging | \$125.00 |
| Change of ownership inspection | \$100.00 |
| Replacement establishment annual permit | \$20.00 |
| Cottage food operation (one time registration) | \$15.00 |
| Permit reinstatement fee | \$75.00 |

- (1) Fee exemptions will be granted to those organizations that are classified as official units of the County government.
 - (2) An applicant that can prove 501(c)(3) status will be granted a fee reduction of fifty (50) percent of the regular fee listed on this schedule, except in the context of a temporary or special event permit for which the applicant already receives a discount as a non-profit.
 - (3) All soup kitchens, food pantries and surplus food outlets which provide food to the public at no charge shall be exempt from the food permit fee. This fee exemption does not relieve the entity from the need to obtain a permit and meet all other requirements of this article.
 - (4) Issuance of a food service establishment, retail food store or mobile food vendor permit is contingent upon Health Department receipt of payment for any and all past due fees owed by said business to the Health Department.
- (Ord. No. 21-26, § 8, 11-16-2021)

Sec. 18-165. Examination and condemnation.

(a) Food may be examined, sampled, or collected by the Health Department as often as necessary to determine freedom from adulteration, misbranding, or bacteriological contamination for the enforcement of this chapter.

(b) The Health Department may, upon written notice to the permit holder specifying the particular reasons, place an embargo on any food which it believes creates a potential health hazard. The Health Department shall tag, label, or otherwise identify any food subject to the embargo. No food subject to an

embargo shall be used, served, altered, or moved from the food service establishment until written permission is obtained from the Health Department. The Health Department shall permit storage of the food under conditions specified in the embargo, unless storage is not possible without risk to the health of the public; in which case, immediate destruction shall be ordered and observed by the Health Department.

(c) The permit holder may make a written request for a hearing to seek the lifting of an embargo or order for destruction of materials in accordance with Section 18-162(d). Such request must be submitted to the Health Department within five (5) business days after receipt of the subject notice.

(d) Where equipment used in the preparation of food is found to be in a state of disrepair, unsafe, unsuitable for use, or unsanitary, such equipment shall be taken out of service and an embargo may be placed on said equipment by the Health Department. Such equipment that has been embargoed shall not be returned to service, altered, disposed of, or destroyed until written permission is obtained from the Health Department, or otherwise by order of a court of competent jurisdiction.

(Ord. No. 21-26, § 9, 11-16-2021)

Sec. 18-166. Imminent health hazard.

A permit holder shall immediately discontinue operations and must notify the Health Department if an imminent health hazard may exist because of an emergency, including, but not limited to, fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent food-borne or waterborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health. The Health Department upon receiving this notice shall take actions necessary to protect the health of the public.

(Ord. No. 21-26, § 10, 11-16-2021)

Sec. 18-167. Food prepared outside the County.

Food prepared for human consumption outside of the County and transported into the County shall conform to the standards and provisions of this article. To determine the extent of compliance with such provisions, the Health Department may accept reports from the regulating agency where such establishments are located.

(Ord. No. 21-26, § 11, 11-16-2021)

Sec. 18-168. Variations.

(a) The Health Department may grant a variation by modifying or waiving specific requirements of this chapter if, in the opinion of the Health Department, a public health hazard or nuisance will not result from the issuance of the variation. If a variation is granted, the Health Department shall retain all pertinent information in its records.

(b) Variation requests must be submitted in writing by the permit holder and shall include the following:

- (1) An explanation of how the potential public health hazards shall be addressed;
- (2) The relevant Code sections that apply;

(3) A HACCP plan, if required.

(c) A variance shall not be granted for more than one (1) specific dimension per application. A copy of an approved variance must be kept on-site at the food service establishment. The permit holder must comply with the plans and procedures that are approved by the Health Department. Failure to comply with the variation, as approved, shall result in the revocation of variation approval.

(d) All approvals, denials, and revocations shall be provided by the Health Department, in writing, to the permit holder.

(Ord. No. 21-26, § 12, 11-16-2021)

Sec. 18-169. Direct sales of baked goods from home kitchen operations.

Pursuant to authority granted by Section 3.6(c) of the Food Handling Regulation Enforcement Act (410 ILCS 625/3.6(c)) as amended by Public Act 99-0191, which went into effect on January 1, 2016, the County Board allows for the direct sale of baked goods from home kitchen operations as set forth below:

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Baked goods, as defined pursuant to 410 ILCS 625/4(b)(1)(C), means those such as, but not limited to, breads, cookies, cakes, pies, and pastries and are allowed. Only high-acid fruit pies that use the following fruits are allowed: Apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants, or a combination of these fruits. Fruit pies not listed may be produced by a cottage food operation, provided their recipe has been tested and documented by a commercial laboratory, at the expense of the cottage food operation, as being not potentially hazardous, containing a pH equilibrium of less than 4.6 or has been specified and adopted as allowed in administrative rules by the Department of Public Health pursuant to 410 ILCS 625/4(e).

Home kitchen operation means, pursuant to Section 6(a) of the Food Handling Regulation Enforcement Act (410 ILCS 625/3.6(a)), a person who produces or packages non-potentially hazardous baked goods in a kitchen of that person's primary domestic residence for direct sale by the owner or family member. The term "home kitchen operation" does not include a person who produces or packages non-potentially hazardous baked goods for sale by a religious, charitable, or non-profit organization for fundraising purposes. The production or packaging of non-potentially hazardous baked goods for these purposes is exempt from the requirements of this Act.

(2) *Home kitchen direct sales conditions.* The direct sale of baked goods from home kitchen operations is allowed in the County pursuant to Section 3.6 of the Food Handling Regulation Enforcement Act (410 ILCS 625/3.6) and is subject to the following conditions:

- a. Monthly gross sales do not exceed one thousand dollars (\$1,000.00).
- b. The food is a non-time/temperature control baked good, as described in Section 4 of the Food Handling Regulation Enforcement Act (410 ILCS 625/4).
- c. A notice is provided to the purchaser that the product was produced in a home kitchen.

- d. The food package is affixed with a label or other written notice is provided to the purchaser that includes:
 - 1. The common or usual name of the food product;
 - 2. Allergen labeling as specified in federal labeling requirements by the United States Food and Drug Administration.
 - e. The food is sold directly to the consumer.
 - f. The food is stored in the residence where it is produced or packaged.
- (3) *Home kitchen inspections.* Home kitchen operations may be inspected by the Department of Public Health or the County Health Department in the event of complaint or disease outbreak. (Ord. No. 21-26, § 13, 11-16-2021)

Sec. 18-170. Penalties other than suspension and revocation.

Any person, firm, or corporation, who violates, disobeys, omits, neglects, refuses to comply with, or refuses to remedy a violation of the provisions of this article shall be guilty of a Class B misdemeanor pursuant to Section 5 of the Counties Code (55 ILCS 5/5-1116 and be fined five hundred dollars (\$500.00) for each offense, with each day upon which such violation continues constituting a separate offense, unless such other penalties for the particular offense are set forth by State or Federal law. (Ord. No. 21-26, § 15, 11-16-2021)

Sec. 18-171. Enforcement.

Enforcement of this chapter shall be performed by the County Health Department. (Ord. No. 21-26, § 16, 11-16-2021)

Chapter 19

RESERVED

Chapter 20

HISTORICAL PRESERVATION

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- Sec. 20-2. Definitions.
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Article II. Historic Preservation Commission

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Article III. Designation of Landmarks and Historic Districts

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Article V. Enforcement, Penalties and Equitable Relief

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- Sec. 20-158. Site and setting guidelines.
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ARTICLE I. IN GENERAL**Sec. 20-1. Purposes and intent.**

The purposes and intent of this chapter are as follows:

- (1) To identify, designate, protect, preserve, and encourage the restoration, rehabilitation, and adaptation for continued use of those properties and structures which represent or reflect the historic, cultural, artistic, social, economic, ethnic or political heritage of the United States of America, State of Illinois, or Kendall County or which may be representative of an architectural or engineering type inherently valuable for the study of style, period, craftsmanship, method of construction or use of indigenous materials;
- (2) To safeguard the County's historic, aesthetic and cultural heritage as embodied and reflected in such structures and landscape features;
- (3) To stabilize and improve the economic vitality and value of designated landmarks and historic districts in particular and of the County in general;
- (4) To foster civic pride in the beauty and noble accomplishments of the past in order that both the pride and the accomplishments themselves may be passed on to future generations;
- (5) To protect and enhance the County's attractions for tourists and visitors as well as to support and provide stimulus to business and industry;
- (6) To strengthen the economy of the County;
- (7) To promote the use of historic districts and landmarks for the education, pleasure, and welfare of the citizens of the County; and
- (8) To educate the general public, government officials and real estate interests about the value of historic preservation to the economy, and long-term quality of life for those who live and work in the County.

(Ord. No. 2014-08, exh. A, art. I, § 1, 4-15-2014)

Sec. 20-2. Definitions.

(a) Unless stated otherwise, the following words, terms and phrases, when used in this chapter, shall have the same meaning as provided in Section 5-30003 of the Counties Code (55 ILCS 5/5-30003).

Alteration.

Architectural significance.

Archaeological significance.

Building. Certificate of appropriateness.

Certificate of economic hardship.

Commissioners.

Conservation right.

Construction.

Demolition.

Demolition by neglect.

- Design criteria.
- Development rights.
- Development rights bank.
- Exterior architectural appearance.
- Historic significance.
- Landmark.
- Landscape.
- Object.
- Removal.
- Repair.
- Scenic significance.
- Site.
- Structure.
- Survey.

(b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Historic district means an area designated as a "historic district" by ordinance of the County Board and which may contain within definable geographic boundaries one (1) or more landmarks and which may have within its boundaries other properties, areas, sites, landscapes or structures, while not of such historic, architectural or scenic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the district. For the purposes of this definition, the term "historic district" shall mean the same as the term "preservation district" as defined by State law.

Owner means the person or corporation or other legal entity in whose name or names the property appears on the records of the County Recorder of Deeds.

Super majority vote means at least three-fourths ($\frac{3}{4}$) approval of the vote of the entire County Board. (Ord. No. 2014-08, exh. A, art. I, § 2, 4-15-2014; Ord. No. 2020-11, §§ II, III, 6-16-2020)

Sec. 20-3. General provisions.

The following are general provisions propounded to make more clear matters relative to scope and jurisdiction of this chapter:

- (1) No provision herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with the requirements of any other State statute or Code or ordinance of the County or individual municipal ordinances or regulations, and any permit or license required there under shall be required in addition to any certificate of appropriateness or economic hardship which may be required hereunder; provided, however, that where a certificate of appropriateness or economic hardship is required, no such other permit or license shall be issued by any other agency under the jurisdiction of the County Board before a certificate has been issued by the Commission as herein provided.
- (2) The use of property and improvements which have been designated under this chapter shall be governed by the County zoning ordinance, as amended and as set forth in Chapter 36.

- (3) For the purposes of remedying emergency conditions determined to be dangerous to life, health or property, the Commission may waive the procedures set forth herein and grant immediate approval for a certificate of appropriateness. The Commission shall state its reasons in writing for such approval.
 - (4) No member of the Preservation Commission shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member.
- (Ord. No. 2014-08, exh. A, art. I, § 3, 4-15-2014)

Secs. 20-4—20-24. Reserved.

ARTICLE II. HISTORIC PRESERVATION COMMISSION

Sec. 20-25. Organization.

(a) *Appointment.* Appointments to the County Preservation Commission shall be made as provided in Section 5-30012 of the Counties Code (55 ILCS 5/5-30012).

(b) *Composition.* The Preservation Commission shall consist of five (5) members. All members shall be residents of the County. Membership of the Commission shall be as provided in Section 5-30012 of the Counties Code (55 ILCS 5/5-30012). Commission vacancies shall be posted in a newspaper of general circulation within the County and on the County Internet website. Included in the five (5) voting members, the County Board may appoint one (1) of their members or staff to serve as a voting member of the Commission and liaison to the County Board.

(c) *Terms.* Terms of the initial members shall be staggered so that at least five (5) serve respectively for the following terms: one (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; one (1) for four (4) years; one (1) for five (5) years. Any additional initial members shall also serve terms staggered in the same sequence. Successors to initial members so appointed shall serve for five (5) year terms. All ex officio members shall serve the term of their elected or appointed office. All members shall serve until their successors are appointed. Vacancies shall be filled by the County Board from names submitted by the County Board Chairman. Any preservation Commission member may be removed by the County Board for cause, after public hearing.

(d) *Officers.* Officers shall consist of a Chairman, Vice-Chairman and a Secretary. The Chairman shall preside over meetings. In the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. If both the Chairman and the Vice-Chairman are absent, a temporary Chairman shall be elected by those present. One (1) of the members so appointed by the County Board shall be named as Chairman at the time of appointment and other officers may be elected by the Preservation Commission. The Vice-Chairman and Secretary shall serve a term of one (1) year and shall be eligible for re-election. No member shall serve as a Vice-Chairman or Secretary in the same capacity for more than three (3) consecutive years. Once the member has served in the same capacity for three (3) years, a one (1) year hiatus from that office must be followed. The Chairman shall ensure that the following duties are performed:

- (1) That minutes are taken of each Preservation Commission meeting;

- (2) That copies of the minutes, reports, and decisions of the Preservation Commission be published and distributed to the members of the Preservation Commission;
- (3) The County Board Chairman is advised of vacancies on the Preservation Commission and expiring terms of members;
- (4) That there is prepared and submitted to the County Board a complete record of the proceedings before the Preservation Commission on any matters requiring County Board consideration. The County Planning, Building and Zoning Department shall be the official keeper of the records.

(e) *Rules and procedures.* See Section 5-30011(22) of the Counties Code (55 ILCS 5/30011(22)) for regulations regarding the power to adopt rules and procedures.

(f) *Meetings.* Meetings of the Preservation Commission shall be held no less than monthly, except in those months when no business is pending, and shall be held at such times and places within the County as the Commission shall decide. The Preservation Commission shall meet no less than four (4) times per year. Special meetings may be called by the Chairman or by the consent of two (2) members. All meetings of the Commission shall be open to the public, shall follow all provisions of the Open Meetings Act (5 ILCS 120/1 et seq.) and shall adhere to Robert's Rules of Order. The Commission shall keep minutes of its proceedings, showing a vote of each member upon every question, or if absent or failing to vote, and shall also keep records of its official actions. Such minutes and records shall be open to the public for inspection at offices of the County Planning, Building and Zoning Department.

(g) *Quorum.* A quorum shall consist of three (3) members. The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present, except that the adoption, modification or rescission of any rule or part thereof shall require the affirmative vote of four (4) members.

(h) *Compensation.* The members shall serve without compensation, but they shall be reimbursed for their expenses necessarily incurred in the performance of their duties, as such, and approved by the Director of the Planning, Building and Zoning Department, and if funds are available in the Historic Preservation Commission's reserves.

(i) *Annual report.* The Commission shall submit an annual report of its activities to the County Board.

(Ord. No. 2014-08, exh. A, art. II, § 1, 4-15-2014; Ord. No. 2017-04, exh. A, 2-21-2017; Ord. No. 2020-11, §§ IV, V, 6-16-2020; Ord. No. 2020-26, § II, 12-15-2020)

Sec. 20-26. Powers and authorities.

In addition the powers and authority granted by Section 5-30011 of the Counties Code (55 ILCS 5/5-30011), the Preservation Commission shall have the following powers and authority and duties:

- (1) To review, within seven (7) working days, proposed zoning amendments, applications for special use, or zoning variations that affect any landmark or historic district, as defined in Section 20-2, which shall have been reviewed by support staff and forwarded to the Commission;

- (2) To periodically review any County Land resource management plan and to develop a preservation component in any comprehensive plan of the County and to recommend it to the Regional Plan Commission; the Planning, Building and Zoning Committee; and the County Board;
 - (3) To recommend to the County Board the adoption of intergovernmental agreements between the County Board and the County municipalities that allow for the nomination and designation by the County Board of individual landmarks and historic districts within incorporated areas and that afford the protection of landmarks and historic districts through the provisions of this article; and
 - (4) To periodically monitor designated landmarks and preservation districts for demolition by neglect and to refer negligent cases to the appropriate County agency for enforcement.
- (Ord. No. 2014-08, exh. A, art. II, § 2, 4-15-2014; Ord. No. 2020-11, § VI, 6-16-2020)

Secs. 20-27—20-55. Reserved.

ARTICLE III. DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

Sec. 20-56. Investigation and research.

(a) The Preservation Commission shall undertake an ongoing investigation and research effort in the County to identify areas, sites, structures, and objects that have historic, cultural, community, architectural or aesthetic importance, interest, or value. As part of the investigation, the Commission shall review and evaluate any prior surveys and studies by any unit of government, private organization or individual and compile appropriate descriptions, facts, and photographs.

(b) The Commission shall make an effort to systematically identify potential landmarks and districts and adopt procedures to nominate them individually or in groups based upon the following criteria:

- (1) The potential landmarks or districts in one (1) township or distinct geographical area of the County;
- (2) The potential landmarks associated with a particular person, event, or historical period;
- (3) The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman; or of a particular building material;
- (4) Such other criteria as may be adopted by the Preservation Commission to ensure systematic survey and nomination of all potential landmarks within the County.

(Ord. No. 2014-08, exh. A, art. III, § 1, 4-15-2014)

Sec. 20-57. Preservation plan.

(a) The Historic Preservation Commission shall, through the aforesaid surveys and research, so as to become thoroughly familiarized with buildings, structures, objects, sites, districts, areas and lands within the County which may be eligible for designation as historic landmarks or districts, prepare a historic landmark and district preservation plan.

(b) The preservation plan shall be presented to the County Planning, Building and Zoning Department for consideration and recommendation to the County Board for possible inclusion in the County Land Resource Management Plan as amended. From time to time, the Commission shall review the plan and insert in the Historic Preservation Commission minutes a report of such review and take appropriate action on any amendments to the Plan deemed necessary.

(Ord. No. 2014-08, exh. A, art. III, § 2, 4-15-2014)

Sec. 20-58. Nomination of landmarks and historic districts.

(a) *Landmarks.*

- (1) The Preservation Commission or any person may propose landmarks for designation by the County Board by filing a nomination for any property or properties and structures located in an unincorporated area or in an incorporated area by intergovernmental agreement with the appropriate municipality within the geographical boundaries of the County. Nomination forms shall be filed with the County Planning, Building and Zoning Department.
- (2) Such forms shall be provided by the Commission. Nomination forms submitted for landmarks or historic districts shall include or be accompanied by the following:
 - a. The name and address of the applicant and owner of record.
 - b. The legal description and common street address of the property.
 - c. A written statement describing the structure, building, or site and setting forth reasons in support of the proposed designation, including a list of significant exterior architectural features that should be protected.
 - d. If the applicant is not the current owner of record, written documentation and evidence establishing that the applicant notified the current owner of record of the nominated property and whether the owner of record consents or objects to the proposed landmark designation. Such documentation or evidence of record ownership shall include a recent title policy in the name of the applicant or other evidence of record ownership acceptable to the Historic Preservation Commission.
 - e. An overall site plan and photographs of the landmark. The plan shall also include a front, side, and rear elevation drawing.
 - f. Such other relevant information as requested by the Historic Preservation Commission.

The County Board reserves the right to set appropriate fees for administering this chapter.

(b) *Historic districts.*

- (1) The Preservation Commission or any person may propose historic districts for designation by the County Board by filing a nomination for any property or properties and structures located in an unincorporated area or in an incorporated area by intergovernmental agreement with the appropriate municipality within the geographical boundaries of the County. Nomination forms shall be filed with the County Planning, Building and Zoning Department.

- (2) Such forms shall be provided by the Commission. Nomination forms submitted for historic districts shall include or be accompanied by the following:
- a. The names and addresses of applicants.
 - b. The names and addresses of all of the owners of record of buildings, structures, or sites in the area nominated for designation.
 - c. A vicinity map delineating the boundaries of the area nominated for designation.
 - d. A written statement describing the area and structures, buildings, or sites located in the area nominated for designation as an historic district and setting forth the reasons in support of the proposed designation, including a list and photographs of significant exterior architectural features of all structures, buildings, or sites in the district that should be protected.
 - e. If the applicant is not the current owner of record, written documentation and evidence establishing that applicants notified the current owners of record of property in the area nominated for designation and that such owner comprise the owners of record of at least fifty-one (51) percent of all sites contained in the nominated area. Such documentation or evidence of record ownership shall include recent title policies in the names of the applicants or other evidence of record ownership acceptable to the Historic Preservation Commission.
 - f. The name, address, and telephone number of one (1) of the applicants who shall be the designated contact person and liaison for the purposes of the application. The name, address, and telephone number of an additional applicant to serve as an alternative contact person shall also be provided.
 - g. Such other relevant information as requested by the Historic Preservation Commission.

The County Board reserves the right to set appropriate fees for administering this chapter.
(Ord. No. 2014-08, exh. A, art. III, § 3, 4-15-2014; Ord. No. 2020-11, §§ VII, VIII(1), 6-16-2020)

Sec. 20-59. Criteria for designation.

(a) *Landmarks.* The Commission may recommend to the County Board the designation of landmarks when a thorough investigation results in a determination that the property, structure, improvement or area so recommended meets one (1) or more of the following criteria:

- (1) It has character, interest, or value which is part of the development, heritage, or cultural characteristics of a local community, the County, the State or the Nation;
- (2) Its location is a site of a significant local, County, State, or National event;
- (3) It is identified with a person who significantly contributed to the development of the local community, the County, the State, or the Nation;
- (4) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;

- (5) It is identified with the work of a master builder, designer, architect, engineer, or landscape architect whose individual work has influenced the development of the local area, the County, the State or the Nation;
- (6) It embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- (7) It embodies design elements that make it structurally or architecturally innovative;
- (8) It has a unique location or singular physical characteristics that make it an established or familiar visual feature;
- (9) It is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance;
- (10) It is suitable for preservation or restoration;
- (11) It is included in the National Register of Historic Places and/or the State Register of Historic Places;
- (12) It has yielded, or may be likely to yield, information important to pre-history, history or other areas of archaeological significance;
- (13) It is an exceptional example of an historic or vernacular style or type or one (1) of few remaining in the County.

(b) *Historic districts.* The Commission may recommend to the County Board the designation of historic districts. Historic districts shall only be recommended for designation when a thorough investigation results in a determination that the properties, structure, improvement or area so recommended meets one (1) or more of the following criteria:

- (1) It has character, interest, or value which is part of the development, heritage, or cultural characteristics of a local community, the County, the State or the Nation;
- (2) Its location is a site of a significant local, County, State, or National event;
- (3) It is identified with a person who significantly contributed to the development of the local community, the County, the State or the Nation;
- (4) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
- (5) It is identified with the work of a master builder, designer, architect, engineer, or landscape architect whose individual work has influenced the development of the local area, the County, the State or the Nation;
- (6) It embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- (7) It embodies design elements that make it structurally or architecturally innovative;
- (8) It has a unique location or singular physical characteristics that make it an established or familiar visual feature;

- (9) It is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance;
 - (10) It is suitable for preservation or restoration;
 - (11) It is included in the National Register of Historic Places and/or the State Register of Historic Places;
 - (12) It has yielded, or may be likely to yield, information important to pre-history, history or other areas of archaeological significance;
 - (13) It is an exceptional example of an historic or vernacular style or type or one (1) of few remaining in the County.
- (Ord. No. 2014-08, exh. A, art. III, § 4, 4-15-2014)

Sec. 20-60. Initial report and recommendation of preservation commission.

(a) The Preservation Commission shall, within thirty (30) calendar days from receipt of a completed application for designation, cause to be written an initial recommendation and report stating whether the nominated landmark or historic district does or does not meet the criteria for designation as provided for in Section 20-59. The report shall contain the following information:

- (1) An explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
- (2) A description of the integrity or lack of integrity of the nominated landmark or historic district;
- (3) A map showing the location of the nominated landmark or the boundaries of the nominated historic district.

(b) In addition, in the case of a nominated landmark found to meet the criteria for designation, the report shall include:

- (1) A description of the significant exterior architectural features of the nominated landmark that should be protected;
- (2) In the case of a nominated historic district found to meet the criteria for designation the report shall include:
 - a. A list of addresses and permanent index numbers showing which properties are contributing and which are non-contributing;
 - b. A description of the types of significant exterior architectural features of the structures within the nominated district that should be protected;

(3) In the case of a nominated landmark or historic district the recommendation and report shall be available to the public in the office of the County Planning, Building and Zoning Department.
(Ord. No. 2014-08, exh. A, art. III, § 5, 4-15-2014; Ord. No. 2020-11, § VIII(2), 6-16-2020)

Sec. 20-61. Notification of nomination.

The Preservation Commission shall, within thirty (30) days from completion of the initial report and recommendation as described in Section 20-60, cause to be scheduled a public hearing on the nomina-

tion. Notice of the date, time, place and purpose of the public hearing shall be sent by certified mail to the owners of record and to the nominators at least fifteen (15) days prior to the date of the hearing. Such notice shall also be published in a newspaper having general circulation in the area surrounding the nominated property or district at least fifteen (15) days prior to the date of the hearing. All notices shall state the street, address and permanent index number or legal description of a nominated landmark or the boundaries of a nominated historic district.

(Ord. No. 2014-08, exh. A, art. III, § 6, 4-15-2014)

Sec. 20-62. Hearing.

A public hearing shall be scheduled, and notification made thereof, pursuant to Section 20-61. Oral or written testimony shall be taken at the public hearing concerning the nomination. The Preservation Commission may solicit expert testimony or present its own evidence regarding the historic, archaeological, or scenic significance of a proposed landmark or of any property within a proposed historic district relative to compliance with criteria for consideration set forth in Section 20-59. The hearing shall be closed upon completion of testimony.

(Ord. No. 2014-08, exh. A, art. III, § 7, 4-15-2014)

Sec. 20-63. Recommendation of preservation commission.

(a) Within sixty (60) days following the close of the public hearing, the Commission shall make its determination upon the evidence whether the proposed landmark or historic district does or does not meet the criteria for designation. A recommendation to the County Board regarding the proposed landmark or historic district shall be passed by resolution of the Preservation Commission. This recommendation shall be accompanied by a report stating the findings of the Preservation Commission concerning the historic, archaeological, architectural or scenic significance of the proposed landmark or historic district and also include if the property owner objects to the designation. The Preservation Commission shall forward copies of the resolution and report to the applicant and the owner of the subject property or representative for petitioners of the subject area.

(b) In the case of the property owner's objection to a landmark designation or historic district, the nomination would require the affirmative vote of a super majority of the full County Board.

(Ord. No. 2014-08, exh. A, art. III, § 8, 4-15-2014)

Sec. 20-64. Designation.

(a) The County Board, upon a recommendation from the Preservation Commission that the proposed landmark or historic district should be designated, shall review the report and recommendations of the Preservation Commission.

(b) For individual landmarks or historic district applications, the County Board, after reviewing the report and recommendation, shall, within ninety (90) days from receipt of the recommendation of the Preservation Commission, take one (1) of the following steps:

- (1) Designate the landmark or historic district by ordinance. In the case of the property owner's objection to a landmark designation or historic district, the nomination would require the affirmative vote of a super majority of the full County Board.

- (2) Refer the report and recommendation back to the Preservation Commission with suggestions for revisions, stating its reason for such action.
- (3) Reject the nomination application.

(c) Upon return of the report and recommendation to the Commission, the Commission shall review and prepare new findings within forty-five (45) days of the County Board's original decision. The County Board shall designate or not designate the landmark at the next regularly scheduled County Board meeting.

(Ord. No. 2014-08, exh. A, art. III, § 9, 4-15-2014)

Sec. 20-65. Resubmission of application.

Resubmission of any application for landmark or historic district designation may be made no sooner than ninety (90) days after County Board action on the nomination. Not more than one (1) re-submission may be made within a twelve (12) month period.

(Ord. No. 2014-08, exh. A, art. III, § 10, 4-15-2014)

Sec. 20-66. Notice of designation.

Notice of the action of the County Board, including a copy of the ordinance designating the landmark, historic district shall be sent by regular mail to all owners of record, including, but not limited to, each owner of record of a landmark or property within a historic district. Further, as soon as is reasonably possible, the County Board Chairman shall cause to be notified the County Planning, Building and Zoning Department, the Recorder of Deeds, the County Clerk, and the County Collector by forwarding to each a copy of the designation ordinance. The Recorder of Deeds shall ensure that the designation be recorded on all directly affected parcels.

(Ord. No. 2014-08, exh. A, art. III, § 11, 4-15-2014)

Sec. 20-67. Publication of map.

See Section 5-30017 of the Counties Code (5 ILCS 5/5-30017).

(Ord. No. 2014-08, exh. A, art. III, § 12, 4-15-2014; Ord. No. 2020-11, § IX, 6-16-2020)

Sec. 20-68. Appeals.

Adoption of an ordinance designating a landmark or historic district by the County Board shall be a final action reviewable under Section 3-101 of the Illinois Administrative Review Law (735 ILCS 5/3-101).

(Ord. No. 2014-08, exh. A, art. III, § 13, 4-15-2014)

Sec. 20-69. Interim Code.

No building, zoning, site development, access, utility or other permit shall be issued by the Planning, Building and Zoning Department, the Highway Department or other County department without a certificate of appropriateness being issued in accordance with Section 20-106 for alteration, construction, demolition, or removal of a nominated landmark or the alteration of any physical feature of a

property or structure within a nominated historic district from the date the nomination form is received by the County office until the final disposition of the nomination by the County Board unless such alteration, removal, or demolition is necessary for public health, welfare, or safety.

(Ord. No. 2014-08, exh. A, art. III, § 14, 4-15-2014)

Sec. 20-70. Marking by attachment of a plaque.

Each designated landmark or historic district may be marked by an appropriate plaque carrying a brief description and account of the historic significance of the property. The plaque shall be provided by the County at the expense of the property owner.

(Ord. No. 2011-23, 8-16-2011; Ord. No. 2014-08, exh. A, art. III, § 15, 4-15-2014)

Sec. 20-71. Amendment and rescission of designation.

The County Board, upon recommendation of the Preservation Commission, may amend or rescind designation by the same procedure and according to the same standards and considerations set forth for designation. No amendment or rescission shall be made to a designation of a landmark or historic district based solely on a change in owner's consent.

(Ord. No. 2014-08, exh. A, art. III, § 16, 4-15-2014)

Sec. 20-72. Transfer of jurisdictional control.

Should a designated landmark or historic district be incorporated into a municipality with a preservation ordinance, that municipality's preservation ordinance shall govern. If a municipality annexes a designated landmark or historic district and does not have a preservation ordinance, the County's preservation ordinance will continue to govern.

(Ord. No. 2014-08, exh. A, art. III, § 17, 4-15-2014)

Sec. 20-73. Application fee.

All applicants for landmark or historic district designation shall pay a fee of five hundred dollars (\$500.00) at the time of application submittal.

(Ord. No. 2020-11, § X, 6-16-2020; Ord. No. 2020-26, § III, 12-15-2020)

Secs. 20-74—20-104. Reserved.

ARTICLE IV. ALTERATION, CONSTRUCTION, DEMOLITION AND MAINTENANCE

Sec. 20-105. Scope.

Work on property and improvements so designated pursuant to this chapter shall be regulated as follows:

- (1) *Landmarks.* No significant alterations, exterior construction or exterior demolition or interior alteration which may affect the exterior appearance may be performed on property and structures which have been designated under this chapter as landmarks, except as shall be approved by a certificate of appropriateness.

- (2) *Historic districts.* No significant alterations, exterior construction or exterior demolition or interior alteration which may affect the exterior appearance may be performed on property and structures located within an area which is designated under this chapter as a historic district, except as shall be approved by a certificate of appropriateness.

(Ord. No. 2014-08, exh. A, art. IV, § 1, 4-15-2014)

Sec. 20-106. Certificate of appropriateness.

(a) *Required.* A certificate of appropriateness from the Preservation Commission established pursuant to this chapter shall be required before any significant alteration, construction, demolition or removal that affects pending or designated landmarks or historic districts is undertaken. Such a certificate is required for all such actions from the date a nomination form is submitted to the Preservation Commission.

(b) *Applications for certificates of appropriateness.*

- (1) a. Every application submitted to the County Planning, Building and Zoning Department for a permit wherein the applicant represents and/or delineates plans to commence any action as immediately described in Subsection (a) of this section affecting any such property, improvements or areas therein described shall be forwarded by the Director of Planning, Building and Zoning to a representative or representatives of the Preservation Commission, within five (5) business days following the receipt of said application by the Planning, Building and Zoning Department.
- b. The Planning, Building and Zoning Department shall not issue the building or demolition permit until a certificate of appropriateness has been issued by the Preservation Commission. Any applicant may request a meeting with the Preservation Commission before the application is sent by the Director of Planning, Building and Zoning to the Preservation Commission or during the review of the application.
- (2) Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the Preservation Commission and available at the office of the County Planning, Building and Zoning Department. The Preservation Commission may schedule, provide notice and conduct a public hearing concerning the application in the manner previously described in Sections 20-61 and 20-62.
- (3) If a public hearing is not scheduled, the Commission may consider the completed application at its next regular meeting and may grant a certificate of appropriateness at that time. The Commission may further designate support staff to be responsible for reviewing routine applications for certificates of appropriateness when the proposed work is clearly appropriate and in accordance with the criteria set forth in Subsections (c)(3) and (4) of this section, and the purposes of this chapter.
- (4) The Commission may seek technical advice from outside its members on any application for a certificate of appropriateness. The applicant and each Commissioner shall receive a copy of the

consultant's written opinion at least seven (7) days before a determination is to be made on the application. The costs for this technical advice will be paid by petitioner unless included as part of the annual approved budget for the Commission.

- (5) The Commission shall act promptly and in a reasonable manner in its judgment of plans for new construction or for alteration, removal, or demolition of structures in historic districts that have little historic value, except where such construction, alteration, removal, or demolition would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

(c) *Design guidelines.* The Commission shall consider the following factors in reviewing applications for certificates of appropriateness:

- (1) *Height.* The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.
- (2) *Proportions of windows and doors.* The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district.
- (3) *Relationship of building masses and spaces.* The relationship of a structure within a historic district to open space between it and adjoining structures should be compatible or similar to relationships commonly found between similar structures in the district.
- (4) *Roof shape.* The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures which are similar in design in a historic district.
- (5) *Landscaping.* Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts.
- (6) *Scale.* The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.
- (7) *Directional expression.* Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures or of its stylistic design. The directional expression of a landmark after any alteration, construction, or partial demolition should be compatible with its original architectural style and character.
- (8) *Architectural details.* Architectural details, including materials and textures, should be treated so as to make a landmark compatible with its original architectural style or character.

(d) *Standards for review.* The Commission, in considering the appropriateness of any alteration, demolition, new construction, or removal to any property or structures designated or pending designation as a landmark, or any area designated or pending designation as a historic district, shall be guided

by the following general standards and any design guidelines in the ordinance designating the landmark or historic district as well as conformance to applicable zoning classification, height, and area limitation:

- (1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
 - (2) The distinguishing original qualities or character of a building, structure, site, and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided whenever possible.
 - (3) All buildings, structures, and sites shall be recognized as products of their time. Alterations that have no historical basis or that seek to create an earlier/later appearance shall be discouraged.
 - (4) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
 - (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - (7) The surface cleaning of structures shall be undertaken with the utmost care and consideration. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 - (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
 - (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 - (10) Wherever possible, new additions or alterations to structures should be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would not be impaired.
- (e) *Determination by preservation commission.*
- (1) Within fifteen (15) business days after support staff review, or from the date of the regular meeting, or from the close of a public hearing concerning an application for a certificate of appropriateness, or within such further time as the applicant for said certificate (and/or permit) approves in writing, the Commission shall determine whether:
 - a. The proposed construction, alteration, demolition, removal or other modification will be appropriate to the preservation of the particular landmark or historic district and a certificate of appropriateness may be issued; or

- b. Such proposed modification is inappropriate to the preservation of the particular landmark or historic district and a certificate of appropriateness may be denied.
- (2) Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided the applicant, sent by certified mail with return receipt requested, and to the County Planning, Building and Zoning Department within seven (7) days (Saturdays, Sundays, and legal holidays excluded) following the determination and shall be accompanied by a certificate of appropriateness in the case of an approval.

(f) *Denial of certificate of appropriateness.* A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the applicant and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Preservation Commission.

(g) *Decision binding on Planning, Building and Zoning Department.* The Director of the County Planning, Building and Zoning Department shall be bound by the determination of the Commission and approve, if in conformance with other provisions of the Building Code, or disapprove any application for the proposed construction, alteration, removal of an exterior architectural feature, or demolition of any building or structure in a historic district or any landmark in accordance with said determination.

(h) *Failure of Commission to review application in a timely manner.* Failure of the Commission to act upon an application for a certificate of appropriateness within ninety (90) days shall constitute approval and no other evidence shall be needed. This time limit may be waived only by mutual consent of the applicant and the Commission.

(i) *Demolitions.*

- (1) Pursuant to Subsections (c) and (d) of this section, the Preservation Commission may deny any application for a certificate of appropriateness where demolition is proposed upon a finding that such proposed action will adversely affect the historic, archeological, architectural, or scenic significance of a landmark or historic district. Upon receipt of an application for a certificate of appropriateness for demolition, the Preservation Commission shall as soon as possible make a determination, supported by written findings, whether one (1) or more of the following criteria are met:
- a. The structure or visual resource is of such interest or quality that it would reasonably meet National, State or local criteria for designation as an historic or architectural landmark.
 - b. The structure or visual resource is of such unusual or uncommon design, texture or materials that it could not be reproduced, or could be reproduced only with great difficulty and expense.
 - c. Retention of the structure or visual resource would aid substantially in preserving and protecting another structure or visual resource which meets the criteria of Subsection (i)(1)a or b of this section.

- (2) Where the Preservation Commission determines that one (1) or more of these criteria are met, no certificate of appropriateness shall be issued and the application shall be denied.
 - (3) In cases of historic districts or if structures remain a landmark, if a demolition permit is issued, the Preservation Commission shall require the applicant to submit for review and consideration post-demolition plans which shall include drawings and sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of any and all improvements incorporated in such plans.
- (j) *Compliance with certificate.* A certificate of appropriateness will become void if:
- (1) If there is any change in the scope of work pursuant to the approved application subsequent to the issuance of the certificate; or
 - (2) If twelve (12) months have elapsed after issuance of the certificate and no building permit has been issued.

(k) *Appeals.* See Section 5-30022 of the Counties Code (55 ILCS 5/5-30022) for regulations regarding appeals for denial of a certificate of appropriateness.
(Ord. No. 2014-08, exh. A, art. IV, § 2, 4-15-2014; Ord. No. 2020-11, § XI, 6-16-2020)

Sec. 20-107. Economic hardship.

- (a) The Preservation Commission may issue a certificate of economic hardship provided in Section 5-30019 of the Counties Code (55 ILCS 5/5-30019).
- (b) The Preservation Commission may solicit expert testimony.
- (c) The applicant for a certificate of economic hardship shall submit the following information if requested by the Planning, Building and Zoning Department or the Preservation Commission in order to assist the Preservation Commission in its determination on the application:
 - (1) An estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a certificate of appropriateness;
 - (2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - (3) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; in the case of a proposed demolition, after renovation of the existing property for continued use;
 - (4) In the case of a proposed demolition, an estimate from a person or entity experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

- (5) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
 - (6) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 - (7) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;
 - (8) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
 - (9) Assessed value of the property according to the two (2) most recent assessments;
 - (10) Real estate taxes for the previous two (2) years;
 - (11) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
 - (12) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 - (13) Any consideration by the owner as to profitable adaptive uses for the property;
 - (14) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Preservation Commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (d) Determination of economic hardship.
- (1) Within sixty (60) days from receiving a request for a certificate of economic hardship, the Commission, upon a determination that the denial of a certificate of appropriateness has denied, or will deny the owner of a landmark or of a property within a historic district all reasonable use of or return on the property, may undertake one (1) of the following actions:
 - a. Offer the owner of the property reasonable financing, tax or other incentives sufficient to allow a reasonable use of, or return on, the property; or
 - b. Issue a certificate of appropriateness for the proposed construction, alteration, demolition or removal.
 - (2) Written notice of the determination shall be provided in the same manner as required by Section 20-106(e). This time limit may be waived only by mutual consent of the applicant and the Commission.
- (e) Appeals. See Section 30022 of the Counties Code (55 ILCS 5/5-30022) for regulations regarding appeals for denial of a certificate of economic hardship.
(Ord. No. 2014-08, exh. A, art. IV, § 3, 4-15-2014; Ord. No. 2020-11, §§ XII—XV, 6-16-2020)

Sec. 20-108. Maintenance of historic properties.

Nothing in this article shall be construed to prevent the ordinary maintenance of any exterior elements of a property or structures designated or nominated as a landmark or located within a designated or nominated historic district.

(Ord. No. 2014-08, exh. A, art. IV, § 4, 4-15-2014)

Sec. 20-109. Public safety exclusion.

(a) None of the provisions of this chapter shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Director of the County Planning, Building and Zoning Department, the County Health Department or any fire protection district and where the proposed measures have been declared necessary, by such departments to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section.

(b) In the event any structure or other feature shall be damaged by fire or other calamity, or by act of nature or by the public enemy, to such an extent that, in the opinion of the aforesaid departments, it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

(Ord. No. 2014-08, exh. A, art. IV, § 5, 4-15-2014)

Sec. 20-110. Demolition by neglect.

(a) It is the intent of this section to preserve from deliberate or inadvertent neglect the features of landmarks and contributing buildings and structures within designated historic districts.

(b) Periodically, the Commission shall, in conjunction with its ongoing survey operations, survey the exterior of each designated landmark and each property within a historic district to ensure that the property is not suffering from demolition by neglect, as defined in Section 20-2. The Commission's Secretary shall document the performance of each annual neglect survey.

(c) Any owner who fails to maintain their building or structure in compliance with this section shall be subject to remedial procedures. Upon a finding by the Commission that a historic landmark or a contributing building or structure within a historic district is threatened by demolition by neglect, the Commission shall:

- (1) Notify the County Board so that they or the appropriate County agency will require the owner to repair all conditions contributing to demolition by neglect.
- (2) If the owner does not make repairs within a reasonable period of time the County Board or their agents may make such repairs as are necessary to prevent demolition by neglect. The costs of such work shall be charged to the owner and may be levied as a special assessment or lien against the property.

(Ord. No. 2014-08, exh. A, art. IV, § 6, 4-15-2014)

Secs. 20-111—20-133. Reserved.

ARTICLE V. ENFORCEMENT, PENALTIES AND EQUITABLE RELIEF**Sec. 20-134. Enforcement.**

(a) The County Planning, Building and Zoning Department shall give written notification, sent by certified mail, return receipt, postage prepaid requested, of any violation of this chapter to the owner of record, lessor, the trustee, or other legally responsible party for such property, stating in such notification that they have inspected the property and have found it in violation of this chapter. Further stated in the notification, in clear precise terms, a description or explanation of the violation. The property owner of record, trustee, lessor, or legally responsible party shall have thirty (30) days from the date the notice is received in which to correct such violation or to give satisfactory evidence that the same has taken steps that will lead to correcting such violation within a stated period of time, which time must be agreeable to the Planning, Building and Zoning Department as being fair and reasonable.

(b) Upon petition of the Preservation Commission, the Circuit Court for the County may restrain and/or enjoin any construction, removal, alteration, or demolition in violation of this Act and may order the removal in whole or part of any exterior architectural feature existing in violation of this chapter and may further order such reconstruction as may be necessary or desirable to redress any alteration or demolition in said violation.

(Ord. No. 2014-08, exh. A, art. V, § 1, 4-15-2014)

Sec. 20-135. Penalties.

(a) Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this chapter, shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each day a violation is permitted to exist after notification thereof shall constitute a separate offense.

(b) In addition to the fine listed in Subsection (a) of this section, a court of competent jurisdiction or a hearing officer in cases of administrative adjudication may direct the County Planning, Building and Zoning Department to withhold the issuance of a building property for period not to exceed five (5) years after the date of demolition in cases of unauthorized demolition of a landmark or any property within a designated preservation district at the property where the unauthorized demolition occurred.

(c) The owner or tenant of any building, structure, or land, and any architect, planner, surveyor, engineer, realtor, attorney, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

(d) Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2014-08, exh. A, art. V, § 2, 4-15-2014; Ord. No. 2020-11, § XVI, 6-16-2020)

Sec. 20-136. Equitable relief.

In addition to other remedies provided by law, the County may institute any appropriate action or proceeding to prevent, restrain, abate or correct a violation of this chapter, including, but not limited to, requiring the restoration of property and improvements to its appearance prior to the violation. (Ord. No. 2014-08, exh. A, art. V, § 3, 4-15-2014)

Secs. 20-137—20-154. Reserved.**ARTICLE VI. HISTORIC PRESERVATION GUIDE FOR PRESERVATION, RESTORATION, REHABILITATION AND MAINTENANCE****Sec. 20-155. Purpose.**

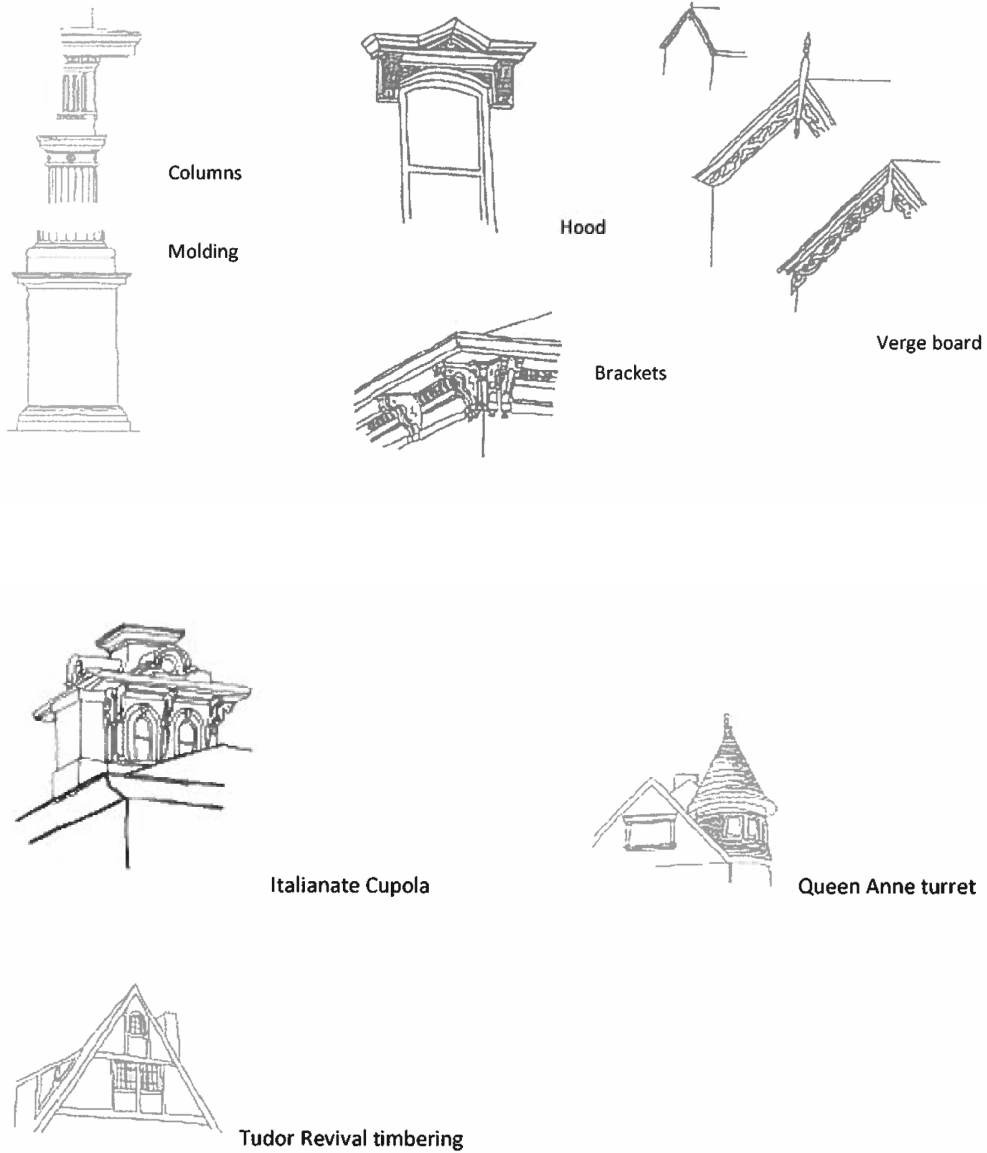
The guidelines set forth in this article are designed to both encourage and promote the sensitive restoration, renovation, and preservation of individual historic landmarks and properties located within the County's historic districts. (Ord. No. 2010-17, exh. A, § I(intro. ¶), 9-21-2010)

Sec. 20-156. Rehabilitation and restoration to existing buildings.

The following guidelines address rehabilitation and restoration work to existing buildings:

(1) *Architectural details and features.*

- a. Architectural details and features shall not be removed or altered if original to the building.
- b. Architectural details and features should be repaired rather than replaced.
- c. Architectural details and features shall not be covered or concealed with vinyl, aluminum or other artificial material.
- d. Architectural details and features should not be added unless there is physical or historical evidence that such features were original to the building. These features should match the original in materials, scale, location, proportions, form, and profiles.
- e. Architectural details and features, if deteriorated beyond repair, should be replaced. The new materials should match the original as closely as possible.
- f. Architectural details and features include, but are not limited to, such character defining features as gingerbread, verge boards, eaves, brackets, dentils, friezes, cornices, soffits and fascia, moldings, hood molds, trim, columns, pilasters, balusters, clapboard, shingle and stucco surfaces, rafter tails, spindles, ornament, quoins, or any decorative element.
- g. Buildings display a wide variety of architectural features and detailing. These are essential in defining a property's architectural style and period of construction.
- h. Original architectural details and features need to be preserved and maintained.



(2) *New, repaired or replaced awnings.*

- a. Awnings shall be of canvas, or similar woven material, and compatible with the style of the house. Metal, fiberglass, or vinyl awnings shall not be used.
- b. Awnings should not cover or conceal significant architectural details such as window hood molding.
- c. Awnings should be of colors to compliment the dwelling.

- d. Awnings should fit the opening to which they are applied. Rectangular openings should have straight across shed type awnings, not bubble or curved forms. Arched openings should have curved or rounded, not bubble, awnings to match the opening.
- e. Awnings should be attached with care to prevent unnecessary damage of original details and materials.
- f. Awnings with illumination shall not be used.
- g. Awnings should not be used at windows with shutters.
- h. Canvas awnings were applied to windows, doors, and porches to provide shade during the summer. Awnings fell out of favor following the introduction of air conditioning.
- i. The application of canvas awnings is appropriate for historic dwellings but may not be appropriate for all locations. Examples of poor awning locations include decorative windows such as oriels, fanlights, and those with prominent decorative glazing.
- j. Modern awnings, often made from metal, fiberglass, or vinyl bear little resemblance to historic canvas awnings and are not appropriate.



**Awnings should reinforce openings,
not cover features**

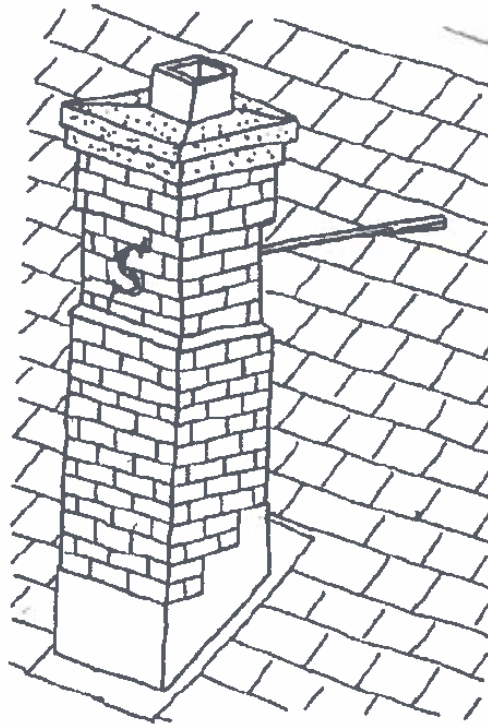


**Awnings should fit the opening
they are applied**

(3) *Chimneys.*

- a. Chimneys shall not be removed or altered if original.
- b. Chimneys shall be cleaned and repointed in accordance with Subsection (9) of this section.
- c. Chimneys which require rebuilding shall be rebuilt to match the original design in materials, colors, shape, mortar profile, and masonry pattern.
- d. Chimneys should have clay, slate, or stone caps. Concrete and metal caps may be acceptable for some styles if they are not readily visible.
- e. Chimneys should not be covered with stucco or other non-original materials.
- f. Original decorative chimney pots should not be removed.
- g. Chimneys that have been extensively repointed resulting in mismatched colors and textures may be painted in brick colors such as dark red or brown.
- h. Chimneys often feature decorative masonry work or designs that are part of a dwelling's architectural character. Many exterior wall chimneys are essential features to a dwelling's

overall design. These are typically found in Queen Anne or Tudor Revival styles. Some less decorative chimneys have simple details such as banding or corbeling. Chimneys need to be maintained and preserved in accordance with the masonry guidelines.



Corbelled chimney with metal tie rod and stone cap

- i. Also see:
 1. Preservation Briefs No. 1: Assessing Cleaning and Water-Repellant Treatments for Historic Masonry.
 2. Preservation Briefs No. 2: Repointing Mortar Joints in Historic Masonry Buildings.
- (4) *Doors.*
 - a. Doors and/or original door features such as surrounds, sidelights, and transoms shall not be removed or altered. Door openings shall not be enlarged, reduced, or shortened for new door installation.
 - b. Doorways that need to be altered to meet accessibility codes should adhere to the historic preservation provisions of the accessibility codes where able.
 - c. Doors that are missing or deteriorated beyond repair on the front or side facades visible from the street shall be replaced with doors appropriate for the style and period of the building. Replacement doors shall be similar in design to the original in style, materials, glazing (glass configuration) or appropriate to the architectural style of the building.

- d. Unless they are historic to the building, doors of flush wood or steel design shall be used only at rear entrances or side entrances that are not visible from the street.
- e. Doors shall not be added at locations where they did not originally exist, unless needed to meet safety codes. When necessary, doors should be added at the rear or sides of dwellings where they will not be visible.
- f. Doors and door surrounds are significant in defining the style and character of a dwelling. Original doors, door surrounds, and hardware need to be preserved and maintained.
- g. Doors readily available from most wholesale hardware stores generally reflect designs for houses built after 1940 and may not be appropriate. Door construction and style varies widely from one (1) architectural style to another. What is appropriate for one (1) historic house may not be appropriate for another.



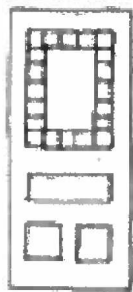
Appropriate for Greek Revival and Octagon styles



Appropriate for Italianate, Second Empire, Gothic Revival styles



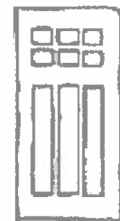
Appropriate for Gothic Revival styles



Appropriate for Stick, Queen Anne, Eastlake, Shingle styles



Appropriate for Colonial Revival, Neo-classical styles



Appropriate for Craftsman, Bungalow styles



Appropriate for Tudor Revival style

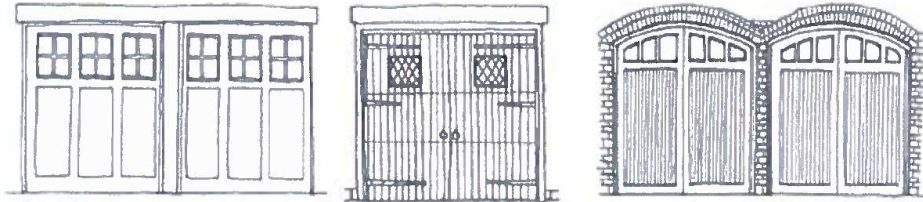


Appropriate for Modern style

- (5) *Foundations.*
 - a. Foundations should be retained and not altered.
 - b. Foundation alterations, if required, should not be made at visible facades.
 - c. Foundations shall be cleaned, repaired, or repointed according to masonry guidelines.
 - d. Foundations shall not be concealed with concrete block, plywood panels, corrugated metal, or other non-original materials.
 - e. Foundations of brick may be painted or covered with cement coating to match the original building material if the brick and/or mortar is mismatched or inappropriately repaired.
 - f. Stuccoing as a method of foundation repair should not be used. Most early historic dwellings have stone, brick or concrete foundations. Repointing and repair shall follow masonry guidelines.
 - g. Also see:
 - 1. Preservation Briefs No. 1: Assessing Cleaning and Water-Repellant Treatments for Historic Masonry.
 - 2. Preservation Briefs No. 2: Repointing Mortar Joints in Historic Masonry Buildings.
- (6) *Existing garages, carriage houses and outbuildings.*
 - a. Garages, carriage houses or outbuildings that contribute to a property's historic character or are original to a property shall be preserved and maintained. Original features should be repaired to match the original.
 - b. Garages, carriage houses or outbuildings original to a property should not be moved or relocated to another part of the lot.
 - c. Original doors should be maintained but may be retrofitted with modern hardware and custom garage door openers.
 - d. Doors deteriorated beyond repair may be replaced with new doors. These should match original doors with features such as raised panels and glass window sections. Many styles appropriate for historic buildings are available with overhead opening, but with the look of original swing doors. Solid metal or fiberglass doors should be avoided.
 - e. For architectural features visible from the street on garages, carriage houses, and outbuildings, refer to appropriate sections of this guide. Some historic properties contain outbuild-

ings, including servant's quarters, sheds, carriage houses, and automobile garages. These were often built with construction techniques and materials to match the primary dwelling. Although some are not original, many have architectural significance. These buildings should be preserved and maintained.

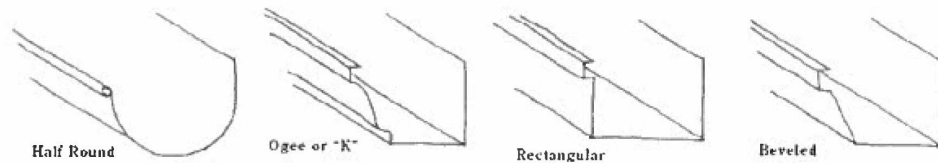
- f. Note: For new garages, see section 20-157.



Appropriate Garage Doors for Historic Properties

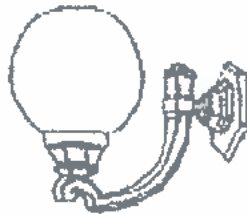
(7) *Gutters and downspouts.*

- a. Gutter and downspout installation shall not result in the removal of any existing eave features.
- b. Gutters and downspouts of boxed, built-in type, and/or copper should be preserved and repaired rather than replaced if possible.
- c. Gutters and downspouts of early hang-on type should be half-round rather than "K" or ogee. If the gutters are not readily visible, ogee gutters of aluminum or vinyl are acceptable.
- d. Gutters and downspouts should be located away from significant architectural features on the front of the building.
- e. Gutters and downspouts should be designed and installed to provide proper drainage and to channel the water as far away from the dwelling as possible. Downspouts should extend at least four (4) to six (6) feet or utilize a splash block. Round downspouts are more appropriate than rectangular forms, for half-round gutters. Rectangular downspouts are also acceptable.
- f. Hanger straps should be nailed under, not on top, of the roofing material. If a new roof is installed at same time as the gutters, the straps shall be nailed under the roofing material.
- g. Gutters shall match the color scheme of the house. Copper gutters may remain unpainted.
- h. Gutters and downspouts should be regularly cleaned and maintained. If new gutters are required, half-round designs are the most historically accurate for the earlier styles.
- i. Some later styles; the romanesque, colonial, Italian renaissance, Tudor revival styles, and neoclassical, all typically with enclosed eaves, used the ogee (K profile) gutter. Some styles or designs feature rectangular or bevel profiles or hidden built-in type gutters. Metal used for gutters and downspouts should be compatible with metal used for roof flashing to avoid corrosion.



(8) *Lighting (for porches and exterior walls).*

- a. Lighting fixtures original to the dwelling should be preserved and maintained.
- b. New lighting fixtures shall be compatible with the style, scale, and period of the structure, based on traditional designs of the late 19th and early 20th centuries, and mounted on porch ceilings or adjacent to entrances.
- c. Building mounted security lighting should be only for security. Floodlights should be mounted on the rear or sides of a building not visible from the street. High intensity overhead lights should not be used.
- d. Light fixtures for security lights, floodlights, or footlights should be small, simple in design, and their number kept to a minimum.
- e. If freestanding fixtures are installed, they shall also be compatible with the character of the building style and shall not conflict with any period streetlights.



Appropriate simple fixtures for early styles that were not electrified

- f. Buildings that originally did not have lights mounted on the exterior walls or porch ceilings may need lighting. New fixtures should be simple in design and not detract from the building style. Electrified versions of early gas light fixtures may be appropriate.

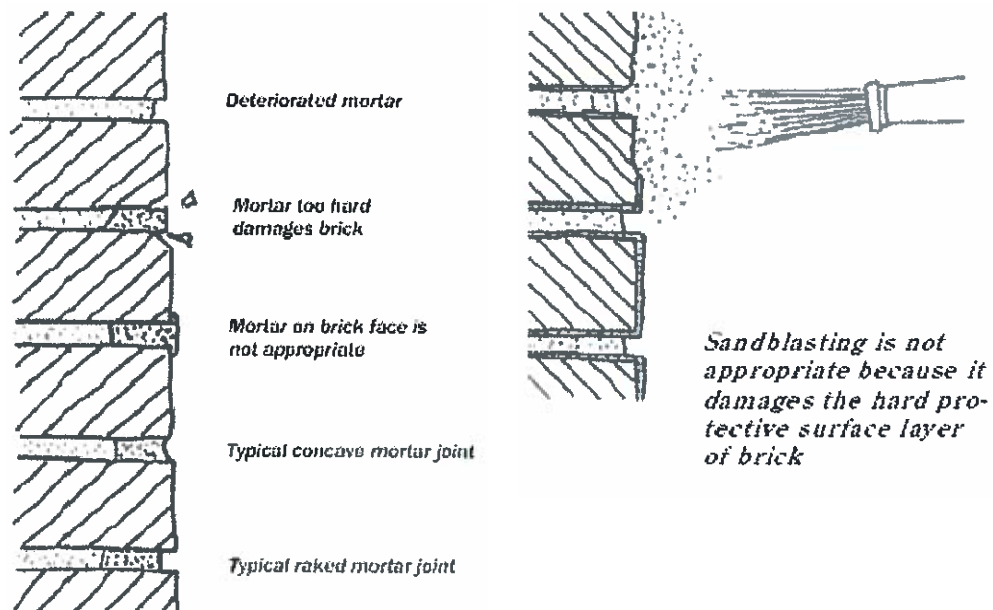
- g. Unobtrusive site lighting can be used to provide adequate illumination without calling attention to the light source.
- h. Awnings with illumination shall not be used.
- i. Some historic buildings retain original exterior wall and porch ceiling light fixtures. These are part of a building's character and should be preserved and maintained. If the original light fixtures are missing, light fixtures appropriate to the building's style shall be used. When appropriate fixtures are not available, simple designs and detailing are preferred to large, ornate ones.



(9) *Masonry and stucco.*

- a. Masonry original to the dwelling shall be preserved and maintained.
- b. Masonry shall not be sandblasted or abrasively cleaned. Brick should not be cleaned with high-pressure water that exceeds 300 pounds per square inch.
- c. Masonry should be cleaned only if there are major stains or paint buildup. If the staining or dirt is limited, it may be best left alone. Masonry should be cleaned by the gentlest effective method. Detergent cleaners and natural brushes should be used for staining; metal brushes should not be used. The use of chemical cleaners is appropriate using low-pressure water to avoid forcing water and chemicals into the wall. This usually requires professionals. Information on the use of chemical paint removal and cleaning products is available from the preservation division.
- d. Masonry should not be coated with silicone-based water sealants. Water sealants or water repellents should be highly vapor permeable. Impermeable coatings trap interior moisture damaging the brick.
- e. Masonry that has not been previously painted shall not be painted unless the brick and mortar is extremely mismatched from earlier repairs or patching. Previously sandblasted brick or brick in poor condition may be painted to provide a sealing coat. These paints must be vapor permeable.
- f. Masonry shall not be covered in stucco, artificial stone, brick veneer, shingles, or other coating materials, except for foundations that may be coated with a cement coating if deteriorated. Refer to Subsection (5) of this section.

- g. Masonry repairs should be performed carefully to match the original stone or brickwork and mortar. If new stone or brick is required, brick color, texture, and size must match. Stone should match for type size and finish.
- h. Repointing (tuck pointing) mortar shall match the original in width, color, tooling profile, composition, and texture. Mortar should be removed using methods that will not cause damage to the stone or brick. Repointing should never be done with hard mortars unless these mortar compounds are original to the dwelling. If the original composition cannot be determined, a historic compound shall be used, such as one (1) part lime, one (1) part Portland cement, and six (6) parts sand. Natural sand shall be used.
- i. Stucco surfaces shall be maintained by cleaning and repainting with appropriate masonry paint when necessary. When repairing original stucco, a stucco mixture duplicating the appearance shall be used. Patches of incompatible composition will adhere poorly and will fail.
- j. When attaching approved elements to masonry, anchoring devices shall be drilled into mortar joints and not into the brick or stone.
- k. Many historic dwellings have exterior walls of masonry. Masonry includes brick, stone, and terra cotta. If well maintained, these can last indefinitely.
- l. Important points in masonry preservation are to keep out water and to use an appropriate mortar mix when repair is needed. The use of hard mortars high in Portland cement can cause early brick to crack and break. Portland cement was used after 1920, and, generally, this type of hard mortar is compatible only with brick from after 1920.
- m. Abrasive cleaning methods such as sandblasting or water blasting erodes the outer skin of the brick and destroys the surface crust allowing moisture to enter the wall. Low pressure cleaning is best for cleaning masonry. Sandblasting is not appropriate because it damages the hard protective surface layer of brick and mortar joint profiles.



- n. See also Preservation Briefs:
1. No. 1: Assessing Cleaning and Water-Repellant Treatments for Historic Masonry.
 2. No. 2: Repointing Mortar Joints in Historic Masonry Buildings.
 3. No 22: The Preservation and Repair of Historic Stucco.
 4. No 42: The Maintenance, Repair and Replacement of Historic Cast Stone.

(10) *Surface preparation for painting.*

- a. Removal of existing paint should be done by manual scraping or with appropriate chemical removers.
- b. Removing paint through heat plates or heat guns should be done using caution to avoid unnecessary damage to the wood through charring or fire.
- c. Abrasive sandblasting to remove paint shall not be used. Water blasting above 600 pounds per square inch to remove loose paint is not recommended as it can cause damage.
- d. Surface preparation should include identification and appropriate handling of lead-based paints to avoid hazards.
- e. The existing surface, including any soundly adhered paint should be compatible with the new paint. Paints should be applied according to manufacturers' instructions.
- f. Many exterior wood elements require a coating to protect them from deterioration. It is important to keep maintaining painted surfaces so those key features can be preserved.
- g. The use of blowtorches to remove paint may lead to a fire hazard. Also, the use of abrasive sand will damage the wood siding and raise the grain. In addition, during this process, water forced into the wood can take a long time to dry. Paint will not adhere to wet or damp wood, and the wood may develop mildew or rot.

- h. See also Preservation Brief 6: Dangers of Abrasive Cleaning to Historic Buildings and Preservation Brief 10: Exterior Paint Problems on Historic Woodwork.

(11) *Paint and paint colors.*

- a. The selection of paint colors does not require approval by the Commission. The Historic Preservation Commission is available to provide recommendations for paint colors if requested. Paint charts with historic colors are also available at most paint stores.
- b. Consider painting the dwelling in keeping with its style and period of construction. Avoid bright hues and too many colors on a building. Select architectural details of the dwelling to highlight. Painting with high quality exterior paints will last from eight (8) to fifteen (15) years. Sunlight exposure, regular gutter and downspout maintenance and wood surface condition and preparation affect paint life.
- c. Paint colors do not require review and approval; however, books and paint charts are available to select appropriate colors. Because color has a predominant effect on the character of a district, it is recommended that residents consult the County Historic Preservation Commission for assistance in selecting paint colors and schemes before painting any building covered by these guidelines.
- d. Paint should be of high quality and applied to properly prepared surfaces to provide a long lasting finish.
- e. In most instances, paint should not be applied to unpainted masonry. (For exceptions, see Subsection (9)d of this section.)
- f. All exterior wood surfaces, new and old, shall be painted or stained except for wood shingles that may or may not be painted. (See shingle style.) All painting shall be completed within twelve (12) months according to manufacturer's recommendations, weather permitting.
- g. Paint colors and placement should be appropriate for the dwelling's architectural style and design. The following table lists some suggested colors:

Table 20-156-1. Paint Colors for Historic Homes

| <i>Style</i> | | <i>Body</i> | <i>Trim and Accents</i> |
|------------------------------|---|--|--|
| Italianate style | Light colors for the body and trim | Tan, light brown, beige, light green, yellow | Cream, gray, light brown |
| Queen Anne and second empire | Diversity of colors using combinations of contrasting colors for the body and trim | Tan, red, green, brown | Darker colors such as dark olive, salmon red, dark brown |
| Shingle | Most shingle style dwellings were originally built with the exterior wood shingles stained or left natural rather than painted. Most of these dwellings have been painted over the years and a return to the dark browns and reds of the wood shingles is recommended | Dark red, brown, dark gray, dark green | Dark green, dark brown |

Table 20-156-1. Paint Colors for Historic Homes

| <i>Style</i> | | <i>Body</i> | <i>Trim and Accents</i> |
|----------------------------|--|---|--|
| Prairie and four square | A return to lighter colors such as yellow and off white. For four square, two color paint scheme, one for lower level and the other for the upper level. Also, earlier versions had Victorian colors, later versions had Colonial revival colors. | Light tan, light yellow, light brown, grays, medium to light greens | Off-whites, cream, brown, blues, greens |
| Bungalow and Tudor revival | Darker colors again such as earth tones. Dark stains also used in place of paint. Brick, stone, stucco, and concrete generally left unpainted. | Brown, green, gray, dark red | Both light and dark trim colors such as reds, browns, greens, and shades of tan. |
| Colonial revival | Light colors predominate | Yellow, light gray, light blue, white | White, off-white, cream |

- h. See Preservation Briefs:
 1. No. 6: Dangers of Abrasive Cleaning to Historic Buildings.
 2. No. 10: Exterior Paint Problems on Historic Woodwork.
 3. No. 28: Painting Historic Interiors.
 4. No. 37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing.

(12) *Porches, porticos and components.*

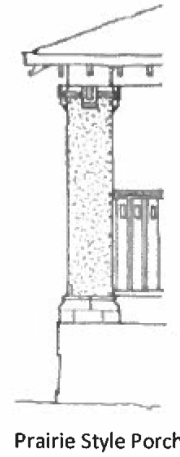
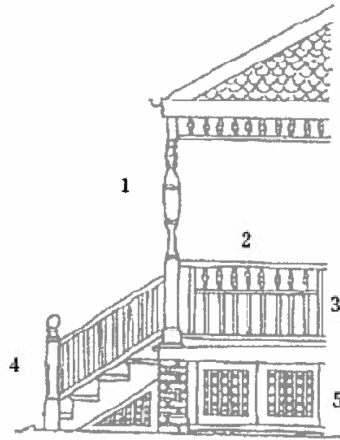
- a. Porches are defining characteristics of historic buildings. If replacement of porch features is required, materials should be used that closely match the original. If the original porch is missing, a new porch should be constructed based upon photographic or physical evidence of the original. If such evidence does not exist, the design should be based on historic porches of similar buildings from the same time period and architectural style.
- b. Inappropriate porch additions may be removed and more appropriate porches, based on historic precedent may be constructed.
- c. A vernacular house may have an Italianate or Queen Anne porch. These are acceptable and reflect changes over time.
- d. Handrail height and style should be determined by photographs, paint outlines, paint shadows, and/or similar homes in the area.
- e. Porches on front and side facades that are original or important to a building's historical integrity shall be maintained in their original design and with original materials and detailing unless they are deteriorated beyond repair.
- f. Porches original or important to the building's historical integrity that have deteriorated or have deteriorated components shall be repaired or replaced to match the original in design, materials, scale, dimensioning, detailing, and placement.
- g. Porches with wood components shall be painted unless the building style features unpainted wood such as is found in the shingle or modern style. See Subsection (11) of this section.

- h. Porches on the front facades shall not be enclosed with wood, glass, or other materials that alter the open appearance. If historically the porch style was enclosed, windows, doors and screening of style and material appropriate to the building style may be used.
- i. Porches may be screened. If screened, the structural framework for the screen panels shall be minimal and the open appearance of the porch maintained. Screen panels shall be placed behind the original features such as columns or railings and shall not hide decorative details or result in the removal of original porch materials.
- j. Porches with wood porch floors should have wood steps. The treads shall have rounded nosings. Wood floors should have wood tongue and groove flooring running perpendicular to the facade.
- k. Original porches of masonry or patios and terraces with poured concrete floors may have poured concrete steps.
- l. Porches with open areas below should be enclosed as was traditional for the type and style of the original porch building material. This could include decorative wood-framed skirting, vertical slats, or lattice panels.
- m. All new components of a porch shall be painted within twelve (12) months, weather permitting.
- n. Porch columns and railings shall be preserved and maintained. When repair is required, use materials to match the original in dimension and detailing. Epoxy consolidants can be used.
- o. Porches may have wood trellises added if they will not result in the removal of original porch building material.
- p. Porch columns and railings of aluminum, wrought iron, or other modern materials, with the exception of some houses built after World War II, are not appropriate.
- q. Porch columns and railings, if the originals have been removed or replaced, on front porches and porches visible from the street shall/should be rebuilt in historic designs to match the style of the building.
- r. Porches may require new balusters for the railing. Porch balusters (also called spindles) shall be appropriate for the building's style and period. They shall be located between a top and bottom rail.
- s. Also see Preservation Brief No. 45: Preserving Historic Wooden Porches.

Porches, Porch Components, and Porticos

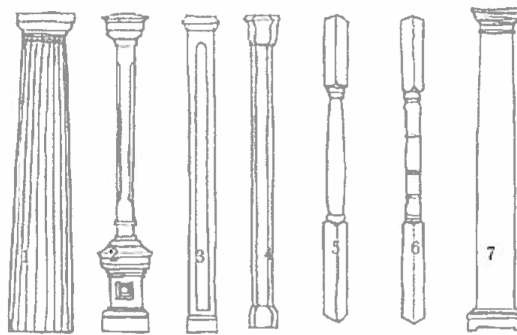
Parts of a porch:

1. Column
2. Handrail
3. Baluster
4. Newel post
5. Lattice skirting



Appropriate Columns for Various Styles

- 1) Greek Revival
- 2) Italianate, 2nd Empire
- 3 & 4) Gothic Revival
- 5 & 6) Queen Anne, Eastlake, Stick
- 7) Colonial Revival, Neo-classical

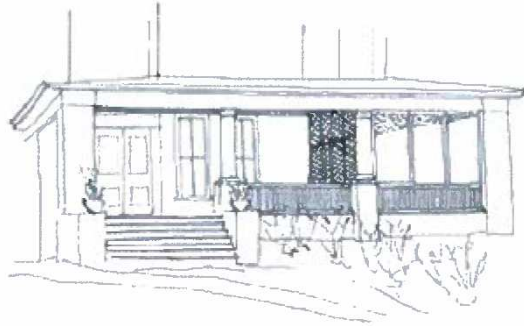




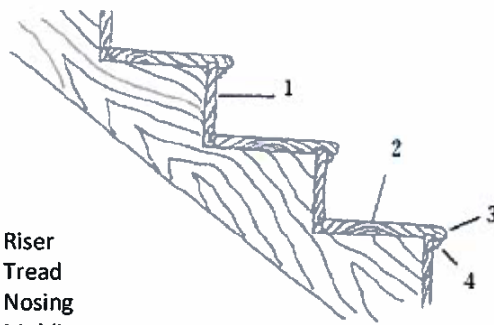
Well-Maintained Porch, Queen Anne Style



Appropriate Enclosure of Front Porch, Bungalow or Craftsman style

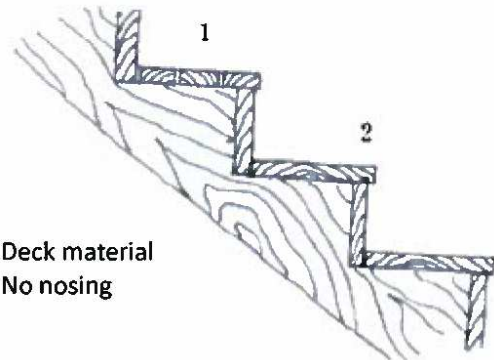


Appropriate Porch Screening, Screens Do Not Obstruct Architectural features



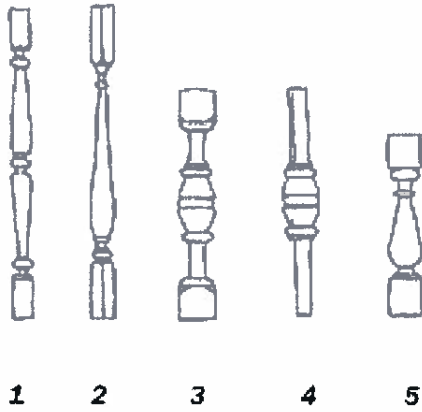
- 1. Riser
- 2. Tread
- 3. Nosing
- 4. Molding

Appropriate Stair Construction



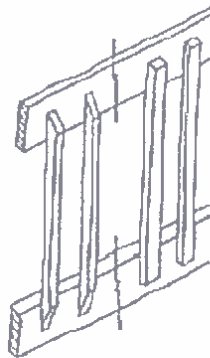
- 1. Deck material
- 2. No nosing

Inappropriate Stair Construction



Appropriate balusters

- 1, 2, 3 Queen Anne, Eastlake, Stick
- 4, 5 Italianate, 2nd Empire, Neo-classical



Inappropriate railing construction

- 1 Balusters not between top and bottom rails
- 2 Handrail is not beveled

(13) *Roofs and roof elements.*

- a. The original roof form and materials are a major component of a building's architectural style. It is important that these be retained.

- b. Additions that will affect roof forms should be placed so as to minimize their impact as viewed from the street. See Section 20-157(e).
 - c. Historic roofs of materials such as metal shingles, clay tiles, or slate should be repaired and preserved whenever possible. Sawn cedar shingles were commonly used on older buildings. Split cedar shakes are inappropriate in most cases.
 - d. Roofs and roof elements shall be retained in their original shape and pitch, with original features, including cresting, chimneys, vents, finials, cupolas, etc., and, if possible, with original roof materials.
 - e. For new dormers, roof decks, balconies or other additions, see roofline additions.
 - f. Roofs may be re-roofed with substitute materials such as asphalt or fiberglass shingles if the original materials are determined beyond repair, are no longer present or available, or if the retention of the original roof material is not economically feasible. Particular effort shall be made to retain materials such as slate, tile, and other unique materials not commonly found in new construction.
 - g. Roofs of new asphalt or fiberglass shingles shall be one (1) color and shall be compatible with historic colors and the style or period of the house. Asphalt shingles in dark shades of gray, red, brown or black are appropriate for the replacement of early asphalt shingles and as a substitute material for wood shingles. Dark gray or black asphalt shingles are an appropriate substitute for slate shingles, and red or green asphalt shingles are appropriate substitutes for clay tile roofing materials. New materials shall match as closely as possible to the original in composition, size, shape, color and texture.
 - h. Roofs that are flat and were originally metal should be replaced in metal. If not readily visible, other low pitch roofing materials are acceptable.
 - i. Roofs requiring ventilation should have ridge vents rather than pot vents. If pot vents are necessary, they should be located at rear rooflines, or near the rear (as in a front-facing gable house). These vents should be painted to match the roof color. Roof gable vents should be maintained.
 - j. Skylights original to the house should be preserved. Skylights shall not be added where they would be visible from the street. Skylights should be placed at rear rooflines or behind gables and dormers. Skylights should be flat or flush with the roofline, not convex or "bubble" designs.
 - k. See also Preservation Brief No. 4: Roofing for Historic Buildings.
- (14) *Satellite dishes, antennas, and solar panels.*
- a. Satellite dishes, antennas, and solar panels shall not be installed in front yards or side yards visible from the street. Dishes or solar panels should not be installed at visible rooflines.
 - b. Satellite dishes and antennas in the smaller sizes are more appropriate than the large dishes.

- c. Satellite dishes, antennas, and solar panels should be mounted as low to the ground as possible and the use of landscaping, lattice panels, or fencing to screen the view is recommended.
 - d. If practical, solar panels shall not be added where they would be visible from the street. Solar panels should be placed at rear rooflines or behind gables and dormers. Solar panels should be flat or flush with the roofline.
 - e. Satellite dishes and antennas should be located at rear rooflines or preferably in rear yards.
 - f. Antennas mounted on the roof shall not extend more than three (3) feet higher than the closest roof within ten (10) feet.
 - g. Satellite dishes may be installed if they are sited in rear yards or along side yards that are not visible from the street. As non-historic features, the smaller dishes are preferred to the larger dishes.
 - h. New innovations in solar power may be allowed upon the review and approval of the County Historic Preservation Commission.
- (15) *Screen, storm, and security doors.* Security doors are non-historic additions to dwellings. While the installation of security doors on fronts of buildings is discouraged, they may be installed if they allow the viewing of most of the historic door. Ornate security doors with extensive grillwork or decorative detailing are not appropriate. However, certain decorative detailing may be appropriate for storm or screen doors for some styles such as Queen Anne.
- a. Original wood frame storm or screen doors shall be maintained. Screen, storm, and security doors shall be correctly sized to fit the entrance opening and shall be compatible with the style of the building. Door openings shall not be enlarged, reduced, or shortened for new door installation.
 - b. Security doors are less appropriate for fronts of dwellings than at rear and side facades not visible from the street. Security doors added to the fronts of dwellings shall be full view design or have minimal structural framework to allow for the viewing of the primary door behind them.
 - c. Security doors at locations not visible from the street are acceptable and may have more extensive structural framework than would be acceptable for doors visible from the street.
 - d. Screen and storm doors added to the front or visible side doors should be wood. These should be either full view or with divisions aligned to those of the primary door.
 - e. When metal screen, storm, or security doors on front or visible sides are used, they shall have a painted, anodized, or non-metallic finish to match the trim color.

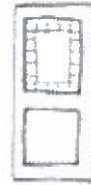
Screen Doors



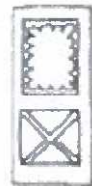
Appropriate: Full View Door



Appropriate for Queen Anne, Eastlake and Stick Styles



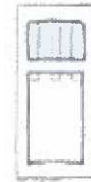
Appropriate: Glass Aligns with Door Glass



Not Appropriate for Historic Doors



Not Appropriate: Obscures Door



Not Appropriate: Glass Does Not Align with Door Glass

(16) *Screen, storm, and security windows.*

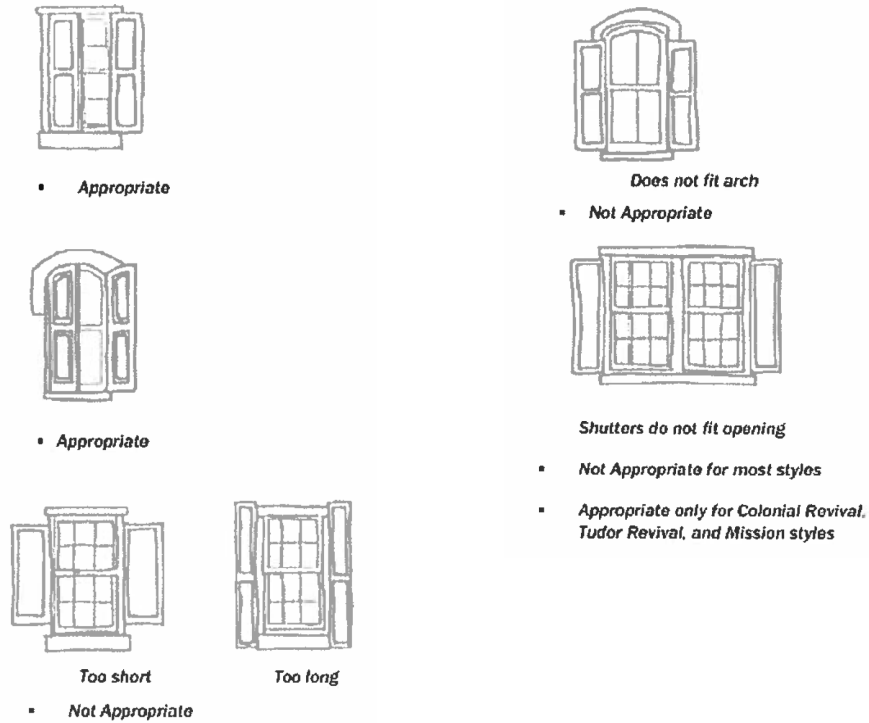
- a. Screen, storm, and security windows are acceptable for historic dwellings. Their design and style should not obscure the primary windows.



Wood storm windows are not only attractive but they increase energy efficiency as well.

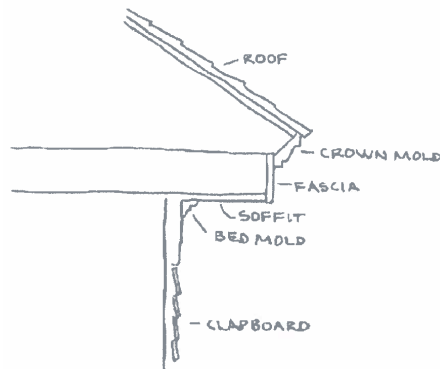
- b. Storm windows help reduce energy costs and reduce the occurrence of condensation on windows. Wood does not conduct the cold air to the inside as much as metal when used in storm windows.
- c. Both the primary window and the storm window should be properly weather-stripped to help keep out air infiltration and further reduce energy costs.

- d. Screens and storm windows shall be correctly sized to fit the window openings, including round arched windows. Frames should not obscure the glass area of windows. Screen and storm window panels shall be full view design or have the meeting rail match that of the window behind it.
 - e. Screens and storm windows shall be wood or aluminum with a painted, baked-on, or anodized finish. Windows of raw aluminum are not acceptable unless painted to match the color of the window sashes.
 - f. Storm windows with built-in lower screens are acceptable.
 - g. Window security bars may be applied on windows that are not visible from the street.
 - h. Basement windows may be secured on the inside with a plywood board or with bars painted black provided it is in accordance with the County building codes.
 - i. For screens and storm windows for porches, see Subsection (12) of this section.
- (17) *Shutters.* Window shutters were often added to houses to provide interior shading in the summer and to protect windows during storms.
- a. Window shutters original to the dwelling should be preserved and maintained.
 - b. Window shutters shall not be added unless there is physical or photographic evidence that the dwelling originally had them, or if they are compatible with the style of the house.
 - c. Window shutters shall be of louvered or paneled wood construction and the shutters sized to fit the window opening so that, if closed, the shutters would cover the entire window opening.
 - d. Exceptions to Subsection (18)c of this section for the following styles: Colonial Revival, Mission, Tudor Revival, and Modern, may be made upon review and approval of the Historic Preservation Commission.
 - e. Window shutters of vinyl or aluminum construction are not appropriate. These shutters generally have dimensions that are not compatible with historic dwellings.



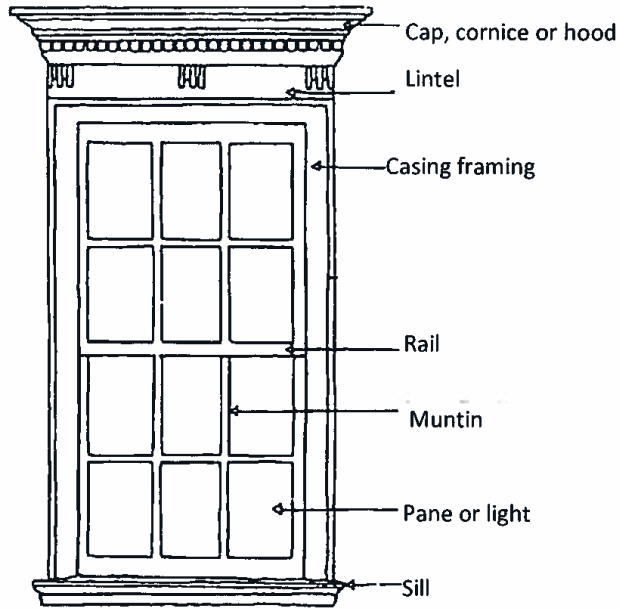
(18) *Soffit and fascia.*

- a. The soffit is the flat horizontal board that encloses the space under the eave or cornice. Often, beadboard is used for historic homes.
- b. The fascia is the flat board used to cover the ends of roof rafters or located along the rake. Cornice molding or trim is often placed on the fascia board.
- c. Original soffit, fascia, trim boards and details shall not be removed. They shall be maintained by painting and proper gutter functioning.
- d. Soffit, fascia boards, trim and details deteriorated beyond repair shall be replaced with boards that match the originals.



(19) *Windows.*

- a. Windows shall be preserved in their original location, size, and design and with their original materials and glass pattern.
- b. Window openings on front facades or side facades visible from the street shall not be altered to accommodate new windows of a different size, proportion or configuration.
- c. Character defining window openings on all facades shall not be altered.
- d. New window openings shall not be added to front facades or to side facades where visible.
- e. Windows should be repaired rather than replaced. If non-original or beyond repair and replacement is necessary, the replacement shall be in-kind to match the original in material and design.
- f. Windows should be repaired with materials to match the original and other materials such as consolidants that are appropriate to the original material. (Consultation with a stained glass specialist is recommended for repairs to art glass.)
- g. New windows on front facades and sides visible from the street shall not have snap-in or flush muntins. True divided muntins are acceptable.
- h. Windows may have screens and/or storm windows. See Subsection (16) of this section.
- i. Basement windows should not be enclosed or concealed on the exterior, and masonry should be properly repainted when repaired.
- j. Historic buildings display a wide variety of windows in various designs and sizes. These are important features of the various architectural styles.
- k. Decorative windows include materials such as stained glass, beveled, leaded glass, and etched glass.
- l. Most early windows are made from wood and, with proper repair, can be made functional.
- m. Window openings original to a dwelling shall not be covered or concealed.
- n. New windows may be added at the rear and non-visible sides of a building.
- o. See also Preservation Briefs:
 1. No. 9: Repairing Historic Wood Windows.
 2. No. 13: The Repair and Thermal Upgrading of Historic Steel Windows.
 3. No. 33: The Preservation and Repair of Historic Stained and Leaded Glass; Windows.



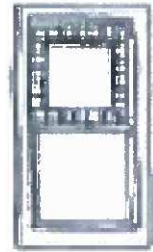
Appropriate for Greek Revival Style



Appropriate for Italianate, Second Empire, Octagon Styles



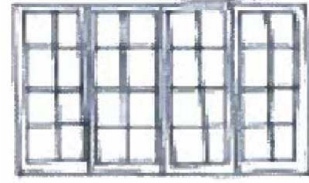
Appropriate for Queen Anne, Stick, Eastlake Styles



Appropriate for Shingle and Prairie Styles



Appropriate for Prairie and Bungalow Styles



Appropriate for Tudor Revival Style



**Appropriate for Colonial Revival
and Neo-Classical Styles**

(20) *Siding.*

- a. Original siding materials are essential components in defining a building's architectural character. The concealment of original wood siding under synthetic sidings is not appropriate. These siding materials do not successfully imitate original wood siding in dimensions or texture. The use of synthetic sidings also poses potential problems for historic buildings. These materials have a limited life span and may not be cost effective compared to continued maintenance and painting of wood siding. Aluminum and vinyl siding which is fifteen (15) to twenty (20) years old becomes faded, chipped, or cracked and may require painting.
- b. If insulation without a vapor barrier is installed, the interior should be painted with an impermeable paint to prevent moisture condensation in the wall.
- c. Wood siding original to a building shall be repaired rather than replaced. If replacement is necessary, wood siding and shingles shall be replaced with new to match the original in size, placement, and design. If considering the replacement of siding, obtain a determination from the Historic Preservation Commission on the condition of the existing siding. Wood siding original to a dwelling shall not be concealed beneath synthetic materials.
- d. Wood siding that has been concealed beneath synthetic siding should be repaired. Following the removal of synthetic siding, original siding should be repaired to match the original, and be caulked and painted. When ghosting or outlines of decorative missing features are revealed, these should be replicated and reinstalled. If these features are not replaced, the ghosting should be recorded through photographs or drawings for possible future replication.
- e. Walls under wood siding may not be altered with plugholes for the installation of insulation in the walls.
- f. Asbestos shingle siding that are original to a dwelling should be kept stained or painted. If asbestos shingle siding is deteriorated or poses a health hazard, it may be removed and replaced with wood or other substitute siding. Removal of asbestos siding should follow hazardous material guidelines.
- g. See also:
 1. Preservation Brief 6: Dangers of Abrasive Cleaning to Historic Buildings.

2. Preservation Brief 8: Aluminum and Vinyl Siding on Historic Buildings; The Appropriateness of Substitute Materials for Resurfacing Historic Wood Frame Buildings.
 3. Preservation Brief 10: Exterior Paint Problems on Historic Woodwork.
- h. Most non-masonry, pre-1945 dwellings are generally of frame construction clad with wood siding in any of a variety of shapes. These include horizontal weatherboard or clapboard siding, drop siding and wood shingles. They were sometimes used in combination.

Vertical Board Siding Examples



Lapped board siding



Beveled clapboard siding



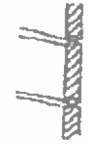
Drop siding



Shiplap siding



Rabbeted siding



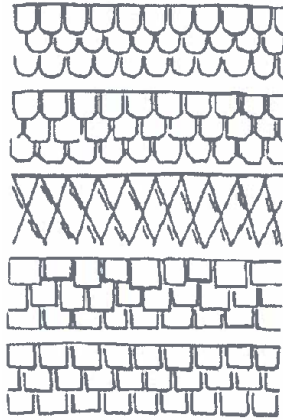
Tongue-and-groove siding



Board-on-board siding



Board-and-batten siding



Wood Shingle Examples

(Ord. No. 2010-17, exh. A, § I, 9-21-2010)

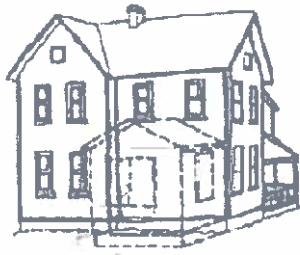
Sec. 20-157. New construction guidelines.

(a) *Purpose.* This section contains guidelines that address appropriate new construction, including additions and new, infill buildings. These guidelines provide important information to ensure that the characteristic scale, rhythm, setbacks and massing of the districts are preserved and enhanced.

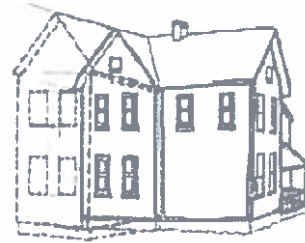
(b) *Additions.*

- (1) Construction of new residential or commercial additions should be avoided and only done when needed. Additions are acceptable when they are clearly differentiated from the historic building and in such a way not to change, obscure, damage or destroy the character defining features of the historic building.
- (2) Additions should be sited at rear or side facades so as not to detract from the primary facade when seen from the street. The design of the additions should have a minimal impact on the building's overall character.
- (3) Additions should be located at the rear or less visible sides of buildings.
- (4) Additions shall compliment the original building in size, scale, design, materials, and placement.
- (5) Additions shall be of a compatible design in keeping with the original building design, roof shape, materials, color, and the location of windows, doors, cornice heights, etc.
- (6) Additions shall not imitate an earlier historic style or architectural period.
- (7) Additions shall be compatible with the scale and siting of adjacent buildings located on the same block as well as those on the entire facing block.
- (8) Additions should be constructed so as not to damage or destroy significant original features, and to avoid removal or loss of historic materials.

- (9) Additions should minimally impact the exterior walls of the original building, so that the addition could be removed without damage to the basic structure and appearance of the building. Building additions should use existing door and window openings whenever possible for connecting the addition to the building.
- (10) No portion of an existing building shall be removed, if such removal would destroy important character defining details and features of the building.
- (11) Additions shall not destroy original landscape elements situated on the building's lot at the primary facades.



Appropriate: Rear One-Story Addition



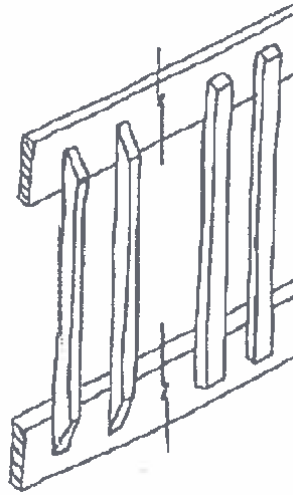
Appropriate: Rear Two-Story Addition



Inappropriate: Side Two-Story Addition

- (12) See also Preservation Brief 14: New Exterior Additions to Historic Buildings.
- (c) *Decks.*
- (1) Decks were generally not used prior to 1945 on homes and are not appropriate additions on the front facade or other visible locations of a dwelling. Deck railings should be in forms appropriate to the architectural style of the dwelling. (See Section 20-156(12).)
 - (2) More appropriate outdoor sitting areas for back yards of traditional architectural styles are stone or brick terraces or patios next to the house or built under the shelter of a large tree. Summer houses or gazebos especially popular in the latter half of the 19th century; pergolas, either attached to the house or freestanding, which were popular after the turn of the century may also be an appropriate alternative to a deck.
 - (3) Decks shall be located at the rear of buildings or areas not visible from the street.
 - (4) Decks should be stained with an opaque stain (not clear) or painted to blend with the colors of the building. (See Section 20-156(11).)

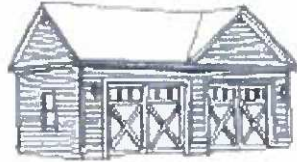
- (5) Decks should be kept simple in design. Wood decks with traditional style wood balusters and rails complimentary to the style of the building are recommended. (See Section 20-156(12)).



Inappropriate Deck Rails and Balusters

(d) *New garages and outbuildings.* Secondary buildings include garages, sheds, and other outbuildings. New construction of secondary buildings such as garages and sheds is acceptable as long as they are appropriate in design and sited in traditional locations. Construction materials should be similar to those of the primary dwelling.

- (1) Secondary buildings shall be smaller in scale than the primary dwelling.
- (2) Secondary buildings should be built at traditional locations for outbuildings in the locally designated districts. These include at rear lot lines, adjacent to alleys, and at the rear side of a dwelling.
- (3) Secondary buildings shall be compatible in design, shape, materials, and roof shape with the associated primary building.
- (4) Exterior materials of secondary buildings should match or be compatible with those of the primary building.
- (5) For garage doors, wood paneled doors are appropriate. Paneled doors of vinyl, aluminum, or steel are not appropriate. Wood paneled overhead roll-up doors are widely available and are appropriate for new garages.



(e) *Roofline additions.*

- (1) Roofline additions of dormers can be used to create livable space in attic or upper floors of residential buildings with sloped roofs. It is important when considering a roofline addition to remember the guidelines for additions in general.
- (2) Additions that will affect roof forms should be placed so as to minimize their impact as viewed from the street.
- (3) Often commercial buildings have a low slope roof that appears flat from the street. Additions to flat roofs should not be visible from grade.
- (4) Roofs shall not have new dormers, roof decks, balconies or other additions introduced on building fronts unless it is stylistically appropriate. These additions may be added on the rear or sides where not visible from the street.
- (5) Additions to flat roofs should not be visible from grade.



Dormer Addition on Rear Roof

(f) *Infill buildings.*

- (1) It is important that new construction in commercial and residential areas complement the existing buildings. New infill construction should be compatible with the existing in massing, setback, roof forms, materials, window and door rhythm or placement, and for residential properties, porch location and scale.
- (2) Commercial buildings typically extended across the entire lot width and taken together made a single street facade composed of regular rhythm of bays and window openings. When one (1) or more of these lots are vacant, infill construction is encouraged in order to make whole the street facade.
- (3) New infill construction should respond to the specific site and setting and maintain the existing pattern of buildings along the block on both sides of the street. The new design should be compatible with the existing context in the following ways:
 - a. Site: the established setbacks, placement on the lot and street orientation.



Existing Pattern of Residential Building Setbacks

- b. Shape: the massing of forms of the neighboring properties, including roof shape and pitch.
- c. Scale: the elements of the facade that define the building's scale such as height, roof, windows and doors.
- d. Proportion: rhythm of the lot widths and features, including entrances, windows, doors, etc.
- e. Materials.
- f. Color and textures.



Appropriate Commercial Infill



Inappropriate Commercial Infill

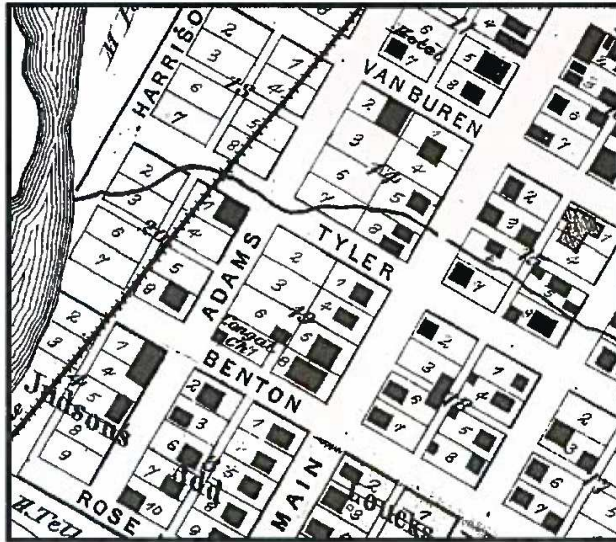
- (4) Infill buildings should appear similar in width to the historic buildings on the block. Traditionally, buildings were built in twenty (20) to twenty-five (25) foot increments, and new buildings should reflect this pattern. Wider buildings should be divided into modules of similar widths. (Ord. No. 2010-17, exh. A, § II, 9-21-2010)

Sec. 20-158. Site and setting guidelines.

(a) The County's potential historic districts and historic landmarks were developed from the mid-19th through the mid-20th centuries. Most blocks in the districts retain their original character of site and setting. In residential neighborhoods, dwellings were built with consistent street setbacks and with front yards for landscaping. Typically, the house's porch and main entrance were oriented towards the street. Blocks were laid out with similar lot dimensions and distances between houses, creating a consistent rhythm and pattern in the location of buildings and the intervening spaces.

(b) In the downtown areas, commercial buildings were laid out and built to form a continuous facade close to the sidewalk. The consistent setbacks and similar lot widths set up the rhythm of the streetscape in these commercial blocks.

(c) These streetscape characteristics in the districts should be preserved and maintained.



Map excerpt shows consistent setbacks and location of outbuildings at rear lots and along alleys

(d) See also Preservation Briefs No. 36: Protecting Cultural Landscapes.

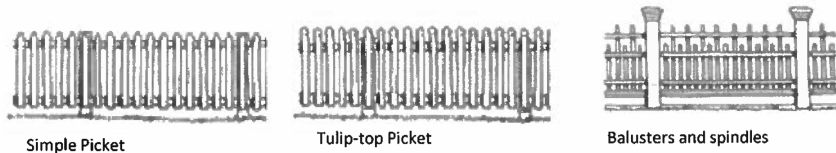
(e) The following guidelines provide information on changes and alterations to a property's site and setting that could affect not only its architectural appearance but also that of the district:

(1) *Fences and walls.*

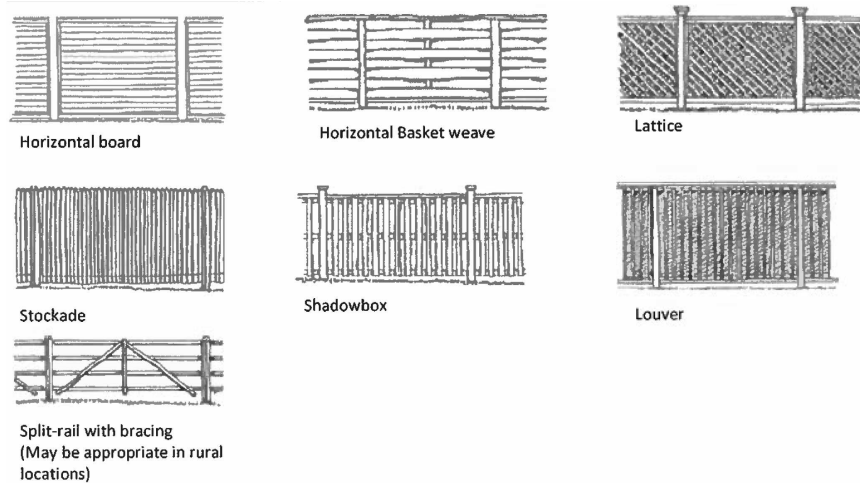
- a. Wood picket and plank fences and cast iron fences were widely used in residential areas before 1945 to separate lots, outline front yards, and enclose domestic animals and pets. However, few, if any original cast iron fences remain standing.
- b. More recently, chain link fences and other designs in wood have become popular but these are non-historic fence materials and are not acceptable.
- c. Historic fences should be preserved and maintained. The construction of new fences based upon historic designs and materials is appropriate.
- d. In addition to the fence provisions of Chapter 36, the following apply:
 1. Fences of cast iron or other original materials should be preserved.
 2. Fences of cast iron, when appropriate to the architectural style of the building, may be added.
 3. Fences of chain link, poured concrete, concrete block, or wood in basket weave, louver, horizontal board, lattice, stockade or shadowbox designs should not be visible from the street.
 4. Walls of freestanding brick are generally not appropriate in front yards but are acceptable at rear yards and side yards not visible from the street.

5. Traditional plantings such as hedges and shrubs are acceptable as alternatives for fences in historic districts.
6. Fences in front and side yards. Fences of wood pickets or balusters are appropriate for front yards. Such fences shall be painted or stained as appropriate. Pickets or spindles should be no wider than four (4) inches and be set with top and bottom rails and may have a bottom baseboard.

Appropriate Front Yard Fences



Inappropriate Front Yard Fences



7. Fences in rear yards.
 - (i) Fences can be constructed in the same low fence design found in the front yard.
 - (ii) Fences of wood boards or planks for privacy should be located in rear yards and should be no taller than six (6) feet. Boards should be no more than six (6) inches wide. Privacy fences of flat, vertical boards with flat tops are most appropriate for the historic districts. Vertical boards topped with lattice or pickets are also appropriate.

(2) *Fire escapes and secondary exits.*

- a. Fire escapes and secondary exits shall not be added unless they are required by fire or safety codes.
- b. Fire escapes and secondary exits should be removed when no longer required by code.

- c. Fire escapes and secondary exits should be located where they will not be visible from the street.
 - d. Secondary exits placed on the exterior should be of wood construction with simple balusters and handrails. Metal fire escapes may be installed if they are not visible from the street. Within municipalities many buildings have been converted into duplexes or apartments. These buildings often have fire escape and/or secondary exits to meet fire and safety codes.
 - e. See also Preservation Briefs No. 32: Making Historic Properties Accessible.
- (3) *Landscaping.* Landscape treatments should be appropriate to the era of the building and the district. Landscape features that were not featured during the historic period of the buildings do not contribute to the overall harmony of the setting.
- a. Landscaping designs and materials that reflect the landscape features and plant materials appropriate to the building's period of significance shall be used.
 - b. Yard areas visible shall have appropriate ground cover; such as lawn or small perennial ground covers.
 - c. Landscaping plants and materials shall not be placed where limbs and roots will damage historic structures or prevent water from draining away from the foundation.
 - d. Areas around trees can be covered with lawn, ground cover, or organic mulch.
 - e. Ground cover of crushed gravel or aggregate shall not be used except in the immediate areas of downspouts.
 - f. Larger stones can be used for grade changes, and in the limited areas where traffic inhibits plant growth.
 - g. See also Preservation Brief 36: Protecting Cultural Landscapes.
- (4) *Mechanical equipment, dumpsters and other equipment.* Air conditioning and heating units often require condensers and other mechanical units to be placed within a few feet of the exterior side of a building wall. Temporary construction dumpsters are exempt from the guidelines set forth in this subsection.
- a. Ground-mounted equipment and dumpsters on the sides of buildings visible from the street shall be screened preferably with shrubbery but fencing or latticework appropriate to the style of house is also acceptable. Ground-mounted heating and cooling units, exhaust fans and dumpsters shall not be located in the front of a building.
 - b. Mechanical equipment such as gas meters, direct broadcast satellite (DBS) dishes, and other equipment shall be located on the rear or side of a building not visible from the street.
 - c. Window air conditioners, exhaust fans and heat pumps should be located on the rear or sides of dwellings rather than on the front. The installation of such units should not result in the removal or replacement of the original window sash or surround.
 - d. Additional electrical, telephone, television or computer cables or conduits shall not be attached to the primary facades of a building.

- e. Window air conditioners, exhaust fans or heat pumps should not be installed in the primary facades.
- (5) *Parking.* The County was largely platted and developed in the days of horse-drawn vehicles and in the early days of the automobile. Some streets were laid out with rear alleys. Garages and carriage houses were generally located directly adjacent to the alleys or in rear yards served by a driveway. Many of these original early outbuildings were replaced or converted to garages. Today, vehicular access to historic houses is by driveways off the street or through rear alleys. The addition of garages and parking places in areas other than rear yards is not consistent with traditional streetscape design. Rear yards were not paved for unenclosed parking areas. The intent of this subsection is to provide for residential and commercial parking without altering the historic streetscape or creating situations where historic side and rear yards are eliminated. By limiting the paved areas, damage to historic buildings due to stormwater runoff is also mitigated.
- a. Front yard areas shall not be paved, covered with blacktop or transformed into an area for surface parking lots. Unpaved areas of a lot shall not be paved without the submission of an acceptable plan approved by the County Historic Preservation Commission. New parking lots incompatible with the character of the neighborhood shall not be introduced.
 - b. New off-street parking areas for residential and commercial properties shall be landscaped around the perimeter of the parking area for screening purposes, and a landscape plan shall be submitted for approval indicating the species, age, and location of the planting material.
 - c. When existing off-street parking areas are resurfaced, they shall comply with the provisions of the above new off-street parking areas.
 - d. Driveways shall be limited to a single lane where visible from the street and allowed to increase towards the rear of the lot where it shall be screened with landscaping or other approved materials. Exceptions are if the driveway was originally two (2) lane, or if the length does not allow the curvature from one (1) lane to two. The original driveway design, material, and placement, where known, should be preserved.
 - e. Driveways in the front or side yard should be of brick, concrete, or concrete tracks (two (2) parallel narrow strips of concrete with grass in between, also called ribbon drives). Asphalt and textured concrete designed to look like brick pavers are also appropriate materials.
 - f. Driveways shall not be poured closer than six (6) inches to foundation walls as it causes damage to foundations and walls.
 - g. Driveway approaches shall be limited to single lane widths to increase the parkway landscaping. Widths at sidewalks shall not exceed ten (10) feet, and the taper to the road shall not exceed fourteen (14) feet.
 - h. See also Preservation Brief 36: Protecting Cultural Landscapes.

- (6) *Ramps for accessibility.* Historic buildings often need to be accessible to the handicapped. Accessibility achieved with the least alteration to important historic features is most appropriate.
- a. Ramps should be added so that minimal original historic materials are removed and that the ramp construction is reversible.
 - b. Ramps should be located at the rear or sides of dwellings. If a ramp is placed on the front of a building, it should be of wood construction rather than of brick, concrete, or metal. Brick, concrete, and metal ramps are more acceptable at rear and sides of buildings with interior lots.
 - c. Ramps should be of simple traditional design and configuration or designed to match the original porch railing in materials, dimensions, and detailing. Ramps should be painted to match the color of the porch railing or to match the overall paint color of the building.
 - d. Ramps in visible areas should be screened with landscaping.
 - e. When required by ordinance, ramps shall adhere to applicable historic preservation provisions of the accessibility code.



Ramp Addition to a Porch

- f. See also Preservation Briefs No. 32: Making Historic Properties Accessible.
- (7) *Sidewalks and walkways.* Sidewalks and walkways in historic districts are primarily of concrete construction. Many of these were poured in the early 20th century and remain in good condition. The use of concrete is appropriate in the repair, replacement and addition of concrete sidewalks and walkways.
- a. Sidewalks and walkways that are original to a dwelling or block should be preserved and maintained.
 - b. New sidewalks and walkways in the front and side yards that are installed shall match the original in details, dimensions, and placement.

- c. Sidewalks and walkways of aggregate or pebble-surfaced concrete are, in most cases, not appropriate in visible areas. Smooth poured concrete, stone, brick pavers, or pavers that replicate brick, properly laid, may be used.
 - d. Sidewalks and walkways of asphalt shall not be installed in front yards but may be used in areas not visible from the street.
 - e. See also Preservation Brief 36: Protecting Cultural Landscapes.
- (8) *Swimming pools, fountains, gazebos and pergolas.*
- a. Swimming pools should be located in rear or side yards and screened from street view with fencing and/or landscaping. (See Subsections (e)(1) and (3) of this section.)
 - b. Arbors and pergolas, unless original to the design, shall not be installed on primary facades. Arbors and pergolas shall not obstruct character defining elements on primary or side facades visible from street.
 - c. Accessory buildings, including unenclosed gazebos, shall not be allowed in front yards. These may be allowed in side or rear yards. The design and architectural details of the gazebo should be appropriate to the architectural style of the primary structure. See Section 20-156(12) for guidelines of appropriate gazebo styles.



Appropriate: Simple, Unenclosed Gazebo



Inappropriate: Enclosed Gazebo

- d. Fountains or water features are acceptable in rear and side yards. Screening must be used if visible from the street.
- (9) *Secretary of the Interior's standards.*
- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

- d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(Ord. No. 2010-17, exh. A, § III, 9-21-2010)

Sec. 20-159. Agricultural structures and farmsteads.

The following approaches should be observed when carrying out rehabilitation projects on historic barns and agricultural outbuildings:

- (1) Preserve the historic setting of the barn as much as possible. Modern farming practices do not require the great number of outbuildings, lots, fences, hedges, walls and other elements typical of historic farms. Yet such features, together with fields, woods, ponds, and other aspects of the farm setting can be important to the character of historic barns. The functional relationship between the barn and silo is particularly significant and should also be maintained.
- (2) Repair and repaint historic siding rather than cover barns with artificial siding. Siding applied over the entire surface of a building can give it an entirely different appearance, obscure craft details, and mask ongoing deterioration of historic materials underneath. The resurfacing of historic farm buildings with any new material that does not duplicate the historic material is never a recommended treatment.
- (3) Repair rather than replace historic windows whenever possible and avoid blocking them down or covering them up. Avoid the insertion of numerous new window openings. They can give a

building a domestic appearance, radically altering a barn's character. However, if additional light is needed, add new windows carefully, respecting the size and scale of existing window openings.

- (4) Avoid changing the size of door openings whenever possible. Increasing the height of door openings to accommodate new farm machinery can dramatically alter the historic character of a barn. If larger doors are needed, minimize the visual change. Use new track-hung doors rather than oversized rolled steel doors, which give an industrial appearance incompatible with most historic barns. If the barn has wood siding, the new doors should match it. If historic doors are no longer needed, fix them shut instead of removing them and filling in the openings.
- (5) Consider a new exterior addition only if it is essential to the continued use of a historic barn. A new addition can damage or destroy historic features and materials and alter the overall form of the historic building. If an addition is required, it should be built in a way that minimizes damage to external walls and internal plan. It should also be compatible with the historic barn, but sufficiently differentiated from it so that the new work is not confused with what is genuinely part of the past.
- (6) Retain interior spaces and features as much as possible. The internal volume of a barn is often a major character-defining feature, and the insertion of new floors, partitions, and structures within the barn can drastically impair the overall character of the space. Similarly, interior features should also be retained to the extent possible.
- (7) Retain as much of the historic internal structural system as possible. Even in cases where it is impractical to keep all of the exposed structural system, it may be possible to keep sufficiently extensive portions of it to convey a strong sense of the interior character. Wholesale replacement of the historic structural system with a different system should be avoided.

See also Preservation Brief No. 20: Preservation of Historic Barns.

(Ord. No. 2010-17, exh. A, § IV, 9-21-2010)

Chapter 21

RESERVED

Chapter 22

LICENSES, PERMITS AND MISCELLANEOUS REGULATIONS

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KENDALL COUNTY CODE

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ARTICLE I. IN GENERAL

Secs. 22-1—22-19. Reserved.

ARTICLE II. RAFFLES AND POKER RUNS**DIVISION 1. GENERALLY****Sec. 22-20. Purpose.**

The purpose of this article is to regulate and control the conduct of raffles and poker runs within:

- (1) The unincorporated areas of the County; and
- (2) The corporate limits of any municipality that is a party to any intergovernmental cooperation agreement for raffle and poker run licenses within the County.

(Ord. No. 19-27, art. I, § 2, 10-15-2019)

Sec. 22-21. Intergovernmental agreement.

The Chairman of the County Board and the Licensing Agent may enter into a written intergovernmental agreement with one (1) or more County municipalities that have adopted a raffle and poker run ordinance consistent with this article to jointly establish a system for the licensing of organizations to operate raffles or poker runs within the unincorporated area of the County and within the corporate limits of any municipality that is a party to such intergovernmental agreement. Such agreement shall be consistent with the limitations of this article.

(Ord. No. 19-27, art. I, § 3, 10-15-2019)

Sec. 22-22. Definitions.

(a) *Defined terms.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Business means a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

Charitable means an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

County's jurisdiction means the County's jurisdiction to regulate and control the conduct of raffles and poker runs shall include both within:

- (1) The unincorporated areas of the County; and
- (2) The corporate limits of any municipality that is a party to any intergovernmental cooperation agreement for raffle and poker run licenses within the County. Hereinafter, these areas shall collectively be referred to as "County's jurisdiction."

Educational means an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorable in their scope and intensity with the course of study presented in tax-supported schools.

Fraternal means an organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

Key location means:

- (1) For a poker run, the location where the poker run concludes and the prizes are awarded;
- (2) For a raffle, the location where the winning chances in the raffle are determined.

Labor means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

Law enforcement agency means an agency of this State or a unit of local government in this State that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

Licensee means an organization that has been issued a license to operate a raffle or poker run.

Licensing agent means the Raffle and Poker Run Licensing Agent for the County, which is the County Clerk and Recorder.

Net proceeds means the gross receipts from the conduct of raffles or poker runs, less reasonable sums expended for prizes, local license fees, and other operating expenses incurred as a result of operating a raffle or poker run.

Non-profit means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

Poker run means a prize-awarding event organized by an organization licensed under the Illinois Raffles and Poker Runs Act (230 ILCS 15/1 et seq.) in which participants travel to multiple predetermined locations, including a key location, to play a randomized game based on an element of chance. The term "poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item or playing a randomized game at each location.

Raffle.

- (1) The term "raffle" means a form of lottery, as defined in Subsection (b) of Section 28-2 of the Criminal Code of 2012 (720 ILCS 5/28-2(b) conducted by an organization licensed under this article and/or the Raffles and Poker Runs Act (230 ILCS 15/1 et seq.), in which:
 - a. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one (1) or more of which chances is to be designated the winning chance;

- b. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.
- (2) The term "raffle" does not include any game designed to simulate any one (1) or more of the following:
- a. Gambling games, as defined in the Illinois Gambling Act (230 ILCS 10/1 et seq.);
 - b. Any casino game approved for play by the Illinois Gaming Board;
 - c. Any games provided by a video gaming terminal, as defined in the Video Gaming Act (230 ILCS 40/1 et seq.); or
 - d. A savings promotion raffle authorized under Section 5g of the Illinois Banking Act (205 ILCS 5/5g), Section 7008 of the Savings Bank Act (205 ILCS 205/7008,) Section 42.7 of the Illinois Credit Union Act (205 ILCS 305/42.7), Section 5136B of the National Bank Act, or Section 4 of the Homeowners' Loan Act.

Religious means any church, congregation, society, or organization founded for the purpose of religious worship.

State law means the Illinois Raffles and Poker Runs Act (230 ILCS 15/0.01 et seq.), as amended.

Veterans means an organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

(b) *Terms not defined.* Words and phrases not defined in this article shall have the same meaning as the same or similar words or phrases defined and used in the State law.
(Ord. No. 19-27, art. I, §§ 4, 5, 10-15-2019)

Sec. 22-23. Penalties.

Failure to comply with any of the requirements of this article shall constitute a violation. Any person, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each day the violation continues shall be considered a separate offense. The County State's Attorney has authority to prosecute all violations of this article.
(Ord. No. 19-27, art. VI, § 1, 10-15-2019)

Sec. 22-24. Abatement.

The imposition of the penalties as described in this article shall not preclude the County State's Attorney from instituting appropriate action to prevent unlawful raffles or poker runs, or to restrain, correct or abate a violation of this article.
(Ord. No. 19-27, art. VI, § 2, 10-15-2019)

Sec. 22-25. Annual report.

No later than May 1 of each year, the Licensing Agent must prepare, publicly announce, and publish a report of summary statistical information relating to new and renewal license applications during the preceding calendar year. Each report shall show, at a minimum:

- (1) The number of applicants for a new or renewal license under this article within the previous calendar year;
- (2) The number of applicants for a new or renewal license under this article within the previous calendar year who had any criminal conviction;
- (3) The number of applicants for a new or renewal license under this article in the previous calendar year who were granted a license;
- (4) The number of applicants for a new or renewal license with a criminal conviction who were granted a license under this article within the previous calendar year;
- (5) The number of applicants for a new or renewal license under this article within the previous calendar year who were denied a license;
- (6) The number of applicants for a new or renewal license with a criminal conviction who were denied a license under this article in the previous calendar year in whole or in part because of a prior conviction.

(Ord. No. 19-27, art. VIII, § 1, 10-15-2019)

Sec. 22-26. Unlawful gambling.

Nothing in this article shall be construed to authorize conducting or operating any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided by State law.

(Ord. No. 19-27, art. VIII, § 2, 10-15-2019)

Sec. 22-27. Relationship to other laws.

Whenever regulations or restrictions imposed by this article are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rules or regulations, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern.

(Ord. No. 19-27, art. VIII, § 3, 10-15-2019)

Secs. 22-28—22-57. Reserved.

DIVISION 2. LICENSES AND CLASSIFICATIONS

Sec. 22-58. Authority to issue license.

The County's Licensing Agent shall have the authority to issue licenses for raffles and poker runs where the raffle or poker run's key location is within the County's jurisdiction.

(Ord. No. 19-27, art. II, § 1, 10-15-2019)

Sec. 22-59. License required.

(a) No person, firm, corporation or other type of organization shall conduct a raffles, chances or poker runs with a key location in the County's jurisdiction without first having obtained a license pursuant to this article.

(b) A raffle license issued pursuant to this article shall authorize the holder of the raffle license to sell raffle chances throughout the State, including beyond the borders of the County's jurisdiction. Each poker run license issued shall include the name and address of each predetermined location.

(Ord. No. 19-27, art. II, § 2, 10-15-2019)

Sec. 22-60. Qualifications for a license.

(a) *Qualification of applicant.*

(1) Raffle and poker run licenses shall be issued only:

- a. To bona fide religious, charitable, labor, business, fraternal, educational, veterans', or other bona fide not-for-profit organizations, that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before applying for a license and which have, during that entire five (5) year period been engaged in carrying out their objectives;
- b. To a non-profit fundraising organization that the Licensing Agent determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster; or
- c. To any law enforcement agencies and Statewide associations that represent law enforcement officials.

(2) The Licensing Agent may waive the five (5) year requirement for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a raffle or a poker run if the organization is a local organization affiliated with and chartered by a National or State organization that meets the five (5) year requirement.

(3) Licenses for poker runs shall be issued only for the following purposes:

- a. To provide financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster; or
- b. To maintain the financial stability of the organization.

(b) *Restrictions on licenses.* The following groups or individuals are ineligible for a raffle or poker run license under this article:

- (1) Any person whose felony conviction will impair the person's ability to engage in the licensed position;
- (2) Any person who is or has been a professional gambler or professional gambling promoter;
- (3) Any person who is not of good moral character;

- (4) Any organization in which a person defined in Subsection (b)(1), (2), or (3) of this section has a proprietary, equitable, or credit interest, or in which such a person is active or employed;
 - (5) Any organization in which a person defined in Subsection (b)(1), (2), or (3) of this section is to participate in the management or operation of a raffle or poker run as defined by State law;
 - (6) Any organization in which a person defined in Subsection (b)(1), (2), or (3) of this section is an officer, director, or employee, whether compensated or not.
- (Ord. No. 19-27, art. II, § 3, 10-15-2019)

Secs. 22-61—22-78. Reserved.

DIVISION 3. LICENSE APPLICATION AND ISSUANCE

Sec. 22-79. Application for a license.

An applicant shall submit a raffle/poker run application using the form provided by the Licensing Agent. Applications must be submitted to the Licensing Agent at least thirty (30) calendar days prior to conducting the raffle or poker run and prior to selling tickets or chances for a raffle. Completion of an application does not guarantee approval or issuance of a raffle/poker run license.
(Ord. No. 19-27, art. III, § 1, 10-15-2019)

Sec. 22-80. Required information.

(a) *Required by State law.* All raffle/poker run applications must include all of the information required by the Raffles and Poker Runs Act (230 ILCS 15/2).

(b) *Sworn statement.* All license applications shall contain a sworn statement attesting to the accuracy of the information provided and to the not-for-profit character of the applicant or organization. Said statement shall be signed by the presiding officer and secretary of the applicant or organization.

(c) *Political committees.* Political committees must include documentation of raffle approval from the State Board of Elections when applying for a raffle license with the County's Licensing Agent. Raffle licenses for political committees will be issued in accordance with the terms and provisions of this article and the Raffles and Poker Runs Act (230 ILCS 15).
(Ord. No. 19-27, art. III, § 2, 10-15-2019)

Sec. 22-81. Applicant convictions.

See Section 3.1 of the Raffles and Poker Runs Act (230 ILCS 15.3.1) for regulations regarding convictions of an applicant.
(Ord. No. 19-27, art. III, § 3, 10-15-2019)

Sec. 22-82. Review of application and appeal process.

(a) The Licensing Agent shall review all raffle and poker run applications and shall, within thirty (30) days from the date of receipt of the application, approve or deny the request for license. If the Licensing Agent approves the application, the Licensing Agent shall forthwith issue the raffle or poker run license to the applicant.

(b) Any person whose application is denied may appeal the denial to the County Board. Such appeal shall be in writing and must be filed with the County Clerk no later than ten (10) calendar days after the date of the written notice of denial. Upon the County Clerk's receipt of a written appeal, the County Board shall hear the appeal at its next regularly scheduled County Board meeting. Any person appealing a denial of a license application may be represented by an attorney; may call witnesses; may cross examine witnesses at the appeal hearing. The Chairman of the County Board shall preside over such appeal hearing. The appeal shall be decided by a majority vote of the County Board members present for said vote.

(Ord. No. 19-27, art. III, § 4, 10-15-2019)

Sec. 22-83. Contents of license.

A license shall show the following with respect to each raffle or poker run:

- (1) The area or areas in which raffle chances may be sold or issued;
- (2) The period of time during which raffle chances may be sold or issued, or a poker run will be conducted;
- (3) The maximum price which may be charged for each raffle chance issued or sold;
- (4) The dates, times and locations on or at which winning chances will be determined.

(Ord. No. 19-27, art. III, § 5, 10-15-2019)

Sec. 22-84. Display of license.

Any person selling raffle chances or operating a poker run in the County must carry a copy of the license issued for the raffle or poker run. Also, the license shall be prominently displayed at the time and location of the determination of the winning chances.

(Ord. No. 19-27, art. III, § 6, 10-15-2019)

Sec. 22-85. Validity.

A raffle license issued pursuant to this article shall be valid for one (1) raffle or for a specified number of raffles to be conducted during a specified period not to exceed one (1) year. A poker run license issued pursuant to this article shall be valid for one (1) poker run or for a specified number of poker runs to be conducted during a specified period not to exceed one (1) year.

(Ord. No. 19-27, art. III, § 7, 10-15-2019)

Sec. 22-86. Fees.

The licensee shall pay a fee for each license issued by the Licensing Agent pursuant to this article. Payment shall be issued in full prior to the receipt of the license. Failure to submit payment may result in immediate revocation of the license. The total amount of the fee to be paid by the licensee shall be determined by the aggregate prize value for the licensee's raffle or poker run. The fee amount shall be as follows:

| <u>Aggregate Prize Value</u> | <u>Fee (per license)</u> |
|------------------------------|------------------------------|
| Less than \$500.00 | \$0.00 |
| \$501.00 to \$5,000.00 | \$10.00 |
| \$5,001.00 and over | \$10.00 |

(Ord. No. 19-27, art. V, 10-15-2019)

Secs. 22-87—22-115. Reserved.

DIVISION 4. OPERATION AND CONDUCT

Sec. 22-116. Generally.

- (a) Licensed raffles and poker runs are subject to the following restrictions:
 - (1) The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the licensee permitted to conduct that game.
 - (2) No person except a bona fide director, officer, employee, or member of the licensee may manage or participate in the management of the licensed raffle or poker run.
 - (3) No person may receive any remuneration or profit for managing or participating in the management of the raffle or poker run.
 - (4) A licensee may rent a premises on which to determine the winning chances in a raffle, provided that the rent is not determined as a percentage of receipts or profits from the raffle.
 - (5) A licensee may contract with third parties who, acting at the direction of and under the supervision of the licensee, provide bona fide services to the licensee in connection with the operation of a raffle and may pay reasonable compensation for such services. Such services include the following:
 - a. Advertising, marketing, and promotion;
 - b. Legal;
 - c. Procurement of goods, prizes, wares and merchandise for the purpose of operating the raffle;
 - d. Rent, if the premises upon which the raffle will be held is rented;
 - e. Accounting, auditing and bookkeeping;

- f. Website hosting;
- g. Mailing and delivery;
- h. Banking and payment processing;
- i. Other services relating to the operation of the raffle.

(b) Raffle chances may be sold throughout the State, including beyond the borders of the licensing municipality or County. Winning chances must be determined only at the times, dates, and locations specified on the license.

(c) A person under the age of eighteen (18) years may participate in conducting raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of eighteen (18) years may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by a parent or guardian.

(d) If a raffle drawing or poker run is unable to be held as documented on the license due to an extreme emergency or natural disaster, the licensee must seek approval of the Licensing Agent before the drawing or poker run can be held on a different date. If a drawing or poker run is cancelled due to inadequate sale of entries or raffle tickets or due to some reason other than an extreme emergency or natural disaster, the licensee must notify all participants or ticket purchasers; refund all monies; return all prizes within thirty (30) calendar days after the date of cancellation. The cancellation of a raffle or poker run shall be reported to the Licensing Agent within ten (10) calendar days of that decision with a full explanation as to the reason. There shall be no refund of the raffle or poker run license fee, unless approved by a majority vote of the County Board members present for said vote.

(e) Each entry or raffle chance shall have printed thereon the cost of the entry or chance, the maximum aggregate retail value of all prizes to be awarded in the raffle or poker run, and the maximum number of raffle chances or entries to be issued, except as provided below:

- (1) When raffle chances or entries are sold, conveyed, issued, or otherwise transferred only at the times and locations at which winning chances will be determined and only to persons then in attendance.
- (2) When the raffle chance is also a ticket to an event and a portion of the cost of the ticket is designated for a dinner, golf or other item of value to be consumed or used by the purchaser at the event.

(Ord. No. 19-27, art. IV, § 1, 10-15-2019)

Sec. 22-117. Raffle or poker run limits.

(a) *Maximum price for raffle chances.* The maximum price which may be charged for each raffle chance, participation voucher, or poker hand issued or sold, shall not exceed one hundred dollars (\$100.00).

(b) *Maximum retail value for prizes.*

- (1) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle or poker run shall not exceed fifty thousand dollars (\$50,000.00).

(2) The maximum retail value of each prize awarded by a licensee in a single raffle or poker run shall not exceed fifty thousand dollars (\$50,000.00).
(Ord. No. 19-27, art. IV, § 2, 10-15-2019)

Sec. 22-118. Raffle manager and bond.

(a) *Raffle manager required.* All management, operation and conduct of raffles shall be under the supervision of a single manager as designated by the licensee on the license application.

(b) *Bond.* The raffle manager shall give a fidelity bond in favor of the licensee condition upon the raffle manager's honesty in the performance of duties of the same. The amount of the fidelity bond shall, at a minimum, equal the sum of the aggregate retail value of the raffle prizes as set out on the raffle license application. If the amount of the fidelity bond exceeds fifteen thousand dollars (\$15,000.00), the fidelity bond must have a corporate surety. Terms of the bond shall provide that notice shall be given in writing to the Licensing Agent not less than thirty (30) calendar days prior to its cancellation. The Licensing Agent, in the sole discretion of the same, shall have the authority to waive this bond requirement only if the waiver of bond was approved in writing by an affirmative vote of the requisite number of licensee's members or, if the licensee does not have members, by an affirmative vote of the members of the licensee's governing board. A waiver of this bond requirement shall only be valid if the waiver is specifically identified, in writing, on the license.

(c) *Exception.* Nothing in this section shall be deemed to apply to poker runs.
(Ord. No. 19-27, art. IV, § 3, 10-15-2019)

Sec. 22-119. Documentation and recordkeeping.

(a) Each licensee shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount, and date of payment.

(b) Gross receipts from the operation of raffles and poker runs shall be segregated from other revenue of the licensee, including bingo gross receipts, if bingo games are also conducted by the same licensee pursuant to the license issued by the Department of Revenue of the State and placed in a separate account. Each licensee shall keep separate records of its raffles and poker runs. The person who accounts for gross receipts, net proceeds and expenses from the operation of raffles or poker runs shall not be the same person who accounts for other revenues of the licensee.

(c) A licensee shall submit a written report to the Licensing Agent and to the licensee's membership (or, if the licensee does not have members, to the licensee's governing board) within thirty (30) calendar days after the conclusion of each authorized raffle or poker run, and said report shall contain all of the following information:

- (1) The gross receipts, expenses and net proceeds from the raffle or poker run;
- (2) The distribution of all of the net proceeds of the raffle or poker run;

The deadline to submit the written report may be extended at the sole discretion of the Licensing Agent. Any extension granted by the Licensing Agent must be in writing and signed by the Licensing Agent.

(d) Records required by this section shall be preserved by the licensee for a period of at least three (3) years after the conclusion of the raffle or poker run, and the licensee shall make their records relating to the operation of raffles or poker runs available for public inspection at reasonable times and places.

(e) No new raffle or poker run licenses will be issued to an organization until all reports from the organization's previous raffles and poker runs within the County's jurisdiction have been completed and submitted to the Licensing Agent in accordance with the terms of this section.

(Ord. No. 19-27, art. IV, § 4, 10-15-2019)

Secs. 22-120—22-138. Reserved.

ARTICLE III. SOLICITORS

Sec. 22-139. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Premises means every separate living unit contained within any type of building or structure that is used for residential or agricultural purposes and occupied by one (1) or more persons.

Soliciting means to engage in any one (1) or more of the following activities without prior consent of the occupant or property owner of a premises:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, real property or personal property or services of any kind for any consideration whatsoever;
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind, or character; or
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication.

Solicitor means any hawker, peddler, itinerant merchant, transient vendor of merchandise, and/or any other person who is soliciting. The term "solicitor" shall not include any person who engages in soliciting on behalf of a public body, religious, political, charitable, or educational organization, school district or not-for-profit corporation.

(Ord. No. 2022-23, § 1, 9-6-2022)

Sec. 22-140. Registration.

(a) *Required.* It shall be unlawful for any solicitor to engage in any act of soliciting in the unincorporated portions of the County without valid registration issued by the County.

(b) *Application.* To register, a solicitor must complete and submit a written application to the County Clerk on a form provided by the County Clerk. The written application must include, at a minimum, the following information:

- (1) The name and address of the applicant;
- (2) The name and address of the person, firm, company or corporation the applicant represents (hereinafter collectively referred to as "the business");
- (3) How long the applicant has represented the business;
- (4) The nature of the applicant's relationship with the business (e.g., employee or independent contractor);
- (5) A description of the items that will be solicited;
- (6) The proposed dates and locations where the soliciting will occur in the County;
- (7) A recent photograph of the applicant.

(c) *Once application is approved.* Once the application is approved, the County Clerk will provide the solicitor with a copy of the completed application that includes a license. The solicitor's license shall specify the dates, times, and locations where the solicitor can engage in soliciting in the unincorporated areas of the County. The solicitor's registration is valid for up to one (1) year.

(Ord. No. 2022-23, §§ 2—4, 9-6-2022)

Sec. 22-141. Limitations upon soliciting.

Soliciting should only occur on the approved dates, times, and locations set forth in the solicitor's registration card. No soliciting within the unincorporated portions of the County shall be permitted except on Monday through Saturday between 9:00 a.m. and 7:00 p.m. No soliciting is permitted at any time on Sunday.

(Ord. No. 2022-23, § 5, 9-6-2022)

Sec. 22-142. Record of solicitor's registrations.

The County Clerk shall maintain a record of the registered solicitors within the County in accordance with the above and post said record weekly on the County Clerk's website.

(Ord. No. 2022-23, § 6, 9-6-2022)

Sec. 22-143. Exhibition of registration.

Evidence of solicitor's registration shall be carried at all times by the solicitor when soliciting in the unincorporated portions of the County and shall be exhibited by any such solicitor whenever requested by any police officer, County Sherriff or deputy thereof, or any person solicited.

(Ord. No. 2022-23, § 7, 9-6-2022)

Sec. 22-144. Notice regulating soliciting.

(a) Notice of the determination by the occupant or owner of the refusal of invitation to solicitors, to any premises shall be given in the following manner:

- (1) A card approximately three (3) inches by four (4) inches in size shall be exhibited upon or near the main entrance door to the premise, indicating such determination by the occupant or owner, substantially containing the applicable words as follows: "No Soliciting" or "No Solicitors." The letters shall be at least one-third ($\frac{1}{3}$) inch in height.
- (2) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination of the occupant or owner of the residence of the information contained thereon.

(b) It shall be the duty of every solicitor upon going onto any premises in unincorporated areas of the County to first examine the notice provided for above, if any is attached, and be governed by the statement contained in said notice. If the notice states "No Solicitors Invited," then the solicitor shall immediately and peacefully depart from the premises. Any notice which provides that "No Solicitors Invited," "No Solicitors" or "No Soliciting" shall be deemed to have substantially contained the applicable words as set forth in Subsection (a) of this section.

(c) Any solicitor who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant or property owner. (Ord. No. 2022-23, § 8, 9-6-2022)

Sec. 22-145. Revocation of registration.

Any registration may be revoked by the County Clerk for violation by the holder of any of the provisions of this article.

(Ord. No. 2022-23, § 9, 9-6-2022)

Sec. 22-146. Applicability.

The requirements of this article related to the application for and receipt of a solicitor's registration shall not apply to any representative of a public body, religious, political, charitable, or educational organization, school district, or not-for-profit corporation.

(Ord. No. 2022-23, § 10, 9-6-2022)

Sec. 22-147. Penalty.

Any person found guilty of violating any provision of this article shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense.

- (1) An offense shall be deemed to have occurred on each day during which a solicitor operates within the unincorporated limits of the County without having an active registration on file with the County Clerk.
- (2) An offense shall be deemed to have occurred for each incident where a solicitor violates any provision of Section 22-144.

(Ord. No. 2022-23, § 11, 9-6-2022)

Chapter 23

RESERVED

Chapter 24

OFFENSES AND MISCELLANEOUS PROVISIONS

Article I. In General

Secs. 24-1—24-18. Reserved.

Article II. Noise

- Sec. 24-19. Title.
- Sec. 24-20. Definitions and rules of construction.
- Sec. 24-21. Applicability.
- Sec. 24-22. Measurement/weighted sound level.
- Sec. 24-23. Prohibited activity.
- Sec. 24-24. Exemptions.
- Sec. 24-25. Enforcement.
- Sec. 24-26. Notice to property owner.
- Sec. 24-27. Penalty.

ARTICLE I. IN GENERAL

Secs. 24-1—24-18. Reserved.

ARTICLE II. NOISE

Sec. 24-19. Title.

This article shall hereinafter be known as the "Kendall County Noise Control Ordinance" and may be so cited.

(Ord. No. 13-18, art. I, 9-17-2013)

Sec. 24-20. Definitions and rules of construction.

Except as specifically stated herein, the definitions of terms used in this article shall have their regular and usual meaning as indicated by common dictionary definition. However, all definitions of acoustical terminology used in this article shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

(Ord. No. 13-18, art. II, 9-17-2013)

Sec. 24-21. Applicability.

(a) This article's noise regulations shall apply in unincorporated residential zoning districts, except where otherwise exempt under this article. Any person, including, but not limited to, the subject property's owner, agent, tenant, visitor and/or other occupant of the property who violates any provisions of this article, shall be liable for such noncompliance as further set forth herein.

(b) Notwithstanding the provisions of Subsection (a) of this section, a property owner shall be held liable for a violation under this article if the County establishes by a preponderance of the evidence that the same is legally accountable for the conduct giving rise to the violation, acquiesced to the conduct, and/or knew or should have reasonably known of the conduct occurring or that the conduct was likely to occur.

(c) The term "person," for the purpose of this article, shall be any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, or any legal successor, representative, agent or agency of the foregoing.

(Ord. No. 13-18, art. III, 9-17-2013)

Sec. 24-22. Measurement/weighted sound level.

Measurement of sound, for the purpose of this article, shall be obtained using a device that utilizes the proper frequency sound weighting. The term "weighted sound level" means the sound pressure level decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

(Ord. No. 13-18, art. IV, 9-17-2013)

Sec. 24-23. Prohibited activity.

(a) *During daytime hours.* No person shall make, continue, or cause to be made the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty (60) dBA when measured at any point within such receiving residential land; provided, however; that point of measurement shall be on the property line of the complainant. Further, no person shall permit any sound as described herein to be made in or upon any house, premises or property owned or possessed by them or under their management and or control.

(b) *During nighttime hours.* No person shall make, continue, or cause to be made the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant. Further, no person shall permit any sound as described herein to be made in or upon any house, premises or property owned or possessed by them or under their management and or control.

(c) *Nuisance declared.* Sound emissions in violation of Subsections (a) and (b) of this section are hereby declared to be a public nuisance.

(d) *Measurement.* For the purposes of determining violations of Subsections (a) and (b) of this section within attached multiple-family structures/multiple-unit developments such as apartments, condominiums and townhomes, the point of measurement shall be the outer property line of the multiple-family structures/multiple-unit developments and not at the dividing walls between individual units in said structures.

(Ord. No. 13-18, art. V, 9-17-2013)

Sec. 24-24. Exemptions.

The following exemptions to violation of this article shall apply:

- (1) *Emergency operations.* Emergency short-term operations which are necessary to protect the health, safety and welfare of the citizens, such as emergency utility and street repair, fallen tree removal or emergency fuel oil delivery shall be exempt, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same. Emergency operations by fire and rescue services and police agencies shall also be exempt.
- (2) *Noises required by law.* The provisions of this article shall not apply to any noise required specifically by law for the protection or safety of people or property.
- (3) *Powered equipment.* Powered equipment, such as air conditioners, lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment which is necessary for the maintenance of property, is kept in good repair and maintenance, and which equipment, when new, would not comply with the standards set forth in this article, shall be exempted. The term "good repair," for the purpose of this exemption, shall mean when the equipment at issue is in a condition that meets factory specifications and is properly maintained to prevent any excessive or unusual noise. However, the use of radios or other sound/entertainment devices on such equipment shall not be exempted if listened to at a level otherwise violating the terms of this article.

- (4) *Community events.* The term "community events" shall include such things as parades, festivals, drum corps shows, sports events and Fourth of July celebrations, which are sanctioned or sponsored in whole or in part by local governments, schools or charitable or service organizations.
 - (5) *Agricultural noise.* Specifically excluded from the provisions of this article is noise generated by agricultural equipment on land zoned and/or used for agricultural purposes.
 - (6) *Motor vehicles.* Nothing herein shall be construed as a limitation on the operation of duly registered motor vehicles, as defined in the Illinois Vehicle Code (625 ILCS 5/1-100 et seq.), which are not in violation of Section 12-602 of the Illinois Vehicle Code (625 ILCS 5/12-602).
 - (7) *Work performed by a public body.* Any work performed by or on behalf of a public body, including that which is performed by subcontractors, shall be exempted. Such activities may include, but are not limited to, routine maintenance work, road and bridge construction and emergency repairs.
 - (8) *Motorcycles.* Nothing herein shall be construed as a limitation on the operation of duly registered motorcycles, as defined in the Illinois Motor Vehicle Code (625 ILCS 5/1-100 et seq.).
 - (9) *Construction sites.* Construction noise that occurs between the hours of 7:00 a.m. and 8:00 p.m. shall be exempted. However, if in the opinion of the County Planning, Building and Zoning Department, equipment or activities employed in the performance of construction exceeds the allowable decibel levels within this Code, the County Planning, Building and Zoning Department may require noise mitigation methods be implemented and used at the construction site to mitigate noises which exceed the requirements herein.
- (Ord. No. 13-18, art. VI, 9-17-2013)

Sec. 24-25. Enforcement.

Enforcement of this article shall be performed by the County Sheriff's Office, and any and all complaints of violations of this article shall be directed to them. The County State's Attorney's Office shall be authorized to prosecute any violations of this article.

(Ord. No. 13-18, art. VII, 9-17-2013)

Sec. 24-26. Notice to property owner.

(a) Whenever a violation of this article occurs, the owner of the property shall be given notice of the violation in accordance with the following provisions:

- (1) If the owner's name and current address are known, then by either personal service or mailing a copy of the notice by certified mail, return receipt requested, to that address. For the purposes of notice under this section, if the person cited for the conduct giving rise to the violation is the owner, then the address provided to the County Sheriff's Office at the time of citing shall be deemed to be that person's last-known address;
- (2) If the owner's address is not known, then by either personal service or mailing a copy of the notice by certified mail, return receipt requested, to the owner's address as provided to the County Clerk and/or County Supervisor of Assessments Office; or

(3) If the owner's address is not known, and is not on record as provided above, then by publication for three (3) successive weeks in a newspaper of general circulation within the County.

(b) Notice served under this article is effective upon personal service, the last date of publication, or the mailing of written notice, whichever is earlier.

(Ord. No. 13-18, art. VIII, 9-17-2013)

Sec. 24-27. Penalty.

(a) It shall be unlawful to violate any of the terms and provisions of this article. Any person, firm or corporation violating any of the said terms and provisions of this article shall, upon conviction, be guilty of a misdemeanor and be punished by fines as follows:

(1) For the first offense, the minimum fine shall be fifty dollars (\$50.00) and the maximum fine shall be five hundred dollars (\$500.00);

(2) For any subsequent offense occurring within two (2) years of the prior offense, the minimum fine shall be one hundred dollars (\$100.00) and the maximum fine shall be one thousand dollars (\$1,000.00).

(b) The violation of this article, or any part thereof, on more than one (1) day shall constitute separate offenses.

(Ord. No. 13-18, art. IX, 9-17-2013)

Chapter 25

RESERVED

Chapter 26

PLANNING AND DEVELOPMENT

Article I. In General

- Sec. 26-1. Fee schedule.
- Sec. 26-2. Zoning certificate required.
- Sec. 26-3. Time of payment.
- Sec. 26-4. Additional review fees.
- Secs. 26-5—26-30. Reserved.

Article II. Land Cash Ordinance

- Sec. 26-31. Purpose.
- Sec. 26-32. Dedication of park, forest preserve and school sites or payments in lieu thereof.

ARTICLE I. IN GENERAL

Sec. 26-1. Fee schedule.

(a) The following fee schedule shall apply to each request to change the ordinances, regulations, or maps adopted by the County and to each request for the approval of a development proposal:

Map amendments

| | |
|-----------------------|----------|
| Any amount of acreage | \$500.00 |
|-----------------------|----------|

Special use permits, planned unit developments/residential planned developments and major amendments to special uses

The following fees include a processing fee, a fee for recording the special use in the Recorder's Office for each 10 pages and a cost for the Zoning Board of Appeals at a rate of \$350.00 shall be imposed on all special uses:

| | |
|----------------------------|---|
| All acreage zoned as A-1 | \$1,155.00 |
| All other zoning districts | |
| 0.0—5 acres | \$1,155.00 |
| 5.01—10 acres | \$1,905.00 |
| 10.01—50 acres | \$2,255.00, plus \$50.00/acre or part thereof over 10 acres |
| 50.01—100 acres | \$4,755.00, plus \$35.00/acre or part thereof over 50 acres |
| 100.01—500 acres | \$6,505.00, plus \$20.00/acre or part thereof over 100 acres |
| 500.01+ | \$14,505.00, plus \$15.00/acre or part thereof over 500 acres |

Minor amendment to special use (includes a processing fee and a fee for recording the minor amendment to the special use in the Recorder's Office)

| | |
|-----------------------|----------|
| Any amount of acreage | \$150.00 |
|-----------------------|----------|

Variance (includes a processing fee and a fee for recording the variance in the Recorder's Office)

| | |
|-------------------------|---|
| As part of special use | \$100.00 |
| Not part of special use | \$475.00 for first variance request of petition and \$50.00 for each additional request to be included in the same petition |

Administrative variance (includes a processing fee and a fee for recording the minor amendment to the special use in the Recorder's Office)

| | |
|-----------------------|----------|
| Any amount of acreage | \$150.00 |
|-----------------------|----------|

Preliminary plat

| | |
|-------------|---|
| Residential | \$1,000.00, plus \$50.00/acre or part of an acre |
| Other | \$1,000.00, plus \$100.00/acre or part of an acre |

Final plat

| | |
|-----------------|--|
| All final plats | \$50.00/acre or part of an acre (\$500.00 minimum) |
|-----------------|--|

| | |
|---|--|
| Other plat (vacation, dedication, etc.) | |
| All other plat actions | \$50.00/acre or part of an acre (\$500.00 minimum) |
| Administrative appeal | \$1,000.00 ¹ |
| Text amendment | \$500.00 |
| Site plan review | \$375.00 |
| Conditional use | \$100.00 |
| Temporary uses | \$100.00 |

¹In the event that ruling by the Zoning Board of Appeals favors the appealing party, the submitted fee for an administrative appeal shall be refunded to the applicant.

(b) Waivers and refunds.

- (1) No waiver and no refund shall be made for any fee paid pursuant to this chapter without the approval of the Planning, Building and Zoning Committee of the County Board.
- (2) All fees for actions or activities by the County or the County Forest Preserve District are hereby waived and all fees for non-profit organizations shall be charged half of the normal fees for zoning petitions; provided they show proof of non-profit status and that the permit be used only by the organizations itself.

(c) There shall be a deposit of ten dollars (\$10.00) to rent the 2012 National Rifle Association Range Source Book (the document). Said deposit shall be returned in full to the party renting the document if the document is returned in the same condition as withdrawn from the County Planning, Building and Zoning Department on or before the rental return date. The party renting the document shall return the document to the County Planning, Building and Zoning Department within thirty (30) days of acquiring the document from the Planning, Building and Zoning Department, unless an extension is granted. The rental period may be extended in writing by the County Planning, Building and Zoning Department for a time period determined at the discretion of the Zoning Administrator without an additional deposit required. If the document is not returned in the same condition as when it was originally rented or if the document is not returned, the County may pursue appropriate legal action against the party renting the document and the person renting the document shall forfeit their deposit.

(d) Supplemental information.

- (1) Applicant pays legal advertisement directly and provides proof of publication and proof of payment before the public hearing is held.
- (2) Applicant sends notification letters.
- (3) Applicant provides proof of mailings, list of recipients, sample letter, and return receipts before the public hearing is held.

- (4) Applicant provides proof of notification to townships and municipalities when the application is submitted for review. The application shall not be considered complete until the proof is provided.
- (5) Applicant provides a deposit to cover the estimated consulting and review fees and pays for all consulting and review fees.

(Ord. No. 01-32, §§ 1, 5, 11-20-2001; Ord. No. 04-17, § 1, 5-18-2004; Ord. No. 2010-01, §§ 1, 2, 2-16-2010; Ord. No. 2010-08, §§ 1, 2, 4-20-2010; Ord. No. 2012-19, §§ 1, 2, 9-18-2012; Ord. No. 2014-23, §§ 1, 2, 8-19-2014; Ord. No. 2018-08, §§ 1, 2, 4-17-2018; Ord. No. 2019-15, 6-18-2019; Ord. No. 2019-37, § 1, 12-17-2019)

Sec. 26-2. Zoning certificate required.

A zoning certificate shall be approved before a building permit may be issued.
(Ord. No. 01-32, § 2, 11-20-2001)

Sec. 26-3. Time of payment.

- (a) All application fees shall be due and payable at the time of application.
 - (b) All inspection fees shall be due and payable prior to each inspection.
- (Ord. No. 01-32, § 3, 11-20-2001)

Sec. 26-4. Additional review fees.

In addition to the fees set forth in this article, all applicants seeking the approval of a development proposal shall reimburse the County for all reasonable costs incurred as a result of the review of the application by a legal, engineering, or other special consultant. Payment of the additional review fees shall be made prior to the final action on any application, except, when the payment is fully and completely secured by a deposit, the actual payment may occur after the final action.
(Ord. No. 01-32, § 4, 11-20-2001)

Secs. 26-5—26-30. Reserved.

ARTICLE II. LAND CASH ORDINANCE*

Sec. 26-31. Purpose.

(a) The County is dedicated to the concept that healthful, productive community life depends in part on the availability of recreational and park space and adequate school facilities. It has been found and determined that the location of park, forest preserve, recreation and school sites to serve the immediate

***Editor's note**—The ordinance in this article is history noted to Ord. No. 2014-09, adopted April 15, 2014, because that is the date of the last ordinance included therein. The ordinance was revised in full by Ord. No. 2013-16, adopted July 15, 2013. Prior to that date, the ordinance was derived from the following ordinances: Ord. No. 2009-16, adopted May 19, 2009; Ord. No. 2008-08, adopted March 17, 2009; Ord. No. 2006-17, adopted March 22, 2006; Ord. No. 2005-41, adopted June 21, 2005; Ord. No. 2001-01, adopted January 16, 2001; Ord. No. 1999-15, adopted March 18, 1999; ordinance adopted on November 13, 1995; ordinance adopted on April 14, 1992; ordinance adopted on August 8, 1989; ordinance adopted on March 13, 1979; ordinance adopted on May 9, 1978.

and future needs of adults and children of each new subdivision or planned unit development is just as essential to proper land development as are street, water, sewers and sidewalks. To this end, the County has determined that the dedication of land for parks, forest preserve, recreation and school sites or cash contributions in lieu of actual dedication or a combination of both, shall prevail upon all new final plats of residential subdivisions and planned unit developments. The impact upon schools and parks is likewise equally affected by construction of new dwellings that are not part of a platted subdivision and accordingly, cash contributions should be made with regard to such construction as well.

(b) Therefore, in the public interest, convenience, health welfare and safety, the establishment of parks, recreation and school sites and facilities are required for each final plat of a residential subdivision.

(Ord. No. 2014-09, intro ¶, 4-15-2014)

Sec. 26-32. Dedication of park, forest preserve and school sites or payments in lieu thereof.

As a condition of approval of a final plat of subdivision or planned unit development, each individual subdivider or planned unit developer will be required to dedicate land or cash in lieu of actual land or a combination of both based on the recommendation of the affected district which will be the recipient of the contribution, but subject to final determination of the County Board in accordance with the following criteria (all single-family detached dwellings are considered four (4) bedrooms for ordinance computations unless proven otherwise by individual or developer):

(1) *Criteria for requiring park/forest preserve dedication.*

- a. *Location.* Plans of the park district or forest preserve district or appropriate standards adopted by said agencies shall be used as a guideline in locating sites.
- b. *Requirement and population ratio.* The ultimate population density to be generated by a subdivision or planned unit development shall bear directly on the amount of land required to be dedicated for park and recreation sites. The acreage of land dedication requirement shall be determined by obtaining the total population of the development times ten (10) acres per one thousand (1,000) population. Total population is determined by applying the estimated ultimate population per dwelling unit table, as per the Ultimate Yield Table, published by the Associated Municipal Consultants, to the number or respective units in the development. For the purposes of the following example, it is presumed that each single-family home will have four (4) bedrooms. For other dwelling units such as townhouses and apartments, it is presumed that each unit will have two (2) bedrooms.
- c. *Donation requirement calculation examples.*

| | | | | | | |
|-----------|---|---|---|---|---|-------------|
| (units) | × | (population factor) (from Table 26-32-1) | × | <u>the required acreage</u> per 1,000 population | = | Total acres |
| 200 units | × | 3.764 | × | $\frac{10 \text{ acres}}{1,000}$ | = | 7.53 acres |

- d. *Credit for land development.* When land dedication is required by this article, credit to developers for said dedication will be given according to the following criteria:
1. For dedications to a park district or forest preserve district, the first five (5) acres must be contiguous and in one (1) location. Credit shall only be granted for parcels that consist of buildable acreage. For the purposes of this article, the term "buildable acreage" means those tracts or areas of land which are not encumbered with any of the following conditions:
 - (i) Wetlands and land that is generally inundated by water (under ponds, lakes, creeks, etc.).
 - (ii) All of the floodway and floodway fringe within the one hundred (100) year floodplain, as shown on official FEMA maps.
 - (iii) Land within the right-of-way or easement of an existing roadway.
 - (iv) Land within an existing permanent easement prohibiting development (including utilities, drainage, access and pipelines).
 - (v) Soils subject to slumping.
 - (vi) Land with severe slopes (in excess of twenty-five (25) percent).
 2. Land in excess of the five (5) acres as provided in Subsection (1)d.1 of this section, and land to be dedicated to the forest preserve district shall be credited as follows:
 - (i) If the benefiting park or forest preserve district determines it is in the best interest of the public at large to take ownership and maintenance of an existing or proposed wetland, it may choose to accept such a property; however, no credit will be given. Furthermore the benefiting district may require the developer to provide three (3) years of maintenance after the initial planting of any new or supplemental plantings associated with such wetlands.
 - (ii) Partial credit may be granted at the discretion of such benefiting park or forest preserve district for unbuildable land as described above, provided such land has been identified by a park or forest preserve district as potential or future linear parks, or such properties have been identified as potential greenway or trail linkages on an officially approved and adopted land use or open space plan.
 - (iii) The benefiting park district or forest preserve district may choose to recommend partial credit for man-made lakes or ponds that are judged to be of recreational or environmental benefit.
 - (iv) The total amount of credit granted for all land donated in any new subdivision shall be noted in any and all required development, planned unit development (PUD) or donation agreements.
- (2) *Criteria for requiring school site dedication.*
- a. *Location.* Plans of the affected school district or the appropriate standards adopted by said agencies shall be used as a guideline in locating sites.

b. *Requirement and population ratio.*

1. The ultimate number of students to be generated by a subdivision, planned unit development and/or special use permit shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of estimated children to be served in each school classification (this number is determined by applying the estimated ultimate population per dwelling unit table (Table 26-32-1) to the number of respective units in the development) over the actual average number of students to be served in each such school classification as stated herein, and then applying such ratio to the said actual average number of acres for a school site of each such classification as stated herein.
2. The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification. For the purposes of this computation, it is presumed that each single-family home will have four (4) bedrooms. For other dwelling units, such as townhouses and apartments, it is presumed that each unit will have two (2) bedrooms.

| <i>Classification By Grades</i> | <i>Design Capacity Per School Classification</i> | <i>Minimum Acreage Per School Classification</i> | = | <i>Acres Per Student Required</i> |
|-------------------------------------|--|--|---|---------------------------------------|
| Elementary | 850 students | 15—20 acres | = | 0.021 |
| Middle | 1,125 students | 30 acres | = | 0.027 |
| High School | 3,200 students | 110 acres | = | 0.034 |

| <i>Number of residential lots in subdivision</i> | × | <i>Estimated school children by school classification</i> | × | <i>Acres Per Student Required</i> | = | <i>Acreage Per School Classification</i> |
|--|---|---|---|---|---|--|
|--|---|---|---|---|---|--|

Example: Development "A" is composed of one hundred (100) single-family four (4) bedroom units:

| | | | | | | | |
|---------------|-----|---|-------|---|-------------|---|-------------|
| Elementary: | 100 | × | 0.644 | × | (17.5/850) | = | 1.326 acres |
| Middle: | 100 | × | 0.184 | × | (30/1,125) | = | 0.490 acres |
| High school: | 100 | × | 0.36 | × | (110/3,200) | = | 1.238 acres |
| Total acreage | | | | | | = | 3.054 acres |

- (3) *Criteria for requiring a cash contribution in lieu of land for park, preserve, recreational or school sites.*
- a. *Determination of cash-in-lieu of land donations.* When available land is inappropriate for park, forest preserve or school sites, as determined by local agency officials, the County shall require a cash contribution in lieu of land dedication by the subdivider or unit developer. The County shall furthermore require a cash contribution for all residential dwellings constructed that are not part of a platted subdivision.
 - b. *Collection of fees.*
 1. The cash contribution in lieu of park and recreation land dedication shall be held in an interest bearing account by the Treasurer of the County, or other public body designated by the County, solely for the acquisition of park or recreational land as herein classified, which will be available to serve the immediate and future needs of the residents of that subdivision or development, or for the improvement of other existing local park and recreation lands which already serve such needs. Distribution of cash contributions shall be made on a quarterly basis to appropriate park/forest preserve/recreation land agents.
 2. The cash contribution in lieu of school sites shall be held in an interest bearing account by the Treasurer of the County or other public body designated by the County. Said funds shall be used solely for the acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development, or for the construction of a new school or improvement to any existing school site or buildings which already serve or will serve such need. Distribution of cash contributions shall be made on a quarterly basis to appropriate districts.
 3. (i) Unless otherwise approved by the affected school, park or forest preserve district, the total cash contribution required shall be determined prior to the approval of the final plat and shall be based upon the generation tables and fair market values in effect at the time of recording. If a subdivision contains more than three (3) lots, the owner/subdivider/developer may choose to pay the cash-in-lieu contribution at the time of issuance of a building permit for each individual lot or as a lump sum payment prior to the recording of the final subdivision plat.

(ii) The cash contribution required for a residential unit not part of a platted subdivision shall be determined in the same manner as for other residential developments and shall be determined and collected prior to the issuance of a building permit by using the generation tables and fair market values in effect at time of issuance of the permit. This article does not apply to reconstruction.
 4. (i) Up-front payments made at the time of recording of a final plat shall be computed on the basis of all lots having four (4) bedroom homes. In those instances in which payment is to be collected at the time of issuance of an

individual building permit, the fee to be collected will be based on the actual number of bedrooms as determined by the County based upon the architectural plans submitted.

- (ii) The payment procedures agreed upon as well as the generation tables and fair market values in effect at the time of recording shall be noted in any and all development agreements and shall be disclosed to all prospective lot purchasers prior to execution of a sales contract for any lot in the development. A note disclosing this obligation shall also appear on all plats submitted for recording.
- c. *Criteria for requiring land dedication and a fee.* There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land are both necessary; these occasions will arise when:
1. Only a portion of the land to be developed is proposed as the location for a park, preserve, recreation or school site. That portion of the land within the subdivision falling within the school, park or forest preserve location shall be dedicated as a site as stated earlier, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.
 2. A major part of the park, preserve, recreation or school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication and a cash contribution in lieu thereof shall be required.
- d. *Fair market value.*
1. The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area improved that otherwise would have been dedicated as park, preserve, recreation or school sites. The term "improved acre" means a tract of land improved with streets, curbs, water, storm sewer, sanitary sewer, electrical, natural gas and telephone service. Fair market value for land not part of a subdivision or a planned unit development shall also be calculated on the fair market value of an improved acre. The fair market value may be adjusted anytime by official action of the County Board. As of April 15, 2014, the fair market value of an improved acre is determined to be seventy-two thousand six hundred eighty dollars (\$72,680.00). The fair market value of an improved acre is calculated as follows:
 - (i) Determine the numerator consisting of the summation of assessed values for the most recent three consecutive years of improved lots (R/40), improvements (R/40) and farm homesites (F1/11) as shown in the final abstracts of assessed property values on Form PTAX-260-A, provided by the County Chief Assessor;
 - (ii) Determine the denominator consisting of the summation of the number of improved acres of improved lots (R/40), improvements (R/40) and farm homesites (F1/11) within the County for the most recent three consecutive years;

- (iii) Divide the numerator by the denominator and multiply by three to convert to fair market value of an improved acre.

The total number of acres was provided by the GIS Department in April 15, 2014.

- 2. In the event a subdivider or developer files a written objection to the fair market value as specified herein, said subdivider or developer shall submit their own study of the fair market value of land showing the comparable cost of land within the affected district. In that event, final determination of the fair market value to be used in such calculations shall be made by the County Board, based upon such cost information submitted by the subdivider or developer and from other sources which may be submitted to the County Board by the School District or others.
 - 3. Dual districts will be treated as they are affected by the impact of the subdivision or development within their territories: elementary and middle school contributions shall go to the elementary district and high school contributions shall go to the high school district.
- e. *Conveyance of land.* The subdivider or developer shall convey to the respective school district, park or forest preserve the land required under this agreement within ninety (90) days after request by the district.
 - f. *Density formula.*
 - 1. The attached table, marked as Table 26-32-1: Estimated Ultimate Population per Dwelling Unit, is generally indicative of current and short-range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contribution in lieu thereof unless a written objection is filed thereto by the subdivider or developer.
 - 2. In the event a subdivider or developer files a written objection to the table of estimated ultimate population per dwelling unit, attached hereto, said subdivider or developer shall submit their own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development and, in that event, final determination of the density formula to be used in such calculations shall be made by the County Board, based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the County Board by the School District or others. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula components for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment upon verification of current data by the County Board or designee.
 - g. *Reservation of additional land.* Where the park district, forest preserve district or school district's plan or standards of the County plan call for a larger amount of park and recreational land or school sites in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchases by the County or other public body designated by the County, provided that the designated public body/governing

agency and developer approve a contract for the sale of land from the developer to the designated public body, in the form of a land purchase agreement, right of first refusal or option to purchase before final plat approval. However, the designated public body/governing agency and developer may jointly request in writing that the County, upon approval by the County Board, allow an extension of a specified time to finalize the future sale of land from the developer to the designated public body, in the form of a land purchase agreement, right of first refusal or option to purchase.

- h. *Site condition.* The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading and seeding as well as the installation of drainage and other required improvements on sites to be dedicated for park, preserve or school uses will be performed by the developer according to the plans, specifications and design criteria provided by the benefiting park, preserve or school district.
- i. *Improved sites.* At the time of dedication and conveyance to the benefiting district, all sites shall be in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefor. Such sites and the required improvements shall conform to all standards, specifications, plans and design criteria as provided by the benefiting park, forest preserve or school district.
- j. *Agreements.* The details regarding the type and amount of any land or cash donations or credits to be supplied in fulfillment of this article, and any terms or conditions attendant thereto, shall be included and specified in the corresponding PUD or development agreement required to be supplied and executed in conjunction with any new residential subdivisions approved by the County and such other agreements as may be required by the benefiting school, park or forest preserve district.

Table 26-32-1: Estimated Ultimate Population Per Dwelling Unit

| Type of Unit | Children Per Unit | | | | | | Total Per Dwelling Unit |
|-------------------------------|-------------------------|--|--|-----------------------------------|---|----------------------|-------------------------|
| | Pre-School 0-4 Years | Elementary Grades K-6 5-11 Years | Junior High Grades 7-8 12-13 Years | Total Grades K-8 5-13 Years | High School Grades 9-12 14-17 Years | Adults 18 Years + | |
| Detached Single-Family | | | | | | | |
| 2 Bedroom | 0.113 | 0.143 | 0.041 | 0.184 | 0.020 | 1.700 | 2.017 |
| 3 Bedroom | 0.292 | 0.422 | 0.120 | 0.542 | 0.184 | 1.881 | 2.899 |
| 4 Bedroom | 0.418 | 0.644 | 0.184 | 0.828 | 0.360 | 2.158 | 3.764 |
| 5 Bedroom | 0.283 | 0.461 | 0.132 | 0.593 | 0.300 | 2.594 | 3.770 |
| Attached Single-Family | | | | | | | |
| 1 Bedroom | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 1.193 | 1.193 |
| 2 Bedroom | 0.064 | 0.106 | 0.030 | 0.136 | 0.038 | 1.752 | 1.990 |
| 3 Bedroom | 0.212 | 0.227 | 0.065 | 0.292 | 0.059 | 1.829 | 2.392 |
| 4 Bedroom | 0.323 | 0.370 | 0.106 | 0.476 | 0.173 | 2.173 | 3.145 |
| Apartments | | | | | | | |
| Efficiency | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 1.294 | 1.294 |
| 1 Bedroom | 0.000 | 0.002 | 0.001 | 0.003 | 0.001 | 1.754 | 1.758 |
| 2 Bedroom | 0.047 | 0.100 | 0.028 | 0.128 | 0.046 | 1.693 | 1.914 |
| 3 Bedroom | 0.052 | 0.278 | 0.079 | 0.357 | 0.118 | 2.526 | 3.053 |

Note: There are only three significant categories provided in this chart. Because of the similarity of yields of all types of attached single-family dwelling units, only one category is provided. The same is true with apartments; thus, only one category. Because of the relatively short history of some newer types of detached and attached single-family units, individual evaluations may be necessary.

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 Naperville, Illinois

Table 26-32-2: Demographics Existing Kendall County Public School Sites

| <i>Schools Grouped by Type</i> | <i>Enrollment 11—12</i> | <i>Average # Students</i> | <i>Acres Per Site</i> | <i>Average Acreage/ Site</i> | <i>Acres Per Student</i> |
|---|-----------------------------|-------------------------------|---------------------------|--------------------------------------|------------------------------|
| Existing High School Sites | | | | | |
| Plainfield #202 | 2,450 | | 80.00 | | |
| Yorkville #115 | 1,106 | | 67.00 | | |
| Yorkville #115 | 402 | | 21.10 | | |
| Plano #88 | 629 | | 40.00 | | |
| Oswego #308 | 2,433 | | 116.70 | | |
| Oswego #308 | 2,059 | | 100.75 | | |
| Newark H. S. #18 | 187 | | 8.79 | | |
| | 9,266 | 1,323.71 | 434.34 | 62.05 | 0.0469 |
| Existing Jr. High Sites | | | | | |
| Oswego #308 | 883 | | 19.68 | | |
| Oswego #308 | 1,019 | | 21.84 | | |
| Oswego #308 | 847 | | 14.48 | | |
| Plainfield | 1,005 | | 26.50 | | |
| Plano #88 | 335 | | 12.41 | | |
| Yorkville #115 | 847 | | 21.60 | | |
| Newark #66 | 107 | | 8.49 | | |
| | 5,043 | 720.43 | 125.00 | 17.86 | 0.0248 |
| Existing Elementary School Sites | | | | | |
| Oswego #308 | 520 | | 18.25 | | |
| Oswego #308 | 597 | | 14.35 | | |
| Oswego #308 | 534 | | 12.00 | | |
| Oswego #308 | 397 | | 17.60 | | |
| Oswego #308 | 591 | | 9.20 | | |
| Oswego #308 | 784 | | 18.00 | | |

| <i>Schools Grouped by Type</i> | <i>Enrollment 11—12</i> | <i>Average # Students</i> | <i>Acres Per Site</i> | <i>Average Acreage/ Site</i> | <i>Acres Per Student</i> |
|---|-----------------------------|-------------------------------|---------------------------|--------------------------------------|------------------------------|
| Existing Elementary School Sites (cont'd.) | | | | | |
| Oswego #308 | 510 | | 15.80 | | |
| | | | | | |
| Oswego #308 | 705 | | 23.81 | | |
| Oswego #308 | 243 | | | | |
| Oswego #308 | 446 | | 36.95 | | |
| Oswego #308 | 696 | | 21.25 | | |
| Oswego #308 | 616 | | 12.00 | | |
| Lisbon G.S. #90 | 132 | | 5.31 | | |
| Newark #66 | 114 | | 5.00 | | |
| Minooka #201 | 466 | | 15.00 | | |
| Plainfield | 596 | | 11.78 | | |
| Plainfield | 742 | | 14.47 | | |
| Plano #88 | 468 | | 10.51 | | |
| Plano #88 | 351 | | 6.33 | | |
| Plano #88 | 539 | | 15.05 | | |
| Yorkville #115 | 601 | | 10.00 | | |
| Yorkville #115 | 200 | | 4.00 | | |
| Yorkville #115 | 530 | | 16.40 | | |
| Yorkville #115 | 205 | | 4.36 | | |
| Yorkville #115 | 491 | | 16.00 | | |
| Yorkville #115 | 548 | | 14.75 | | |
| Yorkville #115 | 503 | | 12.00 | | |
| | 13,125 | 486.11 | 360.17 | 13.34 | 0.0274 |

Table 26-32-3: Kendall County Public Schools Existing School Site Acreage and Design Capacity Statistics

| <i>Grouped By School Type</i> | | <i>Design Capacity</i> | <i>Average Capacity</i> | <i>Acre Per Site</i> | <i>Average Acreage/ Site</i> | <i>Acre Per Student</i> |
|-------------------------------|------------------------|------------------------|-------------------------|----------------------|------------------------------|-------------------------|
| High School | | | | | | |
| Plainfield #202 | Plainfield South H.S. | 2,400.00 | | 80.00 | | |
| Yorkville #115 | Yorkville H.S. | 1,250.00 | | 67.00 | | |
| Yorkville #115 | Yorkville H.S. Academy | 600.00 | | 21.10 | | |
| Plano #88 | Plano H.S. | 1,000.00 | | 40.00 | | |
| Oswego #308 | Oswego H.S. | 2,400.00 | | 116.70 | | |
| Oswego #308 | Oswego East H.S. | 2,400.00 | | 100.75 | | |
| Newark H. S. #18 | Newark H.S. | 400.00 | | 8.79 | | |
| | | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| | | 10,450.00 | 1,492.86 | 434.34 | 62.05 | 0.0416 |
| Middle School | | | | | | |
| Oswego #308 | Karl Plank Jr. H.S. | 1,000.00 | | 14.48 | | |
| Oswego #308 | Thompson Jr. H.S. | 1,125.00 | | 19.68 | | |
| Oswego #308 | Traugher Jr. H.S. | 1,200.00 | | 21.84 | | |
| Plainfield | Aux Sable M.S. | 900.00 | | 26.50 | | |
| Plano #88 | Plano M.S. | 500.00 | | 12.41 | | |
| Yorkville #115 | Yorkville M.S. | 1,200.00 | | 21.60 | | |
| Newark #66 | Millbrook Jr. H.S. | 240.00 | | 8.49 | | |
| | | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| | | 6,165.00 | 880.71 | 125.00 | 17.86 | 0.0203 |
| Elementary School | | | | | | |
| Oswego #308 | East View G.S. | 750.00 | | 18.25 | | |
| Oswego #308 | Hunt Club Elementary | 900.00 | | 14.35 | | |
| Oswego #308 | Boulder Hill G.S. | 750.00 | | 12.00 | | |
| Oswego #308 | Old Post G.S. | 600.00 | | 17.60 | | |
| Oswego #308 | Long Beach Elementary | 750.00 | | 9.20 | | |
| Oswego #308 | Lakewood Creek School | 900.00 | | 18.00 | | |

PLANNING AND DEVELOPMENT

§ 26-32

| <i>Grouped By School Type</i> | <i>Design Capacity</i> | <i>Average Capacity</i> | <i>Acres Per Site</i> | <i>Average Acreage/ Site</i> | <i>Acres Per Student</i> |
|------------------------------------|------------------------|-------------------------|-----------------------|------------------------------|--------------------------|
| Elementary School (cont'd.) | | | | | |
| Oswego #308 | 750.00 | | 15.80 | | |
| Prairie Point Elem. | | | | | |
| Oswego #308 | 900.00 | | 12.00 | | |
| Fox Chase G.S. | | | | | |
| Oswego #308 | 750.00 | | 23.81 | | |
| Churchill Elementary | | | | | |
| Oswego #308 | 500.00 | | | | |
| Brokaw Early Learning | | | | | |
| Oswego #308 | 725.00 | | 36.95 | | |
| Grande Park Elementary | | | | | |
| Oswego #308 | 900.00 | | 21.25 | | |
| Southbury Elementary | | | | | |
| Lisbon G.S. #90 | 245.00 | | 5.31 | | |
| Lisbon Grade School | | | | | |
| Minooka #201 | 750.00 | | 15.00 | | |
| Jones Elementary School | | | | | |
| Newark #66 | 275.00 | | 5.00 | | |
| Newark Grade School | | | | | |
| Plainfield | 850.00 | | 11.78 | | |
| Thomas Jefferson Elem. | | | | | |
| Plainfield | 850.00 | | 14.47 | | |
| Charles Reed Elementary | | | | | |
| Plano #88 | 650.00 | | 10.51 | | |
| PH Miller | | | | | |
| Plano #88 | 600.00 | | 6.33 | | |
| Centennial | | | | | |
| Plano #88 | 600.00 | | 15.05 | | |
| Emily G Johns School Elem. | | | | | |
| Yorkville #115 | 600.00 | | 16.40 | | |
| Yorkville Circle Center | | | | | |
| Yorkville #115 | 750.00 | | 10.00 | | |
| Yorkville Intermediate | | | | | |
| Yorkville #115 | 750.00 | | 16.00 | | |
| Autumn Creek Elementary | | | | | |
| Yorkville #115 | 650.00 | | 14.75 | | |
| Bristol Bay Elementary | | | | | |
| Yorkville #115 | 300.00 | | 4.00 | | |
| Yorkville G.S. | | | | | |
| Yorkville #115 | 650.00 | | 12.00 | | |
| Grand Reserve | | | | | |
| Yorkville #115 | 425.00 | | 4.36 | | |
| Bristol G.S. | | | | | |
| | 18,120.00 | 671.11 | 360.17 | 13.34 | 0.0199 |

Table 26-32-4: Improved Lot Value and Farm Homesites

| Township | 2013 | Number of Acres | 2012 | Number of Acres | 2011 | Number of Acres | Total of 3 Years | Total Number of Acres | Average/Acre | EAV To Market Value (EAV x 3) |
|----------------------|------------------|-----------------|------------------|-----------------|------------------|-----------------|------------------|-----------------------|--------------|-------------------------------|
| Little Rock | \$36,872,478.00 | 2,203 | \$43,676,540.00 | 2,209 | \$56,303,890.00 | 2,209 | \$136,852,908.00 | 6,620 | \$20,671.00 | \$62,014.00 |
| Bristol | \$88,876,748.00 | 3,249 | \$118,818,615.00 | 3,243 | \$131,268,417.00 | 3,243 | \$338,963,780.00 | 9,735 | \$34,817.00 | \$104,452.00 |
| Oswego | \$244,677,552.00 | 5,396 | \$256,497,862.00 | 5,365 | \$278,794,080.00 | 5,365 | \$779,969,494.00 | 16,126 | \$48,368.00 | \$145,105.00 |
| Fox | \$10,449,170.00 | 1,089 | \$12,117,522.00 | 1,094 | \$14,596,897.00 | 1,094 | \$37,163,589.00 | 3,277 | \$11,341.00 | \$34,023.00 |
| Kendall | \$39,518,029.00 | 1,781 | \$51,652,236.00 | 1,774 | \$52,877,209.00 | 1,774 | \$144,047,474.00 | 5,329 | \$27,033.00 | \$81,099.00 |
| Naausay | \$33,615,635.00 | 1,435 | \$43,508,577.00 | 1,420 | \$46,752,024.00 | 1,420 | \$123,876,236.00 | 4,276 | \$28,970.00 | \$86,911.00 |
| Big Grove | \$12,165,484.00 | 659 | \$12,159,901.00 | 659 | \$12,427,813.00 | 659 | \$36,753,198.00 | 1,978 | \$18,586.00 | \$55,757.00 |
| Lisbon | \$3,506,115.00 | 450 | \$3,479,850.00 | 443 | \$3,475,917.00 | 443 | \$10,461,882.00 | 1,337 | \$7,826.00 | \$23,479.00 |
| Seward | \$16,446,355.00 | 984 | \$21,109,436.00 | 975 | \$22,370,452.00 | 975 | \$59,926,243.00 | 2,934 | \$20,427.00 | \$61,282.00 |
| Sum | \$486,127,566.00 | 17,247 | \$563,020,539.00 | 17,182 | \$618,866,699.00 | 17,182 | | 5,735 | \$24,227.00 | \$72,680.00 |
| Ave. for 9 townships | | | | | | | | | | |

Number of acres is from 2013 and 2012. 2011 is using 2012 numbers for acreage.

Updated on 4.1.14

Table 26-32-5: Land Cash Donation Calculation Sheet (2014)

| | | | | | | | | | | | | | | |
|---|-------------------|-----------------------------|---|--|---|---------------------------------|---|----------------------------|--|------------|--|------------|--|-------------------|
| Unit type: Two (2) bedroom single-family detached unit. | | | | | | | | | | | | | | |
| Forest preserve/park donation: | | | | | | | | | | | | | | |
| (# Dwelling Units) | x | (total population per unit) | x | $\frac{10.0 \text{ acres}}{1,000 \text{ population}}$ | x | (\$72,680.00) | = | Contribution per unit | | | | | | |
| (1 unit) | x | (2.017) | x | (0.010) | x | (\$72,680.00) | = | \$1,465.96 | | | | | | |
| School donation: | | | | | | | | | | | | | | |
| (# Dwelling units) | x | Students per unit by grade | x | $\frac{\# \text{ acres per school type}}{\text{School capacity by school type}}$ | x | Fair Market Value (\$72,680.00) | = | Contribution per unit | | | | | | |
| Elementary: | | | | | | | | | | | | | | |
| (1 unit) | x | (0.143) | x | (0.021) | x | (\$72,680.00) | = | \$218.26 | | | | | | |
| Middle school | | | | | | | | | | | | | | |
| (1 unit) | x | (0.041) | x | (0.027) | x | (\$72,680.00) | = | \$80.46 | | | | | | |
| High school | | | | | | | | | | | | | | |
| (1 unit) | x | (0.020) | x | (0.034) | x | (\$72,680.00) | = | $\frac{\$49.42}{\$348.14}$ | | | | | | |
| Total school contribution | | | | | | | | | | | | | | |
| Forest preserve contribution | | | | | | | | | | | | | | |
| + $\frac{\text{Total school contribution}}{\text{Total contribution per 2-bedroom unit}}$ | | | | | | | | | | | | | | |
| <table border="0" style="width: 100%;"> <tr> <td style="width: 70%;"></td> <td style="text-align: right;">\$1,465.96</td> </tr> <tr> <td></td> <td style="text-align: right;">+ \$348.14</td> </tr> <tr> <td></td> <td style="text-align: right;"><u>\$1,814.10</u></td> </tr> </table> | | | | | | | | | | \$1,465.96 | | + \$348.14 | | <u>\$1,814.10</u> |
| | \$1,465.96 | | | | | | | | | | | | | |
| | + \$348.14 | | | | | | | | | | | | | |
| | <u>\$1,814.10</u> | | | | | | | | | | | | | |

| Unit type: Three-bedroom single family detached unit | | | | | | | | |
|---|---|-----------------------------|---|---|---|---------------------------------|---|-----------------------|
| Forest preserve/park donation: | | | | | | | | |
| (# Dwelling Units) | x | (Total population per unit) | x | 10.0 acres | x | (\$72,680.00) | = | Contribution per unit |
| 1,000 population | | | | | | | | |
| (1 unit) | x | (2.899) | x | (0.010) | x | (\$72,680.00) | = | \$2,106.99 |
| School donation | | | | | | | | |
| (# Dwelling units) | x | Students per unit by grade | x | $\frac{\text{\# acres per school type}}{\text{School capacity by school type}}$ | x | Fair Market Value (\$72,680.00) | = | Contribution per unit |
| Elementary: | | | | | | | | |
| (1 unit) | x | (0.422) | x | (0.021) | x | (\$72,680.00) | = | \$644.09 |
| Middle school | | | | | | | | |
| (1 unit) | x | (0.120) | x | (0.027) | x | (\$72,680.00) | = | \$235.48 |
| High school | | | | | | | | |
| (1 unit) | x | (0.184) | x | (0.034) | x | (\$72,680.00) | = | \$454.69 |
| Total school contribution | | | | | | | = | \$1,334.26 |
| Forest preserve contribution | | | | | | | | |
| + Total school contribution | | | | | | | | |
| Total contribution per 3-bedroom unit | | | | | | | | |
| | | | | | | | | \$2,106.99 |
| | | | | | | | | + \$1,334.26 |
| | | | | | | | | \$3,441.25 |

| Unit type: Four-bedroom single family detached unit | | | | | | | | |
|--|---|-----------------------------|---|--|---|---------------------|---|-----------------------|
| Forest preserve/park donation: | | | | | | | | |
| (# Dwelling Units) | x | (Total population per unit) | x | $\frac{10.0 \text{ acres}}{1,000 \text{ population}}$ | x | (Fair Market Value) | = | Contribution per unit |
| (1 unit) | x | (3,764) | x | (0.010) | x | (\$72,680.00) | = | \$2,735.67 |
| School donation: | | | | | | | | |
| (# Dwelling units) | x | Students per unit by grade | x | $\frac{\# \text{ acres per school type}}{\text{School capacity by school type}}$ | x | Fair Market Value | = | Contribution per unit |
| Elementary: | | | | | | | | |
| (1 unit) | x | (0.644) | x | (0.021) | x | (\$72,680.00) | = | \$982.92 |
| Middle school | | | | | | | | |
| (1 unit) | x | (0.184) | x | (0.027) | x | (\$72,680.00) | = | \$361.07 |
| High school | | | | | | | | |
| (1 unit) | x | (0.360) | x | (0.034) | x | (\$72,680.00) | = | <u>\$889.60</u> |
| Total school contribution | | | | | | | = | \$2,233.59 |
| Forest preserve contribution | | | | | | | | |
| + <u>Total school contribution</u> | | | | | | | | |
| Total contribution per 4-bedroom unit | | | | | | | | |
| | | | | | | | | \$2,735.68 |
| | | | | | | | | + <u>\$2,233.59</u> |
| | | | | | | | | \$4,969.27 |

Unit type: Five-bedroom single family detached unit

Forest preserve/park donation:

| | | | | | | | | |
|--------------------|---|-----------------------------|---|---|---|---------------------|---|-----------------------|
| (# Dwelling Units) | x | (total population per unit) | x | $\frac{10.0 \text{ acres}}{1,000 \text{ population}}$ | x | (Fair Market Value) | = | Contribution per unit |
| (1 unit) | x | (3,770) | x | (0.010) | x | (\$72,680.00) | = | \$2,740.04 |

School donation:

| | | | | | | | | |
|---------------------------|---|----------------------------|---|--|---|-------------------|---|-----------------------|
| (# Dwelling units) | x | Students per unit by grade | x | $\frac{\# \text{ acres per school type}}{\text{School capacity by school type}}$ | x | Fair Market Value | = | Contribution per unit |
| (1 unit) | x | (0.461) | x | (0.021) | x | (\$72,680.00) | = | \$703.62 |
| (1 unit) | x | (0.132) | x | (0.027) | x | (\$72,680.00) | = | \$259.03 |
| (1 unit) | x | (0.300) | x | (0.034) | x | (\$72,680.00) | = | <u>\$741.34</u> |
| Total school contribution | | | | | | | = | \$1,703.99 |

Elementary:

(1 unit) x (0.461) x (0.021) x (\$72,680.00) = \$703.62

Middle school

(1 unit) x (0.132) x (0.027) x (\$72,680.00) = \$259.03

High school

(1 unit) x (0.300) x (0.034) x (\$72,680.00) = \$741.34

Total school contribution

= \$1,703.99

Forest preserve contribution

= \$2,740.04

+ Total school contribution

= \$1,703.99

Total contribution per 5-bedroom unit

= \$4,444.03

Table 26-32-6: Improved Lot Value and Farm Homesites

| Township | 2012 | # of Acres | 2011 | # of Acres | 2010 | # of Acres | Total of 3 Years | Total # of Acres | Average/Acre | EAV To Market Value (EAV X 3) |
|----------------------|------------------|------------|------------------|------------|------------------|------------|------------------|------------------|--------------|-------------------------------|
| Little Rock | \$43,676,540.00 | 2,209 | \$56,303,890.00 | 2,209 | \$63,238,516.00 | 2,209 | \$163,218,946.00 | 6,626 | \$24,634.00 | \$73,901.00 |
| Bristol | \$118,818,615.00 | 3,243 | \$131,268,417.00 | 3,243 | \$143,433,864.00 | 3,243 | \$393,520,896.00 | 9,730 | \$40,445.00 | \$121,336.00 |
| Oswego | \$256,497,862.00 | 5,365 | \$278,794,080.00 | 5,365 | \$295,529,673.00 | 5,365 | \$830,821,615.00 | 16,094 | \$51,622.00 | \$154,866.00 |
| Fox | \$12,117,522.00 | 1,094 | \$14,596,897.00 | 1,094 | \$16,168,478.00 | 1,094 | \$42,882,897.00 | 3,282 | \$13,068.00 | \$39,203.00 |
| Kendall | \$51,652,236.00 | 1,774 | \$52,877,209.00 | 1,774 | \$56,869,347.00 | 1,774 | \$161,398,792.00 | 5,322 | \$30,326.00 | \$90,979.00 |
| Naausay | \$43,508,577.00 | 1,420 | \$46,752,024.00 | 1,420 | \$50,796,385.00 | 1,420 | \$141,056,986.00 | 4,261 | \$33,103.00 | \$99,308.00 |
| Big Grove | \$12,159,901.00 | 659 | \$12,427,813.00 | 659 | \$12,327,007.00 | 659 | \$36,914,721.00 | 1,977 | \$18,669.00 | \$56,006.00 |
| Lisbon | \$3,479,850.00 | 443 | \$3,475,917.00 | 443 | \$4,609,044.00 | 443 | \$11,564,811.00 | 1,330 | \$8,697.00 | \$26,091.00 |
| Seward | \$21,109,436.00 | 975 | \$22,370,452.00 | 975 | \$24,493,058.00 | 975 | \$67,972,946.00 | 2,925 | \$23,242.00 | \$69,726.00 |
| Sum | \$563,020,539.00 | 17,182 | \$618,866,699.00 | 17,182 | \$667,465,372.00 | 17,182 | | | | |
| Ave. For 9 Townships | | | | | | | | 5,727 | \$27,089.00 | \$81,268.00 |

Number of acres is only from 2012, will have to fill in as we get new numbers each year.

(Ord. No. 2014-09, § 1, 4-15-2014)

Chapter 27

RESERVED

Chapter 28

ROADS AND BRIDGES

Article I. In General

- Sec. 28-1. Access regulation.
- Secs. 28-2—28-20. Reserved.

Article II. Street Naming and Numbering System

- Sec. 28-21. Street names.
- Sec. 28-22. Street numbering.
- Sec. 28-23. Owners to purchase numbers.
- Sec. 28-24. Numbers for future building.
- Sec. 28-25. Unlawful to deface number.
- Sec. 28-26. Administration.
- Sec. 28-27. Penalties.

ARTICLE I. IN GENERAL

Sec. 28-1. Access regulation.

Streets are classified by access classification as follows:

| <i>Facility</i> | <i>Limits</i> | <i>Classification</i> |
|------------------|---|-----------------------|
| Ben Street | Fox River Drive to U.S. Rte. 34 | Access 5 |
| E. Benton Street | S. East St. to Townhouse Rd. | Access 5 |
| Cannonball Trail | Ill. Rte. 47 to Galena Rd. | Access 5 |
| Caton Farm Road | Ill. Rte. 71 (extended west) to Ridge Road | Access 1 |
| Chicago Road | Plattville Rd. to Grove Rd. | Access 4 |
| Church Street | Fox River Drive to Vine Street | Access 5 |
| S. East Street | E. Benton Street to Ill. Rte. 71 | Access 5 |
| Eldamain Road | Ill. Rte. 71 to Galena Rd. | Access 2 |
| Fox Road | Fox River Drive to Fox Lawn subdivision | Access 3 |
| Fox River Drive | Newark to Plano, including Crimmins realignment | Access 3 |
| Galena Road | DeKalb County Line to Orchard Rd. | Access 2 |
| Grove Road | Grundy County Line to Ill. Rte. 126 | Access 1 |
| Grove Road | Ill. Rte. 126 to Plainfield Road | Access 2 |
| Johnson Street | Ill. Rte. 71 to Fox River Drive | Access 5 |
| Joliet Road | Lisbon Rd. to Ill. Rte. 47 | Access 3 |
| Lisbon Road | Grundy County Line to Ill. Rte. 71 | Access 2 |
| Little Rock Road | U.S. Route 34 to Kane County Line | Access 2 |
| Millbrook Road | Ill. Rte. 71 to Fox River Drive | Access 3 |
| Millington Road | Fox River Drive to Lions Rd. | Access 3 |
| Newark Road | Ill. Rte. 71 to Ill. Rte. 47 | Access 3 |
| Orchard Road | Ill. Rte. 71 to U.S. Route 30 | Access 1 |
| Plainfield Road | Ill. Rte. 126 to Stewart Rd.(Wikaduke) | Access 1 |
| Plainfield Road | Stewart Rd. to Grove Rd. | Access 2 |
| Plattville Road | Ill. Rte. 47 to Chicago Rd. | Access 4 |
| Ridge Road | Grundy County Line to Ill. Rte. 126 (Wikaduke) | Access 1 |
| Rock Creek Road | Sweetbriar St. to Galena Rd. | Access 3 |
| Sherrill Road | Ashley Rd. to O'Brien Rd. | Access 3 |
| Townhouse Road | U.S. Rte. 52 to Neward Rd. | Access 3 |
| Van Emmon Road | Yorkville to Ill. Rte. 71 | Access 5 |
| Vine Street | Church St. to Bridge St. (Millington Road) | Access 5 |
| Walker Road | Ill. Rte. 71 to Ill. Rte. 47 | Access 3 |
| Whitewillow Road | Ill. Rte. 47 to Grove Rd. | Access 3 |

(Ord. No. 21-02, exh. 1, 1-19-2021)

Secs. 28-2—28-20. Reserved.

ARTICLE II. STREET NAMING AND NUMBERING SYSTEM**Sec. 28-21. Street names.**

(a) *Choice of names.* Street names should be chosen that relate to the scale and location of a project.

(b) *Name duplication.* Similar sounding names are considered to be duplication regardless of spelling. No duplication of names is permitted within the projected service area of a United States post office or of local public agencies such as fire and police departments.

(c) *Continuity.*

(1) A continuous street, or one (1) proposed to be continuous, should bear the same name throughout, even though it changes directions. If it is interrupted by a channel, freeway, railroad, etc., and eventual connection is not probable, the segments shall bear different names.

(2) Loop or U-shaped streets which would create duplication of house numbers require two (2) names, the change to occur at a knuckle or sharp turn, may be excepted from the above in the event such an identifiable break point does not exist. In these cases, the utilization of an appropriate affix may be allowed.

(3) No separate name is to be used for a cul-de-sac. The name shall be the same as that of the intersecting street.

(Ord. No. 79-5, § I, 3-13-1979)

Sec. 28-22. Street numbering.

(a) *Arterial highway numbering.* All properties located on State, County or township roads will be assigned a rural identification number based upon a coordinate numbering system which is based upon one thousand (1,000) numbers per mile beginning at the northeast corner of the County. The first digit of a four (4) digit or the first two (2) digits of a five (5) digit number indicates the approximate number of miles west or south of the respective northerly and easterly County lines. The numbering shall be determined by the predominate direction the road is running, i.e., north-south roads will have numbers assigned beginning at the north County line and east-west roads will have numbers beginning at the east County line. Roadways which are neither east-west nor north-south, but on a diagonal will be considered north-south. Odd numbers will be assigned to the north side of east-west roads and the west side of north-south roads and even numbers will be assigned to the south side of east-west roads and east side of the north-south roads. Private drives or lanes that lead to more than one (1) house will have a number assigned to the point of entry and each residence therein will be assigned that number and the suffix letter to distinguish between the residences.

(b) *Residential street numbering.* All properties within a subdivision will be numbered commencing from the entrance of the subdivision from an arterial highway commencing with the lowest odd numbers on the left side of the street and even numbers on the right side. The numbers will be assigned on the intervals of twenty (20) feet, looped streets and culs-de-sac will be treated separately and the numbering will be determined by the County on a case-by-case basis.

(c) *Apartment complexes.*

- (1) The numbering system noted in Subsection (b) of this section for residential street numbers shall be adhered to in apartment complexes.
- (2) Each structure shall have a street number reflecting the policy.
- (3) Individual units shall be identified in a manner meeting the intent of the policy for residential numbering.

(Ord. No. 79-5, § II, 3-13-1979)

Sec. 28-23. Owners to purchase numbers.

Every property owner of improved property shall, on or before March 1, 1980, purchase and display above the garage door, if possible, or in such other conspicuous place on said property three (3) inches or larger numbers of the numbers assigned.

(Ord. No. 79-5, § III, 3-13-1979)

Sec. 28-24. Numbers for future building.

All residence and business buildings erected after the adoption of the ordinance from which this article is derived shall be assigned a number in accordance with the property-numbering map and shall purchase and display such number as provided in Section 28-23.

(Ord. No. 79-5, § IV, 3-13-1979)

Sec. 28-25. Unlawful to deface number.

It shall be unlawful for any person to alter, deface, or take down any number placed on any property in accordance with this article, except for repair or replacement of such number.

(Ord. No. 79-5, § V, 3-13-1979)

Sec. 28-26. Administration.

All numbers and names issued pursuant to this article shall be issued by the County Building and Zoning Officer in accordance with this article. A fee of ten dollars (\$10.00) will be charged with all building permit applications to defer the costs of number which shall be provided to said parcel of property by the Building and Zoning Office.

(Ord. No. 79-5, § VI, 3-13-1979)

Sec. 28-27. Penalties.

Any owners or occupants or persons of any residences or buildings who refuses to comply with the terms of this article shall be guilty of a petty offense, as defined in Section 5-4.5-75 of the Unified Code of Corrections (730 ILCS 5/5-4.5-75).

(Ord. No. 79-5, § VII, 3-13-1979)

Chapter 29

RESERVED

Chapter 30

SUBDIVISIONS

Article I. In General

- Sec. 30-1. Title.
- Sec. 30-2. Definitions.
- Sec. 30-3. Interpretation.
- Sec. 30-4. Authority.
- Sec. 30-5. Violation; penalty.
- Sec. 30-6. Purpose.
- Sec. 30-7. Application.
- Sec. 30-8. Compliance.
- Sec. 30-9. Blasting.
- Secs. 30-10—30-36. Reserved.

Article II. Administration and Enforcement

- Sec. 30-37. Administration; organization.
- Sec. 30-38. Exceptions.
- Sec. 30-39. Fees.
- Sec. 30-40. Building permit.
- Sec. 30-41. Occupancy permit.
- Sec. 30-42. Appeal.
- Secs. 30-43—30-72. Reserved.

Article III. Platting

Division 1. Generally

- Sec. 30-73. Compliance.
- Sec. 30-74. Procedure for approval and requirements generally.
- Sec. 30-75. Preapplication procedure.
- Sec. 30-76. Preliminary plat procedure.
- Sec. 30-77. Plats and data requirements of preliminary plan.
- Secs. 30-78—30-97. Reserved.

Division 2. Final Plat

- Sec. 30-98. Generally.
- Sec. 30-99. Application requirements.
- Sec. 30-100. Agreements.
- Secs. 30-101—30-128. Reserved.

Article IV. Design Standards

- Sec. 30-129. Generally.
- Sec. 30-130. Stormwater management facilities and open space ownership and maintenance.
- Sec. 30-131. Public sites and open spaces.

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- Sec. 30-132. Streets.
- Sec. 30-133. Alleys.
- Sec. 30-134. Easements.
- Sec. 30-135. Blocks.
- Sec. 30-136. Lots.
- Sec. 30-137. Building setback lines.
- Secs. 30-138—30-157. Reserved.

Article V. Required Land Improvements; Procedure

- Sec. 30-158. Construction schedule.
- Sec. 30-159. Construction surety.
- Sec. 30-160. Construction observation.
- Sec. 30-161. As-built plans.
- Sec. 30-162. Survey monuments.
- Sec. 30-163. Acceptance of dedication, improvements.
- Sec. 30-164. Maintenance guarantee.
- Sec. 30-165. Design standards.
- Sec. 30-166. Material standards.
- Sec. 30-167. Monuments and markers.
- Secs. 30-168—30-187. Reserved.

Article VI. Certificates, Forms and Miscellaneous Documents

- Sec. 30-188. Required certificates.
- Sec. 30-189. Plat certificates.
- Sec. 30-190. Private street covenant.
- Sec. 30-191. Significant native trees, six inches or more.
- Sec. 30-192. Significant native trees, 12 inches or more.
- Sec. 30-193. Significant native trees, any size.
- Sec. 30-194. Approved tree list.
- Sec. 30-195. Subdivision pre-construction meeting checklist.
- Sec. 30-196. Table of minimum standards for rural street design.
- Sec. 30-197. Standards and requirements for restoration, planting, maintenance, and monitoring of natural open space.
- Sec. 30-198. Native planting resources.
- Sec. 30-199. Developer's undertaking (with financial guarantee).
- Sec. 30-200. Drawing requirements/checklist.
- Sec. 30-201. Engineering consultant fees authorization.

ARTICLE I. IN GENERAL**Sec. 30-1. Title.**

The official title of this chapter is the "Kendall County Subdivision Control Ordinance."
(Ord. No. 2011-06, exh. A, § 1.00(A), 3-15-2011)

Sec. 30-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a public right-of-way primarily for vehicular traffic along the side or in the rear of properties which affords only a secondary means of access to abutting properties.

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

Building means any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels.

Building setback line means a line parallel to the street line at a distance from it, regulated by the front yard requirements of the County zoning regulations set forth in Chapter 36.

County Board or *Board* means the elected board members of the County.

Crosswalk means a public right-of-way located across a block to provide pedestrian access to adjacent streets or alleys.

Cul-de-sac means a local street having one (1) open end and being permanently terminated by a vehicular turnaround.

Easement means a grant by a property owner for the use of a portion of land by the general public, a corporation, or a certain person for a specific purpose.

Floodplain means land adjacent to a body of water with ground surface elevations at or below the base flood or the one hundred (100) year frequency flood elevation, including detached ponding areas, etc. The floodplain is also known as the special flood hazard area (SFHA).

Floodway means the channel and that portion of the floodplain adjacent to a stream or watercourse which is needed to store and convey the anticipated existing and future one hundred (100) year frequency flood discharge with no more than a one-tenth (0.1) foot increase in flood stage due to any loss of flood conveyance or storage and no more than a ten (10) percent increase in velocities.

Gross land area means the entire area of a development, including lots, streets, and alleys, measured to the centerline of any bounding streets.

Groundwater means water that collects or flows beneath the Earth's surface, filling the porous spaces in soil, sediment, and rocks.

Lot means a parcel of land legally described as a distinct portion or piece of land of record. The term "lot" includes the terms "plot," "piece," and "parcel."

Lot, through, means a lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Native vegetation means vegetation that originally occurred in northeastern Illinois prior to arrival of European settlers. Native plant species are identified in Plants of the Chicago Region (Swink and Wilhelm, 1994).

Open space includes land and water areas retained for active or passive recreation uses and/or for resource protection and generally will be in an undeveloped state.

Ornamental plantings means non-native landscape plant material such as shrubs, flowers, and turf grasses.

Parkway means a route intended to be used primarily by passenger vehicles and whose right-of-way is or is intended to be developed in a park-like character.

Regional Plan Commission (RPC) means the Regional Plan Commission of the County.

Planned development means a parcel or tract of land, initially under single ownership or control, which contains two (2) or more principal buildings and more than one (1) principal use, planned and constructed as a unified development where specific regulations of a given zoning district are modified through the issuance of a special use permit.

Planning, Building, and Zoning Committee (PBZC) means a subcommittee of the County Board, as appointed by the County Board.

Plat means a plan, map, drawing or chart on which the subdivider's plan for the subdivision of land is presented and which the subdivider submits for approval and intends to record in final form.

Plat, final, means the drawings and documents presented for final approval as described in this chapter.

Plat Officer. Unless otherwise appointed by the County Board, the powers and duties of the Plat Officer shall be vested in the Director of the Planning, Building, and Zoning Department of the County, or designees.

Plat, preliminary, means the drawings and documents presented for tentative approval as described in this chapter.

Prairie means an extensive area of flat to hilly, predominantly treeless grassland. Prairies comprise those native plant communities that are dominated by a diversity of perennial forbs, or wildflowers, growing in a perennial graminoid, or grass-like, matrix which forms a dry flammable turf in autumn.

Riparian area means land that borders a waterway and provides habitat for wildlife or vegetation dependent on the proximity of water.

Roadway means the total width of pavement and shoulders within a street right-of-way intended for vehicular traffic, including all curb and gutter facilities.

Savanna means landscapes with between ten (10) and fifty (50) percent native tree canopy, commonly dominated by oak trees. (Savanna structure was regularly affected by fires set by Native Americans prior to the arrival of European settlers.)

Significant trees means those existing trees on a development site that are worthy of preservation. Tree species, that are in good health, identified in Sections 30-191 and 30-192 and having a diameter at one (1) foot above grade of six (6) inches or more and twelve (12) inches or more or which are identified in Section 30-193 shall be considered worthy of preservation. These lists of significant native trees are derived primarily from "Plants of the Chicago Region" by Floyd Swink and Gerould Wilhelm of the Morton Arboretum and "Kane County Wild Plants and Natural Areas" by Richard Young of the Kane County Forest Preserve District.

Street means a public way other than an alley, which affords a primary means of access to abutting property.

Street width means the shortest distance between lines of lots delineating the public street.

Street, commercial/industrial, means a street or portion thereof which primarily serves commercial or industrial zoned lots.

Street, local, means a street that generally serves fifty (50) residential lots or less and provides service to travel over relatively short distances. The term "local streets" includes culs-de-sac.

Street, major collector, means a street of intra-county importance that serves traffic generators such as consolidated schools, shipping points, County parks, important mining or agricultural areas, etc. Major collectors generally accept traffic from several minor collectors or local streets and have relatively large volumes of traffic.

Street, minor collector, means a street, which normally serves greater than fifty (50) residential lots or equivalent, that collects traffic from several local streets and connects with other minor or major collectors.

Street, public, means any street which is shown on the subdivision plat and is or is proposed to be dedicated to public use.

Subdivider means the person responsible for preparing and recording the plats of the subdivision and for carrying out all appropriate requirements relating thereto as outlined in this chapter.

Subdivision means the division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, provided that a division of land which may be ordered or approved by a court or affected by testamentary or interstate provisions shall not be deemed a subdivision. The term "subdivision" includes re-subdivision, and, when appropriate to the context, shall relate to the process of subdividing the land subdivided. The term "subdivision" shall apply to any other development, whether an actual division of property is required or not, and regardless of whether the same is labeled a subdivision or not, including planned development. The term "subdivision" shall apply to a tract of land which has been or is to be developed which includes the installation of on-site public

improvements which are intended to be accepted by a public agency for the purposes of ownership and maintenance. The provisions of this chapter do not apply and no subdivision plat is required in any of the following instances:

- (1) The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements for access, public utility or drainage purposes.
- (2) The division of lots or blocks of less than one (1) acre, in any recorded subdivision which does not involve any new streets or easements for access, public utility or drainage purposes.
- (3) The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- (4) The conveyance of parcels of land or interest therein for use as rights-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access.
- (5) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
- (6) The conveyance of land for highway or other public purposes or grants of conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- (7) Conveyance made to correct descriptions in prior conveyances.
- (8) The division of lots of record as of July 17, 1959, into no more than two (2) parts and not involving any new streets or easements of access, provided that the two (2) parts meet the requirements of the applicable zoning ordinance and all other ordinances of the County.
- (9) The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by a State-registered land surveyor, provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimension and configuration of the larger tract on October 1, 1973, and also providing the single lot and the larger parcel meet the requirements of the applicable zoning ordinance and all other ordinances of the County.

Subdivision, rural, means any subdivision other than an urban subdivision.

Subdivision, urban, means any subdivision in which the average lot size is less than thirty thousand (30,000) square feet, or in which the lot width averages one hundred (100) feet or less, or where the community sewer and water is available within one thousand (1,000) feet or which contains multifamily housing.

Upland. The upland zone is the area immediately adjacent to riparian areas along a creek, wetland or detention/retention pond and can extend for hundreds of feet in width. This upland area provides an important buffer to the riparian habitat, allowing for filtration of pollutants.

Used for shall include the terms "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

Vegetation analysis means an identification and mapping of site vegetation conditions according to their natural ecological communities (e.g., prairies, savannas, woodlands, and wetlands) and/or man-made state (e.g., old field, cropland, turf, etc.). For natural areas, a vegetation analysis also involves a concise, qualitative analysis of ecological quality.

Wetland means an area inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland is defined by COE in the 1987 Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1, U.S. Army Engineers Waterways Experiment Station, Vicksburg, Mississippi (the 1987 Manual), or other federally recognized methodology approved by the County.

Woodlands means landscapes with native tree canopy covering more than fifty (50) percent of the surface area. (Some portions of native woodlands were regularly affected by ground fires set by Native Americans prior to the arrival of European settlers.)
(Ord. No. 2011-06, exh. A, §§ 6.00—6.02, 3-15-2011)

Sec. 30-3. Interpretation.

(a) In interpretation and application, the provisions of this chapter shall be held to be the minimum requirements.

(b) Where the conditions imposed by any provision of this chapter upon the use of land are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(c) This chapter is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, this chapter shall govern.
(Ord. No. 2011-06, exh. A, § 4.01, 3-15-2011)

Sec. 30-4. Authority.

The ordinance from which this chapter is derived is adopted pursuant to the powers granted and limitations imposed by State law.
(Ord. No. 2011-06, exh. A, § 1.00(C), 3-15-2011)

Sec. 30-5. Violation; penalty.

Violations of this chapter shall be processed in the manner prescribed for all other ordinance violations as established by the County Board. Any person, firm, corporation or trust who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). Each day such a violation continues after notification shall constitute a separate offense.
(Ord. No. 2011-06, exh. A, § 16.00, 3-15-2011)

Sec. 30-6. Purpose.

The ordinance from which this chapter is derived is adopted to:

- (1) Protect and promote the health, safety, morals and general welfare of the public.
 - (2) Implement adopted plans and policies, including, but not limited to, the County Land Resource Management Plan.
 - (3) Enhance the quality of life for all residents within the County.
 - (4) Promote environmentally responsible development practices.
 - (5) Conserve, protect, and enhance property values.
 - (6) Facilitate the provisions of adequate public facilities and improvements.
 - (7) Maintain a range of housing choices and options.
 - (8) Provide for orderly growth and development.
 - (9) Safeguard the public against flood damage, soil erosion, and sedimentation.
 - (10) Prescribe reasonable rules and regulations governing subdividing and platting.
 - (11) Establish clear and efficient procedures for the preparation, submission, approval and recordation of subdivision plats.
 - (12) Provide remedies for violations and reasonable means of enforcing.
- (Ord. No. 2011-06, exh. A, § 2.00, 3-15-2011)

Sec. 30-7. Application.

These regulations shall apply to subdivisions of land made within the borders of the County and outside the corporate area of any municipality subsequent to the effective date of the ordinance from which this chapter is derived. Said subdivisions shall, in all respects, be in full compliance with the applicable regulations set forth in this chapter.

(Ord. No. 2011-06, exh. A, § 3.00, 3-15-2011)

Sec. 30-8. Compliance.

- (a) (1) Until preliminary plats and plan for the subdivision are approved:
 - a. No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be made or given.
 - b. No improvements, such as sidewalks, water supply, storm service, electric service, lighting, grading, paving or surfacing of streets shall hereafter be made by any owner or agent or by any public service corporation at the request of such owner or agent.
- (2) All offerings or dedications of land to the County for uses as streets, highways, alleys, schools, parks, playgrounds, or other public uses shall be referred to the County Regional Plan Commission for review and recommendation to Planning, Building and Zoning Committee (PBZC) for review and recommendation to the County Board and to any other appropriate governing authority of the County for acceptance.

(b) When a proposed subdivision involves a tract of land that is part of a larger property that has been previously subdivided and said larger property is a logical development, the County Regional Plan Commission may require a plan for the entire larger subdivided property to be used as an aid in judging a proposed plat.

(Ord. No. 2011-06, exh. A, § 4.00, 3-15-2011)

Sec. 30-9. Blasting.

No blasting shall take place in connection with any work in a subdivision until appropriate County and municipal authorities have been notified and the applicable ordinances complied with.

(Ord. No. 2011-06, exh. A, § 14.00, 3-15-2011)

Secs. 30-10—30-36. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 30-37. Administration; organization.

Eight (8) offices in the County are concerned with the administration of this chapter. For the purposes of clarity these offices along with their pertinent functions are listed below:

- (1) *The Plat Officer.* There is hereby created the Plat Officer who shall exercise the authority and have the responsibility provided in this chapter. The Plat Officer shall administer the provisions of this chapter and, in addition thereto, and in furtherance of said authority, shall:
 - a. Maintain permanent and current records of this chapter, including amendments thereto.
 - b. Receive and file all preliminary and final plats.
 - c. Forward copies of the preliminary plat to other appropriate agencies for their recommendations and report.
 - d. Receive and file all final plats and check their compliance with the preliminary plat.
 - e. Make all other determinations required of the Plat Officer by the regulations herein.
 - f. Discourage the subdividing of lands that are far in advance of the needs of the development of the County; or which, by their locations, cannot be efficiently served by public utilities, fire protection, or other community services; or which are located in areas subject to flooding, or are topographically unsuitable for development; or which, for any other reason, are being unwisely or prematurely subdivided.
- (2) *Township Highway Commissioner and County Engineer.* The Township Highway Commissioner and County Engineer shall review with Plat Officer all preliminary subdivision plans and make determinations concerning street and drainage design standards and engineering specifications as stipulated herein.
- (3) *Planning, Building, and Zoning Committee (PBZC).* The Planning, Building, and Zoning Committee shall review the preliminary plat and final plat and exercise the authority and have the responsibilities provided in this chapter.

- (4) *Kendall County Regional Plan Commission (KCRPC)*. The Kendall County Regional Plan Commission shall review the preliminary plat and exercise the authority and have the responsibilities provided in this chapter.
- (5) *County Soil and Water Conservation District*. The County Soil and Water Conservation District shall review the preliminary plat and exercise the authority and have the responsibilities provided in this chapter.
- (6) *County Health Department*. The County Health Department shall review the preliminary plat and exercise the authority and have the responsibilities provided in this chapter.
- (7) *Zoning and Platting Advisory Committee (ZPAC)*. The Zoning and Platting Advisory Committee shall review the preliminary plat and exercise the authority and have the responsibilities provided in this chapter.
- (8) *Sanitary and/or water reclamation districts*. Sanitary and/or water reclamation districts shall review the preliminary plat and exercise the authority and have the responsibilities provided in this chapter.

(Ord. No. 2011-06, exh. A, § 5.00, 3-15-2011)

Sec. 30-38. Exceptions.

(a) *Hardships*.

- (1) a. Where the Plat Officer finds that extraordinary hardships or particular difficulties may result from the strict compliance with this chapter, the Plat Officer may, after written application by the subdivider, recommend in writing to the Planning, Building, and Zoning Committee variations or exceptions to the regulations, subject to specified conditions, so that substantial justice may be done and the public interest secured, provided that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this chapter.
- b. The recommendations shall be communicated to the County Board in writing with the reasons therefor. The County Board may approve the variations from these regulations in specific cases which, in their opinion, do not affect the general plan or the spirit of this chapter.
- (2) The Plat Officer shall not recommend variations or exceptions to the regulations of this chapter unless the Plat Officer shall make findings based on the evidence presented in each specific case that:
 - a. Because of the particular physical surroundings, shape or topography conditions of the specific property involved a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.
 - b. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property, and have not been created by any person having an interest in the property.

- c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
- d. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

(b) *Large scale development.* The standards and requirements of this chapter may be modified in the case of large scale developments when the Plan Commission recommends and the County Board confirms by a two-thirds ($\frac{2}{3}$) vote that a plan and program for a new village, complete community, shopping center, industrial park, or neighborhood unit provides adequate public open spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed, and which also provides such covenants or other legal provisions as will ensure conformity and achievement of the plan.

(Ord. No. 2011-06, exh. A, § 11.00, 3-15-2011; Ord. No. 2013-15, § 11.00, 7-16-2013)

Sec. 30-39. Fees.

The following schedule of fees is established for the filling of applications and review of all subdivision and PUD plans and plats, and for the inspection of subdivision and PUD construction:

- (1) *Filing fees (payable when application is filed).*
 - a. Filing fees are intended to cover the cost of providing information to the public about an application, distributing plans to County departments and other agencies, preparing agendas packets and minutes for the Plan Commission, County Board, and other applicable review bodies, and other administrative tasks.
 - b. The subdivider shall pay the full filing fee for each category of petition or plan submitted as set forth in the Zoning Fee Schedule, as amended. Filing fees are payable upon filing of the application or petition.
- (2) *Reimbursement of costs and fees; deposit required.*
 - a. In addition to the filing fees provided for herein, each subdivider shall enter into a reimbursement of fees agreement with the County. The reimbursement of fees agreement shall encompass all applications or petitions pending with the County. The reimbursement of fees agreement shall be in the form specified in Section 30-201.
 - b. At the time the subdivider submits an application or petition to the County requesting action from the County, the subdivider shall deposit the amounts specified by the County to collateralize the obligation for reimbursement of costs for review from outside consultant services and miscellaneous expenses, as described herein. A subdivider who withdraws a petition or application may apply in writing to the Plat Officer for a refund of the initial deposit. The County Administrator may, at the Administrator's sole discretion, approve such refund less any actual fees and costs which the County has already paid or incurred relative to the petition or application.

- (3) *Reimbursement for outside consultant services.* The subdivider shall reimburse the County for the direct cost of the following:
- a. Fees for landscape architect's review and consultation in connection with review of the petitioner or application, and inspection of construction, including meetings and associated tasks.
 - b. Fees for traffic study and analysis performed by a registered professional engineer and approved by the County Engineer when such traffic study and analysis is requested by the County.
 - c. Fees for County Attorney's review and negotiations in connection with the petition or application.
 - d. Fees for professional engineering consultant's review of plans and documents, including meetings and associated tasks.
 - e. Fees for planning consultant's review and consultation in connection with review of the petition or application, including meetings and associated tasks.
 - f. Fees for other professional consultants as may be necessary to review and evaluate the proposed applications, plans and documents.
- (4) *Reimbursement for miscellaneous expenses.* The applicant shall reimburse the County for miscellaneous costs incurred relative to any application or petition, including, but not limited to:
- a. Publication of legal notices.
 - b. Court reporter and transcript fees.
 - c. Mailing (postage) costs.
 - d. Recording fees.
- (5) *Reimbursement for engineering inspection of construction.* The applicant shall reimburse the County for the cost per work hour of the County Engineer and each staff member involved in inspections, plan review, meetings and associated tasks relative to inspection of construction.
- (6) *Exemption.* An exemption will be made for governmental agencies.
(Ord. No. 2011-06, exh. A, § 17.00, 3-15-2011)

Sec. 30-40. Building permit.

No building permit shall be issued by any governing official for the construction of any building, structure or improvement to the land or any lot within a subdivision, as defined herein, which has been approved for platting, or replatting, until all requirements of this chapter, the County Building Code and the County zoning regulations set forth in Chapter 36 have been complied with. No building permit shall be issued until roadways are constructed suitable for access by emergency vehicles and which are being maintained, as determined by the Plat Officer and County Engineer. Additionally, where public water supplies are planned, they shall be constructed to the extent where they are operable to facilitate emergency use as determined by the Plat Officer and County Engineer.

(Ord. No. 2011-06, exh. A, § 12.00, 3-15-2011)

Sec. 30-41. Occupancy permit.

No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and until roadways providing access to the subject lots have been substantially constructed as determined by the Plat Officer and County Engineer.

(Ord. No. 2011-06, exh. A, § 13:00, 3-15-2011)

Sec. 30-42. Appeal.

Notwithstanding any language in Section 36-35(c), any person or corporation may appeal within sixty (60) days to the Planning, Building, and Zoning (hereinafter referred to as PBZ) Committee of the County Board any decision made by the Plat Officer. Appeals of any decision made by the PBZ Committee may be made to the full County Board. The County Board shall act as a Board of Appeals and shall hear and decide appeals from and review any final order, requirement, decision or determination made by the PBZ Committee, under this chapter. The concurring vote of two-thirds ($\frac{2}{3}$) of the members of the County Board, whether present or absent, shall be necessary to reverse any final order of the PBZ Committee under this chapter.

(Ord. No. 2011-06, exh. A, § 18.00, 3-15-2011; Ord. No. 2013-15, § 18.00, 7-16-2013)

Secs. 30-43—30-72. Reserved.**ARTICLE III. PLATTING****DIVISION 1. GENERALLY****Sec. 30-73. Compliance.**

No plat of any subdivision shall be entitled to record in the County Recorder's Office or have validity until it shall have been approved in the manner prescribed in this chapter.

(Ord. No. 2011-06, exh. A, § 15.00, 3-15-2011)

Sec. 30-74. Procedure for approval and requirements generally.

Any owner of land which is within the County and not within the corporate area of any municipality wishing to divide the same into lots or to re-subdivide for the purpose of sale or assessment, or both, or wishing to dedicate streets, alleys or other lands for public use, shall follow the procedures and requirements of this chapter. Any division, sale, exchange, or conveyance of land not considered a subdivision shall be exempt from following the procedures and requirements of this chapter.

(Ord. No. 2011-06, exh. A, § 7.00, 3-15-2011)

Sec. 30-75. Preapplication procedure.

Prior to filing an application for approval of the preliminary plat, the subdivider may submit to the Plat Officer plans and data as specified below. This step does not require formal application, fee or filing of plans with the County. The subdivider may request a meeting with the Plat Officer, other County staff

or affected agencies, the Regional Plan Commission and/or the Planning, Building and Zoning Committee in order to discuss the proposed development. Preapplication information suggested is as follows:

- (1) General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the submitted plans. This information shall include data on existing covenants, land characteristics such as natural drainage, swamp areas, wooded areas, and ridges; a detailed soil analysis following guidelines described in Section 30-77(a)(7)c; available community facilities and utilities; information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, price range, business areas, school, playground and park areas, and other public areas, proposed protective covenants, and proposed utilities and street improvements.
- (2) Sketch plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic data and contours of not more than five (5) foot intervals.

(Ord. No. 2011-06, exh. A, § 7.01, 3-15-2011)

Sec. 30-76. Preliminary plat procedure.

The procedure for preliminary plats shall be as follows:

- (1) The applicant shall prepare a preliminary plat, which shall include all of the property to be subdivided, properties that are adjacent and considered to be contiguous to the proposed subdivision, together with improvement plans and other supplementary material as specified.
- (2) The applicant shall submit to the Plat Officer this preliminary plat accompanied with a completed application for a preliminary plat of subdivision with the appropriate filing fees.
- (3) The application will be placed on the agenda for the next regularly scheduled meeting of the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation.
- (4) At the same time, the Plat Officer and the County Engineer will collaborate with the subdivider in assembling plans for the design and construction of streets, drainage systems and other such improvements as may be required by ordinance.
- (5) A copy of the application and preliminary plat shall also be submitted, by the applicant, to the plan Commission of the townships in which the proposed subdivision is located and submit to the nearest municipality, if the corporate limits of the municipality are not more than one and one-half (1½) miles from the property lines of the proposed development.
- (6) The application shall be reviewed by ZPAC for compliance with the regulations of this chapter and all other ordinances of the County during a regularly scheduled meeting within thirty (30) days of the date of the submittal of the completed application of the preliminary plat.
- (7) Following a recommendation by ZPAC, the application shall be placed on the agenda of the next regularly scheduled meeting of the Kendall County Regional Plan Commission (KCRPC).

- (8) The application shall be reviewed by KCRPC for compliance with the regulations of this chapter and all other ordinances of the County within thirty (30) days of the recommendation made by ZPAC, provided that all necessary revisions and/or supplemental information requested by ZPAC has been supplied to the Plat Officer.
- (9) KCRPC, within a reasonable time after the first discussion of the proposal, shall:
 - a. Recommend approval or disapproval of the proposed preliminary subdivision plat and record in the official minutes its recommendation, which may include the recommendations of the County Engineer, the County Engineering Consultant, other affected agencies and/or the Plat Officer.
 - b. If KCRPC finds that changes, additions or corrections are required on the preliminary plat prior to a recommendation being made by KCRPC, KCRPC shall so advise the applicant. The applicant may resubmit the preliminary plat with revisions for its consideration at the next available regular meeting of KCRPC.
- (10) Upon recommended approval of the preliminary plat by KCRPC, an application for the final plat of subdivision shall be filed within one (1) year, unless otherwise extended per the provisions of this chapter per Section 30-98.
- (11) The following qualifications shall govern approval of the preliminary plat:
 - a. Approval of a preliminary plat by KCRPC is tentative only, involving merely the general acceptability of the layout as submitted. Final approval of the preliminary plat shall be granted by the County Board at the time of final plat approval. An applicant may seek approval from KCRPC of the preliminary plat simultaneously with the final plat and/or rezoning petition at the applicant's choosing.
 - b. KCRPC shall require such changes or revisions as are deemed necessary in the interest of the needs of the County.
 - c. Approval of the preliminary plat shall be effective for a maximum period of one (1) year, unless upon application of the developer, KCRPC grants an extension. The application for said extension shall not require the submittal of additional copies of the plan of subdivision.
- (12) The final approval of the preliminary plat is contingent upon payment of all fees for review and approval in accordance with Section 30-39.
(Ord. No. 2011-06, exh. A, § 7.02, 3-15-2011)

Sec. 30-77. Plats and data requirements of preliminary plan.

- (a) Preliminary data required as a basis for the preliminary plan, in Subsection (b) of this section, shall include existing conditions as follows, except when otherwise specified by the Regional Planning Commission.
 - (1) Boundary lines: the exact length and bearing of the exterior boundaries of the subdivision as certified by a State professional land surveyor. (Distances shall be to one one-hundredth (1/100) of one (1) foot and angles to be to one-half (1/2) minute). If considered necessary, the Plat Officer may require the surveyor to submit calculations and field notes.

- (2) Easements: location, width and purpose.
- (3) Streets on and adjacent to the tract: name and right-of-way width and location; type, width and elevation of surfacing; any legally established centerline elevations; walks, curbs, gutters, culverts, etc.
- (4) Utilities on and adjacent to the tract within one hundred fifty (150) feet of subject property: location, size of sanitary, storm and combined sewers are not on or adjacent to the tract, indicate the direction and distance to, and the size of the nearest usable facilities.
- (5) Existing soil characteristics by soil classification conforming to the general soil classification established by the Soils Conservation Service, U.S. Department of Agriculture.
- (6) If available, the surficial geology.
- (7) The preliminary plan of subdivision shall be accompanied by:
 - a. A statement that the proposed subdivision (where contiguous) is or is not to be annexed to a municipality.
 - b. Either a preliminary plan for sewer, water and storm sewers and a written statement setting forth general plans for such improvements and indicating the method to be employed to overcome particular problems that may be encountered with the development of the proposed subdivision.
 - c. Where sanitary sewage facilities are proposed to be provided by individual septic systems or other County-approved systems, soil mapping, based upon the on-site determination of soil characteristics, shall be conducted by a certified professional soil classifier. The soil map and report submitted by the soil classifier shall be used to determine the soil suitability for on-site wastewater disposal systems as determined by Section 30-165(c)(2)c and all applicable State and local ordinances. Soil mapping shall be done according to the following criteria:
 1. There shall be a sufficient number of soil borings (or pits) throughout the proposed acreage to allow extensive mapping of soil characteristics and limiting factors related to suitability for on-site wastewater disposal systems. The mapping and overlay of such characteristics shall be of sufficient detail to minimize the potential for inclusions and to determine the existence of suitable soils on each proposed lot. There shall be at least one (1) soil boring (or pit) on each acre of the proposed subdivision. The location of all soil borings (or pits) shall be shown on the soil map and each boring shall be numbered consecutively.
 2. A two hundred (200) foot grid system will be established. At each grid point a boring (or pit) shall be created. In addition, sufficient additional borings (or pits) shall be required to adequately determine soil boundaries between soil mapping units.
 3. Soil borings (or pits) shall be created to a minimum depth of five (5) feet. Pits shall be dug with a backhoe and to a minimum width of twenty-four (24) inches.
 4. Alternative methods of soil investigation shall be at the discretion of the Plat Officer.

5. The County Department of Planning, Building and Zoning and the Health Department (hereafter described as the Departments) shall be notified at least one (1) week before commencement of on-site investigations so that the Departments may observe the soil borings (or pits) and sampling procedures if they so desire. Any on-site investigation conducted without the Departments being notified will not be accepted.
6. A detailed soil map and the logs of each soil series mapped on the site shall be prepared by the soil classifier and submitted with the report. The owner-developer must prove to the satisfaction of the Departments that each lot on the preliminary plan has the required square footage of suitable soil in a continuous location (as determined by Section 30-165(c)(2)c). Individual and intermediate boring (or pit) locations shall be logged and submitted with the following information:
 - (i) Date of investigation;
 - (ii) Pit number;
 - (iii) Sample method;
 - (iv) Soil series, map symbol and classification (design group/loading rate);
 - (v) Parent material;
 - (vi) Percent of slope;
 - (vii) Seasonal water table (inches);
 - (viii) Observed water table (inches);
 - (ix) Depth of moderately slow to very slow permeability layer (inches);
 - (x) Horizon depth;
 - (xi) Texture;
 - (xii) Structure;
 - (xiii) Color and Munsell notation;
 - (xiv) Mottles;
 - (xv) Coatings;
 - (xvi) Consistency;
 - (xvii) Estimated permeability (inches per hour).
7. The dates of all field work shall be documented on the soil maps and report.
8. The entire proposed subdivision area shall be mapped depicting the soil types present by their corresponding boundaries. This mapping shall be coordinated with site topography depicted at one (1) or two (2) foot contour intervals at a minimum and using a one (1) inch to one hundred (100) foot scale.
9. In addition, a map shall be submitted that depicts areas of seasonal high groundwater, limiting permeability, bedrock or other limiting layers as determined by the soil classifier's observations of the soil characteristics. Long-term monitoring wells, approved by the Departments, may be used to supplement this information. Boundaries of the following areas shall be defined and depicted on the soil map:
 - (i) Seasonal high groundwater or other limiting layers at less than twelve (12) inches;

- (ii) Seasonal high groundwater or other limiting layers at twelve (12) inches to thirty (30) inches;
 - (iii) Seasonal high groundwater or other limiting layers at thirty (30) inches to forty-eight (48) inches;
 - (iv) Seasonal high groundwater or other limiting layers at forty-eight (48) inches to sixty (60) inches;
 - (v) Seasonal high groundwater or other limiting layers greater than sixty (60) inches.
- (8) Floodplains, floodways and wetlands within the tract to be subdivided and within one hundred (100) feet of the tract to be subdivided.
 - (9) Other conditions on the tract: watercourses, marshes, rock outcrops, wooded areas, isolated preservable trees one (1) foot or more in caliper at one (1) foot above ground level, houses, barns, shacks, and other significant features.
 - (10) Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences, and owner of adjacent unplatted land (for adjacent platted land, refer to subdivision plat by name, recording date, and number and show approximate percent built up, typical lot size and dwelling type).
 - (11) Photographs, if required by the Plat Officer; camera locations, directions of views and key numbers.
 - (12) Proposed public improvements: highway or other major improvements planned by public authorities for future construction on or near the tract.
 - (13) Key plan showing location of the tract.
 - (14) Title and certificates: present tract designation according to official records in the offices of the County Recorder; title under which proposed subdivision is to be recorded with names and addresses of owners, notation stating acreage, scale, and north arrow.
 - (15) Ground elevation on the tract, based on the NAVD 88 datum; show not less than one (1) foot contours.
 - (16) Phasing plan for proposed improvements as applicable.
- (b) Preliminary plat shall be prepared in CAD format at a scale of one hundred (100) feet to one (1) inch. It shall show all existing conditions required in Subsection (a) of this section, and shall show all proposals, including the following:
- (1) Streets: names, right-of-way and roadway widths, approximate grades and gradients, type of construction, similar data for alleys if any.
 - (2) Other rights-of-way or easements: location, width and purpose.
 - (3) Location and orientation of septic system envelopes on each individual residential lot (if individual lots to be served by private sewage disposal systems).

- (4) Location of well envelopes on each individual residential lot (if individual lots to be served by a private water well).
- (5) Location of proposed components of a community septic system (if applicable).
- (6) Location of floodplain.
- (7) Lot lines, lot dimensions, lot numbers and block numbers.
- (8) Sufficient information to show the intent of surface drainage.
- (9) Sites, if any, to be reserved or dedicated for schools, parks, playgrounds or other public uses.
- (10) Sites, if any, for multifamily dwellings, shopping centers, churches, industry, or other non-public uses exclusive of single-family dwellings.
- (11) Proposed building setback lines.
- (12) Site data, including number of residential lots, typical lot size, acres in parks, etc.
- (13) Proposed name of the subdivision.
- (14) Location by government lot, section, township and range.
- (15) Name and address of developer.
- (16) Name and address of the land planner or engineer.
- (17) Title, scale, north point and date.
- (18) Legal description.

(c) Other preliminary plans. When required by the Plat Officer, the preliminary plan shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, typical cross sections of the proposed grading, roadway, and sidewalks, and preliminary plan of proposed sanitary and stormwater sewers with grades and sizes indicated. All elevations shall be based on the NGVD 88 datum.

(d) Draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development, shall be provided.

(e) The County may require the developer to pay for additional environmental, engineering, or planning studies needed to evaluate the impact of a proposed subdivision. Such studies may include, but are not limited to, traffic impact analysis, tree surveys, wetlands evaluation and delineation, flood and drainage studies and other features of the proposed subdivision regulated by the County. The Chairman of the Planning, Building, and Zoning Committee and/or the County Planning, Building and Zoning Department Plat Officer shall determine the need for additional studies and coordinate retention of qualified experts. The costs and fees for any such studies shall be the responsibility of the applicant in accordance with Section 30-39.

(f) A septic overlay prepared by a professional engaged in the practice of private sewage disposal system design, if applicable, shall be provided.

(Ord. No. 2011-06, exh. A, § 7.03, 3-15-2011)

Secs. 30-78—30-97. Reserved.

DIVISION 2. FINAL PLAT

Sec. 30-98. Generally.

(a) An application for the final plat of subdivision shall be filed within one (1) year of the recommended approval from the Kendall County Regional Plan Commission (KCRPC) of the preliminary plat. If no application occurs within one (1) year of the recommended approval by KCRPC of the preliminary plat, such recommendation will lapse and be of no further effect unless an extension is authorized by KCRPC. Such extension shall not exceed one (1) year from the date of expiration of the original one (1) year period. Such an extension request shall be made in writing by the applicant and submitted to the Plat Officer to be forwarded to KCRPC for consideration.

(b) The final plat shall substantially conform to the approved preliminary plat as approved by KCRPC. If desired by the applicant and to conform to the required construction schedule under Section 30-158, the final plat may consist of only that portion of the approved preliminary plat which the applicant proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

(c) An application for approval of the final plat, including all engineering drawings and specifications, shall be filed with the Planning, Building, and Zoning Department, and ten (10) copies of the petition shall be filed with the Plat Officer or designee. Attached to each copy shall be copies of the supporting documents and exhibits provided for herein.

(d) Accompanying the copy of the application for approval of the final plat shall be four (4) copies of the final engineering plans and specifications prepared, stamped, and signed by a State-registered professional engineer. Such plans and specifications shall be prepared as specified, and shall be submitted to the Plat Officer within one (1) year after approval of the preliminary plat; otherwise such approval shall become null and void unless application for an extension of time is made to and granted by KCRPC. Such extensions will not require an additional copy of the plat. Engineering plans and specifications must comply with all County ordinances in addition to the design standards in Article IV of this chapter and the improvement standards in Article V of this chapter. Following approval of the final engineering plans, the applicant shall supply the County with a copy of the approved final version in electronic CAD format, NAD 1983 State Plane Illinois East projected coordinate system, as required by the County.

(e) The Plat Officer or designee shall review the submission to ensure that it complies with the preliminary plat and any comments and conditions governing approval of the preliminary plat.

(f) The application will be placed on the agenda of the next Zoning and Platting Advisory Committee (ZPAC) meeting.

(g) The application shall be reviewed by ZPAC within thirty (30) days of the date of the complete original submission of the final plat. A recommendation shall be made by ZPAC and the minutes of ZPAC meeting containing such a recommendation shall be submitted to KCRPC for review and recommendation.

(h) Following a recommendation by ZPAC, the application shall be placed on the agenda for the next regular meeting of KCRPC.

(i) The application shall be reviewed by KCRPC within sixty (60) days of ZPAC recommendation provided any necessary revisions or supplemental information requested by ZPAC have been supplied prior to KCRPC meeting.

(j) Upon completion of KCRPC's review of the application, a recommendation shall be made and the minutes of KCRPC meeting containing such recommendation shall be submitted to the PBZ Committee of the County Board for review and recommendation to the County Board.

(k) After recommended approval of the final plat by KCRPC and the fulfillment of the requirements of these regulations, one (1) tracing of the final plat of the subdivision, drawn in ink on tracing cloth or other suitable media not to exceed twenty-four (24) inches by thirty-six (36) inches in size, shall be submitted to the PBZ Committee for review.

(l) The final plat and the preliminary plat previously recommended for approval by KCRPC shall be reviewed by the PBZ Committee within thirty (30) days of KCRPC recommendation of the final plat provided any necessary revisions or supplemental information requested by KCRPC have been supplied prior to the PBZ Committee meeting.

(m) Upon completion of the review by the PBZ Committee of the final plat and preliminary plat, a recommendation shall be made and the minutes of the PBZ Committee meeting containing such recommendation, as well as the recommendation and minutes of KCRPC, shall be submitted to the County Board.

(n) The County Board shall review the preliminary plat and final plat within thirty (30) days of the recommendation made by the PBZ Committee. Action shall be taken by the County Board within a reasonable time after the meeting at which the preliminary plat, final plat and all drawings, maps and other documents required have been submitted for the County Board's approval. The applicant and the County Board may mutually agree to extend the County Board's consideration of said plats.

(o) Upon approval of the preliminary and final plat by the County Board, the applicant shall record the final plat with the County Recorder within six (6) months. If the final plat has not been recorded within this amount of time, the approval shall become null and void unless an extension to the recording of the final plat has been granted by the County. Such a request shall be made in writing and submitted to the Plat Officer who will then forward the request to the PBZ Committee for review and recommendation to the full County Board. Immediately after recording, the original tracing shall be filed with the County.

(p) The final approval of the final plat and the preliminary plat is contingent upon payment of all fees for review and approval in accordance with Section 30-39.

(Ord. No. 2011-06, exh. A, § 7.04, 3-15-2011)

Sec. 30-99. Application requirements.

(a) The final plat shall be drawn in ink on tracing cloth or other suitable media on sheets not to exceed twenty-four (24) inches by thirty-six (36) inches and shall be at a scale of one hundred (100) feet to one (1) inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the

entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Plan Commission. A photostatic copy of the final plat reduced to a scale of four hundred (400) feet to one (1) inch will be submitted to said Commission. The final plat shall be accurately and legibly prepared by a State professional land surveyor, who shall certify that the such professional has surveyed, subdivided and platted the land shown and legally described on such final plat. The surveyor shall further certify the number of acres being subdivided, and whether or not the tract is within a special flood hazard area designated by the Federal Emergency Management Agency, and whether or not the tract is or is not within one and one-half (1½) miles of the corporate limits of a municipality that has adopted an official plan. The final plat shall show the following:

- (1) Primary control points, approved by the Plat Officer, or description and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- (2) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, the property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radii, arcs, and central angles of all curves.
- (3) Positions of all lot corners, beginnings and ends of curves and all angle points shall be marked in the field. The material of which all markers are made shall be noted. The applicant shall conform with the following requirements concerning monuments:
 - a. All Federal, State, County or official benchmarks, monuments, or triangulation stations in or adjacent to the subdivision shall be preserved. When a proposed improvement in a subdivision makes necessary the moving of benchmarks, monuments, or triangulation stations, the authority having jurisdiction shall be notified and given sufficient time to take appropriate action.
 - b. Permanent monuments shall be set flush with the adjacent ground, shall have a suitable mark in the center of the top, shall be set in such manner that they will not be moved by frost; and shall be either:
 1. Iron pipe not less than three-fourths ($\frac{3}{4}$) inch in diameter and not less than twenty-two (22) inches in length;
 2. Solid square or round iron bars, five-eighths ($\frac{5}{8}$) inch thick and not less than twenty-two (22) inches in length;
 3. Stone or reinforced concrete, not less than thirty (30) inches long by four (4) inches square or five (5) inches in diameter.
 - c. Permanent monuments shall be erected at all corners or changes in direction of the exterior boundary; at points of curvature or points of tangency; at road intersections and block corners; at all lot corners and angles in lot lines; in all places and manner as otherwise prescribed by law.
- (4) The exact length and relative direction of all exterior boundary lines, with reference to the boundary controlling system most prevalent in the area of the land being subdivided. All distances shown on final plat shall be expressed in one one-hundredths (1/100) of one (1) foot and angles shall be expressed in degrees, minutes, and seconds (if necessary). Sufficient geomet-

rical data shall be given for all lots to enable retracement and restoration of all corner positions in the field. The Plat Officer may require the surveyor to submit rectangular coordinates of all positions represented on the final plat.

- (5) Name and right-of-way width of each street or other right-of-way.
- (6) Location, dimensions, and purpose of any easement.
- (7) Number to identify each lot or site and block.
- (8) Purpose for which sites other than residential lots are dedicated or reserved.
- (9) Location of proposed components of a community septic system (if applicable).
- (10) A listing of each lot most likely subject to the installation and subsequent use of a non-conventional private sewage disposal system as a result of locating said lots and associate private sewage disposal system construction envelopes over soils deemed unsuitable for conventional private sewage disposal systems (reference Section 30-165(c)(2)c).
- (11) Proposed building setback lines on all lots and other sites.
- (12) Location and description of monuments.
- (13) Certificates to accompany plat. To entitle a final plat to be recorded, such certificates as are required by law shall be lettered or printed legibly with black, durable ink, or typed legibly with black ribbon on the plat. Section 30-189 contains examples of the various certificates. Applicable certificates may be used as they appear in Section 30-189.
- (14) Statement by owner dedicating streets, rights-of-way and any sites for public use.
- (15) Name of subdivision.
- (16) Location by section, township and range.

(b) Complete final engineering improvement plans, including all calculations, studies, reports, models, permit applications and data supporting the adequacy of the final engineering plans, including, but not limited to, cross sections and profiles of streets showing grades approved by the Plat Officer shall be provided. The profiles shall be drawn to County standards. The scales and elevations shall be based on the NGVD 88 datum.

(c) Protective covenants in writing shall be provided.

(d) Construction envelopes representing the locations within each lot in which on-site private sewage disposal systems, and/or private or community water supplies are to be installed shall be depicted on the final engineering plans, and shall comply with all applicable setback requirements pertaining to the installation of said utilities.

(e) Other data. Such other certificates, affidavits, endorsements, or dedications as may be required by the Commission, in the enforcement of these regulations shall be provided.

(Ord. No. 2011-06, exh. A, § 7.05, 3-15-2011)

Sec. 30-100. Agreements.

(a) Before approval of any final plat, the developer shall supply the County with a written agreement detailing the specific improvements and obligations for which the developer will be responsible for completing and fulfilling as part of the actual development of the property. The improvements and obligations include the installation and construction of streets and right-of-way improvements, stormwater management facilities, utilities and all other public and/or private improvements as detailed in the approved final engineering and landscape plans. The agreement shall further address all required donations, contributions and applicable fees that the developer will be responsible for in accordance with the requirements of the ordinances of the County and all other such obligations and improvements required by the County Board in approving the subdivision of the property. The development agreement may state the approximate date when installation of public improvements will commence and a reasonable date for completion of said public improvements. If the development agreement does not otherwise provide a completion date, the improvements shall be completed within the time frames as specified in Section 30-158. The agreement shall generally be in the format consistent with Section 30-199 unless approved otherwise by the County Board.

(b) The development agreement shall be binding upon the successors, heirs and assigns of the subdivider and/or developer. The agreement shall be prepared in accordance with the form agreement supplied by the County and approved as to form by the County State's Attorney, draft copies of which shall be required to be supplied as part of the plat application package. The agreement shall be submitted for review and approval to all applicable County or local jurisdictions for review and approval prior to forwarding the agreement and final plat to the Planning, Building and Zoning Committee for review and recommendation to the County Board for final approval. Amendments to the agreement shall be subject to review and recommendation by the Planning, Building, and Zoning Committee with final review and approval by the County Board. No amendment shall be valid and entitled to recording unless it is approved by the County Board.

(c) The landowner shall agree, as part of the development agreement, not to object to the formation of an SSA for the purpose of maintenance of any improvement or facility required or proposed as a result of the final plat or final engineering plan. Such agreement shall be binding on successors, heirs and assigns.

(Ord. No. 2011-06, exh. A, § 8.00, 3-15-2011)

Secs. 30-101—30-128. Reserved.

ARTICLE IV. DESIGN STANDARDS

Sec. 30-129. Generally.

- (a) In laying out a subdivision, the subdivision plat and plans shall conform to:
 - (1) All applicable ordinances and policies of the County, including zoning, soil erosion, floodplain, land cash, stormwater, private sewage disposal and potable water supply.
 - (2) Applicable laws, rules and regulations of the State and duly constituted agencies thereof.

- (3)
 - a. In all cases where a subdivision lies within one and one-half (1½) miles of the corporate limits of a city or village, the subdivision shall also conform to applicable subdivision ordinances and official plans of that city or village unless the city or village waives their right to impose their subdivision requirements in writing.
 - b. In all instances where a requirement of this chapter, or other applicable ordinances of the County, is similar to, or in conflict with, other provisions of the ordinances of such village or city, the most restrictive shall apply and prevail. The Plat Officer shall determine which requirements will be considered most restrictive.
 - (4) The County Land Resource Management Plan, Transportation Plan, Fox River Corridor Plan, Wikaduke Corridor Plan, Water 2050 Northeastern Illinois Regional Water Supply/Demand Plan, County Trails and Greenways Plan and the current version of the IDPH Private Sewage Code.
- (b) Subdivisions shall comply with the following design standards:
- (1) To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features. Design of the development shall specifically conserve and enhance key natural environmental assets. The County Board shall require that appropriate means be established to preserve such assets, including:
 - a. Floodways and one hundred (100) year floodplains as defined by current flood insurance rate maps published by the Federal Emergency Management Agency (FEMA).
 - b. Unique and/or fragile areas such as seeps, natural drainageways and wetlands under U.S. Army Corps of Engineers jurisdiction, defined by the national wetland inventory maps or as defined by this chapter, areas designated by the State Department of Natural Resources, the U.S. Army Corps of Engineers, or field verified by on-site inspection.
 - c. Steep slopes in excess of twenty (20) percent as measured over a ten (10) foot interval unless appropriate engineering measures concerning slope stability, erosion and resident safety are taken.
 - d. Habitats for endangered species as identified on Federal or State Department of Natural Resources inventories.
 - e. Historically significant structures and sites listed on Federal or State lists of historic places. Existing structures reminiscent of the County's agricultural heritage should also be conserved to the fullest extent practical.
 - f. At least seventy (70) percent of all significant trees located outside existing and proposed rights-of-way and drainage and utility easements shall be protected from construction activity (see Sections 30-191 through 30-193 for listing of significant trees). Significant trees required to be protected shall be appropriately marked and fenced (silt and construction) to prevent the intrusion of development activities, the accumulation of soil erosion sediment or any other destruction of such protection areas during construction. Those trees within the immediate construction area shall have fencing erected at a minimum five (5) foot radius centered on the trunk of the tree.

- g. Septic fields shall not be located in floodplains.
 - (2) Maintenance or creation of a buffer of native species vegetation of at least twenty-five (25) feet in depth adjacent to wetlands under U.S. Army Corps of Engineers jurisdiction, defined by the national wetland inventory maps or as defined by this chapter and adjacent to the high water limit of surface waters, including creeks, streams, lakes and ponds.
 - (3) Design around existing hedgerows, tree lines and large woodlands (greater than one (1) acre), especially those containing many mature trees or a significant wildlife habitat. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development.
 - (4) Common open space areas shall generally abut existing or potential open space land on adjacent parcels. Such subdivision open space shall be designed as part of larger contiguous and integrated greenway systems, as per the policies in the Land Resource Management Plan.
 - (5) Protect rural roadside character and maintain or create scenic views and vistas as seen from public thoroughfares. Except within a planned unit development or RPD, new primary structures shall be set back a minimum distance of one hundred fifty (150) feet from the centerline or one hundred (100) feet from the edge of a road right-of-way, whichever is greater, along any road designated as a scenic route on the County Transportation Plan.
 - (6) Trees shall be provided at retention/detention ponds and along both sides of new streets (outside of public rights-of-way). Trees along both sides of the streets should be one (1) tree per sixty (60) feet and planted before the certificate of occupancy is released.
- (Ord. No. 2011-06, exh. A, § 9.00(A), (B), 3-15-2011)

Sec. 30-130. Stormwater management facilities and open space ownership and maintenance.

Appropriate means of stormwater management facilities and open space ownership and maintenance shall be provided consistent with the following standards:

- (1) *Responsibility.* Prior to the final approval of any residential planned development, the public or private ownership and maintenance responsibilities for stormwater management facilities and all common open spaces shall be established by the developer and approved by the County. Public ownership shall be either the County, the Forest Preserve District, a park district, township, or State. Private ownership shall be a property owner's association duly established by articles of incorporation and bylaws, in accordance with the Illinois Condominium Property Act (765 ILCS 605/1 et seq.), or an approved private conservation organization. The instrument of conveyance shall include covenants running with the land to guarantee the stormwater management facilities and common open space will be properly cared for and used only for the purposes designated in approved final residential planned developments. All projects that include stormwater management facilities or open spaces shall have a backup maintenance SSA established to provide a funding source for maintenance activities.
- (2) *County authority.* In the event that any portion of the property shall be developed under State statutes relating to condominiums, the covenants, conditions and restrictions shall include a provision whereby the County shall have the right, but not the obligation, to enforce covenants

or obligations of the association or the owners of the units as defined and provided within the declaration of condominium, and further shall have the right, upon thirty (30) days' prior written notice specifying the nature of a default, to enter upon stormwater management facilities and common open spaces and cure such default, or cause the same to be cured at the cost and expense of the association or the owners thereof. The County shall also have the right to charge or place a lien upon the property of the condominium association for the repayment of such costs and expenses, including reasonable attorney's fees, in enforcing such obligations. The declaration shall further provide that this provision may not be amended without County approval. Prior to recording, the finalized declaration of condominium shall be submitted to the County for their approval.

- (3) *Management plan.* To ensure appropriate long-term maintenance of stormwater management facilities and common open spaces, the developer shall submit a detailed open space management plan describing the method and schedule of maintenance prior to approval of the final plat for the first phase of development (refer to Sections 30-197 and 30-198 for management plan requirements).
- (4) *Dedication of easements.* The County may, but shall not be required to, accept easements for public use of any portions of stormwater management facilities and common open space land, title of which is to remain in ownership by condominium or homeowners' association, provided:
 - a. Such land is accessible to County residents;
 - b. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance;
 - c. A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association, and the County.
- (5) *Transfer of easements to a private conservation organization.* With the permission of the County, an owner may transfer easements to a private, non-profit organization, among whose purposes is to conserve open space and/or natural resources, provided that:
 - a. The organization is acceptable to the County, and is a recognized conservation organization with perpetual existence;
 - b. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its function;
 - c. A maintenance agreement acceptable to the County is entered into by the developer and the organization.

(Ord. No. 2011-06, exh. A, § 9.00(C), 3-15-2011)

Sec. 30-131. Public sites and open spaces.

(a) Where a proposed park, playground, school or other public use area is shown in whole or in part within a subdivision on the Land Resource Management Plan, on the municipal comprehensive plan or as otherwise required by the County, appropriate public agencies and governing bodies shall be given an opportunity to begin, within one (1) year from the date of recording the final plat, procedures to acquire said acreage.

(b) Where deemed essential by the County Board, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the County Board may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes.

(c) Suitability of land. The developer shall be responsible for improving the public site so that it is safe and useable for its public purpose.

(d) Interior parks. Parks situated in the interior of blocks shall have direct and public access to surrounding streets by an easement at least thirty (30) feet wide or through direct dedication of park land to a public entity.

(Ord. No. 2011-06, exh. A, § 9.01, 3-15-2011)

Sec. 30-132. Streets.

(a) All streets shall be considered in the relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their relation to the proposed uses of the land to be served by such streets.

(b) Streets shall be laid out and designed consistent with all standards set forth in Section 30-196.

(c) Where such is not shown as a part of officially adopted street or highway plans, the arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding area; or
- (2) Conform to a plan for the area or neighborhood approved or adopted by the Plan Commission to meet a particular situation where topographical or other conditions make continuation or conformance to existing streets impractical.

(d) Where a subdivision abuts or contains an existing or proposed highway or major thoroughfare, the Plan Commission may require marginal access streets; double frontage with screen planting contained in a non-access reservation at least ten (10) feet wide, along the rear property line; deep lots with rear service alleys; or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(e) Reserve strips controlling access to public utilities, streets, or alleys shall be prohibited.

(f) All street intersections and confluences should encourage safe traffic flow.

(g) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

(h) Tangents shall be introduced between reverse curves or same direction curves in accordance with IDOT design policies. Roadways with curves shall be superelevated in accordance with IDOT design policies.

(i) When connecting street lines deflect from each other at any one (1) point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure clear sight distances (see Section 30-196).

(j) Streets shall be laid out so as to intersect at right angles. Requests for intersection skew of less than ninety (90) degrees will be considered on a case-by-case basis. In no case shall a street intersect any other street at less than seventy-five (75) degrees.

(k) Street right-of-way width shall be as specified in Section 30-196.

(l) Half-streets shall be prohibited with the following exception: Wherever an existing half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(m) Cul-de-sac designed as a permanent facility, etc. Every effort should be made to minimize the number of culs-de-sac. The length of a cul-de-sac shall normally not be longer than one thousand (1,000) feet. It shall be provided at the closed end with a paved turnaround having an outside pavement diameter of at least ninety (90) feet and a street property line diameter of at least one hundred thirty-six (136) feet for local streets. Culs-de-sac on commercial/industrial streets shall have an outside pavement diameter of one hundred (100) feet and a street property line diameter of at least one hundred forty-six (146) feet.

(n) No street names shall be used which will duplicate or be confused with names of existing streets. Existing street names shall be projected wherever possible. Street names shall be subject to the approval of the Plat Officer.

(o) Street gradients and vertical curves shall be as specified in Section 30-196.

(p) Street grades shall provide proper relation between the street and the first floor elevation of the houses or buildings and permit convenient and economical access to and drainage of the lots.

(q) All roadway geometry (horizontal and vertical), intersections and access locations shall conform to sight distance requirements in accordance with IDOT policy.

(r) Refer to Section 30-165(c)(1) for construction standards related to streets.
(Ord. No. 2011-06, exh. A, § 9.02, 3-15-2011)

Sec. 30-133. Alleys.

(a) In commercial, business and industrial districts, definite and ensured provisions shall be made for service access such as off-street loading, unloading, and parking consistent and adequate for the uses proposed. If, in the opinion of the Plan Commission, such facilities are not adequate, the Plan Commission may permit or require the dedication and improvement of a public alley.

(b) Alleys in residential areas shall not be permitted, except where deemed necessary and on the recommendation of the Plan Commission.

(c) Width of an alley, where permitted or required, shall be twenty (20) feet in residential areas and thirty (30) feet in commercial and industrial districts.

(d) Alley intersections and sharp changes in alley alignment shall be avoided.

(e) Dead-end alleys shall be avoided where possible, but if unavoidable, they shall be provided with adequate turnaround facilities at the dead end, as determined by the Plan Commission.

(f) Refer to Section 30-165(c)(1) for construction standards related to alleys.
(Ord. No. 2011-06, exh. A, § 9.03, 3-15-2011)

Sec. 30-134. Easements.

(a) Utility and drainage easements shall be provided at the rear of all residential lots and along the side lot lines where required. Such utility easement shall be a minimum five (5) feet wide, ten (10) feet on the rear of each lot or a minimum to maintain the utility or drainage function of the property in accordance with the size and depth of a utility or drainage route.

(b) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, or other body of water, appropriate dedications or easement provisions, with adequate width or construction to accommodate observed, computed or anticipated stormwater drainage through and from the subdivision, shall be made. The width of the easement or dedication shall be dependent on the area of land drained by the watercourse and to allow access for construction and maintenance equipment.

(c) A screen-planting easement may be required between residential and commercial or industrial lots, or along lot lines to discourage the undesirable development of residential lots fronting on traffic arteries (see Section 36-1013(f)).

(d) Whenever any street planned to be continuous has been temporarily dead-ended awaiting subdivision of adjacent land, a turnaround shall be provided by means of an easement which will terminate upon extension of said street. The dimensions of such turnaround shall meet the requirements of Section 30-165(c)(1).

(e) Stormwater easements shall be provided where needed.
(Ord. No. 2011-06, exh. A, § 9.04, 3-15-2011)

Sec. 30-135. Blocks.

(a) The lengths, widths, and shapes of blocks shall be determined with due regard to:

- (1) Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
- (2) Zoning requirements of the County as to lot sizes and dimensions.
- (3) Needs for convenient access, circulation, control and safety of street traffic.

(b) Block lengths shall not exceed one thousand five hundred (1,500) feet in one (1) general direction and should not be less than five hundred (500) feet.

(c) Pedestrian crosswalks not less than ten (10) feet wide shall be required where deemed necessary by the Zoning and Platting Advisory Committee to provide for pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(d) Blocks or portions thereof intended for commercial or industrial use shall be designated as such, and the plan shall show adequate off-street areas to provide for parking, loading docks, and other such facilities.

(Ord. No. 2011-06, exh. A, § 9.05, 3-15-2011)

Sec. 30-136. Lots.

(a) The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(b) Lot dimensions and areas shall conform to the requirements of the County zoning regulations set forth in Chapter 36. In addition to lot size requirements of the zoning regulations, those lots intended to be served by individual septic systems shall be sized and designed to accommodate a required septic envelope (see Section 30-165(c)(2)c)).

(c) Lots abutting a watercourse, drainageway, channel or stream shall have a minimum width or depth as required to provide an adequate building site and to afford the minimum usable area required in this chapter or in Chapter 36 for front, side and rear yards, and shall not infringe upon the character and utility of the stream.

(d) All corner lots shall be sufficiently larger than others so as to allow equal building lines on both streets. A minimum building setback line shall be maintained.

(e) All lots shall abut on a publicly dedicated street unless access by a private shared driveway or private roadway has been approved by the County and is in conformance with this chapter and Chapter 36 (see Section 30-165 for design standards).

(f) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from highways or arterial or collector thoroughfares or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of vehicular access, shall be provided along the rear lot lines of lots abutting such highways and major thoroughfares.

(g) Side lot lines shall be substantially at right angles or radial to street lines.
(Ord. No. 2011-06, exh. A, § 9.06, 3-15-2011)

Sec. 30-137. Building setback lines.

Except as provided under Section 30-129, building setback lines in residential areas of new subdivisions shall conform to the yard provisions of the County zoning regulations set forth in Chapter 36.
(Ord. No. 2011-06, exh. A, § 9.07, 3-15-2011)

Secs. 30-138—30-157. Reserved.**ARTICLE V. REQUIRED LAND IMPROVEMENTS; PROCEDURE****Sec. 30-158. Construction schedule.**

(a) Prior to starting any work covered by the approved plans and specifications, written authority to start the work in the form of a site development permit shall be obtained from the Plat Officer. Authorization to begin work will be given upon recording of the approved final plat, receipt of all necessary permits, and establishment of the required financial sureties to guarantee the satisfactory completion of the required improvements.

(b) In addition, prior to the start of any work, the subdivider must schedule and coordinate a preconstruction meeting. (Refer to the subdivision pre-construction meeting checklist in Section 30-195.)

(c) Construction of all improvements required by this chapter must be substantially complete within twenty-four (24) months from the date of the site development permit issued by the Plat Officer. Substantial completion shall be defined as all improvements completed with the exception of the final pavement surface, sidewalks adjacent to lots with a residential use and parkway trees or landscaping. Final restoration may also be deferred beyond twenty-four (24) months if weather conditions do not allow for planting. However, temporary overseeding must be completed and erosion controls established and final restoration must be completed in accordance with National Pollution Discharge Elimination System (NPDES) requirements or County erosion control standards, whichever is more restrictive. In the event of an exceptional hardship, the time frames set forth herein may be extended, provided the developer supplies a written request to the Plat Officer detailing the specific circumstances that prevent compliance. Such request shall be reviewed by the Plat Officer, the County Engineer and Township Highway Commissioner for development of a recommendation to the PBZ Committee for action. After reviewing the request, the PBZ Committee shall have the authority to grant or deny such extension.

(d) The subdivider shall notify the Plat Officer in writing upon substantial completion at which time the County Engineer shall cause to be created a preliminary punch list of deficiencies. The subdivider shall address all deficiencies prior to construction of the final pavement surface unless otherwise approved by the PBZ Committee.

(e) The subdivider shall be responsible for maintenance of the subdivision in accordance with this chapter until final acceptance by the County Board. The County Engineer may cause to be issued additional lists of deficiencies to be addressed prior to final acceptance by the County Board.

(f) Construction of the final pavement surface shall not commence until the roadway has been in place for one (1) full winter season. For subdivisions with curb and gutter, the final pavement surface shall be installed within one (1) year after the date of issuance of the site development permit. For rural subdivisions with country roads and ditches, it is preferred that roadway final surface course not be placed until fifty (50) percent of the building foundations are completed. However, the surface course shall be completed no later than twenty-four (24) months after the date of issuance of the site development permit, weather permitting, and unless an extension is granted by the PBZ Committee as outlined under Subsection (c) of this section. Construction of the final pavement surface shall not commence until written authorization is issued by the County Engineer that all previous deficiencies have been addressed by the subdivider unless otherwise approved by the PBZ Committee.

(Ord. No. 2011-06, exh. A, § 10.00(A), 3-15-2011)

Sec. 30-159. Construction surety.

Prior to the start of any work, the subdivider shall post with the County Clerk, a cash escrow, bond, irrevocable letter of credit, surety bond, or letter of commitment issued by a bank, savings and loan association, surety, or insurance company deemed acceptable to the County State's Attorney in an amount equal to one hundred twenty-five (125) percent of the full costs of the required improvements as estimated by a registered professional engineer and approved by the Plat Officer or one hundred ten (110)

percent of the full costs of the required improvements provided in line item format in a construction contract entered into between the subdivider and a contractor licensed in the State. Such line item contract shall be approved by the Plat Officer.

(Ord. No. 2011-06, exh. A, § 10.00(B), 3-15-2011; Ord. No. 2015-09, § II(B), 5-19-2015)

Sec. 30-160. Construction observation.

(a) During the course of construction, at such times as shall be deemed necessary within customary good practices of engineering and construction, observation of work shall be made for compliance with the plans and specifications as approved.

(b) Construction observation shall include, but is not limited to:

- (1) Observation of established soil erosion and sediment controls and NPDES documentation compliance prior to start of earthwork on site.
- (2) Periodic observation of general earthwork and roadway subgrade preparation.
- (3) Daily observation of underground utility and drainage improvement installation.
- (4) Observation of roadway subgrade prior to construction of base course.
- (5) Observation of base course prior to construction of bituminous concrete or concrete curb and gutter where applicable.
- (6) Observation of placement of bituminous concrete binder and surface pavement.
- (7) Periodic observation of trail and/or walkway system construction.
- (8) Periodic observation of final restoration and landscaping.
- (9) Periodic observation of lighting appurtenances.
- (10) Periodic site observation as needed following substantial completion to verify maintenance of site and soil erosion controls.
- (11) Periodic observation to develop list of deficiencies as deemed necessary.
- (12) Final observation of all subdivision improvements to determine recommendation for final acceptance by the County Board.

(c) The subdivider shall provide the County or their designated representative charged with construction observation forty-eight (48) hour notice of start, suspension and/or re-commencement of actual construction operations.

(d) The subdivider shall pay all costs of inspections in accordance with Section 30-39. The fee shall be the actual cost to the County, township or appropriate authority, of inspectors, engineers, and other parties necessary to ensure satisfactory work.

(Ord. No. 2011-06, exh. A, § 10.00(C), 3-15-2011)

Sec. 30-161. As-built plans.

After completion of all public improvements, and prior to final acceptance of said improvements, the subdivider shall make, or cause to be made, final as-built record plans as described below. Four (4) sets

of full-size (twenty-two (22) inches by thirty-four (34) inches minimum) paper format bearing the signature and seal of a State-registered professional engineer shall be submitted for review purposes. Upon approval of the as-built plans, one (1) set of full-size (twenty-two (22) inches by thirty-four (34) inches minimum) plans on mylar, or other suitable media as determined by the County, bearing the signature and seal of a State-registered professional engineer, and one (1) electronic (CAD) format, NAD 1983 State Plane Illinois East projected coordinate system of as-built plans shall be filed with the Plat Officer and one (1) pdf format of the as-built plans shall be filed with the Highway Department. The presentation of these as-built record plans shall be a condition of final acceptance of the improvements, and release of the financial guarantee assuring their completion. As-built plans shall be prepared in accordance with the following requirements and the checklist found in Section 30-200:

- (1) *Stormwater management facilities.* After completion of stormwater management facilities and prior to acceptance of said improvements (excepting final landscaping and short-term maintenance) the subdivider shall make or cause to be made a detailed one (1) foot contour topographic survey and engineering plans of said facilities to verify that final dimensions and volumes required under the approved engineering plans and calculations have been provided. A comparison table of approved versus as-built volumes for each foot of detention volume elevation shall be provided. The presentation of these plans shall be a condition of final acceptance of the improvements, and release of the cash escrow, cash bond, irrevocable letter of credit, surety bond, or letter of commitment assuring their completion.
- (2) *Infrastructure improvements.* After completion of all public improvements, and prior to final acceptance of said improvements, the subdivider shall make or cause to be made engineering plans showing the actual location, size, and elevation of all structures and associated piping inverts; culvert location, size, and invert elevations; ditch line location and grade at maximum one hundred (100) foot intervals; vertical and horizontal alignment of roadway centerlines; street lighting locations and electrical cable routing; electric, gas, telephone and other private utility locations and routing. The presentation of these plans shall be a condition of final acceptance of the improvements, and release of the cash escrow, cash bond, irrevocable letter of credit, surety bond, or letter of commitment assuring their completion. The as-built plans shall be filed with the Plat Officer.

(Ord. No. 2011-06, exh. A, § 10.00(D), 3-15-2011; Ord. No. 2015-09, § II(D), 5-19-2015)

Sec. 30-162. Survey monuments.

All permanent and other monuments required under Section 30-167 shall be placed prior to the approval of the final plat.

(Ord. No. 2011-06, exh. A, § 10.00(E), 3-15-2011)

Sec. 30-163. Acceptance of dedication, improvements.

(a) Final acceptance of the dedication of an open space or other public area shall be the responsibility of the County Board or other governing body and shall only be accepted by resolution of the Board as a whole. Prior to final acceptance, the subdivider shall be responsible for the maintenance of all roadways, including snow plowing, and shall be held responsible for all other subdivision improvements.

(b) Final acceptance of the subdivision improvements shall require the submission of a written recommendation to the Plat Officer from the County Engineer, County Consulting Engineer and any governmental entities responsible for the acceptance and future maintenance of said improvements certifying that all of the required improvements have been inspected and found to be satisfactorily completed. Such recommendations and approval shall be dependent on presentation of proof of responsibility for the maintenance and operating costs of all community improvements.

(c) Upon receipt of such documentation, the Plat Officer shall be authorized to notify the developer and arrange for the posting of the required maintenance surety in the appropriate format and amount necessary to cover the one (1) year maintenance period as specified in Section 30-164.

(d) The acceptance of any public improvement is contingent upon payment of all fees for review and construction observation in accordance with Section 30-39.
(Ord. No. 2011-06, exh. A, § 10.00(F), 3-15-2011)

Sec. 30-164. Maintenance guarantee.

Upon completion of the improvements and acceptance thereof by all relevant authorities, the improvements shall thereafter be maintained by the appropriate corporate authorities, providing however, for a period of twelve (12) months following the acceptance as above provided the subdivider shall be responsible for the continued condition of said improvements as accepted. In the event failure occurs in the improvements the subdivider shall restore the improvements to the criteria specified in this chapter. To ensure responsibility the subdivider shall, prior to acceptance of the improvements as outlined in Section 30-163, deposit with the County Clerk a cash escrow, cash bond, irrevocable letter of credit, surety bond, or letter of commitment acceptable to the County State's Attorney's office in an amount not less than ten (10) percent of the total cost of all improvements, which deposit may be used by the County to restore the improvements in the event such are not addressed by the subdivider within twelve (12) months following acceptance of the improvements by all relevant authorities. Upon receipt of said maintenance surety, the Plat Officer shall be authorized to return the original financial surety posted to guarantee the satisfactory completion of the required improvements to the developer or issuing financial institution.

(Ord. No. 2011-06, exh. A, § 10.00(G), 3-15-2011; Ord. No. 2015-09, § II(G), 5-19-2015)

Sec. 30-165. Design standards.

(a) For the purposes of this article there shall be two (2) classifications of subdivision, urban and rural, as defined in Section 30-2. The improvements which will be required will be dependent on the type of subdivision as herein described, except that the Plat Officer may, at any time, recommend the requirement of additional improvements, or the waiving of the requirement of certain improvements, provided such recommendations are submitted in writing, based on the peculiar circumstances of the subdivision under consideration.

(b) The following table indicates the improvements required in each of the two (2) types of subdivision. However, this table is intended only as a general guide, and the remainder of this article should be examined carefully to determine the exact improvements and their design:

| <i>Improvements</i> | <i>Subdivision</i> | |
|--|--------------------|--------------|
| | <i>Urban</i> | <i>Rural</i> |
| I-11 | X | X |
| Curbs | X | O |
| Gutters | X | O |
| Public sanitary sewer systems | X | O |
| Storm sewers/culverts | X | X |
| Public water supply systems | X | O |
| Streetlights (located at every intersection for a rural subdivision) | X | X |
| Sidewalks | X | O |
| Street signs, guard rails, etc. | X | X |
| Grass stormwater drainage ditches | O | X |
| Stormwater management | X | X |

(X) = Required

(O) = May be required

(c) Design standards specified in this section are also the minimum considered necessary for the general health, welfare, safety, and convenience of the public. Any improvements may be built to equal or better standards of quality than these set forth in this chapter. All construction activities shall comply with the County soil erosion and sediment control regulations of Chapter 16, Article II, Division 2, Subdivision III and National Pollution Discharge Elimination System (NPDES) requirements.

(1) *Streets.*

- a. Permanent right-of-way widths and pavement widths shall be as established in the table of minimum standards for street design (Section 30-196), or as directed by the County Engineer.
- b. Bituminous materials for all streets shall comply with the latest edition of Illinois Department of Transportation, Standard Specifications for Road and Bridge Construction. Hot mix asphalt surface and binder courses shall conform to Section 406 of the Standard Specifications. Full depth hot mix asphalt pavement shall conform to Section 407 of the Standard Specifications. Aggregate sub-base, base course, and surface course shall be one hundred (100) percent crushed limestone, Type B. All materials and mix designs shall be approved by the County Engineer prior to construction.
- c. Culs-de-sac shall meet all the requirements for a local street and shall conform to the requirements of Section 30-132(m). In rural subdivisions where a street is to be extended, a "T" may be used, the cross of which shall be a right angle to the street, twenty (20) feet in width, and paved all the way to the right-of-way line on each side of the street. The T-turnaround shall consist of the same pavement section as the local street. The T-turn-around shall be removed by the subdivider when the street is extended.
- d. Alleys. Alleys provided to serve business, commercial, or industrial uses shall be constructed in accordance with the commercial/industrial street specifications; however, the paved surface may be only twenty-four (24) feet of the thirty (30) foot right-of-way.

- e. Curb and gutter. Concrete curb and gutter shall be provided along the outside edge of all street pavements in urban subdivisions, and in rural subdivisions where the degree of slope exceeds six (6) percent. Curbs and gutters shall be built in accordance with IDOT Highway Standards.
- f. Refer to Sections 30-132 and 30-133 for design standards related to streets and alleys.

(2) *Sanitary sewage system.*

- a. There shall be provided a complete sanitary sewer system, including a service connection for each lot and a sewage treatment plant or disposal facilities, which services the subdivision in an urban subdivision.
- b. All community sanitary sewer systems shall be designed and constructed in accordance with the master plan of sanitary sewers for the County or municipality.
- c. In any subdivision not meeting the conditions of an urban subdivision, individual sewage disposal systems may be installed, provided that:
 - 1. A septic envelope shall be accounted for on each lot to be served by a private sewage disposal system. These envelopes shall be sized based on the soil reports prepared by a certified professional soil classifier as per Section 30-77(a)(7)c. Each soil boring in the report shall be broken into horizons that describe different features of soil at varying depths. Each soil horizon is categorized by a design group and/or a loading rate. Either category may be used to predict soil permeability. Soil design groups shall be expressed in Roman numerals I—XII or in Loading Rates 1—0. The soil reports shall be read on the premises of the worst case scenario (highest design Roman numeral or lowest loading rate number) down to a minimum of forty-two (42) inches below grade. This soil design group or loading rate number is then considered to represent the soil boring. Using this information, the applicant shall identify trends throughout the proposed subdivision and design lots sized accordingly to accommodate the varying septic field envelope sizes. The relationship between the soil design group or loading rate data and the appropriate septic envelope size is depicted in the following chart:

| <i>Soil Design Group/ Loading Rate</i> | <i>Land Area Required for Septic System</i> | | |
|--|---|-------------------------|-------------------------|
| | <i>3 Bedrooms</i> | <i>4 Bedrooms</i> | <i>5 Bedrooms</i> |
| XI/0.27 | 20,000 ft. ² | 22,000 ft. ² | 24,000 ft. ² |
| X/0.40 | 13,513 ft. ² | 14,864 ft. ² | 16,216 ft. ² |
| IX/0.45 | 12,027 ft. ² | 13,229 ft. ² | 14,432 ft. ² |
| VIII/0.52 | 10,405 ft. ² | 11,356 ft. ² | 12,486 ft. ² |
| VII/0.62 | 8,783 ft. ² | 9,662 ft. ² | 10,541 ft. ² |
| VI/0.69 | 7,838 ft. ² | 8,621 ft. ² | 9,405 ft. ² |
| V/0.75 | 7,162 ft. ² | 7,878 ft. ² | 8,595 ft. ² |
| IV/0.84 | 6,486 ft. ² | 7,135 ft. ² | 7,784 ft. ² |
| III/0.91 | 5,946 ft. ² | 6,541 ft. ² | 7,135 ft. ² |
| II/1.0 | 5,405 ft. ² | 5,946 ft. ² | 6,486 ft. ² |

*The above-referenced figures do not account for additional envelope space required to accommodate on-site sewage disposal systems designed and intended to receive wastewater produced by kitchen garbage grinders and hot tubs.

2. Private restrictions are filed with the final plat and incorporated in each deed requiring that as soon as public sewers are available, connections to the public sewers shall be made within one (1) year at the property owner's expense, and that owners shall bear their fair proportionate share of the cost of the public sewer as determined by agreement, special assessment proceedings, or other means authorized to finance construction of sewer systems.
3. A construction envelope intended to accommodate the installation of an on-site sewage disposal system, positioned over one (1) or more of the following listed unsuitable soils, may necessitate the installation of a non-conventional on-site sewage disposal system. Therefore, any and all lots positioned and to be platted over said soils shall be called out on the final plat in a format or manner that provides future lot owners advance notification of the potential existence of said limitations, and the potential need to install a non-conventional on-site sewage disposal system (see Section 30-99(a)(10)).

| <i>Map Symbol</i> | <i>Map Unit Name</i> | <i>Reason to Be Avoided</i> |
|-------------------|-------------------------------------|-----------------------------|
| 44A | Pella silty clay loam | Bedrock |
| 67A | Harpster silty clay loam | Wet |
| 69A | Milford silty clay loam | Wet |
| 88D | Sparta loamy sand (6 to 12% slopes) | Sandy |
| 103A | Haughton muck | Wet, organic |
| 152A | Drummer silty clay loam | Wet |
| 191A | Knight silt loam | Wet |
| 206A | Thorp silt loam | Wet |
| 210A | Lena muck | Wet, organic |
| 232A | Ashkum silty clay loam | Wet |
| 235A | Bryce silty clay | Wet |
| 318C2, D2 | Lorenzo loam | Gravel |
| 324B, C2 | Ripon silt loam | Bedrock |
| 325A, B | Dresden silt loam | Gravel |
| 327B, C2 | Fox silt loam | Gravel |
| 330A | Peotone silty clay loam | Wet |
| 356A | Elpaso silty clay loam | Wet |
| 802B | Orthents, loamy, undulating | Manipulated, fill |
| 820E, G | Hennepin-Casco complex | Gravel |
| 864 | Pits, quarry | Rock |
| 865 | Pits, gravel | Gravel |
| 969E2, F | Casco-Rodman complex | Gravel |
| 3082A | Millington silt loam | Frequently flooded |

| <i>Map Symbol</i> | <i>Map Unit Name</i> | <i>Reason to Be Avoided</i> |
|-------------------|-------------------------|-----------------------------|
| 3107A | Sawmill silty clay loam | Frequently flooded |
| 8082A | Millington silt loam | Occasionally flooded |
| 8304A | Landes fine sandy loam | Occasionally flooded |
| 8321A | DuPage silt loam | Occasionally flooded |

*Soils prone to shallow seasonal high and/or observed water tables (i.e., less than forty-eight (48) inches below original grade) may necessitate a form of groundwater table management.

4. Prior to the commencement of any earthwork on the premises and prior to the construction of the related subdivision improvements as shown on the approved final engineering plans, the owner/developer shall cause all proposed primary and secondary septic absorption field areas to be fenced off to protect them from the encroachment of equipment and materials during all phases of construction up to and including the construction of individual homes on each lot.
5. The term "encroachment," for the purposes of Subsection (c)(2)c of this section, shall be defined as including the stockpiling and/or storage of any excavated or transported spoil or fill materials as well as the driving or parking of vehicles (including, but not limited to, construction equipment) on or over any such septic absorption field area.
6. Protection measures shall consist of, at minimum, four (4) foot high, vibrantly colored, plastic snow fencing (or other comparable fencing approved by the County Health Department), installed around the limits of the septic absorption field areas prior to and through the completion of all earthwork and heavy construction.
7. Failure to supply and maintain such septic absorption field protection measures in accordance with the requirements specified herein shall result in the issuance of a stop work order by the County and/or the withholding of permits until such time as the required protection measures have been established or re-established, as the case may be.
8. A subdivider may elect to establish a community-wide on-site sewage disposal system (i.e., a single system designed to serve two (2) or more dwellings) in lieu of private individual on-site sewage disposal systems. A community-wide on-site sewage disposal system shall adhere to the following standards:
 - (i) All community sewage systems shall be designed and constructed in accordance with applicable State, County, and local regulations, and in accordance with accepted modern sanitary engineering practices.
 - (ii) Disposal facilities shall be designed to treat adequately the anticipated sewage load and facilities shall meet the approval of State, County and local agencies.
 - (iii) Provisions shall be made for the maintenance and operation of such treatment plant or facility and shall be stated on the final plat and incorporated in the deed if charges are to be made to the owners of the property.

- (3) *Stormwater.* There shall be provided stormwater sewer or a surface drainage system to serve adequately the area being platted, considering, but not limited to, the following:
- a. The results and recommendations of the State Department of Natural Resources Office of Water Resources, the U.S. Army Corps of Engineers, the County Soil and Water Conservation District and drainage district if applicable.
 - b. The balancing of surface runoff and groundwater recharge.
 - c. The design of the drainage system shall be compliant with County ordinances related to floodplain protection, stormwater management and soil erosion and sediment control. At a minimum, the design of the drainage system shall consider and show:
 1. Storm drainage area of which the subdivision is a part.
 2. Calculations as to volume and frequency of water to be handled after extreme rainstorms.
 3. A system of culverts sufficient in size to eliminate flooding or ponding of water.
 4. Existing watercourses.
 5. A plan of the subdivision's grading to prevent ponding of stormwater and to eliminate problems itemized in this Subsection (3).
 6. At a minimum the sizes of all drainage systems shall be computed by the rational method utilizing a ten (10) year design event for runoff.
 - d. In any subdivision qualifying as an urban subdivision, or meeting conditions of Subsection (c)(3) of this section, storm sewers are required to meet the following minimum specifications:
 1. The sewers shall not be less than twelve (12) inches inside diameter.
 2. The sewers shall be designed in such a way as to ensure a minimum velocity flow of two (2) feet per second, and a maximum velocity flow of eight (8) feet per second.
 3. Manholes shall be provided at all changes in direction of pipe and shall conform to State Department of Transportation standards. Inlets shall be located not more than four hundred (400) feet apart and shall conform to State Department of Transportation standards. All storm sewer pipe shall be new, RCCP conforming to Section 550 of the Standard Specifications for Road and Bridge Construction. All manhole and catchbasin materials shall conform with Section 602 of the Standard Specifications for Road and Bridge Construction.
 4. Storm sewers shall be located in the parkway opposite the sanitary sewer or as approved based on subdivision-specific design requirements.
 5. All sump pump connections shall be made at a manhole or junction chamber where flow function can be determined and maintenance can be provided. No blind ties are allowed.
 6. Must conform to the Standard Specifications for Sewer and Water in Illinois.

- e. In any subdivision not qualifying as an urban subdivision, ditches meeting the following standards may be used:
 - 1. With grades to four (4) percent, ditches may have sod bottoms and banks.
 - 2. With grades from four (4) to eight (8) percent, ditches should have ditch checks.
 - 3. With greater than eight (8) percent grades, ditches should have rip-rap or be paved.
 - 4. Culverts must be provided at all street or driveway intersections sized to eliminate flooding or ponding of water, and with a minimum cover of twelve (12) inches. The location of culverts is to be determined by the County Engineer or the Road Commissioner.
- (4) *Water supply and distribution.*
- a. In any subdivision qualifying as an urban subdivision, there shall be provided a complete public water supply and distribution system, including all appurtenances and stubs to each lot.
 - b. In any subdivision not qualifying as an urban subdivision, individual water supplies may be permitted providing:
 - 1. All requirements of the State and County regulations are fully met.
 - 2. Private restrictions are filed with the final plat and incorporated in each deed so that, as soon as public water supply system will be made available, connections to the system will be made at the property owner's expense within a reasonable period of time and so that owners shall bear their fair, proportionate share of the cost of the public water main as determined by agreement, special assessment proceedings, or other means authorized by law to finance construction of water systems.
 - c. All community water supply and distribution systems shall be designed and constructed in accordance with the master plan of water supply and distribution for the County or municipality and also must conform to the Standard Specifications for Sewer and Water in Illinois.
- (5) *Street lighting.*
- a. Residential street lighting facilities shall be provided at all street intersections unless the proposed maintaining authority waives this requirement. The subdivider shall arrange for and pay any installation costs required by the public service company for the erection of the required street lights.
 - b. Commercial street lighting facilities shall be of the high level, high intensity type, and shall be placed on alternate sides of the street and also fully shielded.
 - c. Specifications. Lighting standards shall be of concrete, metal or fiberglass in accordance with the following:
 - 1. *Concrete standards.* Concrete standards shall be pre-stressed and centrifugally cast concrete complete with butt base and shall have a water polish finish and be complete with bracket and hand hole.

2. *Metal standards.* Metal standards shall be of one (1) piece steel or aluminum construction with no extrusion or vertical butt welds and furnished with hand hole openings covered flush with the pole surface. Shoe bases shall be welded to standards and shall be designed to permit fastening standards to a level foundation.
 3. *Mounting.* Mounting of all standards shall be in accordance with manufacturer's recommendations and all mounting systems and standards shall be designed to properly withstand a one hundred (100) mile per hour wind force.
 4. *Metal parts.* Standards, brackets, and other fittings shall have integral finishes that do not require painting or other surface treatment.
 5. *Heights of standards and length of brackets.* Heights of standards and length of brackets shall be as follows:
 - (i) Residential areas: Standards shall be not less than twenty-five (25) feet, nor greater than thirty (30) feet in height; bracket arms shall not be greater than eight (8) feet.
 6. *Electrical luminaries.* Electrical luminaries shall be of the high-pressure sodium type or other approved lighting and fully shielded. Sizes shall be as follows:
 - (i) Residential areas: one hundred fifty (150) watt.
 - (ii) Nonresidential areas: two hundred fifty (250) watt.
- (6) *Sidewalks and hike/bike trails.* Sidewalks and hike/bike trails shall be provided in the following areas:
- a. *Residential districts.* Sidewalks, when required upon a specific site plan approval, shall be located outside but adjacent to the limits of the right-of-way in a permanent easement. The developer shall be responsible for installing sidewalks when and where required by the County Board. Each lot owner shall be responsible for maintaining the sidewalk. Sidewalks shall be a minimum of five (5) feet wide, five (5) inches thick, and shall be constructed of Class X concrete on a minimum four (4) inch CA-6 crushed limestone base. Where sidewalks cross driveways, they shall be six (6) inches thick. Sidewalks shall be extended to the street pavement, including handicapped ramps where curbs are otherwise present or required. All public walks shall be fully compliant with the Americans with Disabilities Act.
 - b. *Commercial/industrial districts.* Sidewalks shall be located as in commercial/industrial districts, when required upon a specific site plan approval, shall be five (5) feet wide and five (5) inches thick, and shall be constructed of Class X concrete on a minimum four (4) inch CA-6 crushed limestone base. Where sidewalks cross driveways, they shall be six (6) inches thick. Sidewalks shall be extended to the street pavement, including handicapped ramps where curbs are otherwise present or required. All public walks shall be fully compliant with the Americans with Disabilities Act.
 - c. *Hike/bike trails.* Hike/bike trails designated on the County Transportation Plan (contained in the Land Resource Management Plan) and County Open Space and Trail Plan must be built or paid for by the developer. Trails must be designed according to the design

program as published by the Oswegoland Park District. The timing of trail construction shall be determined by the County based on connections to other trails or availability of the forest preserve or other entity to maintain said trail.

- (7) *Street signs, guard rails, landscaping, etc.*
- a. Street signs of the type approved by the County Engineer shall be installed on the northeast corner of each intersection and shall indicate the street names as shown on the final plat.
 - b. Guard rails or warning posts shall be placed along the shoulder of any street where the street construction has resulted in an embankment greater than six (6) feet.
 - c. Wherever possible, existing trees shall be preserved in the installation of subdivision improvements; however, no trees will be allowed to remain on the foreslopes or ditch lines of any road or within ten (10) feet of the back of curb.
- (8) *Oversize design.* Where required in the overall utility planning, as evidenced by the master plans for water and sanitary sewers, any subdivision improvement shall be larger than necessary to serve the immediate subdivision adequately, and an agreement may be made to repay the subdivider the construction costs resulting from the increased design. This shall apply to, but not be limited to, collector sewers, lift stations, disposal facilities, wells, pumping stations, water mains, storage tanks, culverts, storm sewers, etc.
- (9) *Distribution lines.* All telephone and power distribution lines shall be installed in the utility easement provided along the rear lot lines of the property developed wherever possible.
- (10) *Private driveways.* All private driveways shall conform to the following:
- a. The pavement shall be at twelve (12) inches of crushed limestone, the top six (6) inches of which shall be grade CA-6 with a suitable subgrade or the equivalent.
 - b. The pavement shall be ten (10) feet wide per lane. Individual driveways which provide access to one (1) lot only may be one (1) lane. Shared driveways shall be two (2) lanes.
 - c. All trees and bushes shall be kept at least six (6) feet away from the edge of the pavement and the lowest limb should be ten (10) feet above the pavement.
 - d. The maximum grade shall be ten (10) percent.
 - e. Shared private driveways that provide access to three or more lots shall not be approved by the County unless there is some desirable condition on the site that could not otherwise be preserved if a public road was provided, such as significant trees, topography, water features, historic sites, rural character, etc. Connections to two (2) public streets which would allow through traffic shall not be allowed.
 - f. Length from the public street: five hundred (500) feet maximum.
 - g. Pavement horizontal alignment radius on centerline: one hundred (100) feet minimum.
 - h. Pavement vertical curve: ten (10) times the difference in grade, minimum.
 - i. Pavement gradient: ten (10) percent maximum.
 - j. Pavement return radius: twenty-five (25) feet minimum.

- k. Where turnarounds are required, they shall have an inside radius of twenty (20) feet and outside radius of forty-five (45) feet.
- l. The ownership, maintenance responsibility, covenants, and signage requirements are as specified in this chapter.
- m. The private shared driveway shall not be named. The County shall assign addresses on the nearest public street with the suffix A, B, C, etc., corresponding to each lot.

(11) *Off-site and perimeter road improvements.* Off-site and perimeter road improvements that are needed to provide adequate access must be built or paid for by the developer. The County may require the developer to pay for qualified engineering studies to advise on improvements needed. (Ord. No. 2011-06, exh. A, § 10.00(H), 3-15-2011)

Sec. 30-166. Material standards.

All construction of improvements covered by this chapter shall be in accordance with, and materials used shall be in compliance with, the methods and materials required in the appropriate sections of Standard Specifications for Road and Bridge Construction, as amended from time to time, published by the State Division of Highways.

(Ord. No. 2011-06, exh. A, § 10.00(I), 3-15-2011)

Sec. 30-167. Monuments and markers.

Monuments shall be placed at all corners and angle points of the outside boundary by no further than one-quarter (1/4) mile apart. The monuments shall be of iron pins, three-quarters (3/4) inch in diameter and forty-eight (48) inches deep. Iron pipe or steel bars not less than five-eighths (5/8) inch in diameter and thirty-six (36) inches long shall be set at the intersection of street centerlines and at all corners of lots not marked by monuments. The monuments and markers shall be set level with the finish grade. The subdivider shall replace all or verify the existence of the iron pipes at all lot corners and all bends in property lines after the completion of all construction and before final acceptance of the subdivision by the County Board.

(Ord. No. 2011-06, exh. A, § 10.00(J), 3-15-2011)

Secs. 30-168—30-187. Reserved.

ARTICLE VI. CERTIFICATES, FORMS AND MISCELLANEOUS DOCUMENTS

Sec. 30-188. Required certificates.

- (a) The final plat shall show thereon the following, except Subsection (13) of this section:
 - (1) Certification by a licensed surveyor, to the effect that the plat represents a survey made by the same, and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct; that the same has complied with all of the rules contained herein governing plats, noting exceptions if any.

- (2) Certification by owner, and if require, by any mortgage holder of record, of the adoption of the plat and dedication of streets and other public areas.
- (3) Certification of owner's signatures before a notary public.
- (4) Certification by township highway commissioner that all matters pertaining to the Highway requirements have been complied with.
- (5) Certification by County Engineer that the annexed plat was examined and complies with the highway requirements.
- (6) Certification by the County Clerk that all taxes and special assessments have been paid to date.
- (7) Easement provisions of the appropriate public utilities.
- (8) Certification that approval of city or village has been obtained where required by law.
- (9) Certification of approval of the Plat and Zoning Committee.
- (10) Certification of approval of the Plat Officer.
- (11) Certification of approval of the County Board.
- (12) County Recorder's data.
- (13) Registered professional engineer and owner statement. (Shown as attachments.)
- (14) State Department of Transportation. (Only when subdivision has access to a State highway.)
- (15) County Health Department.
- (16) Land cash ordinance data, if applicable. Notice of fees.
- (17) Right-to-farm clause.
- (18) Stormwater management easements.

(b) In accordance with the resolution passed and adopted by the County Board on December 13, 1977, the only required signatures on a plat of four (4) lots or less will be those listed in Subsections (a)(1) through (3), (6), (7), (9), (10), (12), (13), (15) and (16) of this section. (If applicable, Subsections (a)(8), (14) and (18) of this section.)

(c) A registered professional engineer and owner statement, as provided in Subsection (a)(13) of this section, shall be submitted separately with the plat, a transparent overlay with the statement and the signatures, but not recorded on the plat.

(d) Sample forms of the certificates listed in Subsection (a) of this section may be found in Section 30-189.

(Ord. No. 2011-06, exh. A, app. 1, 3-15-2011)

Sec. 30-189. Plat certificates.

Plat certificates for the following are as shown:

(1) *Surveyors.*

This is to certify that I, _____, an Illinois Registered Land Surveyor, have surveyed and platted the following described property (legal description) _____.

As shown by the attached plat, which is a correct representation of said survey and subdivision. All distances shown in feet and decimal parts thereof. I further certify that all regulations enacted by the County Board relative to plats and subdivisions have been complied within the preparation of this plat.

I also certify that no part of the property covered by this plat, or subdivision, is situated within five hundred (500) feet of any surface drain or watercourse serving a tributary area of six hundred forty (640) acres or more and that none of the above described property is within one and one-half (1½) miles of the corporate limit of any city or village which has adapted and properly filed an official plan.

Dated at _____, Illinois, this ____ day of _____ 20____, A.D.

Illinois Registered Land Surveyor

No. _____

(2) *Owner.*

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

THIS IS TO CERTIFY THAT I/WE _____ am/are the owners of the land described in the above surveyor's certificate, and that I/we have caused the same to be surveyed, and subdivided and platted as shown by the annexed plat for the uses and purposes therein set forth as allowed and provided by Statute, and subdivision to be known as:

" _____ "

And I/we hereby acknowledge and adopt the same under the style and title aforesaid.

DATED THIS ____ DAY OF _____, 20____.

(owner) (owner)

(3) *Notary public.*

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

I, _____, Notary Public in and for the State and County aforesaid, do hereby certify that, _____ personally known to me to be the same persons whose names are subscribed to the foregoing certificate, appeared before me this day in person and acknowledged the execution of the annexed plat and accompanying instruments for the uses and purposes therein set forth as a free voluntary act.

Given under my hand and Notarial Seal this ____ day of _____, 20____.

(Notary Public)

(4) *Township Highway Commissioner.*

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

I, _____ do hereby certify that all matters pertaining to the Highway requirements as described in the regulations governing plats adopted by the County Board of Kendall County, insofar as they pertain to the annexed plat, have been complied with.

DATED THIS ____ day of _____, 20____.

Township Highway Commissioner

(5) *County Engineer.*

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

I, _____ County Engineer of Kendall County, do hereby certify that the annexed plat has been examined by me and found to comply with the highway requirements as set forth in the regulations governing plats of subdivided land adopted by the County Board of Kendall County, Illinois.

DATED THIS ____ DAY OF _____, 20____.

Kendall County Engineer

(6) *County Clerk.*

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

This is to certify that I, _____ County Clerk for the County aforesaid, do hereby certify that there are no delinquent general taxes, no unpaid current taxes, no unpaid forfeiture taxes and no redeemable tax sales against any of the real estate described in the foregoing certificates.

DATED THIS ____ day of _____ 20____.

County Clerk

(7) *Easement provisions.*

Public Utility and Drainage Easement Provisions

A permanent non-exclusive easement is hereby granted to Kendall County and to all public utility companies of any kind operating under franchise granting them easement rights from said County, including, but not limited to, AT and T and NICOR and to their successors and assigns, in, upon, across, over, under, and through the areas shown by dashed lines and labeled "public utility and drainage easement" on the plat of subdivision hereon drawn for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning, and maintaining underground electrical, cable television, communication, gas, telephone or other utility lines or appurtenances, sanitary and storm sewers, drainageways, stormwater detention and retention, water mains and any and all manholes, hydrants, pipes, connections, catchbasins, buffalo boxes and without limitation, such other installations as may be required to furnish public utility service and to facilitate drainage to adjacent areas together with the right of access across the real estate platted herein for the necessary personnel and equipment to make any or all of the above work (herein collectively referred to as "grantees"). The right is also hereby granted to said grantees to cut down, trim, or remove any trees, shrubs, or other plants that interfere with the operation of or access to said sewers, or, without limitation, utility installations in, on, upon or across, under, or through said easements. In the event utility maintenance is performed within the utility easement, the County will have no obligation with respect to surface restoration, including, but not limited to, the restoration, repair, or replacement of any landscaping provided, however, the grantees shall be obligated following any such work, to backfill and mound so as to retain suitable drainage, remove debris, and leave the area in generally clean and workmanlike condition. No permanent buildings or trees shall be placed on said easements, but the easement areas may be used for gardens, shrubs, landscaping, paving, fences, sidewalks, curbing, and other purposes that do not interfere with the aforesaid uses and rights and are fully permitted under County Ordinances. Where an easement is used for storm or sanitary sewers, other utility installations shall be subject to the prior approval of said County so as not to interfere with the gravity flow in said

sewer or sewers. Utility installations, other than those managed by the County shall be subject to the approval of the County as to design and location, and all other installations are subject to the ordinances of the County.

(8) *Where statutory authority granted.* The following certificates should be used where statutory authority has been granted, within one and one-half (1½) mile radius of municipal limits or as agreed to be local ordinance:

a. City or village plan commission.

CITY OR VILLAGE PLAN COMMISSION

STATE OF ILLINOIS:

SS

County of Kendall:

Approved by the _____ Plan Commission, this ____ day of _____, 20____.

Chairman

b. City Council or Village Board.

CITY COUNCIL OR VILLAGE BOARD

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

Approved by the City Council (Village Board) of the City (Village) of _____, Kendall County, Illinois.

Dated at _____, Illinois, this ____ day of _____, 20____.

ATTEST: _____
Clerk

Mayor or President

(9) *Plat and Zoning Committee.*

PLANNING AND ZONING COMMITTEE

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

Approved by the Plat and Zoning Committee, this ____ day of _____, 20____.

Plat & Zoning Committee Chairman

(10) *Plat Officer.*

PLAT OFFICER
STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

Approved this ____ day of _____, 20____.

Plat Officer

(11) *County Board.*

COUNTY BOARD
STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

Approved by the County Board of Kendall County, Illinois this ____ day of _____,
20____.

County Clerk

Chairman of County Board

(12) *County Recorder.*

COUNTY RECORDER
STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

This instrument No. _____ was filed for record in the recorder's office of Kendall
County aforesaid on the ____ day of _____, 20____ at _____ o'clock ____m. in
the book _____ of plats of page _____.

Kendall County Recorder

(13) *Registered professional engineer.*

REGISTERED PROFESSIONAL ENGINEER
STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

We, _____, registered professional engineer and _____,
owner (or attorney) submit the topographical and profile studies and to the best of our

knowledge and belief the drainage of surface waters will not be changed by the construction of this subdivision or any part thereof, or that if such surface water drainage will be changed, reasonable provisions have been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of this subdivision.

DATED THIS ____ day of _____ 20____.

Owner (or duly authorized attorney)

Registered Professional Engineer
No. _____

(14) *Illinois Department of Transportation.* (Use only when subdivision has access to a State highway.)

STATE OF ILLINOIS:

SS

_____ COUNTY:

I do hereby certify that the annexed plat has been examined by me with respect to roadway access on to a State highway.

Approved this ____ day of _____ 20____.

Illinois Department of Transportation

(15) *County Health Department.*

a. *For plats with individual private sewage disposal systems.*

COUNTY HEALTH DEPARTMENT

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL

Issuance of building permits shall be subject to lot by lot soil testing and site evaluation, demonstrating the ability to construct and operate a sewage disposal system capable of meeting or exceeding all applicable State and local rules and regulations.

Approved this ____ day of _____ 20____.

Kendall County Health Department

- b. *For plats with community wastewater treatment system (subsurface disposal).*

COUNTY HEALTH DEPARTMENT

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL

Issuance of building permits shall be subject to the issuance of a general permit to construct, and subsequent approval to operate, a community wastewater treatment system capable of meeting or exceeding all applicable State and local rules and regulations; adherence to all conditions set forth in the Experimental Use Authorization for a Community Wastewater Treatment System, a copy of which has been recorded with the final plat.

Approved this ____ day of _____ 20____.

Kendall County Health Department

- c. *Community wastewater treatment system (surface discharge/disposal).*

COUNTY HEALTH DEPARTMENT

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL

Issuance of building permits shall be subject the issuance of a permit to construct and subsequent approval to operate a community wastewater treatment system in accordance with the Illinois Environmental Protection Agency and Act.

Approved this ____ day of _____ 20____.

- (16) *Notice of fees.*

All lots as delineated in the above plat are subject to payments of fees pursuant to the land cash ordinance of the County as administered by the County Planning, Building and Zoning Office, and is a covenant running with the land. A recordable release will be issued upon payment of such fees.

- (17) *Right to farm clause.*

Notice:

Kendall County has a long, rich tradition in agriculture and respects the role that farming continues to play in shaping the economic viability of the County. Property that supports this industry is indicated by a zoning indicator, A-1 or Ag Special Use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise, and unique hours of operations that ARE NOT TYPICAL IN OTHER ZONING AREAS.

(18) *Stormwater management easements.*

- a. *For facilities to be maintained by a homeowner or property owner's association.*

Stormwater Management Easement and Covenant Provisions

Perpetual public stormwater and drainage easements are hereby granted, over, on, across and under all of the areas marked "stormwater management easement" or (SME) On the plat for the right privilege and authority for the purposes of:

1. Surveying, constructing, reconstructing, repairing, inspecting, maintaining, and operating all stormwater management facilities, structures, grades, and slopes on the stormwater management easement areas.
2. Entering onto said stormwater management easement areas or any adjoining lot to perform the work specified in Paragraph 1 of this section together with the right of access for necessary personnel and equipment to do any of the required work.
3. Required maintenance of all landscaping in accordance with the approved landscape and landscape maintenance plan and other required maintenance activities, including, but not limited to, the conduct of controlled burns, trimming or removing trees, shrubs, plants, mulch, landscaping structures, retaining walls or any other materials on said stormwater management easement areas which interfere with the operations of the stormwater functions.

Owner and developer shall have full responsibility for the maintenance of the stormwater management easement areas as shown on plat or designated as lots _____ until such time (if any) as said easement areas are conveyed to a property owners association (the association). The County of Kendall, its agents, successors and assigns, are hereby granted rights of enforcement to ensure that the obligations as specified in items 1, 2, & 3 are fully complied with.

The owner and developer or, upon conveyance to the association, the association shall have perpetual duty and obligation to perform or have performed all maintenance on said easement areas and all maintenance of said stormwater management easement areas so that they function as hydraulically and hydrologically planned in accordance with all applicable statues, ordinances, rules and regulations.

The owner and developer or, upon conveyance to the association, the association, their agents or contractors, shall not destroy or modify the grades or slopes without the prior written approval of Kendall County or other governmental entity having jurisdiction over said drainage or stormwater facilities.

The association shall have the perpetual duty and obligation to assess its members on no less than an annual basis for a prorated share of the cost to maintain the stormwater management easement areas conveyed to the association as well as for prorated portion of the real estate property taxes to become due and payable on such stormwater management easement areas conveyed to the association.

No permanent buildings, structures or utility facilities shall be constructed on said stormwater management easement areas, by the owner, developer, association, or any of their successors in interest, but said easement areas may be used for other purposes, including pedestrian paths, that do not now or later interfere or conflict with the aforesaid uses or rights or in any way affect or impede the storage or free flow or treatment of stormwater on and over said easement areas.

If the owner and developer or the association (as applicable) fails to maintain the stormwater management easement areas as required, the County of Kendall or other governmental entity having jurisdiction over drainage or stormwater facilities on said easement areas shall give written notice to the owner and developer or association (as applicable) to repair or otherwise maintain the stormwater management easement areas with a reasonable period to complete the work. If the owner and developer or association (as applicable) fails to make necessary repairs or to do necessary maintenance in a timely manner, then the County of Kendall, its agents or contractors, or other governmental entity having such jurisdiction shall have the right, but not the obligation, to enter the property to perform maintenance, repair, construction or reconstruction necessary to maintain stormwater storage, treatment, or flow on said easements.

The owner and developer, for stormwater management easement areas owned by it, and the individual owners of the lots created by the final plat of subdivision for stormwater management easement areas owned by the association, or their heirs, legatees, assigns, or successors in interest, shall be jointly and severally liable for all costs incurred by the County of Kendall or other governmental entity having jurisdiction over drainage or stormwater facilities on said easement areas in performing such work, plus an additional ten percent (10%) and any reasonable attorney's fees, including the costs of in-house counsel, connected with the collection of such costs.

To ensure the County of Kendall is reimbursed for any and all costs associated with the maintenance of the stormwater management easement areas in the event the owner and developer or the property owner's association fail to maintain and repair the stormwater management areas as required, a back-up special service area (SSA) shall be established against any or all of the lots created by the plat.

The provisions of these covenants and declarations relating to stormwater obligations shall not be amended, modified, or abrogated without the prior written approval of the County of Kendall or other governmental entity having jurisdiction over drainage or stormwater facilities on the stormwater management easement areas.

All of the above-stated obligations shall also be clearly referenced in any covenants, conditions, declarations and restrictions recorded against any of the lots created by this final plat of subdivision, and in any deeds or title documentation required for the conveyance of any of such individual lots.

- b. *For facilities located on private property.*

Stormwater Management Easement and Covenant Provisions

Perpetual public stormwater and drainage easements are hereby granted, over, on, across and under all of the areas marked "stormwater management easement" (SME) on the plat for the right privilege and authority for the purposes of:

1. Surveying, constructing, reconstructing, repairing, inspecting, maintaining, and operating all stormwater management facilities, structures, grades, and slopes on the stormwater management easement areas.
2. Entering onto said stormwater management easement areas or any adjoining lot to perform the work specified in Paragraph 1 of this section together with the right of access for necessary personnel and equipment to do any of the required work.
3. Required maintenance of all landscaping in accordance with the approved landscape and landscape maintenance plan and other required maintenance activities, including, but not limited to, the conduct of controlled burns, trimming or removing trees, shrubs, plants, mulch, landscaping structures, retaining walls or any other materials on said stormwater management easement areas which interfere with the operations of the stormwater functions.

Owner or any of their successors in interest shall have full responsibility for the maintenance of the stormwater management easement areas as shown on this plat. The County of Kendall, its agents, successors and assigns, are hereby granted rights of enforcement to ensure that the obligations as specified in items 1, 2, and 3 of this section are fully complied with.

The owner or any of their successors in interest shall have the perpetual duty and obligation to perform or have performed all maintenance on said easement areas and all maintenance of said stormwater management easement areas so that they function as hydraulically and hydrologically planned in accordance with all applicable statutes, ordinances, rules and regulations.

The owner or any of their successors in interest, shall not destroy or modify the grades or slopes without the prior written approval of Kendall County or other governmental entity having jurisdiction over said drainage or stormwater facilities.

No permanent buildings, structures or utility facilities shall be constructed on said stormwater management easement areas, by the owner, or any of their successors in interest, but said easement areas may be used for other purposes, including pedestrian paths, that do not now or later interfere or conflict with the aforesaid uses or rights or in any way affect or impede the storage or free flow or treatment of stormwater on and over said easement areas.

If the owner or any of their successors in interest fails to maintain the stormwater management easement areas as required, the County of Kendall or other governmental entity having jurisdiction over drainage or stormwater facilities on said easement areas

shall give written notice to the owner and developer or any of their successors in interest (as applicable) to repair or otherwise maintain the stormwater management easement areas with a reasonable period to complete the work. If the owner or any of their successors in interest, fails to make necessary repairs or to do necessary maintenance in a timely manner, then the County of Kendall, its agents or contractors, or other governmental entity having such jurisdiction shall have the right, but not the obligation, to enter the property to perform maintenance, repair, construction or reconstruction necessary to maintain stormwater storage, treatment, or flow on said easements.

The owner or any of their successors in interest, shall be jointly and severally liable for all costs incurred by the County of Kendall or other governmental entity having jurisdiction over drainage or stormwater facilities on said easement areas in performing such work, plus an additional ten percent (10%) and any reasonable attorney's fees, including the costs of in-house counsel, connected with the collection of such costs.

The provisions of these covenants and declarations relating to stormwater obligations shall not be amended, modified, or abrogated without the prior written approval of the County of Kendall or other governmental entity having jurisdiction over drainage or stormwater facilities on the stormwater management easement areas.

All of the above-stated obligations shall also be clearly referenced in any covenants, conditions, declarations and restrictions recorded against the property and in any deeds or title documentation required for the conveyance of such property.

(Ord. No. 2011-06, exh. A, app. 2, 3-15-2011)

Sec. 30-190. Private street covenant.

(a) The following shall be referenced as specified below in any homeowners' association or other covenants and on the final plat supplied for recording to alert purchasers of the rights, obligations and limitations affecting private streets in any subdivision approved by the County Board:

Language to be included in any Declaration of Covenants or Homeowners Association Covenants Regarding Private Streets:

That a private street approved by the County Board is so designated and delineated on plat of subdivision. That said road is hereafter subject to the following conditions:

1. The street is not publicly maintained and is subject to maintenance by all lot owners hereunder in the manner provided herein.
2. That a sign shall be continuously maintained and conspicuously located at the beginning of such street.
3. That the roadway be initially constructed in the accordance with the plans and specifications as identified on the final engineering plans prepared by dated and last revised as approved by the County.
4. That the terms and conditions of this section are for the benefit of all lot owners as well as the public at large and are binding on all lot owners and may not be altered by future amendment.

(b) The following language shall also appear on all final plats submitted for recording in which a private street has been approved by the County Board:

The area designated hereon as "private roadway" is an easement for ingress and egress hereby granted to the individual lot owners which abut said easement and their invitees, guests, heirs and assigns, etc. The roadway is not publicly maintained and is subject to maintenance by the lot owners in accordance with the recorded Covenants Conditions and Restrictions binding all such lot owners to the maintenance thereof.

(Ord. No. 2011-06, exh. A, app. 3, 3-15-2011)

Sec. 30-191. Significant native trees, six inches or more.

The following trees are considered significant native trees with a diameter of six (6) inches or more:

| <i>Scientific Name</i> | <i>Common Name</i> |
|--------------------------------|-------------------------|
| <i>Acer nigra</i> | Black Maple |
| <i>Aesseulus glbra</i> | Ohio Buckeye |
| <i>Carya ovata</i> | Shagbark Hickory |
| <i>Fraxinus nigra*</i> | Black Ash |
| <i>Fraxinus pennsylvanica*</i> | Red Ash |
| <i>Fraxinus quadrangulata*</i> | Blue Ash |
| <i>Gymnocladus dioicus</i> | Kentucky Coffee Tree |
| <i>Juglans nigra</i> | Black Walnut |
| <i>Ostrya virginiana</i> | Hophornbeam or Ironwood |
| <i>Platanus occidentalis</i> | Sycamore |
| <i>Quercus alba</i> | White Oak |
| <i>Quercus bicolor</i> | Swamp White Oak |
| <i>Quercus macrocarpa</i> | Bur Oak |
| <i>Quercus muhlenbergii</i> | Chinquapin Oak |
| <i>Quercus rubra</i> | Red Oak |
| <i>Quercus velutina</i> | Black Oak |
| <i>Quercus spp.</i> | Other Oak species |

*These trees are not appropriate for new plantings due to disease and insect concerns. However, existing trees are still considered significant and should be preserved or replaced with other appropriate species.

(Ord. No. 2011-06, exh. A, app. 4(A), 3-15-2011)

Sec. 30-192. Significant native trees, 12 inches or more.

The following trees are considered significant native trees with a diameter of twelve (12) inches or more:

| <i>Scientific Name</i> | <i>Common Name</i> |
|----------------------------|--------------------|
| <i>Acer saccharum</i> | Sugar Maple |
| <i>Celtis occidentalis</i> | Common Hackberry |

| <i>Scientific Name</i> | <i>Common Name</i> |
|--|--------------------|
| <i>Fraxinus americana</i> * | White Ash |
| <i>Fraxinus pennsylvanica</i> var. <i>subintegerrima</i> * | Green Ash |
| <i>Juglans nigra</i> | Black Walnut |
| <i>Populus deltoides</i> * | Eastern Cottonwood |
| <i>Prunus serotina</i> | Wild Black Cherry |
| <i>Tilia americana</i> | Basswood, Linden |
| <i>Ulmus Americana</i> | American Elm |
| <i>Ulmus rubra</i> | Slippery Elm |

*These trees are not appropriate for new plantings due to disease and insect concerns. However, existing trees are still considered significant and should be preserved or replaced with other appropriate species.

(Ord. No. 2011-06, exh. A, app. 4(B), 3-15-2011)

Sec. 30-193. Significant native trees, any size.

The following trees are considered significant native trees of any size:

| <i>Scientific Name</i> | <i>Common Name</i> |
|-----------------------------|------------------------|
| <i>Asimina triloba</i> | Paw Paw |
| <i>Carpinus caroliniana</i> | Blue Beech |
| <i>Cercis canadensis</i> | Redbud |
| <i>Cornus alternifolia</i> | Pagoda Dogwood |
| <i>Corylus Americana</i> | American Hazelnut |
| <i>Juglans cinerea</i> | Butternut |
| <i>Morus rubra</i> | Red Mulberry |
| <i>Rhamnus alnifolia</i> | Alder Buckthorn |
| <i>Rhamnus lanceolata</i> | Lance-Leaved Buckthorn |
| <i>Ulmus thomasi</i> * | Rock Elm |

(Ord. No. 2011-06, exh. A, app. 5, 3-15-2011)

Sec. 30-194. Approved tree list.

All native trees listed in Sections 30-192 and 30-193 are appropriate and preferred for new tree plantings (except noted Ash and Elm trees due to disease concerns). In addition, the following trees are also considered appropriate for planting in the County:

| <i>Canopy/Shade Trees</i> | |
|---------------------------------------|-----------------------------|
| <i>Scientific Names</i> | <i>Common Name</i> |
| <i>Aesculus flava</i> | Yellow Buckeye |
| <i>Aesculus hippocastanum</i> | Common Horsechestnut |
| <i>Acer miyabei</i> 'Morton' | State Street® Miaybe Maple* |
| <i>Acer platanoides</i> , <i>spp.</i> | Norway Maple |
| 'Deborah' | 'Deborah' Norway Maple* |

| <i>Canopy/Shade Trees</i> | |
|---|-------------------------------|
| <i>Scientific Names</i> | <i>Common Name</i> |
| <i>Emerald Lustre</i> ® | Emerald Lustre®* |
| ' <i>Summershade</i> ' | 'Summershade'* |
| ' <i>Superform</i> ' | 'Superform'* |
| <i>Acer rubrum, spp.</i> | Red Maple |
| <i>Autumn Flame</i> ® | Autumn Flame®* |
| ' <i>Brandywine</i> ' | 'Brandywine'* |
| ' <i>Franksred</i> ' | Red Sunset®* |
| <i>Acer saccharum, spp.</i> | Sugar Maple |
| <i>Legacy</i> ® | Legacy®* |
| ' <i>Morton</i> ' | Crescendo™* |
| ' <i>PNI 0285</i> ' | Green Mountain®* |
| <i>Cercidiphyllum japonicum</i> | Katsuratree |
| <i>Cladastris kentukea</i> | American Yellowwood* |
| <i>Corylus colurna</i> | Turkish Filbert* |
| <i>Fagus sylvatica</i> | European Beech |
| ' <i>Riversii</i> ' | Rivers Purple Leaf Beech |
| <i>Ginkgo biloba, spp. (Male only)</i> | Ginkgo |
| ' <i>Autumn Gold</i> ' | 'Autumn Gold'* |
| ' <i>Magyar</i> ' | "Magyar"* |
| ' <i>PN 22720</i> ' | 'Princeton Sentry'* |
| <i>Gleditsia tricanthos var. inermis, spp.</i> | Thornless Honey Locust* |
| ' <i>Skyline</i> ' | Skyline®* |
| ' <i>Shademaster</i> ' | Shademaster®* |
| ' <i>Suncole</i> ' | Suncole®* |
| <i>Liquidambar styraciflua</i> | American Sweetgum |
| <i>Liriodendron tulipifera</i> | Tuliptree |
| <i>Nyssa sylvatica</i> | Black Tupelo |
| <i>Phellodendron amursense 'Macho'</i> | Amur Corktree |
| <i>Phellodendron lavalley 'Longnecker'</i> | Eyestopper™ Lavalley Corktree |
| <i>Phellodendron sachalinense 'His Majesty'</i> | Sakhalin Corktree |
| <i>Platanus x acerfolia</i> | London Planetree |
| ' <i>Bloodgood</i> ' | Bloodgood London Planetree |
| ' <i>Exclamation</i> ' | Exclamation Planetree |
| <i>Pyrus calleryana, spp.</i> | Callery Pear* |
| ' <i>Cleveland Select</i> ' | 'Chanticleer'* |
| <i>Aristocrat</i> ® | Aristocrat®* |
| ' <i>Redspire</i> ' | 'Redspire'* |
| <i>Quercus coccinea</i> | Scarlet Oak |
| <i>Quercus imbricaria</i> | Shingle Oak |
| <i>Quercus x macdenielli 'Clemon's'</i> | Heritage® Oak* |

| <i>Canopy/Shade Trees</i> | |
|---------------------------------------|--------------------|
| <i>Scientific Names</i> | <i>Common Name</i> |
| <i>Taxodium distichum</i> | Baldcypress |
| <i>Tilia cordata, spp.</i> | Littleleaf Linden* |
| <i>Tilia tomentosa, spp.</i> | Silver Linden* |
| <i>Tilia 'Redmond'</i> | Redmond Linden* |
| <i>Tilia x flavescens 'Glenleven'</i> | Glenleven Linden* |
| <i>Ulmus Americana, spp.</i> | American Elm |
| 'Valley Forge' | 'Valley Forge'* |
| 'Princeton' | 'Princeton'* |
| 'New Harmony' | 'New Harmony'* |
| <i>Ulmus 'Morton'</i> | Accolade® Elm |
| <i>Ulmus 'Morton Glossy'</i> | Triumph™ Elm* |
| <i>Ulmus 'Frontier'</i> | 'Frontier' Elm* |
| <i>Ulmus 'Patriot'</i> | 'Patriot' Elm* |
| <i>Ulmus wilsoniana</i> | 'Prospector' Elm* |
| <i>Ulmus x Homestead</i> | 'Homestead' Elm* |
| <i>Ulmus x Regal</i> | 'Regal' Elm* |

*Acceptable parkway tree.

| <i>Ornamental Trees</i> | |
|---|-----------------------------|
| <i>Scientific Names</i> | <i>Common Name</i> |
| <i>Acer campestre</i> | Hedge Maple |
| <i>Acer tataricum, spp.</i> | Tatarian Maple |
| 'Gar Ann' | 'GarAnn' |
| 'Patdell' | 'Patdell' |
| 'Summer Splendor' | 'Summer Splendor' |
| <i>Acer tataricum subsp. Ginnaloo, spp.</i> | Amur Maple |
| <i>Alnus glutinosa</i> | Alder |
| <i>Amelanchier Canadensis</i> | Shadblow Serviceberry |
| <i>Amelanchier x grandiflora, spp.</i> | Apple Serviceberry |
| <i>Amelanchier laevis, spp.</i> | Allegheny Serviceberry |
| <i>Betula nigra, spp.</i> | River Birch |
| 'Cully' | Heritage® |
| <i>Betula papyrifera, spp.</i> | Paper Birch |
| 'Varen' | Prairie Dream® |
| 'Whitespire' | Whitespire White Birch |
| <i>Carpinus betulus</i> | Hornbeam |
| 'Fastigiata' | Columnar Hornbeam |
| <i>Caecarpinus caroliniana</i> | Ironwood |
| <i>Cornus mas</i> | Corneliancherry Dogwood |
| <i>Crataegus crus-galli var. inermis</i> | Thornless Cockspur Hawthorn |
| 'Cruzam' | Crusader® |

| <i>Ornamental Trees</i> | |
|---------------------------------------|-----------------------|
| <i>Scientific Names</i> | <i>Common Name</i> |
| <i>Crataegus mollis</i> | Downy Hawthorn |
| <i>Crataegus phaenopyrum</i> | Washington Hawthorn |
| <i>Crataegus virdis</i> 'Winter King' | Winter King Hawthorn |
| <i>Maackia amurensis</i> , spp. | Amur maackia |
| 'Starburst' | 'Starburst' |
| <i>Summertime</i> | Summertime |
| <i>Magnolia stellata</i> , spp. | Star Magnolia |
| <i>Malus</i> spp.** | Flowering Crabapple** |
| <i>Prunus maackii</i> | Amur Chokecherry |
| <i>Prunus sargentii</i> | Sargent Cherry |
| <i>Prunus</i> 'Accolade' | Accolade Cherry |
| <i>Syringa pekinensis</i> , spp. | Peking Lilac |
| <i>Syringa reticulate</i> , spp. | Japanese Tree Lilac |

**Species selected must be primarily disease resistant with small fruits.

**Other species as determined and approved by staff.

(Ord. No. 2011-06, exh. A, app. 6, 3-15-2011)

Sec. 30-195. Subdivision pre-construction meeting checklist.

(a) Following approval of a final plat of subdivision and the related civil engineering (public improvement and grading) plans and prior to the commencement of the subdivision improvements, the developer will need to schedule a pre-construction meeting. Meeting space will be supplied by the County and reservations for meeting rooms should be coordinated through the Planning Representative in the County PBZ Department. The developer will be responsible for scheduling the meeting and will need to contact the following individuals to attend:

- (1) *Developer representatives.*
 - a. Owner/developer.
 - b. Developer's engineer.
 - c. Developer's contractors (project manager, earthwork, underground, paving, tree specialist, etc.).
- (2) *Local government representatives.* Please refer to the County website for contact information for contact information for the following organizations:
 - a. County Planning, Building and Zoning Department.
 1. Planning rep.
 2. Building rep.
 - b. County Highway Department.
 - c. County Consulting Engineer.

- d. Township Highway Department. Contact the corresponding department for the township in which the project is located. If the project is split between more than one (1) township, a representative from each of the affected townships will need to attend. The corresponding department for each department is as follows:
 1. Little Rock Township Highway Department.
 2. Bristol Township Highway Department.
 3. Oswego Township Highway Department.
 4. Fox Township Highway Department.
 5. Kendall Township Highway Department.
 6. Na-Au-Say Township Highway Department.
 7. Big Grove Township Highway Department.
 8. Lisbon Township Highway Department.
 9. Seward Township Highway Department.
- e. Kendall County Health Department, Environmental Health Services.

(3) *Optional.* Kendall County Soil and Water Conservation District.

(b) Additional individuals may be invited to attend at the developer's discretion and may include utility companies, school, park or open space agency representatives (if a project involves regional trails or land donations), local fire department or others as may be appropriate.

(Ord. No. 2011-06, exh. A, app. 7, 3-15-2011; Ord. No. 2023-14, §§ II, III, 5-16-2023; Ord. No. 2023-15, § II, 5-16-2023)

Sec. 30-196. Table of minimum standards for rural street design.

The following table provides the minimum standards for rural street design:

**MINIMUM STANDARDS FOR RURAL STREET DESIGN
KENDALL COUNTY**

| Street Type | Minimum Design Speed | Minimum R.O.W Width | | Minimum Pavement Width | | Minimum Shoulder Width | Horizontal Alignment Minimum Radius | Vertical Alignment Minimum K Value | | Minimum Gradient | Minimum Pavement Structure | | |
|-----------------------|----------------------|---------------------|----------|------------------------|----------|------------------------|-------------------------------------|------------------------------------|-----|------------------|----------------------------|--------|---------|
| | | W/Curb | W/O Curb | W/Curb | W/O Curb | | | Crest | Sag | | Agg. | Binder | Surface |
| Local Street | 30 mph | 60' | 70' | 30' | 24' | 6' | *275' | 30 | 40 | 8% | 12" | 2 1/2" | 1 1/2" |
| Local Subcollector | 35 mph | 70' | 80' | 32' | 24' | 6' | *415' | 40 | 50 | 6% | 12" | 2 1/2" | 1 1/2" |
| Minor Collector | 45 mph | 80' | 90' | 36' | 26' | 7' | *830' | 80 | 70 | 5% | 12" | 3 1/2" | 1 1/2" |
| Major Collector | 55 mph | - | 120' | - | 28' | 8' | 1200' | 150 | 100 | 4% | 12" | 4 1/2" | 1 1/2" |
| Commercial/Industrial | 35 mph | 80' | 90' | 36' | 28' | 8' | *415' | 40 | 50 | 1% | 12" | 4 1/2" | 1 1/2" |
| Arterial | 60 mph | - | ±150' | - | 28' | 8' | 1500' | ** | ** | 4% | ** | ** | ** |

*Assuming no superelevation.
 **Use Design Controls for Stopping Sight Distance as required by IDOT's BDE Manual.
 ***Use IDOT's Pavement Design Guidelines.

Notes:

1. The above standards are minimum requirements. Additional R.O.W., modified pavement widths, etc., may be required depending on specific circumstances for each development. If design elements are not specifically addressed above, then AASHTO guidelines shall apply.
2. Shoulders shall be constructed of eight (8) feet of aggravated surface course (CA-6) from a State-approved source. Shoulders around intersection radius returns shall be constructed of eight (8) inches of bituminous concrete to a point not less than ten (10) feet past the point of tangency.
3. Curb and gutter shall be M-3.12 unless otherwise specified.
4. In addition to the pavement structure requirements listed above for commercial/industrial streets, a geogrid equivalent to Triax TX160 shall be placed below the aggregate base course. The geogrid shall be approved by the County Engineer and shall be installed in accordance with manufacturer's recommendations.
5. In general, roadways without curbs shall have ditch slopes of at least one (1) percent unless otherwise approved by the County.
6. Full-depth concrete pavement may be used in lieu of bituminous concrete. Minimum standard for concrete pavement includes eight (8) inches of unenforced concrete pavement with at least four (4) inches of sub-base granular material.

(Ord. No. 2011-06, exh. A, app. 8, 3-15-2011)

Sec. 30-197. Standards and requirements for restoration, planting, maintenance, and monitoring of natural open space.

(a) *Generally.* The purpose of these standards is to ensure that the overall design intent for naturalized open space areas, including wetlands, prairies, woodlands, savannas, naturalized detention basins, drainage swales, and buffers, is achieved and maintained, particularly during the initial restoration and plant establishment phase. Such areas are intended to provide an aesthetic, healthy, diverse community of native vegetation to meet the objectives of wildlife habitat, soil stabilization, groundwater recharge, and water quality protection. This is accomplished by complying with the following requirements:

- (1) The development and implementation of a landscape/planting/monitoring and maintenance plan.
- (2) Routine monitoring of planting success.
- (3) Follow-up repair, re-seeding, and/or replanting to meet performance criteria.
- (4) Preparation of annual reports summarizing monitoring data, documenting maintenance and remedial activities in comparison to stated performance criteria.
- (5) Preparation of a long-term monitoring and management plan to maintain the areas in perpetuity.
- (6) Sign-off and acceptance of initial restoration and planting at the end of a three (3) year monitoring and management period.

The establishment of native vegetation communities shall be carefully planned and executed to ensure long-term success. Restoration and native planting efforts should be considered on an equal basis with other major infrastructure improvements of a development, such as roads, utilities, and building standards. Without performance standards, open space restoration and native plant establishment has the potential to fail, leaving future homeowner associations or the County with major management problems that they may not have the expertise or resources to address. Therefore, it is important to provide reasonable performance standards to regulate the planning, establishment, and monitoring success of restoration and native plantings within developments.

(b) *Landscape restoration and planting plan.*

- (1) A site-specific restoration and planting plan shall be submitted to the Kendall County Planning, Building and Zoning Department (KCPBZ) with required final plat or plan approval for all residential planned developments. The plan shall be prepared by a qualified professional in the field of ecological restoration and/or natural landscaping. At a minimum, the plan shall include:
 - a. A map drawn to scale and depicting all proposed restoration and planting areas. Identification of proposed management units based on remnant natural areas, soil types, topography, hydrology, and pre-settlement vegetation. Management unit mapping will also show the overall layout of the development to demonstrate that naturalized areas are adequately set-back from homes and other infrastructure so that the potential for fire hazards during controlled or accidental burns is reduced. Where applicable, fire breaks, including those in the form of mowed paths, should also be identified.

- b. A list of all plants, seeds, and/or plugs to be used within each management unit. All plantings will consist of species native to the County, of a local genotype, and appropriate for the proposed habitat (see Section 30-198 for references to local plant species and habitat). The number of plants and plugs to be used and the amount/weight of seed per species shall also be included, along with seeding rates per acre for each species.
 - c. For detention and retention facilities, provide a minimum of one (1) canopy/shade tree equivalent per seventy-five (75) feet of high water line. A minimum of twenty-five (25) percent of the required canopy/shade tree equivalent shall be ornamental trees. Trees shall be clustered in natural groupings. Species diversity should be provided within each development. Trees should be selected from the County's current tree planting list (see Sections 30-192 through 30-194).
 - d. For remnant wetland, prairie, savanna, and woodland communities, a schedule of management and enhancement activities for areas proposed for restoration. This schedule shall address methods of weed and brush removal, including herbicide, cutting, and hand pulling, replanting necessary to restore native plant diversity and where appropriate, sediment removal, regrading, stabilization and related measures necessary to restore degraded wetlands and aquatic systems.
 - e. A three (3) year management schedule which includes proposed timing and description of the following: site preparation, application of herbicides, seeding activity, mowing, controlled burns, and similar activities. Areas being restored to native communities should be protected by silt fencing or construction fencing to prevent unnecessary disruption or destruction due to nearby construction activity.
- (2) Five (5) printed copies and one (1) electronic copy (PDF) of all required submittals shall be provided to the KCPBZ, who shall forward copies to the Director of the County Forest Preserve District, the County Soil and Water Conservation District, and the County Engineer or consultant engineer. Each organization receiving a copy of the plans shall have twenty-one (21) days to provide written comments to the KCPBZ office. The KCPBZ office shall then compile all comments and inform the applicant if the plans are approved, or what changes are needed to receive approval. Within twenty-one (21) days of approval of the landscape/planting plan, the applicant shall provide the KCPBZ office a written cost estimate by a qualified contractor or contractors, including separate estimates for trees, ornamental plantings, and natural areas.
- (c) *Plant monitoring.* The following tasks shall be performed within each management unit identified in the landscape/planting plan during the first three (3) years:
- (1) Plant inventory of all naturally landscaped areas. This inventory shall determine overall vegetative cover, the total number of species, and the prevalence of undesirable/invasive species, consistent with specified performance criteria. This inventory is used to determine where follow-up seeding or planting is needed and to identify, locate, and remove undesirable weedy species on a timely basis. Permanent transect vegetation sampling techniques should be used within each management unit to adequately document and monitor plant community establishment over the initial three (3) year period. The presence of any plant species observed outside of

a transect and not documented by sampling along such transect shall also be noted. Sampling techniques and summaries shall be compiled consistent with methods described in *Plants of the Chicago Region* by Floyd Swink and Gerould Wilhelm, 1994.

- (2) Establishment of permanent photographic monitoring locations. Photographs will be taken to document the establishment of vegetative cover, erosion problems, and other relevant maintenance concerns within each management unit identified in the landscape/planting plan. Photographs must be of satisfactory quality and resolution to accomplish the intent of the performance standards and shall be taken from the same locations during each monitoring event. A detailed description of the camera/photo location based on distance from a permanent structure, the orientation of the photo, and the vegetation zone being photographed shall be provided. Additional photos should be taken of problem areas and remedial activities.
- (3) Monitoring is required annually for a minimum of three (3) full growing seasons during and following restoration and planting. Under circumstances where the minimum performance standards cannot be achieved, alternative performance standards must be presented to the County Planning, Building and Zoning Committee for review and approval.
- (4) Required tree plantings shall also be monitored annually for the first three (3) years. Dead trees, or trees with dead central leaders and fifty (50) percent or more dead branches, shall be replaced within six (6) months of identification. After the first three (3) years, dead trees identified in the long-term annual monitoring program must also be replaced.

(d) *Performance criteria.*

- (1) In order to ensure adequate diversity of plants, to respond to varying environmental and hydrologic conditions, to ensure the establishment of native landscapes that are functional, aesthetic, and cost-effective, and to provide reasonable variety to meet aesthetic expectations, a minimum of ten (10) species of native plants are required within any naturalized stormwater facility, such as naturalized detention basins or swales. A minimum of 40 native species will be established in any upland landscapes.
- (2) The success of natural landscaping can be affected by the appropriateness of the plant species selected, the effectiveness of the grading and seedbed preparation, the quality of the seed and plant material used, the timing of the planting, and attention to early maintenance. With upland prairie, savanna, and woodland restoration or establishment, it generally is appropriate to leave soils undisturbed since mass grading will result in compacted soils and may lead to serious weed problems. Land currently under agricultural row crop production should remain undisturbed if possible until prairie seeding can be accomplished. This will contribute to the success of the native landscape by preventing the establishment of weeds and minimizing the corruption of the seed bank. The success of the project will be formally evaluated by the following vegetation performance standards monitored over time:
 - a. By the end of the first full growing season, planted areas should have ninety (90) percent vegetation cover and no area greater than one (1.0) meter square shall be devoid of vegetation. A cover crop of annual rye or oats may be used to help achieve this goal. At least seventy-five (75) percent of the plugs, root stock, and tubers, and fifty (50) percent of

the seeded species should be present and alive. If an area is designed as an aquatic or emergent system, it is anticipated that portions of the submerged area will be periodically exposed and without vegetation cover due to fluctuating water levels. If, by the end of the first full growing season, the basin emergent zones and/or side slopes fail to support the establishment of sufficient vegetation, then corrective measures regarding the fundamental design of the area and/or planting plan shall be required.

- b. During the second growing season at least sixty (60) percent of the permanent species planted in seed form should be evident. Ninety (90) percent or more of species planted as plugs, root stock, and tubers, shall also have persisted into the second season. If this fails to occur, a determination must be made as to why, and remedial action shall be necessary. Remediation may include overseeding and/or plugging of appropriate species. Finally, undesirable, invasive plant species shall not be prevalent in any of the management units. No invasive, weedy species, including any of the following, shall be among the five (5) most dominant plant species in the overall vegetative cover:

1. Reed canary grass (*Phalaris arundinacea*).
2. Common reed (*Phragmites australis*).
3. Purple loosestrife (*Lythrum salicaria*).
4. Non-native thistle (*Cirsium spp.*, *Carduus spp.*).
5. Sweet clover (*Melilotus spp.*).
6. Crown vetch (*Coronilla varia*).
7. Wild parsnip (*Pastinaca sativa*).
8. Burdock (*Arctium spp.*).
9. Garlic mustard (*Alliaria petiolata*).
10. Teasel (*Dipsacus spp.*).
11. Ragweed (*Ambrosia spp.*).
12. Kentucky bluegrass (*Poa pratensis*).
13. Buckthorn (*Rhamnus spp.*).
14. Sandbar willow (*Salix interior*).
15. Honeysuckle (*Lonicera spp.*).
16. Multiflora rose (*Rosa multiflora*).
17. Box elder (*Acer negundo*).

A more complete listing of common invasive species can be found on the State Department of Natural Resource's website.

- c. At the end of the third full growing season, at least seventy-five (75) percent of the seeded permanent species and ninety (90) percent or more of species planted as plugs, root stock, and tubers are expected to be established. Alternatively, native perennial species that volunteer on the site, excluding undesirable invasive species, may also be counted in determining the preceding criteria. Qualitative vegetative sampling within each manage-

ment area shall achieve the following to be determined a success and a mean Coefficient of Conservatism shall meet or exceed three (3) and the Floristic Quality Index shall meet or exceed twenty (20), except in designated stormwater management facilities (Swink and Wilhelm).

- d. The five (5) most dominant species of the overall vegetative cover within each management unit shall not include any of the undesirable species referenced above under the second season performance standards. If the identified level of species development fails to occur, a determination must be made as to why, and a remedial action plan must be prepared and submitted to the Kendall County Planning, Building and Zoning Department (KCPBZ) for approval. The approved remedial plan must be implemented and continued monitoring will be required beyond the third growing season until these performance criteria are met. Where the minimum performance standards cannot be achieved, a written explanation and alternative performance standards must be submitted for consideration by the Planning, Building and Zoning Department.

(e) *Annual reporting.* An annual monitoring report shall be submitted to the KCPBZ office by July 31 of each year and shall include the following:

- (1) A summary of vegetation data collected within each management unit, including an assessment of compliance with performance criteria.
- (2) A description of vegetation maintenance activities, including overseeding, replanting, and control of undesirable weedy species, and an assessment of their effectiveness in meeting performance criteria.
- (3) Photographs and accompanying descriptions taken at permanent monitoring stations.
- (4) A summary of planned maintenance activities for the coming year.
- (5) Documentation of the depth of sediment in forebays and sediment basins and plans for removal of sediment if more than one (1) foot of sediment has accumulated.

(f) *Sign off and acceptance.* Approval and release of performance guarantee shall not occur until a final inspection by both the County Stormwater Management Engineer or Consultant and the Soil and Water Conservation District who shall verify that initial performance criteria have been met. This inspection will occur at the end of the three (3) year monitoring period. When the performance standards have been met, the County shall allow the areas to be placed under the control of an approved conservation organization or homeowners' association to implement the long-term management of the natural areas. In the event that conditions of performance criteria cannot be met, an alternative plan shall be prepared or a fee-in-lieu of payment, to be determined by the County, may be used to meet performance criteria standards. At the discretion of the Planning, Building and Zoning Administrator, the performance guarantee may be released in two (2) stages: one (1) for any required tree planting and other ornamental landscape plantings, and one (1) for natural areas.

(g) *Enforcement and penalties.*

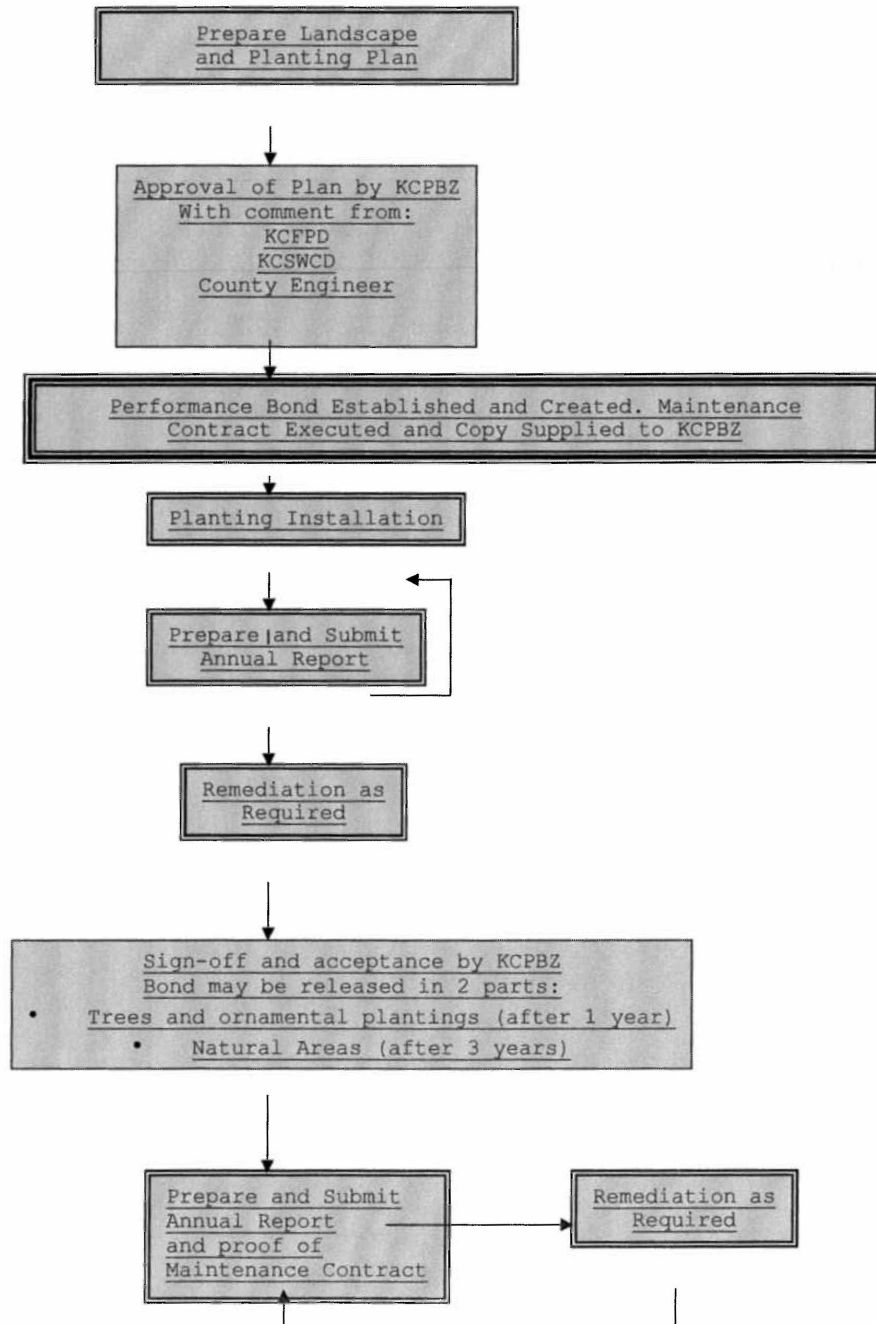
- (1) *Authorization to enter premises.* The KCPBZ, the County Soil and Water Conservation District, and the County Engineer or consultant engineer are hereby authorized to make the necessary

inspections to obtain compliance with this chapter. For the purpose of making such inspections, the County official or representative is hereby authorized to request entry to any property at any reasonable time upon reasonable notice, for the purpose of determining compliance with this chapter. Refusal of right to entry shall be cause for to seek the permission of the court for right of entry.

- (2) *Notice to abate.*
 - a. Upon investigation of the landscape open space areas by the County, if it is determined that the landscape does not comply with the approved plans and this chapter, the engineer shall issue a written notice detailing areas of noncompliance within a reasonable amount of time to be determined by the KCPBZ. A follow-up inspection will then be made in an effort to ensure that compliance has been achieved. Depending on the nature and conditions of the violations and/or responsible party, a series of follow-up inspections may be necessary to achieve total compliance. However, a final date by which all violations are to be fully resolved shall be established and adhered to.
 - b. If it is determined that the condition constitutes an immediate and serious threat to the health and safety of the population, the KCPBZ may approach the court for an immediate abatement order.
- (3) *Failure to abate condition.* Any person, firm or corporation who violates any of the provisions of this chapter shall be guilty of a petty offense punishable by a fine not to exceed five hundred dollars (\$500.00) for each week the violation remains uncorrected constituting a separate offense; which penalties shall be assessed in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law.
 - (h) *Professional land and property management.*
 - (1) In identifying both short- and long-term management responsibilities for open space and natural areas, the applicant shall identify a management entity with demonstrated experience and qualifications in natural land management and ecologic stewardship. Such entity may be a public or not-for-profit conservation agency. Alternatively, the entity may be a professional natural land management specialist or company.
 - (2) In identifying the institutional arrangements for the management entity, the applicant's stewardship plan shall address responsibilities for each of the following institutional provisions. These provisions shall be in place prior to any turn-over of the property from the applicant to the HOA or other management entity.
 - a. Enforcement of CCRs and the stewardship plan.
 - b. Proper budgeting and managing finances for HOA or easement holders.
 - c. Collection of dues and/or fees.
 - d. Filing of required reports and taxes.

- e. Education and communication with residents.
 - f. Insurance and risk management.
 - g. Maintenance of proper reserves.
 - h. Outsourcing, including evidence of a maintenance contract with a qualified natural land management specialist or company if appropriate.
- (i) *Long-term monitoring and management.*
- (1) Long-term monitoring, consistent with the criteria specified above, shall be performed on an annual basis in perpetuity. Monitoring reports shall be submitted to the County for review and approval by July 31 of each year. The monitoring report shall be accompanied by an annual inspection fee as established by the KCPBZ office.
 - (2) Continued ecological management shall be provided to maintain a diverse native plant community, consistent with performance criteria, to minimize the proliferation of weeds and undesired woody vegetation, and to prevent erosion. At a minimum, the site shall continue to meet the vegetation performance standards of the third season, as specified above, with regard to erosion control, vegetation coverage, species diversity, and control of invasive species. Long-term maintenance shall consist of controlled burning, generally every one (1) to three (3) years or as dictated by site conditions. To maintain the established native plant communities, spot control and application of herbicides shall be performed, as necessary.
 - (3) Long-term maintenance shall include the removal of trash or debris and the removal of obstructions from detention basin outlet structures. Periodic removal of accumulated sediment from swales, forebays, and settling basins shall be done to maintain the function and aesthetics of stormwater facilities. At a minimum, sediment shall be removed from forebays and sediment basins when one (1) or more feet of sediment has accumulated.

Restoration, Planting, Maintenance and Monitoring Process



(Ord. No. 2011-06, exh. A, app. 9(A), 3-15-2011; Ord. No. 2023-16, § II, 5-16-2023)

Sec. 30-198. Native planting resources.

Suggested references for restoration and natural landscaping include:

Illinois Nature Preserve Management Guidelines, Illinois Nature Preserves Commission.

Tallgrass Restoration Handbook, for Prairies, Savannas, and Woodlands, S. Packard and C. Mutel, Society for Ecological Restoration, 1997.

Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, USDA Natural Resources Conservation Service, 2004.

Natural Landscaping for Local Officials: Design and Management Guidelines, Northeastern Illinois Planning Commission, 2004.

Plants of the Chicago Region, F. Swink and G. Wilhelm, the Morton Arboretum, published by the Indiana Academy of Science, 1994.

Kane County Wild Plants and Natural Areas, Third Edition, D. Young, 2008.

(Ord. No. 2011-06, exh. A, app. 9(B), 3-15-2011; Ord. No. 2023-16, § III, 5-16-2023)

Sec. 30-199. Developer's undertaking (with financial guarantee).

Developer's Undertaking

Whereas, the statutes of the State grant to a county the right to require that a developer constructing certain improvements in connection with the development of a subdivision within that county guarantee the construction of such improvements with a financial guarantee or other security acceptable to the county;

Whereas, _____, an Illinois Limited Liability Company, (hereinafter referred to as "Developer") desires to develop a subdivision within Kendall County, Illinois (hereinafter referred to as "County"), and that the County is willing to accept an undertaking and a financial guarantee;

Now, therefore, in consideration of the premises, the following representations, warranties and agreements are made by the undersigned to and with Kendall County, Illinois:

1. That Developer is the owner of record of the real estate legally described in Exhibit "A," attached to the ordinance from which this article is derived and made a part hereof.
2. That the Developer shall furnish at its own cost and expense all necessary materials, labor and equipment to complete the public and private on-site and off-site land improvements required by the Kendall County Ordinances, including, but not limited to, the following: Storm sewer and water systems, including all appurtenances thereto, retention and detention basins, grading and surface drainageways and facilities, sidewalks, and parkway restoration. All Land Improvements shall be constructed in accordance with the standards, specifications, and requirements of Kendall County. Such Land Improvements are also identified on (a) the Final Engineering Plans ("Final Engineering Plans") consisting of the plan set entitled " _____ " dated _____ prepared by _____, Ltd.; and (b) the Engineer's Estimate of Cost ("Estimate") dated _____, attached hereto as Exhibit "B."

3. That the required Land Improvements shall be completed within two (2) years of the recording of the Final Plat of Subdivision ("Final Plat"), which comprises the real estate to be developed as described herein.
4. That the Owner and Developer shall furnish qualified field supervision for the installation of all Land Improvements in the person of a professional engineer licensed in the State of Illinois.
5. That the Estimate, attached to the ordinance from which this article is derived as Exhibit "B," represents a fair estimate of the cost of the required land improvements shown and described on the Final Engineering Plans described in Paragraph 2 hereof.
6. That the Developer shall not be entitled to recording of the final plat until, and unless, Developer provides the County with a financial guarantee from a financially sound and reputable company, in an aggregate amount equal to one hundred twenty-five (125) percent of the estimate attached to the ordinance from which this article is derived as Exhibit "B." Said financial guarantee shall be in the form attached, as Exhibit "C," hereto.
7. That the Owner and Developer guarantee the workmanship of the Land Improvements to be installed upon the site for a period of one (1) year after the acceptance by Kendall County of all Land Improvements.
8. That the financial guarantee shall be released in full upon acceptance by Kendall County of all of the land improvements. Upon final completion of all of the Land Improvements, and prior to such acceptance by the County, the Developer shall:
 - a) Submit a Bill of Sale and a contractor's affidavit and lien waivers in accordance with the Illinois Mechanics Lien Act, for all Land Improvements, which have been designated by the County Board for acceptance;
 - b) Submit one (1) set of reproducible (mylar) as-built drawings of the Land Improvements;
 - c) Submit a deposit in cash, or financial guarantee equal to ten (10) percent of the actual cost of the Land Improvements as a guarantee of satisfactory performance of the Land Improvements for a period of one (1) year after the acceptance by the County Board. During such one (1) year period, all necessary repairs to such improvements shall be the responsibility of the Developer. After such one (1) year period, such deposit shall be refunded in full if no defects have developed, or if the Developer to the satisfaction of the Plat Officer has repaired all defects. If defects have developed which developer, has not repaired, County may cause such work to be done, and the entire cost and expense thereof shall be paid and deducted from the deposit. The remaining amount of such deposit, if any, shall be refunded to the Developer. If such costs and expenses exceed the amount remaining of such deposit, the Developer shall pay such amount of excess to the County.
9. That in the event the County reasonably determines that the financial condition of the institution issuing the financial guarantee securing this undertaking has changed and is no longer acceptable to the County because its rating has become unacceptable pursuant to municipal code requirement, then at County's option upon notice to Developer and after

adoption of a resolution by the County Board, Developer shall provide a substitute from an institution reasonably acceptable to the County, and until such financial guarantee is approved, County may deny the issuance of any further building permits.

Developer hereby acknowledges the absolute right of the County to enforce any financial guarantee, including the right to draw on any financial guarantee securing this undertaking and assuring completion of The Land Improvements listed herein, in accordance with the conditions set forth above, and hereby waives any notice and any right to enjoin the County from so proceeding. The obligations herein of the undersigned are joint and several.

IN WITNESS WHEREOF, _____, an Illinois Limited Liability Company, has hereunto set his hand and seal this ____ day of _____, 2003

By: _____
Manager

Attest: _____
Manager

APPROVED AND AGREED:

KENDALL COUNTY, ILLINOIS

By: _____

(Ord. No. 2011-06, exh. A, app. 10, 3-15-2011)

Sec. 30-200. Drawing requirements/checklist.

Drawing Requirements/Checklist
As-Built Engineering Plan

- Streets/roadways:
 - T/C, centerline, T/C grades at fifty (50) foot centers.
 - Verify grading in culs-de-sac and at curb returns/intersections by comparing proposed and existing elevations at locations shown on Final Plans.
 - Note extent of sidewalk construction at the time of drawing preparation.
 - Note whether surface course is placed at time of drawing preparation.

- Storm sewers/drainage:
 - Note changes in alignment or size of sewers or manholes due to field changes. Cross out approved conditions and add existing conditions.
 - Rim and invert elevations for all pipes entering a structure. Cross out approved conditions and add existing information.
 - Calculate revised pipe slopes and note on the plans.

- Provide as-built topography for stormwater management basins (one (1) foot contour as a separate document). Compare approved stage storage characteristics with existing conditions.
- Verify overflow swales and major drainage route grading by comparing approved and existing spot elevations.
- Denote location of stubs for sump service connections.
- Sanitary sewers:
 - Note changes in alignment or size of sewers or manholes due to field changes. Cross out approved conditions and add existing conditions.
 - Rim and invert elevations for all pipes entering a structure. Cross out approved conditions and add existing information.
 - Calculate revised pipe slopes and note on the plans. Note size and location of services with a distance to nearest manhole.
- Water main:
 - Note changes in alignment or size of mains due to field changes. Cross out approved conditions and add existing conditions.
 - Rim and top of pipe elevations for all pipes entering a structure. Cross out approved conditions and add existing information.
 - Note size and location of B-Boxes with two (2) physical ties to (in order of preference):
 - a) An above-ground physical element, i.e., fire hydrant, light pole, building corner.
 - b) A manhole or Valve Vault.
 - c) Property corners.
- Utility systems identification:
 - Privately owned utility mains (storm, sanitary, water) connected to public utility mains must be clearly labeled at the connection on the Record Plans.
- Miscellaneous:
 - All sheets in approved Final Drawings shall be submitted.
 - One (1) set of blue-lines shall be submitted for initial review and one (1) set of Mylars for final recordkeeping.
 - Plans shall be signed and sealed by a Registered Professional Engineer with the following certificate (Exhibit A below).
 - Plans shall note what record information is being submitted and the date of preparation.
- Electric:
 - Location of streetlights and routing of cables feeding to transformers or secondary pedestals.

Exhibit A
Statement of Opinion

Pursuant to the Subdivision Control Ordinance of Kendall County, I _____, a registered Professional Engineer in the State of Illinois, hereby declare that these "Record Drawings" pertaining to (roadway, water main, sanitary sewer, storm sewer) (stormwater management) (outdoor lighting) consisting of Sheets _____ and _____ included herewith, have been prepared for a certain project know as _____ and contain information as obtained by the surveyor, _____, and the contractor, _____.

It is my professional opinion that these "Record Drawings" adequately depict the Record Drawing Information required by Kendall County and substantiate that the improvements constructed as part of this project will function in substantial conformance to the design intent of the approved Engineering Plans.

Dated: _____
Signed: _____
Illinois Registration Number: _____
(SEAL)

(Ord. No. 2011-06, exh. A, app. 11, 3-15-2011)

Sec. 30-201. Engineering consultant fees authorization.

Engineering Consultant Fees

I, _____ (Applicant Name) understand that Kendall County uses the services of a consultant for engineering reviews and inspections and that I will be responsible for payment of services on _____ (Project Name) project. I authorize the consulting services to proceed.

IF THIS IS NOT PART OF A BUILDING PERMIT APPLICATION, PLEASE CHECK THE BOX AND COMPLETE THIS SECTION:

I hereby submit a deposit of _____ (\$ amount), payable to the Kendall County Treasurer to be used by Kendall County to reimburse consultant for charges invoiced for work done in the review, approval and inspection of the proposed improvements. I understand that if the deposit is depleted that I may be required to replenish the deposit to have work proceed. I further understand that Kendall County will not issue a Building Permit or a Certificate of Occupancy as the case may be until I provide payment or proof of payment for the engineering services.

Signature of Applicant: _____

Date: _____

(Ord. No. 2011-06, exh. A, app. 12, 3-15-2011)

Chapter 31

RESERVED

Chapter 32

TAXATION

Article I. In General

- Sec. 32-1. Single bidder rule for annual tax sale.
Secs. 32-2—32-20. Reserved.

Article II. Cannabis Retailers' Occupation Tax

- Sec. 32-21. Tax imposed; rate.
Sec. 32-22. Collection of tax by retailers.

ARTICLE I. IN GENERAL**Sec. 32-1. Single bidder rule for annual tax sale.**

(a) The County Board allows the County Treasurer to adopt a single bidder rule in accordance with 35 ILCS 200/21-205(b-5) to prohibit a tax purchaser from registering more than one (1) related bidding entity at the tax sale.

(b) The County Treasurer shall require an affidavit to be signed by each registered tax buyer attesting to compliance with the single bidder rule.

(c) A registered tax buying entity may only have one (1) registered buyer at the tax sale and may not have a related bidding entity directly or indirectly register as a buyer or participate in the tax sale. A registered tax buying entity may not engage in any multiple bidding strategy for the purpose of having more than one (1) related bidding entity submit bids at the tax sale.

(d) The determination of whether registered entities are related so as to prohibit those entities from submitting duplicate bids in violation of the single bidder rule is at the sole and exclusive discretion of the County Treasurer or designated representatives.

(Ord. No. 2022-13, 5-17-2022)

Secs. 32-2—32-20. Reserved.**ARTICLE II. CANNABIS RETAILERS' OCCUPATION TAX****Sec. 32-21. Tax imposed; rate.**

(a) A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.), at retail locations in the County on the gross receipts from these sales at the following rates:

- (1) Three and seventy-five hundredths (3.75) percent of the gross receipts from these sales made in the course of that business in unincorporated areas of the County;
- (2) Three (3.00) percent of the gross receipts of sales made in a municipality located in the County.

(b) The imposition of this tax is in accordance with the provisions of the County Cannabis Retailers' Occupation Tax Law (55 ILCS 5/5-1006.8).

(Ord. No. 2019-25, § II, 10-1-2019)

Sec. 32-22. Collection of tax by retailers.

(a) The tax imposed by this article shall be remitted by such retailer to the State Department of Revenue (Department). Any tax required to be collected pursuant to or as authorized by this article and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

(b) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this article.

(Ord. No. 2019-25, § III, 10-1-2019)

Chapter 33

RESERVED

Chapter 34

TRAFFIC AND VEHICLES

Article I. In General

- Sec. 34-1. Traffic control signs, signals, devices and markings ratified.
- Sec. 34-2. Parking restrictions on County highways.
- Sec. 34-3. Public transportation.
- Secs. 34-4—34-24. Reserved.

Article II. Inoperable Motor Vehicles

- Sec. 34-25. Purpose.
- Sec. 34-26. Nuisance defined.
- Sec. 34-27. Enforcement.
- Sec. 34-28. Abatement.
- Sec. 34-29. Violation.

ARTICLE I. IN GENERAL**Sec. 34-1. Traffic control signs, signals, devices and markings ratified.**

The location and existence of all traffic control signs, signals, devices and markings in place on the adoption date of this Code are ratified and confirmed. All such traffic control signs, signals, devices and markings shall be considered to have been authorized by the County Board.

Sec. 34-2. Parking restrictions on County highways.

(a) The County Engineer is authorized to identify certain areas on roads subject to the County's jurisdiction where, in the County Engineer's opinion, parking, stopping, or standing of vehicles is dangerous to those using the road or would unduly interfere with the free movement of traffic thereon.

(b) The County Engineer shall present those certain "no parking, stopping, or standing areas" to the County Board's Highway Committee for approval.

(c) By approval of this section, the County Board hereby authorizes and designates its Highway Committee to review and approve/deny such requests set forth in Section (b) of this section on the County Board's behalf from the date of approval of the ordinance from which this section is derived through November 30, 2020.

(d) After the Highway Committee has approved the designation of the "no parking, stopping, or standing" areas, the County Engineer shall place signs prohibiting parking, stopping, or standing in those areas in accordance with all applicable laws and regulations.

(e) Following installation of the signs, there shall be no parking, stopping, or standing of vehicles on those areas of roads subject to the County's jurisdiction designated as "no parking, stopping, or standing."

(f) Every person who violates this section by the parking, stopping, or standing of a vehicle in a signed "no parking, stopping, or standing" area shall be punished by a fine of twenty-five dollars (\$25.00) for each violation. Each day a violation continues shall constitute a separate punishable offense. (Ord. No. 19-01, 1-15-2019)

Sec. 34-3. Public transportation.

(a) The County shall hereby provide public transportation within the County limits.

(b) The County Board Chairman or County Administrator is hereby authorized and directed to execute and file on behalf of the County all required grant agreements with the State Department of Transportation.

(Ord. No. 2022-10, 3-15-2022; Ord. No. 2023-08, §§ 1, 5, 3-21-2023; Ord. No. 2024-10, §§ 1, 5, 3-20-2024)

Secs. 34-4—34-24. Reserved.

ARTICLE II. INOPERABLE MOTOR VEHICLES

Sec. 34-25. Purpose.

Pursuant to authority granted by Section 5-1092 of the Counties Code (55 ILCS 5/5-1092), the purpose of this article is to provide a method for abating nuisances created in the County by inoperable motor vehicles and to provide for fines to be levied for the failure of any person to obey a notice received from the County which states that such person is to dispose of any inoperable motor vehicles under that person's control.

(Ord. No. 18-19, § 1, 9-18-2018)

Sec. 34-26. Nuisance defined.

(a) It is hereby declared a nuisance for any person to cause or permit the existence or storage upon any premises within the County and outside the municipal confines of any city, village or incorporated town any inoperable motor vehicle or part thereof.

(b) For the purposes of this section, the term "inoperable motor vehicle" means any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. The term "inoperable motor vehicle," shall not include:

- (1) A motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations;
- (2) Any motor vehicle that is kept within a building when not in use;
- (3) An operable historic vehicle over twenty-five (25) years of age which is licensed pursuant to Section 3-804 of the Illinois Vehicle Code (625 ILCS 5/3-804);
- (4) A motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles;
- (5) Any motorized equipment used in the production of agriculture.

(Ord. No. 18-19, § 2, 9-18-2018)

Sec. 34-27. Enforcement.

(a) Any County code enforcement officer and the County Sheriff, or deputies, are hereby authorized to issue citations to the offender for a violation of this article without the necessity of receiving a complaint.

(b) Whenever any authorized officer determines an inoperable motor vehicle exists on any public or private property located in the County and outside the municipal confines of any city, village, or incorporated town, the officer shall cause a written notice to be served by hand delivery upon the persons

controlling the inoperable motor vehicle, which notice shall inform the person served that an inoperable motor vehicle constitutes a nuisance under this article. An inoperable motor vehicle is under the control of a person if that person:

- (1) Holds legal title to the inoperable motor vehicle;
- (2) Is in custody or possession of the inoperable motor vehicle;
- (3) Is the owner of real property upon which the inoperable motor vehicle is located;
- (4) Has any possessory interest in the real property upon which the inoperable motor vehicle is located;
- (5) Has any possessory interest in the inoperable motor vehicle.

(c) Such notice shall include the following:

- (1) The name of the defendant and address of the same, if known;
- (2) The nature of the offense and a reference to this article;
- (3) The date, time and place that the person is required to appear in court;
- (4) A statement that the defendant can avoid the court appearance if, within ten (10) days of the service of the notice, repairs are made to bring the vehicle into an operable condition or the inoperable vehicle is disposed of;
- (5) A statement that the defendant may demand a jury trial by filing a jury demand and paying a jury demand fee when entering an appearance, plea, answer to the charge, or other responsive pleading;
- (6) A statement that a default judgment may be entered in the event the person fails to appear in court or answer the charge made on the date set for the defendant's court appearance or any date to which the case is continued and the amount of any default judgment.

(Ord. No. 18-19, § 3, 9-18-2018)

Sec. 34-28. Abatement.

(a) Any person receiving such notice to dispose of an inoperable motor vehicle shall, within ten (10) days of the date of service of said notice:

- (1) Repair all inoperable motor vehicles identified in the notice to operable condition; or
- (2) Dispose of all inoperable motor vehicles identified in the notice in accordance with all applicable statutes of the State and all applicable ordinances and resolutions of the County.

(b) If the person receiving such notice repairs or disposes of the inoperable motor vehicle within ten (10) days as required, that person shall contact the County Planning, Building, and Zoning Department at least ten (10) days prior to the scheduled court appearance for an inspection. If the code enforcement officer determines the inoperable motor vehicle has been repaired or disposed of so that it is no longer in violation of this article, the court appearance shall no longer be required.

(Ord. No. 18-19, § 4, 9-18-2018)

Sec. 34-29. Violation.

(a) It shall be unlawful and in violation of this article for any person to neglect, refuse, or otherwise fail to remove or abate any nuisance, as defined in Section 34-26, within ten (10) days following service of notice pursuant to Section 34-27(c).

(b) A violation of this article by any person shall be punishable by a fine not exceeding two hundred dollars (\$200.00) for each offense.

(c) Each day a violation continues to exist following the expiration of the ten (10) day cure period set forth in Section 34-28(a) shall constitute a separate offense.

(Ord. No. 18-19, § 5, 9-18-2018)

Chapter 35

RESERVED

Chapter 36

ZONING

Article I. In General

- Sec. 36-1. Title.
- Sec. 36-2. Definitions.
- Sec. 36-3. Penalties.
- Sec. 36-4. Intent and purpose.
- Sec. 36-5. Interpretation.
- Sec. 36-6. Scope of regulations.
- Sec. 36-7. Use and bulk regulations.
- Sec. 36-8. Uses not permitted.
- Secs. 36-9—36-34. Reserved.

Article II. Administration and Enforcement

Division 1. Generally

- Sec. 36-35. Zoning Administrator.
- Sec. 36-36. County Regional Planning Commission.
- Sec. 36-37. Zoning certificates.
- Sec. 36-38. Certificates of occupancy or completion; scope of permits.
- Sec. 36-39. Variations.
- Sec. 36-40. Administrative variations.
- Sec. 36-41. Appeals.
- Sec. 36-42. Amendments.
- Secs. 36-43—36-72. Reserved.

Division 2. Zoning Board of Appeals

- Sec. 36-73. Creation and membership.
- Sec. 36-74. Officers.
- Sec. 36-75. Quorum.
- Sec. 36-76. Compensation of Secretary.
- Sec. 36-77. Offices.
- Sec. 36-78. Appropriations.
- Sec. 36-79. Rules and procedures.
- Sec. 36-80. Meeting times.
- Sec. 36-81. Powers and duties.
- Sec. 36-82. Jurisdiction.
- Sec. 36-83. Judicial review.
- Secs. 36-84—36-109. Reserved.

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Division 3. Special Uses and Planned Developments

Subdivision I. In General

- Sec. 36-110. Purpose.
- Sec. 36-111. Initiation of special uses.
- Sec. 36-112. Processing.
- Sec. 36-113. Conditions and guarantees.
- Sec. 36-114. Decisions.
- Sec. 36-115. Revocation.
- Sec. 36-116. Application for special use.
- Sec. 36-117. Hearing on application.
- Sec. 36-118. Authorization.
- Sec. 36-119. Standards.
- Sec. 36-120. Conditions.
- Sec. 36-121. Duration.
- Sec. 36-122. Amendments to approved special uses.
- Sec. 36-123. Minor amendments on property governed by a special use ordinance.
- Sec. 36-124. Major amendments.
- Sec. 36-125. Planned developments.
- Sec. 36-126. Special manufacturing uses in M-1 districts.
- Secs. 36-127—36-150. Reserved.

Subdivision II. Procedure for Approval of RPD-1, RPD-2 or RPD-3 Development

- Sec. 36-151. Preliminary plan process.
- Sec. 36-152. Concept plan process.
- Sec. 36-153. Four-step design process.
- Sec. 36-154. Preliminary site plan/plat approval.
- Sec. 36-155. Final plan approval.
- Secs. 36-156—36-178. Reserved.

Division 4. Site Plan Review

- Sec. 36-179. Purpose and intent.
- Sec. 36-180. Applicability.
- Sec. 36-181. Variance.
- Sec. 36-182. Site design standards.
- Sec. 36-183. Petition for site plan review.
- Sec. 36-184. Procedure.
- Sec. 36-185. Nullification.
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- Secs. 36-187—36-210. Reserved.

Article III. Nonconformities

- Sec. 36-211. Purpose and scope.
- Sec. 36-212. Continuance.
- Sec. 36-213. Transfer.
- Sec. 36-214. Discontinuance.
- Sec. 36-215. Repairs and alterations to buildings containing nonconforming uses.
- Sec. 36-216. Expansion.

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- Sec. 36-217. Exempted uses.
- Sec. 36-218. Conversion to special use.
- Sec. 36-219. Continuance of nonconforming structures.
- Sec. 36-220. Repairs to nonconforming structures.
- Sec. 36-221. Additions and expansions to nonconforming structures.
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- Sec. 36-223. Nonconforming signs, billboards and outdoor advertising structures.
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- Sec. 36-225. Development of nonconforming lots.
- Secs. 36-226—36-240. Reserved.

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- Sec. 36-241. Districts.
- Sec. 36-242. Zoning maps.
- Sec. 36-243. District boundaries.
- Sec. 36-244. Zoning of streets, alleys, public ways, waterways, and rights-of-way.
- Sec. 36-245. Disconnected territory.
- Sec. 36-246. Utilities.
- Sec. 36-247. Pipelines.
- Secs. 36-248—36-253. Reserved.

Division 2. Agricultural Districts

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- Secs. 36-254—36-278. Reserved.

Subdivision II. A-1 Agricultural District

- Sec. 36-279. Purpose.
- Sec. 36-280. Policy.
- Sec. 36-281. Uses permitted.
- Sec. 36-282. Special uses permitted.
- Sec. 36-283. Conditional uses.
- Sec. 36-284. Accessory uses permitted.
- Sec. 36-285. Site and structure requirements.
- Secs. 36-286—36-303. Reserved.

Division 3. Residential Districts

Subdivision I. In General

- Sec. 36-304. Purpose, goals and objectives.
- Secs. 36-305—36-326. Reserved.

Subdivision II. R-1 One-Family Residential District

- Sec. 36-327. Purpose.
- Sec. 36-328. Permitted uses.

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- Sec. 36-329. Conditional uses.
- Sec. 36-330. Special uses.
- Sec. 36-331. Lot size.
- Sec. 36-332. Yard areas.
- Sec. 36-333. Lot coverage.
- Sec. 36-334. Maximum building height.
- Secs. 36-335—36-356. Reserved.

Subdivision III. RPD-1 Residential Planned Development—One

- Sec. 36-357. Purpose.
- Sec. 36-358. Density.
- Sec. 36-359. Maximum density.
- Sec. 36-360. Density incentives.
- Sec. 36-361. Lot size.
- Sec. 36-362. Lot width.
- Sec. 36-363. Permitted uses.
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- Sec. 36-366. Development standards.
- Sec. 36-367. Yard/setback and height standards.
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- Sec. 36-369. Off-street parking and loading.
- Sec. 36-370. Minimum amount and size of open space.
- Sec. 36-371. Types and location of open space.
- Sec. 36-372. Development evaluation criteria.
- Sec. 36-373. Ownership and management of open space.
- Secs. 36-374—36-404. Reserved.

Subdivision IV. RPD-2 Residential Planned Development—Two

- Sec. 36-405. Purpose.
- Sec. 36-406. Base density.
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- Sec. 36-408. Other standards and uses.
- Secs. 36-409—36-429. Reserved.

Subdivision V. RPD-3 Residential Planned Development—Three

- Sec. 36-430. Purpose.
- Sec. 36-431. Base density.
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- Sec. 36-433. Other standards and uses.
- Secs. 36-434—36-464. Reserved.

Subdivision VI. R-2 One-Family Residential District

- Sec. 36-465. Permitted uses.
- Sec. 36-466. Special uses.
- Sec. 36-467. Conditional uses.
- Sec. 36-468. Lot size.
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- Sec. 36-471. Maximum building height.
- Sec. 36-472. No rezoning.
- Secs. 36-473—36-497. Reserved.

Subdivision VII. R-3 One-Family Residential District

- Sec. 36-498. Permitted uses.
- Sec. 36-499. Special uses.
- Sec. 36-500. Conditional uses.
- Sec. 36-501. Lot size.
- Sec. 36-502. Yard areas.
- Sec. 36-503. Lot coverage.
- Sec. 36-504. Maximum building height.
- Sec. 36-505. No rezoning.
- Secs. 36-506—36-533. Reserved.

Subdivision VIII. R-4 One-Family Residence District

- Sec. 36-534. Termination of district.
- Sec. 36-535. Permitted uses.
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- Sec. 36-537. Conditional uses.
- Sec. 36-538. Lot size.
- Sec. 36-539. Yard areas.
- Sec. 36-540. Lot coverage.
- Sec. 36-541. Maximum building height.
- Secs. 36-542—36-560. Reserved.

Subdivision IX. R-5 One-Family Residence District

- Sec. 36-561. Termination of district.
- Sec. 36-562. Permitted uses.
- Sec. 36-563. Special uses.
- Sec. 36-564. Conditional uses.
- Sec. 36-565. Lot size.
- Sec. 36-566. Yard area.
- Sec. 36-567. Hard surface coverage.
- Sec. 36-568. Maximum building height.
- Sec. 36-569. Floor area ratio.
- Secs. 36-570—36-586. Reserved.

Subdivision X. R-6 One-Family Residence District

- Sec. 36-587. Termination of district.
- Sec. 36-588. Permitted uses.
- Sec. 36-589. Special uses.
- Sec. 36-590. Conditional uses.
- Sec. 36-591. Lot size.
- Sec. 36-592. Yard area.
- Sec. 36-593. Hard surface coverage.
- Sec. 36-594. Maximum building height.
- Sec. 36-595. Floor area ratio.
- Secs. 36-596—36-623. Reserved.

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Subdivision XI. R-7 General Residence District

- Sec. 36-624. Termination of district.
- Sec. 36-625. Permitted uses.
- Sec. 36-626. Special uses.
- Sec. 36-627. Conditional uses.
- Sec. 36-628. Lot area and allowable density.
- Sec. 36-629. Lot width.
- Sec. 36-630. Floor area ratio.
- Sec. 36-631. Yard area.
- Sec. 36-632. Hard surface coverage.
- Sec. 36-633. Maximum building height.
- Secs. 36-634—36-654. Reserved.

Division 4. Business Districts

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ARTICLE I. IN GENERAL**Sec. 36-1. Title.**

This chapter, including the Zoning District Maps made a part hereof, shall be known and may be cited and referred to as the "Kendall County Zoning Ordinance."
(Ord. No. 2020-17, exh. B, § 1.00, 9-15-2020)

Sec. 36-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or use means a building or use which:

- (1) Is subordinate to the principal building or principal use served in terms of area and function;
- (2) Contributes to the comfort, convenience, or necessity of occupants of the principal use served.

In cases of recreational vehicle parks and campgrounds, accessory buildings or accessory structures are those buildings which house facilities or services relating to recreational uses at the park or campground.

Acreage means any tract or parcel of land having an area of one (1) acre or more which has not been subdivided by metes and bounds or platted.

Active recreation open space means an appropriately sized and usable open space area, a minimum of one hundred twenty-five (125) feet wide, capable of comfortably supporting one (1) or more active recreational activities, such as playgrounds, ball fields, tennis courts, swimming pools, recreation buildings, jogging trails/fitness courses, detention basins designed for recreational use, and other miscellaneous recreational activities.

Active solar energy system means a solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Adult bookstore means an establishment having a majority of its public physical floor space occupied by books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult entertainment facility means a facility or adult use whose primary business is the commercial sale, dissemination or distribution of sexuality explicit material, shows, or other exhibitions such as adult bookstores, adult video stores, striptease clubs or gentlemen's clubs, adult motion picture or adult mini-motion picture theaters, or any other use, as defined in Section 5-1097.5 of the Counties Code (55 ILCS 5/5-1097.5). The term "adult entertainment facility" includes any facility or adult use which offers or provides activities by employees, agents, or contractors of the business that involve exposure of specified anatomical areas or performance of specified sexual activities, as defined in Section 5-1097.7 of the Counties Code (55 ILCS 5/5-1097.7), in view of any patron, client, or customer of the business.

Adult massage parlor or spa means any place or establishment where a massage is made available for the primary purpose of sexual stimulation or arousal. The term "adult massage parlor or spa" shall

include activities by employees, agents, or contractors of the business that involve exposure of specified anatomical areas or performance of specified sexual activities, as defined in Section 5-1097.7 of the Counties Code (55 ILCS 5/5-1097.7), in view of any patron, client, or customer of the business.

Adult mini-motion picture theater means an enclosed building with a capacity for less than fifty (50) persons, or an enclosed building with booths, stalls, or other fully or partially partitioned areas with an intended capacity for less than ten (10) persons used for presenting through viewing devices materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. The term "adult mini-motion picture theater" includes, but is not limited to, projection booths, television monitors, television screens, coin-operated video devices and other viewing devices.

Adult motion picture theater means an enclosed building with a capacity of fifty (50) or more persons having viewing devices used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Adult use means a use which involves either wholly or partially an activity distinguished or characterized by its emphasis on matters depicting, describing, relating to specified sexual activities or specified anatomical areas, including, but not limited to, the operation of adult bookstores, adult video theaters, adult entertainment facilities, video arcades, and adult massage parlors or spas.

Adult-use cannabis business establishment means an adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

Adult-use cannabis craft grower means a facility operated by an organization or business that is licensed by the State 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 (410 ILCS 705/1-1 et seq.), as it may be amended from time to time, and regulations promulgated thereunder.

Adult-use cannabis cultivation center means a facility operated by an organization or business that is licensed by the State 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 (410 ILCS 705/1-1 et seq.), as it may be amended from time to time, and regulations promulgated thereunder.

Adult-use cannabis dispensing organization means a facility operated by an organization or business that is licensed by the State 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 (410 ILCS 705/1-1 et seq.), as it may be amended from time to time, and regulations promulgated thereunder.

Adult-use cannabis infuser organization or infuser means a facility operated by an organization or business that is licensed by the State 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 (410 ILCS 705/1-1 et seq.), as it may be amended from time to time, and regulations promulgated thereunder.

Adult-use cannabis processing organization or processor means a facility operated by an organization or business that is licensed by the State 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 (410 ILCS 705/1-1 et seq.), as it may be amended from time to time, and regulations promulgated thereunder.

Adult-use cannabis transporting organization or transporter means an organization or business that is licensed by the State 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 (410 ILCS 705/1-1 et seq.), as it may be amended from time to time, and regulations promulgated thereunder.

Agency-licensed family residential care home, transitional, means a single housekeeping unit of three (3) or fewer persons receiving care in a family-like atmosphere where the residents are residing in the home on a transitional or temporary basis where the length of residency is not expected to be more than one (1) year. Oversight and supervisory personnel shall be on the premises in addition to this number.

Agency-licensed group residential care home, permanent, means a single housekeeping unit of four (4) or more persons receiving care in a family-like atmosphere. Oversight and supervisory personnel shall be on the premises in addition to this number.

Agriculture includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquiculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, wholesale greenhouses, and the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds. In interpreting the foregoing definition, it is the intent of this chapter to make the definition of the term "agriculture," as used herein, identical to the definition of the term "agriculture," as used in Section 5-12001 of the Counties Code (55 ILCS 5/5-12001), as amended from time to time, exempting agriculture from the zoning authority of the County Board. The term "agriculture" means cultivating the ground, including the harvesting of crops, and rearing and management of livestock, tillage, husbandry, farming. In a broader sense, the science and art of the production of plants and animals useful to man, including, to a variable extent, the preparation of these products for man's use. The term "agriculture" includes grain storage, horse stables, nurseries, animal feed, commercial feeding, dairy and the like.

Agricultural labor housing means one or more buildings, structures, tents, trailers, or vehicles or any combination thereof together with the land appertaining thereto established, operated, or maintained as living quarters for migrant workers or families containing migrant workers who are engaged in agricultural activities.

Aircraft means any equipment or object, now known or hereafter invented, for use or designed and built for navigation of or flight in the air.

Airport means any area of land, water, or both, which is designed for the landing and take off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way.

Airport or aircraft landing field means any landing area, runway or other facility (including heliports), designed, used or intended to be used either publicly or privately by any person for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alley means a public way, not more than thirty (30) feet wide, which affords only a secondary means of access to abutting property.

Animal hospital means any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

Apartment means a room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities permanently installed must always be included for each apartment.

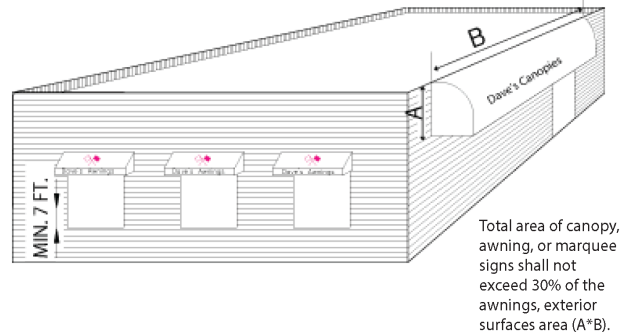
Automobile laundry means a building or portion thereof containing facilities for washing more than two (2) motor vehicles, using mechanical methods.

Automobile repair, major, means engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair and painting of vehicles.

Automobile wrecking yard means any place where two (2) or more vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, and including the commercial salvaging of any goods, articles, or merchandise.

Awning means a roof-like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

Awning sign means any sign that is painted, printed or otherwise placed on the outer surface of an awning in such a manner that the awning forms the background surface of the sign.



Canopy + Awning Signs

Banner sign means any temporary sign of lightweight fabric or similar material. Examples include signs attached to a pole, building, or fence, and secured on at least two (2) sides. National flags, State or municipal flags shall not be considered banners.



Banner Sign

Banquet hall means an establishment that is rented by individuals or groups to accommodate private (invitation only) functions, including, but not limited to, banquets, weddings, anniversaries, and other similar events. Such a use may include kitchen facilities for preparation of food to be consumed on the premises, and outdoor gardens or reception facilities.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood.

Base flood elevation means the elevation in relation to mean sea level of the crest of the base flood.

Basement means a story partly or wholly underground. Where more than one-half (½) of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purposes of height measurement.

Basic Utility Stage 1 airport means an airstrip that is open to the public, with a minimum runway length of two hundred (200) feet and a minimum width of one hundred (100) feet.

Bed and breakfast establishment means an operator-occupied residence providing accommodations, for a charge, to the public with no more than five (5) guest rooms for rent in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be provided to the guests only. The term "bed and breakfast establishment" does not include motels, hotels, boardinghouses, or food service establishments. Bed and bed breakfast establishments shall meet the criteria set forth in the Illinois Bed and Breakfast Act (50 ILCS 820/1).

Billboard means any structure or portion thereof upon which are signs or advertisements used as an outdoor display. The term "billboard" does not include any bulletin boards used to announce church services, or to display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located.

Block means a tract of land bounded by a street or, in lieu of a street, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

Boardinghouse means a building other than a hotel or restaurant where meals are provided, for compensation, to four (4) or more persons, but not more than twelve (12) persons, who are not members of the keeper's family.

Book and stationery store means an establishment dealing in books, printed materials and stationery supplies which is not an adult bookstore.

Brew pub means a person, including a restaurant or brewery, who manufactures no more than one hundred fifty-five thousand (155,000) gallons of beer per year only at a designated licensed premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than one hundred fifty-five thousand (155,000) gallons per year (235 ILCS 5/1-3.33).

Buildable acreage means the total acreage of the property minus the following:

- (1) Wetlands and land that is generally inundated by water (under ponds, lakes, creeks, etc.).
- (2) All of the floodway and floodway fringe within the one hundred (100) year floodplain, as shown on official FEMA maps unless a study has been done and a LOMAR has been issued prior to development of the site indicating that the existing base flood elevation is actually less than the area depicted on the official FEMA maps.
- (3) Land within the right-of-way or easement of an existing roadway.
- (4) Land within an existing permanent easement prohibiting development (including utilities, drainage, access and pipelines).

Land with slopes exceeding twenty-five (25) percent, or soils and subsurface geology subject to slumping shall also be subtracted from the total acreage when determining a property's buildable acreage; however, homes may still be constructed on such slopes to take advantage of unique views or to provide walk-out units if appropriate engineering procedures are followed to maintain stability of the structure and minimize erosion.

Buildable area means the space remaining of a building lot after the minimum yard requirements of this chapter have been complied with.

Building means any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels. Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings. The term "building" includes all other structures of every kind regardless of similarity to structures that are not buildings.

Building height means the vertical distance measured at the front building elevation to the highest point of the structure, including the roof.

Building setback line means a line parallel to the street line at a distance from it, regulated by the front yard requirements set up in this chapter.

Building-integrated solar energy system means an active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Building, completely enclosed, means a building separated on all sides from the adjacent open space, or from other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building, detached, means a building surrounded by open space on the same zoning lot.

Building, nonconforming, means any building which does not conform to the regulations of this chapter prescribing the use, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

Building, principal, means a non-accessory building in which the principal use of the zoning lot, on which it is located, is conducted.

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

Bulk is the term used to describe the size and mutual relationships of buildings and other structures, as to size; height; coverage; shape; location of exterior walls in relation to lot lines, to the centerlines of the streets, to other walls of the same buildings, and to other buildings or structures; to all open spaces relating to the buildings or structures.

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

Business or trade school means a school or teaching unit organized by an industry or large company to provide trade training, apprentice education, and similar courses.

Camper means any person occupying a recreational vehicle and/or tent for recreational purposes.

Campground and recreational vehicle park collector street or collector road means any park street which extends from a park entrance street and intersects with three (3) or more other streets or any street which intersects with five (5) or more streets or any street which extends for more than one thousand two hundred (1,200) feet.

Campground and recreational vehicle park minor street means any park street which is not a collector street.

Campground and recreational vehicle park sanitary station means a facility used for removing and disposing wastes from RV holding tanks.

Campground and recreational vehicle park service buildings means those required in all parks or campgrounds, including those which house sanitary facilities, shelters.

Canopy means a roof-like structure of a permanent nature which projects from the wall of a building or overhangs the public way and is designed and intended to protect pedestrians from adverse weather conditions.

Caretaker means a person who is in charge of the maintenance of a building, estate, etc.; superintendent.

Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged either manually or electronically.



Changeable Copy Sign

Clinic or medical health center means an establishment where patients are admitted for special study and treatment by two (2) or more licensed physicians or dentists and their professional associates, practicing medicine together.

Club or lodge means a non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members, their guests, and invitees. It shall be permissible to serve food and meals on such premises, provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room, and provided that such sale of alcoholic beverages is in compliance with the applicable local, Federal, and State laws and County ordinances.

Commercial message means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial solar energy facility shall have the same meaning as defined in 55 ILCS 5/5-12.

Commercial wind energy facility shall have the same meaning as defined in 55 ILCS 5/5-12.

Common open space means the land within a planned development that is devoid of buildings and other structures, other than recreational and pedestrian facilities and uses accessory thereto and is suitable for active and passive recreational activities. For the purposes of this chapter, common open space must be a minimum of fifty (50) feet wide. Common open spaces may include underground drainage fields for community septic systems or back-up areas for individual septic systems, and for spray fields for spray irrigation purposes in a land treatment sewage disposal system. The term "common

open space" specifically excludes parking lots for non-recreational uses, street rights-of-way, subdivided residential lots, school sites, mound sewage disposal systems protruding above grade and aerated sewage treatment ponds. The term "common open space" is further divided into two (2) categories as follows:

- (1) Primary open space consists of wetlands and land within the one hundred (100) year floodplain.
- (2) Secondary open space includes otherwise developable areas of a property which are being preserved for passive or active open space use. Wet bottom detention areas may be included as a part of secondary open space.

Communications use means radio, television and satellite communications facilities, including towers, cable, telephone, telegraph and maintenance equipment accessory thereto, layout and design of newsprint, and general office activities accessory to these uses.

Construction sign means a sign announcing the impending construction of a project, limited to displaying the name of the project, the developer, the financial institution providing the financing, the designers, the general contractor, a telephone number where more information may be obtained, and a date announcing the planned completion of the project.



Construction Sign

Convenience store means a retail store with a floor area of less than five thousand (5,000) square feet, that sells a limited line of groceries, tobacco, newspapers and periodicals, and other household goods.

Corner lot. See Lot, corner.

Corner lot, reversed. See Lot, reversed corner.

Correctional facilities means a prison or a place in which people are physically confined and, usually, deprived of a range of personal freedoms.

Coverage, lot. See Lot coverage.

Crop identification sign means a sign whose content includes the type, description, identification and otherwise pertinent information of crops being grown on a plot of land.

Curb level means the level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one (1) street, the mean level of the land immediately adjacent to the building shall be considered the curb level.

Currency exchange means trading U.S. or other countries' money for another based on the value of the money. A currency exchange may provide other services such as notaries, money orders, etc.

Day care facility means facilities that provide supervision and care of more than three (3) children unrelated to the operator of the facility for less than twenty-four (24) hours per day. The term "day care facility" includes day care centers and day care homes as defined and regulated under the Illinois Childcare Act (of 1969) (225 ILCS 10).

Development means any man-made change to improved or unimproved real estate, including, but not limited to, construction of or substantial improvements to buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations.

District means a section or part of the County for which the use regulations are uniform.

Dwelling means a building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one (1) family dwelling units, two (2) family dwelling units, and multiple-family dwelling units, but not including hotels, motels, boarding, or lodginghouses.

Dwelling unit means one or more rooms in a residential structure which are arranged, designed, used, or intended for use by one (1) family, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

Dwelling unit, secondary, means a secondary residence on a single lot that contains one (1) or more rooms which are arranged, designed, used, or intended for use by one (1) family, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

Dwelling, attached, means a dwelling joined to two (2) other dwellings by party walls, or vertical cavity walls, and above-ground physically unifying horizontal structural elements.

Dwelling, detached, means a dwelling which is surrounded on all sides by open space on the same lot.

Dwelling, multiple-family, means a building or portion thereof, designed or altered for occupancy by three (3) or more families living independently of each other.

Dwelling, one (1) family, means a dwelling unit designed exclusively for use and occupancy by one (1) family.

Dwelling, semi-detached, means a dwelling joined to one (1) other dwelling by a party wall, or a vertical cavity wall and above-ground physically unifying horizontal structural elements.

Dwelling, two (2) family, means a building designed or altered to provide dwelling units for occupancy by two (2) families.

Elderly cottage housing opportunities (ECHO housing) means the provision of independent living quarters for elderly or disabled family members inside or within five hundred (500) feet of a farm residence in an agricultural area.

Electronic message board display means a sign or component of a sign that uses changing lights to form a message or series of messages that are electronically programmed or modified by electronic processes.

Erect means the act of placing or affixing a component of a structure upon the ground or upon another such component.

Establishment, business, means a separate place of business having the following three (3) characteristics:

- (1) The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishments on the same or adjacent zoning lots.
- (2) Direct public access to such business establishment is separate and distinct from direct access to any other business establishment.
- (3) There is no direct public access from within such establishment to any other such establishment.

When adjacent places of business lack any one (1) of the aforesaid characteristics with respect to one another, they shall then be considered as a single business establishment for the purpose of this chapter.

Excavating business means a business engaged in site preparation activities, including grading, earthmoving, and land clearing, and businesses that rent equipment for such purposes. For the purposes of this chapter, an excavating business shall be considered a contractor's office or shop.

External illumination means illumination of a sign which is produced by an artificial source of light which is not contained within the sign itself.

Facade means any side, surface or wall below the roof of a building which is parallel or within forty-five (45) degrees of parallel with a parcel's frontage on a public thoroughfare, which faces toward and relates to that public thoroughfare. If a building has a complex shape, then all walls or surfaces facing in the same direction, or nearly the same direction, are part of a single facade.

Facility owner, for the purposes of commercial solar energy facilities and commercial wind energy facilities, shall have the same meaning as defined in 55 ILCS 5/5-12.

Family means two (2) or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; or not more than three (3) persons, who need not be related by blood, marriage, or legal adoption living together as a single housekeeping unit and occupying a single dwelling unit; in either case, the number is exclusive of usual domestic servants.

Farm means a parcel of land, or contiguous parcels of land under common ownership, used primarily for agriculture.

Farm residence means a dwelling unit located on a farm.

Fence means an artificial barrier constructed of any material or combination of materials erected to enclose or screen areas of land.

Fence height means the vertical distance measured from finished grade at the base of the fence to the highest point of the panels of a solid, picket, board-on-board or similar type fence, or the top rail of a chain link or split rail fence.

Fence, decorative, means a designed fence or wall with openings representing fifty (50) percent or more of the total front face surface that meets all of the following:

- (1) It contributes to the identification and beauty of the principal use;
- (2) It is not erected to satisfy any other provision of this Code;
- (3) It does not act as a retaining structure;
- (4) It is made of material that typically is not found in security structures, such as chain link.

Split rail and ranch rail are examples of decorative fencing.

Fence, open, means a designed fence or wall with openings representing more than fifty (50) percent of the total front face surface that is made of materials typically found in security structures, such as chain link, wire mesh or similar materials.

Fence, solid, means a fence obscuring more than forty (40) percent of the view through the fence.

Flashing sign means any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purposes of this chapter, any revolving, illuminated sign shall be considered as a flashing sign. Due to their unique characteristics, electronic message board displays are not considered flashing signs.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface water from any source.

Floor area for determining floor area ratio means the sum of the gross horizontal areas of the several floors, including the basement floor if a building, measured from the exterior faces of the exterior wall, or from the centerlines of walls separating two (2) buildings. The floor area shall also include the horizontal areas on each floor devoted to:

- (1) Elevator shafts and stairwells;
- (2) Mechanical equipment, except if located on the roof, when either open or enclosed (i.e., bulkheads, water tanks and cooling towers);
- (3) Habitable attic space as permitted by the Building Code of the County;
- (4) Interior balconies and mezzanines;
- (5) Enclosed porches;
- (6) Accessory uses.

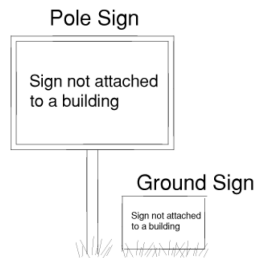
The floor area of structures used for bulk storage of materials (i.e., grain elevators and petroleum tanks) shall also be included in the floor area and calculated as one (1) floor for each ten (10) feet of structure height. The horizontal area in each floor or a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the floor area.

Floor area for determining requirements for off-street parking and loading means the floor area when prescribed as the basis of measurement of off-street parking spaces and off-street loading spaces for any use, which shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities, the horizontal areas of the basement, and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

Floor area ratio means the numerical value obtained by dividing the floor area within the buildings on a lot by the area of such lot. The floor area ratio, as designated for each district, when multiplied by the lot area in square feet, shall determine the maximum permissible floor area for the buildings on the lot.

Floor area, usable, means any floor area within the outside walls of a residential building exclusive of areas in cellars, basements, unfinished attics, garages, open porches and accessory buildings, but including any area roughed in but not completed which is designed and intended for human occupancy.

Freestanding sign means any sign not attached to a building; primarily ground signs, pole signs, pylon signs, and portable signs.



Freestanding Signs

Fuel bulk station means a place where crude petroleum, gasoline, naphtha, benzine, benzol, kerosene or other flammable liquid which has a flash point at or below two hundred (200) degrees Fahrenheit (closed cup tester) is stored for wholesale purposes, where the aggregate capacity of all storage tanks is more than eight thousand (8,000) gallons, regardless of whether the fuel is stored above ground, underground or in mobile tank cars or trucks.

Furrier means a person who buys and sells furs, or who makes, repairs, or cleans furs and fur garments; a fur dealer or fur dresser.

Garage, private, means an accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on, provided that not more than one-half (1/2) of the space may be rented for the private vehicles

of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented. Such a garage shall not be used for more than one (1) commercial vehicle, and the load capacity of such vehicle shall not exceed five (5) tons.

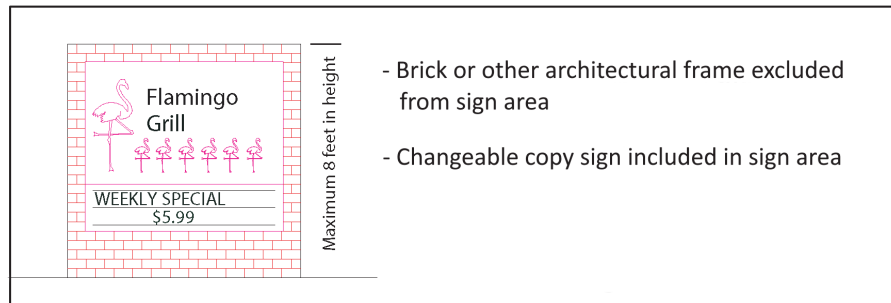
Garageyard sale sign means any sign used in residential zoning districts to advertise the sale of used, unwanted household goods.

Golf course means public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least sixty (60) acres for each standard nine (9) hole course; twenty-five (25) acres for each nine (9) hole, par three (3) course.

Grade means the lowest point of elevation of the surface of the ground, paving, or sidewalk at any point adjacent to a structure. For the purposes of signs, the term "grade" means the established or finished elevation measured at the centerline of the adjacent street.

Grocery/food sales. The grocery and food sales use classification applies to uses which sell grocery, food, and beverage items, and such sales occur entirely within an enclosed building. Examples may include convenience grocery stores (without gas pumps), grocery stores, supermarkets, fruit and vegetable stores, delicatessens, health food stores, meat markets/butcher shops, fish and poultry stores, bakeries, nut and confectionery shops, dairy products stores, and similar land uses.

Ground sign means any detached sign which has its bottom portion erected upon or mounted on a base that is permanently set on the ground that is at least as wide as the bottom of the sign. Ground signs are also commonly known as monument signs.



Group home means a single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a twenty-four (24) hour basis, or present whenever residents are present at the dwelling, shall be required unless a special use approval is obtained to eliminate the requirement of supervision. A group home shall comply with the zoning regulations for the district in which the site is located.

Guest house means living quarters within a detached accessory building located on the same premises with the principal building, for use by guests of the occupants of the premises no longer than ninety (90) continuous days. Such quarters can have kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

Halfway house means a home for persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, or inmates on release from more restrictive custodial care or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society. The term "halfway house" also means a temporary residential living arrangement for persons who are receiving therapy and counseling from support staff who are always present. Residents are present for the following purposes:

- (1) To help them recuperate from the effects of drugs or alcohol addiction;
- (2) To help them re-enter society while housed under supervision and while under the constraints of alternatives to imprisonment, including, but not limited to, pre-release, work release and probationary programs;
- (3) To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or
- (4) To provide temporary shelter for persons who are victims of domestic abuse.

Hard surface means any material placed on or above the earth that substantially reduces or prevents the natural percolation of water. Examples include, but are not limited to, structures, including roofs and roof overhangs; parking areas; driveways; sidewalks; gravel areas; patios and decks; sport courts; pools and similar improvements.

Hard surface coverage means total square footage of all hard surfaces on the property divided by the total square footage of the parcel multiplied by one hundred (100).

Home occupation means any occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental and secondary to the use of the dwelling as a residence.

Home occupation, agricultural, means a home occupation in an agricultural zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be home occupations.

Home occupation, residential, means a home occupation in a residential zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be a home occupation.

Hospice means a temporary residential living arrangement for persons with a life-threatening illness that requires full-time support, therapy and/or treatment.

Hospital or *sanitarium* means an institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care, for not less than twenty-four (24) hours in a week, or three or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" or "sanitarium" does not apply to institutions operating solely

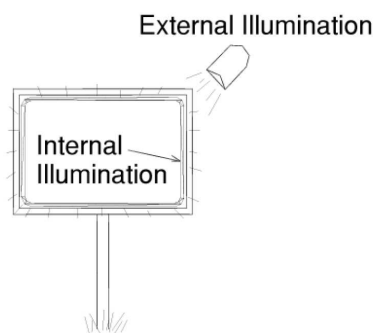
for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" or "sanitarium" shall not be used for convalescent, nursing, shelter, or boarding homes.

Hotel, motel, or inn means an establishment containing lodging accommodations designed for use by transients, or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial desk service, restaurants, cocktail lounges, meeting rooms, and ancillary uses, provided access to such uses are from the exterior of the principal use. Short-term rentals of a maximum of thirty (30) consecutive days in a one (1) family dwelling, two (2) family dwelling, or accessory structures with residentially allowed occupancy permits shall not be considered hotels.

Householder means the occupant of a dwelling unit who is either the owner or lessee thereof.

Illegal sign means a sign which contravenes this chapter, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.

Illuminated sign means any sign which is lit by an artificial (usually electric) light source.



Illuminated Sign

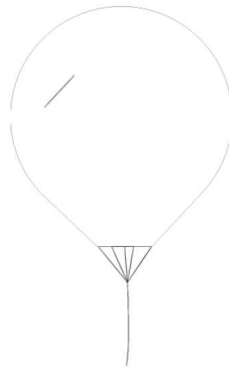
Indoor business sales and service means uses which display or conduct, entirely within an enclosed building, the sale or rental of business-oriented products, equipment, merchandise, or services that are non-personal and non-professional in nature. Examples may include duplicating or photocopying sales and service; addressing, mailing, or stenographic sales and services; locksmith shops; computer sales and service; employment agencies; and similar land uses.

Indoor entertainment and recreation means uses which provide recreation or entertainment services entirely within an enclosed building. Examples may include skating rink, arcade, billiards room/pool hall, dance hall/club, dance/music school or studio, gymnastic facility, martial arts facility, sports training facility, health/fitness club, and similar land uses. Adult and regulated uses are specifically excluded from this category.

Indoor retail sales of goods (other than groceries or food). The indoor retail sales of goods use classification, excluding grocery and food sales, applies to retail uses which display or conduct the sale or rental of merchandise entirely within an enclosed building. Examples may include antique shops,

furniture stores, hardware stores, department stores, clothing/wearing apparel stores, bookstores, sporting goods stores, drug stores, pharmacies, florist shops, and similar land uses. Adult uses are specifically excluded from this category.

Inflatable sign means any sign or inflatable device of more than two (2) cubic feet in capacity designed to be filled with air or a gas lighter than air, displayed to attract the attention of the public. The term "inflatable sign" includes balloons and balloon signs.



Inflatable Sign

Instructional sign means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," and other similar directives.

Internal illumination means the illumination of a sign which is produced by an artificial source of light concealed or contained within the sign itself, and which becomes visible in darkness through the translucent portion of the sign face.

Junk yard means an open area where waste, scrap metal, paper, rags, or similar material are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto, farm implements and machinery, and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

Kennel means any lot or premises or portion thereof other than an animal control facility, veterinary hospital, or animal shelter, where animals allowed by the Illinois Animal Welfare Act (225 ILCS 605/1 et seq.) are maintained for boarding, training, or similar purposes for a fee or compensation and which meets the requirements of the Illinois Animal Welfare Act (225 ILCS 605/1 et seq.).

Laboratory, commercial, means a place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packing of products is not included within this definition.

Land Resource Management Plan means an official plan adopted by the County to guide growth and development. The Land Resource Management Plan (LRMP) serves as the County's Comprehensive Plan, including township specific plans and extensive goals and objectives focused on both planning and management.

Landscaping business means a business engaged in providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens and businesses primarily engaged in providing these services along with the design of landscape plans and/or the construction and installation of walkways, retaining walls, decks, fences, ponds, and similar structures.

Livestock means domestic animals of types customarily raised or kept on farms for profit or other purposes.

Livestock feeding yard means an enclosure designed or used for the purpose of concentrated feeding or fattening of livestock for marketing.

Livestock sales yard means an enclosure or structure designed or used for holding livestock for the purpose of sale or transfer by auction, consignment, or other means.

Loading and unloading space, off-street, means an open hard-surfaced area other than a street or public way, the principal use of which is for the standing, loading, and unloading of motor vehicles, tractors, and trailers to avoid undue interference with public streets and alleys. Such space shall not be less than ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

Lodginghouse or roominghouse means a building with not more than five (5) guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or overnight guests.

Lot means a parcel of land legally described as a distinct portion or piece of land of record. In cases of recreational vehicle parks and campgrounds, a lot is a parcel of land designated on the official plot plan for the placement of a single recreational vehicle or tent and for the exclusive use of its occupants. The term "lot" includes the terms "plot," "piece," and "parcel."

Lot area, gross, means the area of a horizontal plane bounded by the centerline of all adjacent public streets and the lot lines where no public street is adjoining.

Lot area, net, means the area of a horizontal plane bounded by the front, side and rear lot lines.

Lot coverage means the area of a zoning lot occupied by the principal building and accessory buildings.

Lot depth means the mean horizontal distance between the front and rear lot line of a lot measured within the lot boundaries.

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

Lot line, corner side, means that portion of a lot boundary on a corner lot which lies along a public street and which is not identified as the front lot line.

Lot frontage. The front of any lot shall be that boundary of a lot along a public street; for a corner lot, the owner may elect either street line as the front lot line.

Lot line, front, means the front property line of a zoning lot.

Lot line, interior, means a side lot line common with another lot.

Lot line, rear, means the lot line most nearly parallel to and remote from the front lot line.

Lot of record means a lot that is part of a recorded subdivision or a parcel of land that has been lawfully established and recorded at the County Recorder's Office.

Lot width means the horizontal distance between the side lot lines as measured at the established front building setback line (refer to lot width illustration in Section 36-1090).

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

Lot, interior, means a lot other than a corner lot or reversed corner lot.

Lot, reversed corner, means a corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

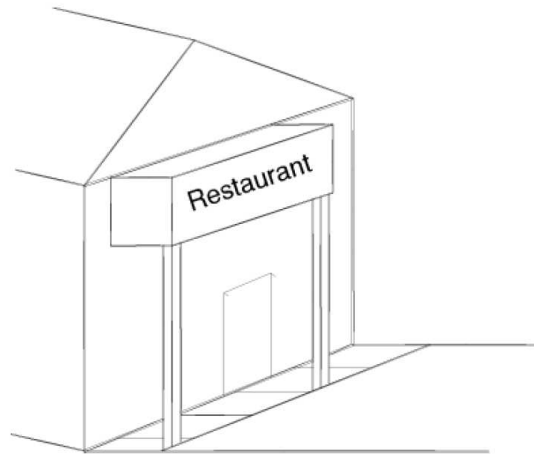
Lot, through, means a lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot, zoning. See *Zoning lot.*

Marina means a boat basin and recreational facility, located on water-frontage property, providing moorings for boats, and one (1) or more of the following facilities: boat launching ramps, boat livery, boat sales, maintenance shops, marine supply stores and fuel docks.

Marquee or canopy means a roof-like structure of a permanent nature which projects from the wall of a building or overhangs the public way and is designed and intended to protect pedestrians from adverse weather conditions.

Marquee or canopy sign means a sign that is mounted or painted on, or attached to, a canopy or marquee.



Marquee or Canopy Sign

Massage or massage therapy means a system of structural palpation or movement of the soft tissue of the body or the performance of non-sexual manipulative exercises or techniques as defined under Section 10 of the Massage Therapy Practice Act (225 ILCS 57/10), by a massage therapist for compensation, except those persons exempted under Section 25 of the Massage Therapy Practice Act (225 ILCS 57/25).

Massage school means any place or establishment or facility which provides instructions in theory, method and practice of massage or massage therapy which meets the minimum standards for training and curriculum as determined by the State Department of Financial and Professional Regulation.

Massage therapist means a person who is licensed by the State Department of Financial and Professional Regulation, as defined in the Massage Therapy Practice Act (225 ILCS 57/1 et seq.) and administers massage for compensation.

Medical cannabis cultivation center or cultivation center means a facility operated by an organization or business that is registered by the State Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain consistent with the definition provided in Section 10 of the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/10), as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.

Medical cannabis dispensing organization or dispensing organization or dispensary means a facility operated by an organization or business that is registered by the State Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in

Section 10 of the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/10), as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.

Memorial or tablet sign means the permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication, or other similar information.



Memorial or Tablet Sign

Micro brewery means a person, including a brewery, who is a holder of a brewer license or non-resident dealer license who manufactures up to nine hundred thirty thousand (930,000) gallons of beer per year and who may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in in the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.). A micro brewery is also referred to as a "Class 1 brewer" per 235 ILCS 5/1-3.38.

Micro distillery or *craft distillery* means a facility that produces alcoholic beverages in quantities not to exceed fifteen thousand (15,000) gallons per year and includes an accessory tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohol manufactured outside the facility are prohibited. If State law changes the quantities, this definition should reflect those changes.

Mobile home means a unit designed for year-round living quarters. It has a permanent chassis but must be towed by another vehicle. It is designed to be installed on piers with tie-downs but not on a permanent foundation. It has toilet, cooking and sleeping facilities and, when connected to utilities on site, it may have plumbing, electric, heating and air conditioning systems contained therein. It is at least eight (8) feet wide and forty (40) feet long.

Motor freight terminal means a building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

Motor vehicle means a vehicle of less than sixteen thousand (16,000) pounds which is self-propelled and is capable of being licensed for operation upon the streets and highways of the State, including automobiles, motorcycles, and light trucks.

Motor vehicle laundry means a building or portion thereof containing facilities for washing more than two (2) motor vehicles, using mechanical methods.

Motor vehicle repair, major, means engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair and painting of vehicles.

Municipal solid waste transfer station means facilities where municipal solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities. Recyclables may also be separated from municipal solid waste at these facilities.

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



Nameplate

Nano brewery means a brewery that produces less than one thousand (1,000) barrels (31,000 gallons) of beer per year with one hundred (100) percent of its beer sold off site.

Nonconforming sign means any sign that does not conform to the requirements of this chapter.

Nonconforming structure means any building or structure lawfully established at the time of the adoption of the ordinance from which this chapter is derived or any amendments hereto that does not comply with the yard, height, bulk or separation requirements contained in the regulations of this chapter.

Nonconforming use means any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of the ordinance from which this chapter is derived or amendments hereto that does not comply with the regulations of this chapter.

Nonparticipating property, for the purposes of commercial solar energy facilities and commercial wind energy facilities, shall have the same meaning as defined in 55 ILCS 5/5-12.

Nonparticipating residence, for the purposes of commercial solar energy facilities and commercial wind energy facilities, shall have the same meaning as defined in 55 ILCS 5/5-12.

Noxious matter means material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

Nursing home or rest home means a home for the care of children or the aged or infirm, or place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

Nursery school or day nursery means an institution providing care for three (3) or more children under the age of seven (7) years for periods of more than four (4) hours but not exceeding twenty-four (24) hours.

Obstruction means an obstacle, impediment or hindrance.

Occupied community building, for the purposes of commercial solar energy facilities and commercial wind energy facilities, shall have the same meaning as defined in 55 ILCS 5/5-12.

Off-grid solar energy system means a photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Off-premises identification sign means any sign displaying the name and/or logo of a business and which is situated on a parcel of land other than the property for which the sign is identifying.

Open sales lot means any land used or occupied for the purpose of buying and selling new or second-hand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft, and monuments, and for the storing of same prior to sale.

Ordinance means the County Zoning Ordinance.

Outdoor advertising structure means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises on which such sign is located or to which it is affixed (see *Billboard*).

Paintball facility means the location where a game in which players on one (1) team seek to eliminate those on an opposing team by marking them with a water-soluble dye shot in capsules from air guns.

Parcel delivery station means a building in which commodities, sold at retail within the area and packaged by the retailer, are assembled and routed for delivery to retail customers located within area.

Parking area, private, means an open, hard-surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building for which the parking area is developed and is accessory.

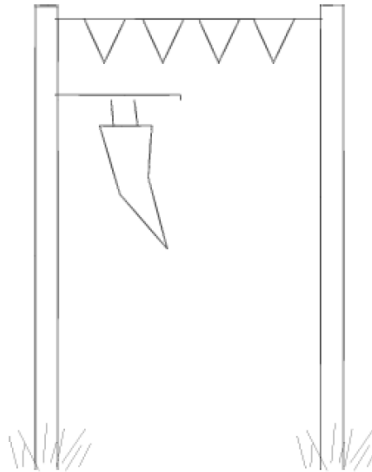
Parking area, public, means an open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half (1½) tons' capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking space, automobile, means space within a public or private parking area not less than one hundred eighty (180) square feet (nine feet by 20 feet), exclusive of access drives, or aisles, ramps, columns or office and work areas, for the storage of one (1) passenger automobile or commercial vehicle under one and one-half (1½) tons' capacity.

Participating property, for the purposes of commercial solar energy facilities and commercial wind energy facilities, shall have the same meaning as defined in 55 ILCS 5/5-12.

Participating residence, for the purposes of commercial solar energy facilities and commercial wind energy facilities, shall have the same meaning as defined in 55 ILCS 5/5-12.

Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.



Pennant

Performance standard means a criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare of heat generated by or inherent in uses of land or buildings.

Performing arts center. The performing arts are art forms in which artists use their bodies or voices to convey artistic expression. Examples of performing arts may include music, dance, fitness training, theater arts, technical arts, online lessons, a performing arts preschool, etc. Regulated uses that are specified in Section 36-981 are specifically excluded from this category.

Personal service uses means exclusively indoor land uses in which personal services are provided to individuals on a walk-in or on an appointment basis. Examples may include barbershops, beauty shops, shoe repair/shoeshine shops, tailor/garment repair shops, small household appliance repair shops, travel offices, and similar land uses. Adult and regulated uses are specifically excluded from this category.

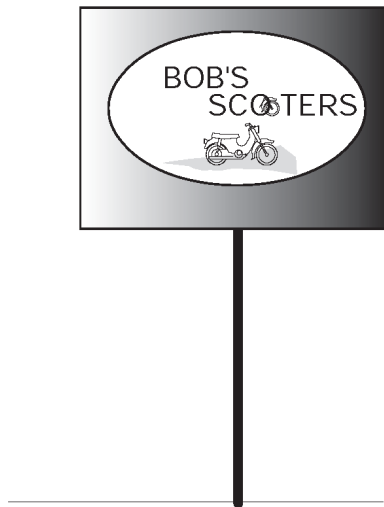
Philanthropic institutions means a non-profit nongovernmental institution organized and operated for charitable purposes whose net income does not inure in whole or in part to the benefit of shareholders or individuals but through donated assets and income to provide socially useful services. Community foundations, endowments, hospitals, educational institutions founded by charity and charitable trusts are types of philanthropic organizations.

Picnicker means any person that visits a recreational vehicle park or campground but does not stay overnight and is not employed by the recreational vehicle park or campground.

Place of worship means a building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which buildings and uses are maintained and controlled by a religious body organized to sustain religious ceremonies and/or purposes.

Planned development means a tract of land which is developed as a unit under single ownership or control, which includes two (2) or more principal buildings.

Pole sign means a sign mounted on one (1) or more freestanding poles or pylons or other supporting base that is not as wide as the bottom of the sign.



Pole Sign

Political sign means any sign displayed in conjunction with an official election or referendum, used on behalf of candidates for elected public office or to advocate a position on referenda.

Porch means a roofed-over structure, projecting out from the walls of a main structure and commonly open to the weather in part.

Portable sign means any sign attached to or mounted upon a frame intended to be moved from place to place. Such sign may be used as a temporary freestanding sign and may or may not include movable lettering.



Portable Sign

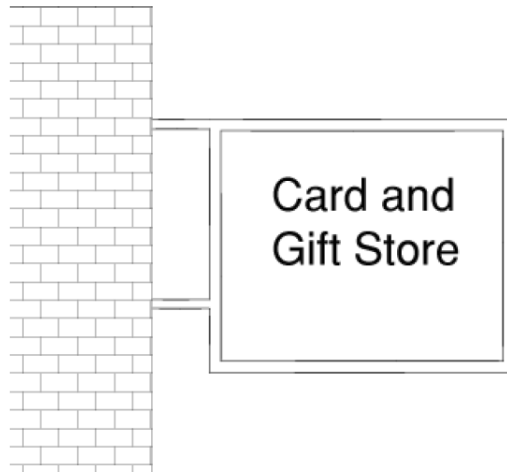
Primary open space means all non-buildable areas (except existing road rights-of-way), specifically wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the one hundred (100) year floodplain, slopes exceeding twenty-five (25) percent and soils subject to slumping. Primary open space areas are predetermined by the locations of these features.

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

Private airstrip means a private aircraft landing strip open to residents and invitees or open to ultra-light or short take-off and landing vehicles only.

Private clubs or lodges means an association organized and operated for persons who are bona fide members typically paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such associations are typically conducted by a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary, and incidental to the common objectives of the organization, and further provided that such sale or service of alcoholic beverages and food is in compliance with all applicable Federal, State, County, and local laws and ordinances.

Projecting signs means a sign wholly or partly dependent upon a building for support, and which projects more than twelve (12) inches in a perpendicular fashion from such building.



Projecting Sign

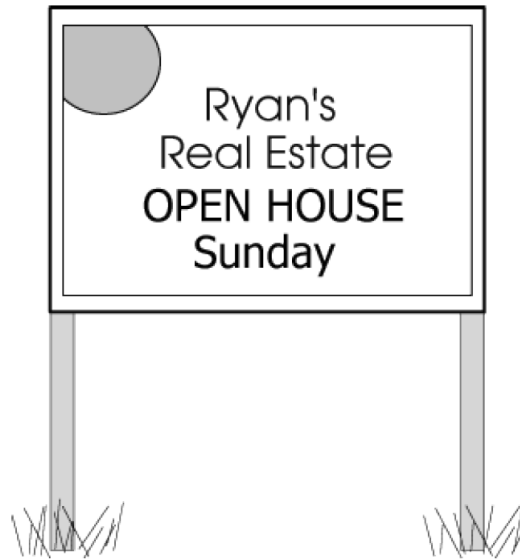
Protected lands, for the purposes of commercial solar energy facilities and commercial wind energy facilities, shall have the same meaning as defined in 55 ILCS 5/5-12.

Public service facilities means a needed use in a large format to be used by the public, including filtration plants, pumping stations, and water reservoirs, gas regulator stations, sewage treatment plants, telecommunications hubs, electric substations, generators and booster stations and non-exempt governmental uses. The term "public service facilities" includes private or public entities.

Public utility means any person, firm, corporation, or municipal department duly authorized to furnish to the public, under public regulation, electricity, gas steam, telephone, sewers, transportation, or water.

Railroad right-of-way means a strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, rail car shops, rail car yards, locomotive shops, water towers, etc., under regulation by the Interstate Commerce Commission (ICC).

Real estate sign means a sign used to advertise the sale or lease of an individual home, apartment, office, or retail development.



Real Estate Sign

Recreational areas means parks and open space devoted primarily to the pursuit of outdoor recreational activities such as golf courses, fishing lakes, playgrounds, trails and nature preserves, but the term "recreational areas" does not include outdoor commercial sporting activities. In cases of recreational vehicle parks and campgrounds, recreational areas are those which are set aside for non-camping use. Recreational areas may include space for service buildings and/or accessory buildings as well as natural open space, children's playgrounds and other recreational facilities.

Recreational vehicle (RV) means a vehicular portable structure designed as a temporary dwelling for travel, recreational or vacation uses, and to be used without a permanent foundation or a vehicle that is built on a single chassis, designed to be self-propelled or permanently towable by a light-duty vehicle, and designed primarily for recreation, camping, travel or seasonal use. Jet skis, boats, snowmobiles, or similar vehicles shall also be considered to be recreational vehicles for the purposes of parking regulations.

Recreational vehicle park or campground means a contiguous parcel of land which has been developed for the non-permanent placement of recreational vehicles and/or tents. Recreational vehicle parks may not be operated in whole or in part for the lease or rent of such vehicles by the park owners or operators, nor can any such vehicle be inhabited as a permanent place of abode.

Register means, in cases of recreational vehicle parks and campgrounds, a listing of the name, make of car, and license plate number of all campers and picnickers. Said list shall identify each person as a camper or a picnicker, the date the person arrived on the property, and the date that the person left the property. In the case of campers, the register shall also list the lots in which the person camped.

Rendering means a process that collects, cooks and processes bodies or parts of bodies of dead animals, poultry or fish, or used cooking grease and oils, for the purpose of salvaging hides, wool, skins or feathers, and for the production of animal, poultry, or fish protein, blood meal, bone meal, grease or tallow and converts it into stable, value-added materials. The term "rendering" includes any processing of animal products into more useful materials, or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

Research and development means a building or group of buildings in which are located facilities for scientific research, experimental study, investigation, testing and experimentation, but not primarily facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residency means the act or condition of residing or dwelling in a place.

Respite care means usually planned residential care for dependent, elderly or handicapped people, to provide relief for their permanent caregivers.

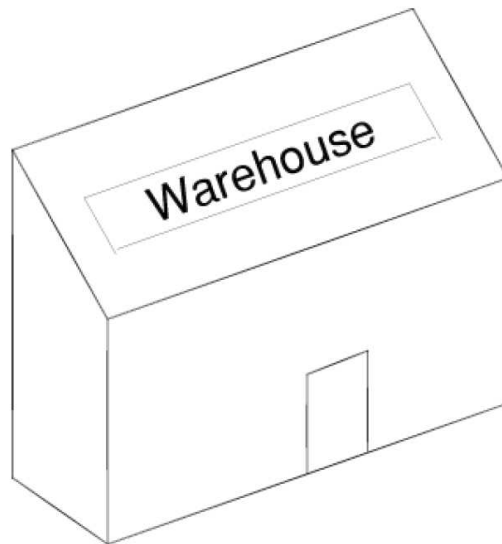
Restaurant means any land, building, or part thereof, other than a boardinghouse, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunchroom, drive-in stand, tearoom, and dining room, including the service of alcoholic beverages when served with and incidental to the serving of meals, permitted by local option.

Rest home. See *Nursing home.*

Roadway right-of-way line means the edge of the public roadway right-of-way as dedicated or as shown as a prescriptive easement on a certified plat of survey, or the edge of a private roadway right-of-way dedicated as a common easement or commonly owned parcel. The width of such land shall be as required by Chapter 30. The Zoning Administrator shall determine the actual line to be used for determining zoning setback requirements.

Roof-mounted solar energy system means a solar energy system that is mounted on a rack that is fastened onto a building roof.

Roof sign means a sign mounted on the roof of a building.



Roof Sign

Runway means a strip or area of pavement used exclusively for the landing and taking off of aircraft, or for the movement of vehicles incidental to such use.

Sanitary landfill means a method of disposing of refuse by spreading and covering with earth to a depth of two (2) feet on the top surface and one (1) foot on the sides of the bank.

Seasonal festival means a temporary event held during a specified time of the year which is designed to enhance the sales of seasonal crops and related products produced in conjunction with existing agricultural businesses such as orchards, vineyards, nurseries and similar agricultural operations. Related activities may include, but are not limited to, corn mazes, wagon rides, pony rides, farm animal petting zoos, and pumpkin patches. Activities including amusement park rides, live music concerts, truck and tractor pull competitions are specifically prohibited from seasonal festivals.

Secondary open space means all buildable acreage protected as open space. Secondary open spaces shall include, at a minimum, a one hundred fifty (150) foot deep greenway buffer along all water bodies and watercourses, and a fifty (50) foot greenway buffer alongside arterial and major collector streets and wetlands. The location of secondary open space areas shall be guided by the maps and policies contained in the Land Resource Management Plan and shall typically include all or part of the following kinds of resources: mature woodlands, aquifer recharge areas, areas with highly permeable soil according to the County soil survey, significant wildlife habitats, sites listed by the critical trends assessment program of the State Department of Natural Resources, prime farmland, historic or traditional rural architecture reminiscent of the County's agricultural heritage, and scenic views into the property from existing public roads.

Self-service storage facility means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.

Self-storage or mini-warehouse means a building consisting of individual, self-contained units that are leased or owned for the storage of business supplies and household goods. Business goods are limited to those not associated with any office, retail or other business or commercial use within the self-storage warehouse facility.

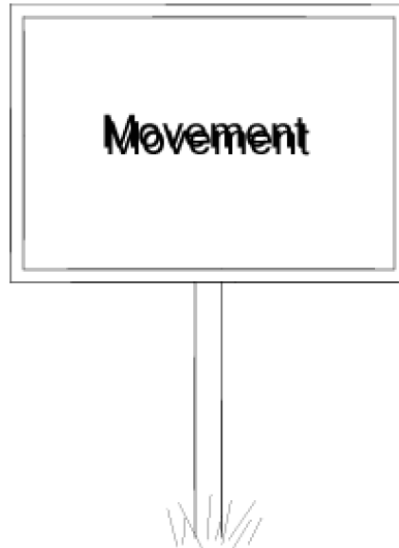
Service club means a voluntary non-profit organization where members meet regularly to perform charitable works either by direct hands-on efforts or by raising money for other organizations.

Service station means a place where gasoline, stored in underground tanks, kerosene, lubricating oil or grease, for operation of motor vehicles, are offered for sale directly to the public on the premises, and including minor accessories and the service of motor vehicles, but not including major motor vehicle repairs, and including washing of motor vehicles. When the dispensing sale or offering for sale of motor fuels or oil is incidental to the conduct of a motor vehicle repair facility, the premises shall be classified as a motor vehicle repair facility. Service stations shall not include sale or storage of automobiles or trailers (new or used).

Setback line, building. See *Building setback line*.

Short-term rental means a one (1) family dwelling, two (2) family dwelling, or accessory structure with residentially allowed occupancy permits that are rented for a maximum thirty (30) days.

Sign means a name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, tree, rock, or other object, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include the flag, emblem or insignia of a nation, political unit, school or religious group. The term "sign" does not include a sign located completely within an enclosed building unless the contents shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.



Animated Sign

Sign contractor means a person or entity who performs work for compensation in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion or manufacture of any sign.

Sign structure means the sign and all parts associated with its mounting.

Sign supports means all structural features by which a sign is held up, including, for example, poles, braces, guys, and anchors.

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

Sign, church bulletin board, means a sign attached to the exterior of a church or located elsewhere on the church premises used to indicate the services or activities of the church and including its name, if desired.

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

Sign, gross surface area of, means the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an intricate part of the display.

Sign, identification, means a structure, building wall or other outdoor surface used to display and identify the name of the individual business, profession, organization or institution occupying the premises upon which it is located.

Slaughterhouse means an establishment where animals are butchered for food.

Small poultry and small animal processing plant means operations in which the carcasses of slaughtered poultry are defeathered, eviscerated, cut up, skinned, boned, canned, salted, stuffed, rendered, or otherwise manufactured or processed. Poultry and small animals are defined as rabbits, chickens, turkeys, ducks, geese, guineas, squab (pigeons up to one (1) month old), and small game birds such as quail, pheasant, and partridge.

Solar collector means an assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

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

Solar energy system (SES) means all components required to become a complete assembly or structure that will convert solar energy into electricity for use.

Solar energy system, private, means a collection of one (1) or more solar collectors designed for use by the occupant of the zoning lot, planned development, commercial and industrial park, or subdivision on which or in which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, County, and State. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

Solar hot air system means an active solar energy system (also referred to as solar air heat or solar furnace) that includes a solar collector to provide direct supplemental space heating by heating and recirculating conditioned building air.

Solar hot water or solar thermal system means a system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Special event signs means a temporary sign associated with a special event on the property where the sign is located that exceeds the allowable amount of time and number of signs permitted under Section 36-1061(b). Such signs must be related to the special event occurring on the property.

Special use means any use of land or buildings, or both, described and permitted herein, subject to the provisions of Article II of this chapter.

Specified anatomical areas means:

- (1) Less than completely or opaquely covered:
 - a. Human genitals;

- b. Pubic region;
 - c. Buttock; and
 - d. Female breast below a point immediately above the top of the areola;
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, fellatio or sodomy;
- (3) Fondling, kissing, or other erotic touching of specified anatomical areas.

Stable, livery, means any building, other than a private stable, designed, arranged, used or intended to be used for the storage of horses and horse-drawn livery, or both.

Stable, private, means any building, which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

Stable, public (riding or boarding stables), means a building and grounds which are designed, arranged, used or intended to be used for the storage, boarding, breeding of horses, including accessory uses which may include riding and horsemanship and the hire of riding horses.

Stacking requirements means the number of cars and trucks that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

Stand, roadside, means a structure for the display and sale of only agricultural products which are produced on the premises.

Story means that portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Story, half, means that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four and one-half (4½) feet above the finished floor of each story. In the case of one (1) family dwellings, two (2) family dwellings and multiple-family dwellings less than three (3) stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this chapter. In the case of multiple-family dwellings three (3) or more stories in height, a half story shall be counted as a story.

Street means a way other than an alley, which affords a primary means of access to abutting property.

Street line means a line separating an abutting lot, piece or parcel from a street.

Structure means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a mobile home and a prefabricated building.

Structural alterations means any change other than incidental repairs which would prolong the life of the supporting members of a building or structure, such as bearing wall, column, beams, and girders.

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

Supporting facilities, for the purposes of commercial solar energy facilities and commercial wind energy facilities, shall have the same meaning as defined in 55 ILCS 5/5-12.

Tavern or lounge means a building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

Telecommunications stations means a system consisting of a transmitter, a transmission medium, or a receiver used for the transmission of information over significant distances for the purposes of communication.

Temporary means a duration of time no longer than seven (7) days, including weekends.

Temporary sign means any sign designed, constructed, or erected to display a message for a limited duration of time. Such signs include, but are not limited to, beacon or search light, grand opening, inflatable, political and special event signs, as well as any other sign which, by its definition and application in this chapter, is designated as a temporary sign.

Tent means a structure, enclosure, umbrella structure, or shelter, with or without side walls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

Terrace, open, means a level and rather narrow place or platform which, for the purpose of this chapter, is located adjacent to one (1) or more faces of the principal structure and which is constructed not more than four (4) feet in height above the average level of the adjoining ground.

Theater means an establishment used to observe films and other visual material which is neither an adult motion picture theater nor an adult mini-motion picture theater.

Thoroughfares means primary, secondary and collector, as defined by the official County Comprehensive Plan.

Toxic material means a substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

Trailer means every vehicle without motive power designed for carrying property and for being drawn by a motor vehicle.

Trailer, recreational, means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use. It has a permanent chassis and it has its own motive power or is mounted on or towed by another vehicle. It is sometimes referred to as a travel trailer, camping trailer, truck camper, motor home or recreational vehicle.

Trailer camp or park means any premises occupied by or designed to accommodate two (2) or more automobile house trailers or mobile homes, or the parking of two (2) or more trailers for business or storage purposes.

Trailer, office or storage, means any trailer designed for temporary use for an office or storage and not used as living quarters, temporary or permanent.

Truck parking area or yard means any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, and which exceeds one and one-half (1½) tons in capacity.

Truck stop means a facility that provides a much broader range of services than a typical service station. Such facilities are generally designed to accommodate the needs of commercial vehicles and interstate truck traffic in addition to the motoring public at large. Facilities may include one (1) or more buildings designed for the maintenance, servicing, storage or repair of commercial and passenger vehicles; for the dispensing of motor fuel and other petroleum products directly into motor vehicles and trucks; the sale of accessories or equipment for trucks and similar commercial vehicles; as well as areas for overnight parking and storage of such vehicles. A truck stop may also include overnight accommodations, car and truck wash facilities, showers and/or restaurant facilities, primarily for the use of truck crews and the traveling public.

Use means the purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Used car lot means a zoning lot on which used cars or new cars, trailers, or trucks are displayed in the open for sale or trade.

Used for includes the terms "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

Viewing device means any device, whether or not coin operated, which projects or displays visual images of moving and stationary objects, including, but not limited to, magic lanterns, films or slide projectors or other light projection devices, and video screens, cable receivers, or any electronic device which receives electromagnetic waves or electronic signals and displays the reconverted images on a screen.

Wall sign means any sign attached parallel to and supported by a wall or building, and within six (6) inches of such wall or painted on the wall surface of any building.



Wall Sign

Watchman means a person who maintains security on a piece of land and/or its structures to protect it from fire, vandals, or thieves.

Watercourse means any flowing body of water, including rivers, creeks, streams or waterways; not to include small swales, impressions or areas that puddle.

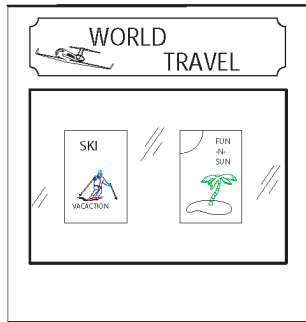
Wetlands means areas inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wind energy system, small, means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not meet the kilowatt capacity in total nameplate generating capacity as defined by 55 ILCS 5/5-12 and which is intended to primarily reduce on-site consumption of utility power. If all applicable regulations are met, a small wind energy system may contain more than one wind energy conversion system. This system may power properties in planned developments, commercial and industrial parks, or subdivisions on which or in which said system is located.

Wind tower, for the purposes of commercial solar energy facilities and commercial wind energy facilities, shall have the same meaning as defined in 55 ILCS 5/5-12.

Window area means any transparent area on a facade through which the interior of a premises may be viewed from outside.

Window sign means any sign which is affixed or placed so that its message or image is read as a part of the total composition of a window area.



-Total area of all wall signs not to exceed 5% of building face

-Total area of all window signs not to exceed 35% of window area

Wrecking yard means any place where two (2) or more vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, and including the commercial salvaging of any goods, articles, or merchandise.

Yard means an open space on the same zoning lot with the principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this chapter, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for which the zoning lot is located.

Yard, corner side, means a yard extending across the full length of a corner side lot line and lying between the roadway right-of-way line and the nearest line of the buildings.

Yard, front, means a yard extending across the full width of the zoning lot and lying between the roadway right-of-way line and the nearest line of the buildings.

Yard, rear, means a yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, required, means the area between the road right-of-way and/or the property line and the minimum distance established for the appropriate setback for either the front, side, or rear yard.

Yard, side, means the part of the yard lying between the nearest line of the principal building and a side lot line and extending from the required front yard (or from the front lot line if there is no required front yard) to the required rear yard.

Zoning Administrator means the Zoning Administrator appointed by the County Board and such deputies or assistants as have been or shall be duly appointed by the County Board. That officer is hereby authorized and it is the duty of the same to administer and enforce the orders as are necessary therefor, and requiring such plats, plans, and other descriptive materials in connection with application for permits as are necessary for the same to judge compliance with this chapter.

Zoning Board means the County Zoning Board of Appeals (ZBA).

Zoning lots means a contiguous piece of land in one (1) ownership irrespective of intervening waterways or rights-of-way for roads or utilities and further irrespective of the division of said land by survey, plat or otherwise which is or may be occupied by a use, or buildings, including the open spaces required by this chapter.

Zoning maps means the maps incorporated into this chapter as a part hereof, designating zoning districts.

Zoning and Platting Advisory Committee (ZPAC) means an informal, strictly advisory committee and not a County Board committee comprised primarily of County staff and advisors. Membership includes, but is not limited to, representatives from the County PBZ Department, the Highway Department, the Health Department, the Sheriff's Department, Forest Preserve District, Soil and Water Conservation District, and the County Engineer or consultants. The PBZ Chairman or designee, as needed, from the Planning, Building and Zoning (PBZ) Committee shall serve on ZPAC.

(Ord. No. 2020-17, exh. D, §§ 3.00—3.02, 9-15-2020; Ord. No. 2020-24, §§ III, IV, 11-17-2020; Ord. No. 2022-18, 7-19-2022; Ord. No. 2023-17, § II, 5-16-2023; Ord. No. 2023-18, § II, 5-16-2023; Ord. No. 2023-24, §§ II—VI, 5-16-2023)

Sec. 36-3. Penalties.

(a) Any person, firm or corporation who violates any of the provisions of this chapter shall be guilty of a petty offense punishable by a fine not to exceed five hundred dollars (\$500.00) with each week the violation remains uncorrected constituting a separate offense.

(b) In addition to Subsection (a) of this section, the County may take summary steps to abate violations to this chapter and charge the violator with the cost of abating the violation. Upon nonpayment, the County may file a lien against the property.

(c) In addition to the fines herein, the County shall be entitled to all costs of prosecution, including attorney's fees incurred by the County, and the cost, if any, of abating the violation.

(Ord. No. 2020-17, exh. N, § 13.11, 9-15-2020)

Sec. 36-4. Intent and purpose.

Adopted pursuant to the provisions of An Act in Relation to County Zoning, passed by the General Assembly of the State and enacted into law on June 28, 1935, and all amendments thereto (Division 5-12 of the Counties Code (55 ILCS 5.5-12001 et seq.)), this chapter serves the following purposes:

- (1) To promote the public health, safety, morals, comfort, and general welfare;
- (2) To conserve the values or property throughout the County and to protect the character and stability of agricultural, residential, business, and manufacturing areas, and to promote the orderly and beneficial development of such areas;
- (3) To provide adequate light, air, privacy, and convenience of access to property;
- (4) To lessen or avoid congestion in the public streets and highways;

- (5) To regulate and restrict the location and use of buildings, structures and restrict the intensity of such uses, and to establish building or setback lines outside the limits of incorporated cities, villages and towns;
 - (6) To divide the entire County outside the limits of such cities, villages, and incorporated towns into districts of such number, shape, area, and of such different classes, according to the use of land and buildings, and the intensity of such use, as may be deemed best suited to carry out the purposes of this chapter;
 - (7) To prohibit uses, buildings, or structures incompatible with the character of such districts, respectively;
 - (8) To prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder;
 - (9) To protect against fire, panic, explosion, noxious fumes, flooding along natural watercourses and other hazards in the interest of public health, safety, comfort and general welfare;
 - (10) To provide for the elimination of incompatible and nonconforming uses of land, buildings, and structures which are adversely affecting the character and values of desirable development in each district;
 - (11) To define and limit the powers and duties of the administrative officers and bodies as provided herein.
- (Ord. No. 2020-17, exh. C, § 2:00, 9-15-2020)

Sec. 36-5. Interpretation.

(a) *Minimum requirements.* The provisions of this chapter shall be held to be minimum requirements for the promotion of public health, safety, morals, and welfare.

(b) *Relationship with other laws.* Where the conditions imposed by any provision of this chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

(c) *Effect on existing agreements.* This chapter is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this chapter are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this chapter shall govern.

(Ord. No. 2020-17, exh. E, § 4:01, 9-15-2020)

Sec. 36-6. Scope of regulations.

(a) *Change in structures or use.* Except as may otherwise be provided in Article III of this chapter, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter shall be subject to all regulations of this chapter (which are applicable to all regulations of this chapter) which are applicable to the zoning districts in which such buildings, uses or land shall be located.

(b) *Nonconforming buildings, structures and uses.* Any lawful buildings, structures or use existing at the time of the enactment of the ordinance from which this chapter is derived may be continued, even though such building, structure or use does not conform to the provisions of this chapter for the district in which it is located, and whenever a district shall be changed hereafter, then existing lawful use may be continued, subject to the provisions of Article III of this chapter.

(c) *Building permits.* When a building permit for a building or structure has been issued in accordance with law prior to the effective date of the ordinance from which this chapter is derived, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may upon completion be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the provisions of Article III of this chapter.

(Ord. No. 2020-17, exh. E, § 4:02, 9-15-2020)

Sec. 36-7. Use and bulk regulations.

(a) *Use.* No building, structure or land shall hereafter be used or occupied, and no building or part thereof, or other structure, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified in the district in which it is located.

(b) *Bulk.* All new buildings and structures shall conform to the regulations established herein for the district in which each building is located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks and necessary appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other County ordinances.

(Ord. No. 2020-17, exh. E, § 4:03, 9-15-2020)

Sec. 36-8. Uses not permitted.

When a use is not specifically listed in the sections devoted to uses permitted, it shall be assumed that such uses are hereby expressly prohibited unless, by a written decision of the ZBA, it is determined that said use is similar to and not more objectionable than the use listed.

(Ord. No. 2020-17, exh. E, § 4:15, 9-15-2020)

Secs. 36-9—36-34. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 36-35. Zoning Administrator.

(a) *Appointment.* The enforcement of this chapter is hereby vested in the Zoning Administrator of the County and such deputies or assistants as have been or shall be duly appointed by the County Board.

(b) *Powers and duties.* The Zoning Administrator shall administer and enforce this chapter and, in addition thereto and in furtherance of said authority, shall:

- (1) Examine and approve an application pertaining to the use of land or structures when the application conforms with the provisions of this chapter.
- (2) Issue zoning certificates and make and maintain records thereof.
- (3) Issue occupancy certificates and make and maintain records thereof.
- (4) Supervise inspections of structures and uses of land to determine compliance with the terms of this chapter, and where there are violations, initiate action to secure compliance.
- (5) Receive, file and forward applications for zoning map and text amendments, special uses, variances, planned developments and other matters which under this chapter require referral to the Regional Planning Commission, the ZBA, the ZPAC, the PBZ Committee, or the full County Board.
- (6) Maintain permanent and current records of this chapter, including, but not limited to, maps, amendments, the rules or practice and procedure of the ZBA, special use, variations, appeals and applications therefor, and records of hearings thereon, including the recording of district amendments and special uses on the Official Zoning Map.
- (7) Decide or make recommendations on all other matters under this chapter upon which the Zoning Administrator is required to act.
- (8) Receive all notices of petitions for appeals, variations, amendments and special use permits which have been referred to the ZBA or other appropriate reviewing body.
- (9) Maintain all zoning records which are a part of the administration of this chapter.
- (10) Initiate, direct and review from time to time, a study of the provisions of this chapter, and make reports of this recommendation to the ZBA, the Regional Planning Commission and the County Board not less frequently than annually.
- (11) Direct the development of proposed amendments to the provisions of this chapter as may be necessary from time to time.
- (12) Publish periodically this chapter, including the Official Zoning Map.
- (13) Provide and maintain public information service relative to matters arising out of this chapter.

(c) *Procedure in case of violation.*

- (1) Whenever the Zoning Administrator or designee determines that a violation of this chapter has occurred, the Zoning Administrator or designee shall sign and cause a written citation to be served upon the owner, tenant, and/or occupant of the property (it being the intent of this chapter to make all such persons jointly and severally liable for compliance), which citation shall inform the person served of the violation and the date of a required court appearance.

- (2) Any violation or attempted violation of this chapter, or any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by any of the following remedies or any other remedies available at law or in equity:
 - a. Issue a stop work order for any and all work or use;
 - b. Revoke all permits and cause the cessation of any and all construction activities;
 - c. Seek an injunction or other order of restraint or abatement that requires the removal of the signs, the correction of the nonconformity, or the abatement of the activity or use;
 - d. Impose any penalties that can be imposed directly by the County under this chapter;
 - e. Seek in court the imposition of any penalties that can be imposed by such court under this chapter;
 - f. In the case of a sign, construction activity, or use that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of this chapter and the Building Code for such circumstances;
 - g. Enforcement of building codes.

All enforcement procedures found in this chapter are cumulative and the County shall have available all remedies for violations of this chapter as provided for or allowed by State law.

(d) *Procedure in case of petition inactivity.* The Zoning Administrator may declare an application for text amendment, map amendment, special use permit, major or minor amendments to special use permits, administrative or traditional variance, conditional use permit, or site plan review closed if the party requesting the action has ceased communications with the Planning, Building and Zoning Department for a period of six (6) months and the following actions are taken:

- (1) The Zoning Administrator shall send a certified letter to the applicant at the address stated on the original application stating that the petition will be closed for inactivity. The applicant will be informed that they have sixty (60) days from the date of the letter to re-activate the petition.
- (2) If the Zoning Administrator does not receive a response in writing within sixty (60) days of the date the letter was mailed, the petition shall be dismissed by the Zoning Administrator.
- (3) If the Zoning Administrator receives communication that the applicant would like to keep the petition active, the Zoning Administrator shall keep the petition open.
- (4) If an applicant believes that the Zoning Administrator incorrectly closed an application for inactivity, the applicant shall submit an appeal to the Planning, Building and Zoning Committee outlining the reasons why the application should remain active. The Planning, Building and Zoning Committee shall conduct an initial review of the appeal at their next available Committee meeting. If the Planning, Building and Zoning Committee rules in favor of the applicant, the application shall be re-activated. If the Planning, Building and Zoning Committee rules against the applicant, the application shall be considered closed.

(Ord. No. 2020-17, exh. M, § 13:01(A), 9-15-2020; Ord. No. 2023-20, § III, 5-16-2023)

Sec. 36-36. County Regional Planning Commission.

The Regional Planning Commission shall have the following duties under this chapter:

- (1) To receive from the Zoning Administrator copies of all applications for amendments and special use permits along with the Committee report from the ZPAC and report thereon with its recommendations.
 - (2) To hold conferences in regard to proposed plan developments under this chapter and submit a written report with its recommendations.
 - (3) To initiate, direct and review a study of the provisions of this chapter and the Official Zoning Map and to make reports on its recommendation to the County Board not less frequently than annually.
 - (4) To establish bylaws governing the calling and procedures of the Regional Planning Commission's meetings, provided such bylaws are not in conflict with applicable law.
- (Ord. No. 2020-17, exh. M, § 13:01(C), 9-15-2020)

Sec. 36-37. Zoning certificates.

- (a) (1) Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by an officer, department or employee of the County unless the application for such permit has been examined by the office of the Zoning Administrator and has affixed to it a certificate of the Administrator's office that the proposed building or structure and use thereof complies with all the provisions of this chapter.
- (2) However, with respect to the performance standards of this chapter for manufacturing and other specified uses, the Zoning Administrator shall accept as proof of compliance with such standards as the certificate of an architect or structural engineer licensed by the State, stating that the building or structure and proposed use thereof does conform with the said performance standards for the district in which it is located. Upon receipt of such certificate and if all other relevant requirements of this chapter are met, the Zoning Administrator shall without further delay approve and authorize the issuance of a zoning certificate, provided that within fifteen (15) days from the date of such approval, the Zoning Administrator shall examine said application and shall advise the architect or structural engineer in writing if the building, structure, or use thereof may not in fact comply with the performance standards of this chapter for the district in which it is or is to be located, and in this case the Zoning Administrator may require posting of a performance bond, such bond to be subject to forfeiture, and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M-1 Limited Manufacturing District performance standards, should the establishment in fact, fail to so comply.
- (3) Failure of the architect or structural engineer to show compliance or to submit said bond or certified check within thirty (30) days of such notification shall be cause for revocation of the zoning certificate and all further work authorized by said certificate shall be immediately discontinued.

(b) Any permit, zoning certificate, or certificate of occupancy issued in conflict with the provisions of this chapter shall be null and void.

(Ord. No. 2020-17, exh. M, § 13:02, 9-15-2020)

Sec. 36-38. Certificates of occupancy or completion; scope of permits.

(a) *Required.* No building or addition thereto, constructed after the effective date of the ordinance from which this chapter is derived, and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of the ordinance from which this chapter is derived shall be used for any purpose, until a certificate of occupancy or completion has been issued by the office of the Zoning Administrator. No change in use to the production, processing, or storage of materials or goods, and no change is used from the production, processing, or storage of one kind of material or good to another kind shall be made until a certificate of occupancy or completion has been issued by the office of the Zoning Administrator. Every certificate of occupancy or completion shall state that the use or occupancy complies with all the provisions of this chapter.

(b) *Application.* Every application for a building permit shall be deemed to be an application for an occupancy or completion certificate. Every application for an occupancy or completion certificate for a new use of land where no building is required shall be made directly to the office of the Zoning Administrator.

(c) *Issuance.* No occupancy or completion certificate shall be issued until construction has been completed or the use established and has been inspected and certified by the office of the Zoning Administrator to be in compliance with all the provisions of this chapter, provided that pending the issuance of an occupancy or completion certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during the partial occupancy of the premises. An occupancy or completion permit shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued not later than fifteen (15) days after the office of the Zoning Administrator is notified in writing that the building or premises is ready for occupancy.

(d) *Fees.* The County Board may establish by ordinance the fee to be charged for an occupancy or completion certificate.

(Ord. No. 2020-17, exh. M, § 13:03, 9-15-2020)

Sec. 36-39. Variations.

(a) *Purpose and conditions.*

- (1) In order that the spirit of this chapter may be observed and substantial justice done, the ZBA shall, upon application or appeal, determine and vary the terms thereof, other than a use the variance of which shall not be permitted, upon making a finding of fact that, owing to special conditions, a literal enforcement of the provisions of this chapter would result in a particular hardship or practical difficulty.

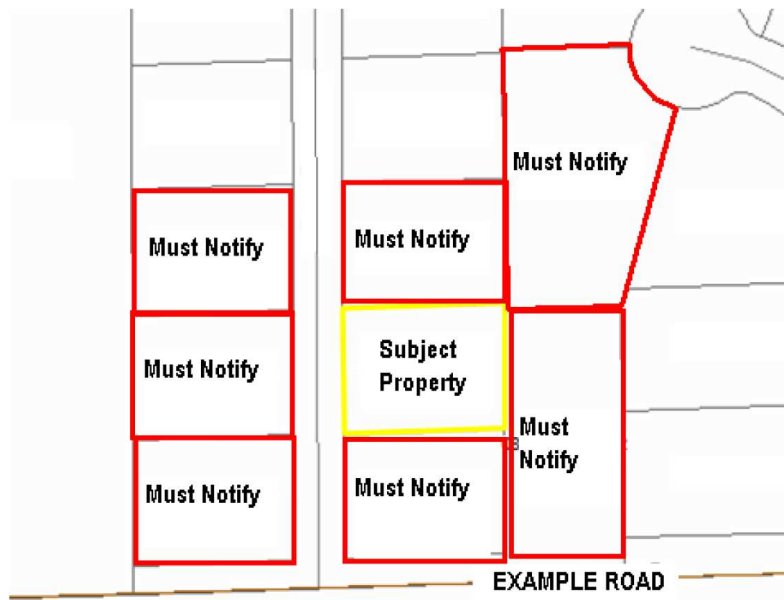
- (2) Variations shall run with the land and are transferred to the new owner provided a building permit has been issued (if required) and the use or structure has been lawfully established within one (1) year of variation approval.
- (3) In making its determination as to whether there is a particular hardship or practical difficulty, the ZBA shall take into consideration the extent to which the following conditions have been established by the evidence:
 - a. That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.
 - b. That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.
 - c. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.
 - d. That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.
 - e. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.
- (4) The ZBA may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to prevent injurious effects therefrom upon other property in the neighborhood, and better to carry out the general intent of this chapter.
 - (b) *Authorized variations.* Variation from the regulations of this chapter shall be granted by the Zoning Board of Appeals only in accordance with the standards set forth in Subsection (a) of this section and may be granted for any item except for a use.
 - (c) *Application for variation and notice of hearing.* An application for a variation shall be filed with the Zoning Administrator on a prescribed form, and the Zoning Administrator shall forward a copy of same to the ZBA without delay. The application shall contain such information as the ZBA may from time to time by rule provide. No more than ninety (90) days after the filing of such application, a hearing shall be held on the application. Notice of such hearing shall be published at least once not more than thirty (30) or less than fifteen (15) days before the hearing, in a newspaper of general circulation in the County. The published notice may be supplemented by such additional form of notice as the County Board may by rule provide.

(Ord. No. 2020-17, exh. M, § 13:04, 9-15-2020)

Sec. 36-40. Administrative variations.

- (a) *Purpose and conditions.*
 - (1) Administrative variations are intended to provide a streamlined approval procedure for minor modifications of zoning ordinance regulations while keeping with the general purpose and intent of zoning ordinance regulations and the established character of the area in which it is located.

- (2) Variations shall run with the land and are transferred to the new owner provided a building permit has been issued (if required) and the use or structure has been lawfully established within one (1) year of variation approval.
- (b) *Authorized administrative variations.*
 - (1) The PBZ Director or the person designated by the County Board is authorized to grant relief from any numerical or quantitative standard in this chapter by up to ten (10) percent.
 - (2) The administrative variation may not be approved unless the PBZ Director or the person designated by the County Board makes a written finding that the requested variation will not have significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public and that any adverse impact resulting from the administrative variance will be mitigated to the maximum extent feasible.
- (c) *Application for administrative variation.*
 - (1) A complete application for administrative variation must be filed with the PBZ Department.
 - (2) After the application and site plan are received, the applicant will need to provide notice via postal certificate of mailing to all adjoining property owners, even those located across the street. Proof of the mailing will need to be provided to the PBZ Department.



- (3) If no written objection is received within fifteen (15) days of the postal certificate of mailing, the PBZ Director or the person designated by the County Board may either grant or deny the application. If the petition is denied, or a written objection is received in a timely manner, the applicant will need to apply for a standard variation in front of the ZBA. If the PBZ Director or the person designated by the County Board does not feel comfortable making a recommendation, the Director or designated person may take the petition to the PBZ Committee for a final

decision. Also, in the case of denial from the Director or the person designated by the County Board and the petitioner do not agree with the recommended denial, the petition can then be taken to the PBZ Committee for a final decision.

- (4) In granting an administrative variation, the PBZ Director or the person designated by the County Board may impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding areas, and to carry out the stated purpose and intent of this chapter.

(Ord. No. 2020-17, exh. M, § 13:05, 9-15-2020)

Sec. 36-41. Appeals.

(a) *Scope.* Except for violations of this chapter cited by the Zoning Administrator or designee, an appeal may be taken to the ZBA by any person, firm, or corporation, or office, department, board or bureau affected by a decision of the office of the Zoning Administrator. The appeal shall specify the grounds thereof and shall be filed within such time and in such form as may be prescribed by the Board by general rule. The Zoning Administrator shall, upon request of the ZBA, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.

(b) *Hearing.* The ZBA shall fix a reasonable time for the hearing of an appeal. Public notice shall be given of the hearing and due notice shall be given additionally to the interested parties. At the hearing, any party may appear in person, by agent, or by attorney.

(c) *Staying of work on premises.* When an appeal from the decision of the Zoning Administrator has been taken and filed with the ZBA, all proceedings and work on the premises concerning which the decision was made shall be stayed unless the Zoning Administrator shall certify to the Board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the ZBA or by the County Circuit Court, on application, on notice to the Zoning Administrator and the owner of the premises affected and on due cause shown. After the owner or agent or persons or a corporation in charge of the work on the premises affected have received notice that an appeal has been filed with the ZBA, the Zoning Administrator shall have full power to order such work discontinued or stayed and to call upon the police power of the County to give full force and effect to the order.

(d) *Decision.* In exercising its powers, the ZBA may, upon the concurring vote of three (3) members of a five (5) member board or four (4) members of a seven (7) member board, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end have all the powers of the Zoning Administrator.

(Ord. No. 2020-17, exh. M, § 13:06, 9-15-2020)

Sec. 36-42. Amendments.

(a) *Authority.* The regulations imposed and the districts created under the authority of this chapter may be amended, from time to time, by ordinance in accordance with applicable State statutes. Two types of amendments are possible. A map amendment is needed to change the zoning classification of a

particular parcel. A text amendment is needed to change the regulations of this chapter. An amendment shall be granted or denied by the County Board only after a public hearing before the ZBA, and a report of its findings and recommendations has thereafter been submitted to the County Board.

(b) *Initiation of amendments.* Amendments may be proposed by the County Board, a committee designated by the County Board, the ZBA, the Regional Planning Commission, the Zoning Administrator, or by a person, firm or corporation having a possessory interest which is specifically enforceable on the land which is described in the application for an amendment.

(c) *Application for amendment.*

- (1) An application for an amendment shall be filed with the Zoning Administrator.
- (2) A copy of such application shall thereafter be forwarded to the ZPAC, the Regional Planning Commission and to the County ZBA with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.
- (3) For all proposed map amendments, the applicant will promptly forward via certified mail, return receipt requested, a copy of the complete application and notice of public hearing to the township containing the subject parcel, and to any municipality within one and one-half (1½) miles of the subject parcel.

(d) *Hearing on applications.* The ZBA shall hold a public hearing on each application for an amendment. Hearings on map amendments shall be held in the township affected by the terms of such proposed amendments or in the County office building, provided that if the owner of any property affected by such proposed map amendment so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. Hearings on text amendments shall be held in the County office building. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the ZBA shall, by rule, prescribe from time to time.

(e) *Notice of public hearing.*

- (1) The applicant shall publish notice of the time and place of the public hearing in a newspaper of general circulation in the County not less than fifteen (15) days before such hearing.
- (2) At least fifteen (15) days prior to each hearing, the PBZ Department shall post a sign on the road or street frontage of the land proposed to be reclassified by amendment and a copy of such notice shall be mailed to the clerk of each municipality, the corporate limits of which lie within one and one-half (1½) miles of the land proposed to be reclassified. Supplemental or additional notices may be published or distributed as the ZBA may, by rule, prescribe from time to time.
- (3) In addition to the above requirements, if the property is zoned A-1, the applicant shall provide notice of the public hearing at least fifteen (15) days prior to the hearing date by certified mail, return receipt requested, to the property owner of record for all parcels within five hundred (500) feet, excluding road rights-of-way, of the parcel to be rezoned.
- (4) For all other zoning categories, only adjacent properties must be notified via certified mail, return receipt requested.

(f) *Finding of fact and recommendation of the ZBA.* Within thirty (30) days after the close of the hearing on a proposed amendment, the ZBA shall make written findings of fact and shall submit same together with its recommendation to the County Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Zoning Board of Appeals shall make findings based upon evidence presented to it in each specific case with respect to the following matters:

- (1) Existing uses of property within the general area of the property in question.
- (2) The zoning classification of property within the general area of the property in question.
- (3) The suitability of the property in question for the uses permitted under the existing zoning classification.
- (4) The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The ZBA shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The ZBA may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this section, the R-1 One-Family Residential District shall be considered the highest classification and the M-2 Heavy Industrial District shall be considered the lowest classification.
- (5) Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

(g) *Decisions.*

- (1) ZBA findings shall be forwarded to the PBZ Committee of the County Board for review and recommendation to the full Board. The County Board, upon report of the County ZBA and without further public hearing, may grant or deny any proposed amendment, or may refer it back to the County ZBA or the PBZ Committee for further consideration.
- (2) In case of written protest against any proposed map amendment, signed by the owners of at least twenty (20) percent of the land to be rezoned or signed by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley, street or public right-of-way therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, or in cases where the land affected lies within one and one-half (1½) miles of the limits of a zoned municipality with a recorded comprehensive plan, by the city council or president and board of trustees of the zoned municipality with limits nearest adjacent, filed with the Clerk of the County, such amendment shall not be passed except by the favorable vote of three-fourths (¾) of all the members of the County Board.

(Ord. No. 2020-17, exh. M, § 13:07, 9-15-2020)

Secs. 36-43—36-72. Reserved.

DIVISION 2. ZONING BOARD OF APPEALS

Sec. 36-73. Creation and membership.

(a) *Created.* A Zoning Board of Appeals (ZBA) is hereby created, such Board to consist of five (5) members appointed by the County Board, at least four (4) of whom shall reside in the unincorporated area of the County. The County Board may provide for the appointment of an additional two (2) members to serve for a term of five (5) years. No two (2) of whom shall reside in the same Congressional township and shall be confirmed by the members of the County Board. At the end of the term of the two (2) additional members, the County Board may provide for the appointment of successors or may allow the Board of Appeals to revert to a membership of five (5). All members shall be residents of the County.

(b) *Terms of office.* The members of the ZBA shall be appointed for a term of five (5) years. If a vacancy occurs, by resignation or otherwise, among the members of the Board, the County Board shall appoint a member for the unexpired term. The County Board shall also have the power to remove any member of the ZBA for cause, after public hearing.

(Ord. No. 2020-17, exh. M, § 13:01(B)(1), (2), 9-15-2020)

Sec. 36-74. Officers.

The County Board shall name one (1) of the members of the ZBA as Chairman upon appointment, and, in the case of a vacancy, shall name a new Chairman.

(Ord. No. 2020-17, exh. M, § 13:01(B)(3), 9-15-2020)

Sec. 36-75. Quorum.

A majority of members of the ZBA shall constitute a quorum.

(Ord. No. 2020-17, exh. M, § 13:01(B)(4), 9-15-2020)

Sec. 36-76. Compensation of Secretary.

The County Board may appoint and fix the compensation of a Secretary and such other employees as are necessary for the discharge of its duties.

(Ord. No. 2020-17, exh. M, § 13:01(B)(5), 9-15-2020)

Sec. 36-77. Offices.

The County Board shall provide suitable offices for the holding of hearings and the preservation of records, documents, and accounts.

(Ord. No. 2020-17, exh. M, § 13:01(B)(6), 9-15-2020)

Sec. 36-78. Appropriations.

The County Board shall appropriate funds to carry out the duties of the ZBA and the Board shall give the authority to expend, under regular County procedure, all sums appropriated to it for the purposes and activities authorized herein.

(Ord. No. 2020-17, exh. M, § 13:01(B)(7), 9-15-2020)

Sec. 36-79. Rules and procedures.

The ZBA shall adopt such rules concerning the filing of appeals and applications for amendments, variances and special use permits, giving of notice and conduct of hearings as shall be necessary to carry out their duties as defined herein. The Board shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record the vote on all actions taken. All minutes and records shall be filed in the office of the ZBA and shall be a public record.

(Ord. No. 2020-17, exh. M, § 13:01(B)(8), 9-15-2020)

Sec. 36-80. Meeting times.

All meetings of the ZBA shall be held at the call of the Chairman and at such other times as the ZBA may determine. Notice of said meetings shall occur in a manner defined by applicable law. All meetings of the ZBA shall be open to the public.

(Ord. No. 2020-17, exh. M, § 13:01(B)(9), 9-15-2020)

Sec. 36-81. Powers and duties.

The ZBA shall:

- (1) Hear and determine appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator charged with the enforcement of this chapter with the exception of violations.
- (2) Hear and decide all matters referred to it, or upon which it is required to pass under this chapter.
- (3) Hear and pass upon applications for variations when a property owner or agent shows that a strict application of the terms of this chapter in relation to the use, construction or alteration of buildings or structures, or the use of land, imposes practical difficulties or particular hardships.
- (4) Hear all applications for amendments to this chapter in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board.
- (5) Hear all applications for special use permits, major amendments to special use permits and revocation of special use permits in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board.
- (6) Hold public hearings and submit to the County Board a report and recommendation on each proposed ordinance for the amendment, supplement, change or repeal of the ordinance from which this chapter is derived as set forth herein.
- (7) No rehearing shall be held on a denied appeal or application for variance or special use or on a recommendation to deny a proposed amendment to the ordinance from which this chapter is derived for a period of twelve (12) months from the date of said denial or recommendation to deny.

(Ord. No. 2020-17, exh. M, § 13:01(B)(10), 9-15-2020)

Sec. 36-82. Jurisdiction.

The concurring vote of three (3) members of a board consisting of five (5) members or the concurring vote of four (4) members of a board consisting of seven (7) members is necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render decisions.

(Ord. No. 2020-17, exh. M, § 13:01(B)(11), 9-15-2020)

Sec. 36-83. Judicial review.

All decisions and findings of the ZBA, on appeals, application for variations, special use permits, or amendments, shall, after a hearing, be subject to review by court as by law may be provided.

(Ord. No. 2020-17, exh. M, § 13:01(B)(12), 9-15-2020)

Secs. 36-84—36-109. Reserved.

DIVISION 3. SPECIAL USES AND PLANNED DEVELOPMENTS

*Subdivision I. In General***Sec. 36-110. Purpose.**

The development and execution of this chapter is based upon the division of the County which is subject to County Zoning into districts, within which districts the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are other uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of this particular location. Special uses may include, but are not limited to, public and quasi-public uses affecting the public interest; uses that have a unique, special, or unusual impact upon the use or enjoyment of neighboring property; uses that affect planned development. A use may be permitted in one (1) or more zoning districts and may be a special use in one (1) or more other zoning districts.

(Ord. No. 2020-17, exh. M, § 13:08(A), 9-15-2020)

Sec. 36-111. Initiation of special uses.

Any individual, firm or corporation having a possessory interest entitled to exclusive possession in land, or several such owners acting jointly having such interest in parcels of land comprising one (1) contiguous tract, or the County Board may file an application for one (1) or more special uses as provided in this chapter.

(Ord. No. 2020-17, exh. M, § 13:08(B), 9-15-2020)

Sec. 36-112. Processing.

- (a) An application for a special use shall be filed with the Zoning Administrator.

(b) A copy of such application shall be forwarded to the ZPAC for review, comment, and recommendation.

(c) A copy of such application and the Committee report from the ZPAC shall thereafter be forwarded to the Regional Planning Commission for review, comment, and recommendation.

(d) A copy of such application and the reports from the ZPAC and Regional Planning Commission shall thereafter be forwarded to the ZBA with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.

(e) The recommendation and findings of the ZBA shall be forwarded to the PBZ Committee of the County Board for review and recommendation prior to final action by the County Board.
(Ord. No. 2020-17, exh. M, § 13:08(C), 9-15-2020)

Sec. 36-113. Conditions and guarantees.

Prior to or after the granting of a special use, the ZBA may recommend and the County Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation thereof as deemed necessary to protect the value, utilization and enjoyment of the neighboring properties, and to secure compliance with the standards and requirements specified in this division. In cases in which a special use is granted, the County Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be in compliance. Failure to comply with such conditions or restrictions imposed shall constitute a violation of this chapter.

(Ord. No. 2020-17, exh. M, § 13:08(D), 9-15-2020)

Sec. 36-114. Decisions.

(a) The ZBA shall report to the County Board a finding of fact using the criteria listed in Section 36-119 and a recommendation as whether the County Board should deny, grant, or grant subject to conditions.

(b) The County Board, upon report of the ZBA and without further public hearing, may grant or deny a proposed special use, or may refer back to the ZBA for further consideration.

(c) The County Board shall act to grant, deny, or amend the recommendations for every special use pertaining to a regulated use within thirty (30) days of the date of those recommendations.

(d) In cases involving special use permit applications or applications for major amendments to existing special use permits for commercial solar energy facilities and commercial wind energy facilities, the County Board shall make its decision not more than thirty (30) days after the conclusion of the public hearing.

(Ord. No. 2020-17, exh. M, § 13:08(E), 9-15-2020; Ord. No. 2023-24, § XXXIX, 5-16-2023)

Sec. 36-115. Revocation.

(a) In any case where a special use has not been established within two (2) years from the date of granting thereof or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. If a revocation is proposed, the ZBA shall hold a public hearing (following the procedures outlined in Section 36-117 and submit to the County Board a report of their findings and recommendations. The current property owner shall be provided notice at least fifteen (15) days in advance of the hearing.

(b) If the special use permit holder wishes to discontinue the special use, the same may request revocation of said special use, no matter the duration of time that the special use has been discontinued. The owner shall submit to the PBZ Department, in writing, a request to the County Board to revoke said special use. Such a request shall be signed by the owner. No public hearing shall be required for an owner-initiated revocation. Said revocation shall be discussed by the PBZ Committee for review and recommendation to the County Board. A revocation shall not become effective unless approved by the County Board.

(Ord. No. 2020-17, exh. M, § 13:08(F), 9-15-2020)

Sec. 36-116. Application for special use.

An application for special use or amendment of a special use shall be filed with the Zoning Administrator and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth herein.

(Ord. No. 2020-17, exh. M, § 13:08(G), 9-15-2020)

Sec. 36-117. Hearing on application.

(a) Upon receipt in proper form of the application and statement referred to in Section 36-116, the ZBA shall hold at least one (1) public hearing in the township in which the property is located, or in the County office building, provided that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing, notice of the time, place and date of such hearing shall be published in a newspaper published in the township or road district where the property is located. If there is no newspaper published in the township or road district where the property is located, the notice must be published in a newspaper of general circulation in the County. The notice must also contain:

- (1) The particular location of the property for which the special use is requested by legal description and by street address, or, if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection.
- (2) Whether the petitioner or applicant is acting on their own behalf or as an agent, alter ego, or representative of a principal and the name and address of the principal.
- (3) Whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of twenty (20) percent of all of the outstanding stock or shares of the corporation.

- (4) Whether the petitioner or applicant, or principal, is a business or entity doing business under an assumed name, and, if so, the name and residence of all actual owners of the business or entity.
- (5) Whether the petitioner or applicant, or principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and, if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.
- (6) A brief statement of the proposed special use.

(b) In addition to any other notice required by this section, the Zoning Board of Appeals must give at least fifteen (15) days' notice before the hearing to any municipality whose boundaries are within one and one-half (1½) miles of any part of the property proposed as a special use. If the property is zoned A-1, the applicant shall provide notice of the public hearing at least fifteen (15) days prior to the hearing date by certified mail, return receipt requested, to the property owner of record for all parcels within seven hundred fifty (750) feet, excluding road rights-of-way, of the parcel subject to the special use permit application. For all other zoning categories, only adjacent properties must be notified via certified mail, return receipt requested. The petitioner or applicant must pay the costs of the publication of the notices required by this division.

(c) An audio recording of the proceedings shall be made by the County and shall be retained for a period of one (1) year from the date of hearing. The petitioner, at the petitioner's discretion, may elect to provide a court reporter, at the expense of the same, for the purposes of making a formal transcript of the proceedings. In addition to the application fee, the petitioner shall be responsible for the cost of the ZBA in conducting the hearing in accordance with the schedule of fees as established by the County Board. (Ord. No. 2020-17, exh. M, § 13:08(H), 9-15-2020)

Sec. 36-118. Authorization.

(a) For each application for a special use, the Zoning Board of Appeals shall report to the County Board its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The County Board may grant or deny any application for a special use.

(b) No proposed special use once denied by the County Board shall be again, on a subsequent petition, considered for approval within a period of twelve (12) months from the date of said denial. (Ord. No. 2020-17, exh. M, § 13:08(I), 9-15-2020)

Sec. 36-119. Standards.

No special use shall be recommended by the ZBA unless the ZBA shall make a written finding. The ZBA shall consider the following in rendering a decision, but is not required to make an affirmative finding on all items:

- (1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (2) The special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The zoning classification of property within

the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to ensure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.

- (3) Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.
 - (4) The special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals.
 - (5) The special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.
- (Ord. No. 2020-17, exh. M, § 13:08(J), 9-15-2020)

Sec. 36-120. Conditions.

The ZBA may recommend and the County Board may provide such conditions or restrictions reasonably necessary to meet the standards listed in Section 36-119 upon the construction, location and operation of a special use, including, but not limited to, provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to secure the general objectives of this chapter and to reduce injury to the value of property in the neighborhood.

(Ord. No. 2020-17, exh. M, § 13:08(K), 9-15-2020)

Sec. 36-121. Duration.

Special uses granted hereunder shall be transferable and shall run with the land unless otherwise specified by the terms of the special use permit.

(Ord. No. 2020-17, exh. M, § 13:08(L), 9-15-2020)

Sec. 36-122. Amendments to approved special uses.

(a) Unless amended, a special use shall be constructed/established in accordance with the terms and conditions as stated in the approving ordinance and any controlling site plans attached to or referenced in the ordinance which granted the special use. Modifications of the terms and conditions specified in the approving ordinance granting the special use or changes to any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable) shall require the processing and approval of either a minor or major change to a special use.

(b) Amendment of special uses under this section shall apply to all existing, valid special uses issued prior to the date of the ordinance from which this chapter is derived as well as any future special uses granted under this chapter.

(Ord. No. 2020-17, exh. M, § 13:08(M), 9-15-2020)

Sec. 36-123. Minor amendments on property governed by a special use ordinance.

(a) Minor amendments are those that do not alter the intent or uses of the property for which a special use has been approved. Minor amendments shall be limited to the following:

- (1) Proposed additions, enlargements or changes in any existing or proposed buildings, shown on any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable), and the addition of accessory structures not shown on such plans may be permitted, provided that all of the following conditions are met:
 - a. The proposed addition, enlargement or change will, in the opinion of the Zoning Administrator, result in a better utilization of the property or a more efficient and desirable use of the land.
 - b. The change shall not constitute more than a ten (10) percent increase in the lot coverage of all approved buildings on the property or a ten (10) percent increase of the total floor area of all approved buildings on the property.
 - c. The proposed addition, enlargement or change will not infringe upon or extend into any required building setback, off-street parking or loading space or required building separation or exceed the height or bulk regulations of the underlying zoning district.
 - d. The additional off-street parking or loading spaces required for such proposed addition, enlargement or change can be supplied as required by the applicable provisions of this chapter.
 - e. The proposed addition, enlargement or change will not result in an enlargement or increase of any previously approved variation.
- (2) Minor modifications of conditions, provided that all of the following are met:
 - a. The proposed modification will, in the opinion of the Zoning Administrator, result in equal or better performance than the original condition imposed.
 - b. The proposed modification or change shall not result in a change of more than ten (10) percent of any previously imposed condition.
 - c. The result of the proposed modification shall be that the property will still be in substantial compliance with the previously approved ordinance.

(b) An owner seeking an approval of such change shall submit an application for a minor amendment to be acted upon by the Zoning Administrator. The Zoning Administrator may, at the discretion of the same, refer the request for a minor amendment to the PBZ Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a minor amendment to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests.

(Ord. No. 2020-17, exh. M, § 13:08(N), 9-15-2020)

Sec. 36-124. Major amendments.

A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the special use and which is not otherwise defined in

Section 36-123 as a minor amendment shall constitute a major amendment to a special use. Major amendments shall be processed in accordance with the provisions of Section 36-112. Notice that a major change is being sought shall be provided by the applicant in the manner provided for in State law governing the issuance of special use permits and additional requirements as specified in the bylaws of the ZBA.

(Ord. No. 2020-17, exh. M, § 13:08(O), 9-15-2020)

Sec. 36-125. Planned developments.

(a) *Purpose.* Planned developments are intended to encourage imaginative site planning which integrates the development proposal with existing topography and other natural environmental assets of the land while conserving the County's rural character. Clustering of units is encouraged to provide common open space. Procedures for approval of residential planned developments (RPDs) are outlined in Subdivision II of this division. All other planned developments (industrial, commercial, etc.) may be developed in accordance with standards herein.

(b) *Zoning map.* Approved planned developments shall be delineated and designated by number on the Official Zoning Map. A file, available for inspection by the public, shall be maintained by the Zoning Administrator for each planned development so designated. The file shall contain a record of the approved development plan and all exceptions authorized therein.

(c) *Procedure.*

- (1) a. A preapplication conference shall be held with the Zoning Administrator or deputies. At such conference the applicant shall provide information as to the location of the proposed planned development; the uses, and approximate area of use category; a list of any and all exceptions to Chapter 30, pertaining to subdivisions, this chapter, and any other information necessary to clearly explain the planned development.
- b. The Zoning Administrator or deputies shall review and consider the proposal as to its compatibility with the Land Resource Management Plan and the goals and policies for planning of the County and advise the applicant on the information, documents, exhibits, drawings, and limitations on the proposal that should be included in the application to the County for a special use permit for a planned development.
- (2) The applicant shall request a concept review of the planned development/special use, by letter addressed to the Secretary of the Regional Planning Commission, to be placed on the agenda of ZPAC and the next regular meeting of the Regional Planning Commission for a preliminary discussion and concept review of the proposed planned development at such meeting, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Regional Planning Commission with the proposed development, which shall include, but not necessarily be limited to, the following:
 - a. A tentative sketch plan, which may be in freehand sketch form, showing the location and extent of the types of land uses proposed.
 - b. The existing topography at five (5) foot contour intervals which may be taken from USGS information.

- c. Existing streets surrounding the subject property.
 - d. Existing utilities, including storm drainage facilities.
 - e. The following shall be provided by either graphic exhibits or written statement:
 1. The density of commercial uses, including maximum lot coverage and building height.
 2. The off-street parking and other service facilities proposed.
 3. The exception or variations to the County zoning or subdivision requirements being requested as part of the planned development application.
- (3) After final adjournment of the meeting, the Regional Planning Commission shall submit to the PBZ Committee of the County Board a report in writing containing its recommendations. The PBZ Committee shall then review the concept at their next regular meeting and shall either:
- a. Provide the applicant with a recommendation for any suggested modifications and direction to proceed to a formal planned development submission; or
 - b. Recommend that the applicant not proceed, along with reasons for the recommendation.
- (4) a. The formal petition for a planned development shall be filed with the Zoning Administrator. The Zoning Administrator or deputies shall be responsible for distributing the complete application to the following at the appropriate time:
1. ZPAC.
 2. Members of the Regional Planning Commission.
 3. ZBA.
 4. The County Board.
- b. The applicant shall be responsible for providing copies via certified mail, return receipt requested, to the following as soon as possible after filing the application with the County:
1. Townships affected by the application.
 2. All municipalities within one and one-half (1½) miles of the subject property.
- (5) The ZBA shall set a hearing date and shall cause notice of the hearing to be published at least once following the procedures set forth in Section 36-117.
- (6) The petition shall be submitted to the County Board. The Regional Planning Commission shall submit its review to the ZBA prior to the public hearing. The report of the findings and recommendation shall be accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein.
- (7) The County Board may grant a special use for a planned development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like.

(d) *Construction of improvements.* The petitioner shall construct and install the required improvements in accordance with the County subdivision regulations contained in Chapter 30 and the special use ordinance.

(e) *Street classification.* Street classifications, definitions, and specifications shall be in accordance with the regulations as established in the subdivision regulations contained in Chapter 30 and the Land Resource Management Plan of the County, as may be amended from time to time, as may be modified by the special use permit.

(f) *Standards.* No planned development shall be authorized by the County Board unless the Regional Planning Commission shall find and recommend, in addition to those standards established herein for special uses, that the following standards will be met:

- (1) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
- (2) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
- (3) That any industrial park areas established in the planned development conform to all requirements therefor as set forth elsewhere in this chapter.
- (4) That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the planned development are followed. When private streets and common driveways are made a part of the planned development or private common open space or recreation facilities are provided, the applicant shall submit as a part of the application the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the County Board.

(g) *Agricultural planned developments.* For planned developments located in the A-1 Agricultural District, exceptions may be made in the regulations of such district as follows:

- (1) *Use regulations.*
 - a. The uses listed as permitted uses and special uses may be allowed.
 - b. Residential, single-family uses, providing said use is limited to planned unit developments for conventional golf courses, and further providing that the gross area of residential use does not exceed forty (40) percent of the zoning parcel.
 - c. Clubhouses, restaurants in which alcoholic beverages are sold, and other business uses specifically described which are complimentary to the principal use as a golf course providing such uses are limited to planned unit development for conventional golf courses.
- (2) *Gross density premiums.* The maximum gross densities for agricultural planned developments may be increased up to a maximum of fifteen (15) percent, in accordance with and when the development included one (1) or more of the following:
 - a. Is adjacent to, or across from a public or permanent private open space which is not less than ten (10) acres in area with a depth perpendicular to a lot line of the planned

development of not less than three hundred (300) feet. For the dedication of public recreational and educational sites recommended in the Comprehensive Plan: equal to the number of dwelling units that would otherwise have been permitted upon lands so dedicated.

- b. For the provision of unique design features which required unusually high development costs and which tend to achieve an especially attractive and stable development: as determined by the County Regional Planning Commission.
- (3) *Yards.* Yard requirements may be varied or waived, except along the perimeter of the development.

(h) *Residential planned developments.* After August 18, 1998, all new residential planned developments shall be zoned R-1 PUD unless the property is already zoned R-2 or R-3. For planned developments located in one (1) or more residence districts, exceptions may be made in the regulations of such districts, as follows:

- (1) *Use regulations.*
 - a. In any residential planned development uses listed as permitted uses are allowed, and single-family attached, single-family semi-detached, and multiple-family dwellings may be allowed.
 - b. Uses listed as special uses in the zoning district in which the development is located may be allowed.
 - c. In residential planned developments containing over fifty (50) dwelling units, permitted uses and special uses permitted in the B-1 Local Shopping District may be allowed, provided that such uses and accessory uses shall not occupy more than five (5) percent of the net land area of the development.
- (2) *Base density.* Maximum permitted density for a residential planned development will be based on the sum of the base density and the density premium provisions of this subdivision. Base density for all planned developments shall be twenty-five hundredths (0.25) dwelling units per buildable acre. To determine the permitted number of dwelling units, the buildable area of the site shall be multiplied by the sum of twenty-five hundredths (0.25) dwelling units per acre (the base density) and the appropriate density premium as noted below. The term "buildable area" means the total area of the property minus the following:
 - a. Wetlands;
 - b. The one hundred (100) year floodplain, as shown on official FEMA maps;
 - c. Land within the required right-of-way of an existing roadway;
 - d. Land under an existing permanent easement prohibiting future development (including electrical power lines, fiber optic lines and pipelines).

Lot sizes smaller than otherwise required in the underlying zoning district may be permitted, provided adequate septic systems are provided and lots have direct access to a common open space.

- (3) *Density premiums.* The maximum gross densities for residential planned developments may be increased up to a maximum of eight-tenths (0.8) dwelling units per buildable acre (twenty-five hundredths (0.25) dwelling units per acre base density, plus maximum premium of fifty-five hundredths (0.55) dwelling units per acre) if the development includes one (1) or more of the following:
- a. Secondary open space that is substantially more than the minimum size otherwise required for stormwater detention or through park dedication requirements. (Bonus not to exceed thirty-five hundredths (0.35) dwelling units per buildable acre.)
 - b. Provision of recreational amenities, beyond minimum standards established in the subdivision regulations contained in Chapter 30, including, but not limited to, a golf course, ballfields, playground equipment, tennis courts, basketball courts, swimming pool, hiking and bicycling paths (beyond those designated on the County Transportation Plan), community centers, and exceptional landscape improvements such as native or natural plantings. (Bonus not to exceed ten hundredths (0.10) dwelling units per buildable acre.)
 - c. Off-site and perimeter road improvements in addition to those needed to provide adequate access solely for the proposed development. (Bonus not to exceed ten hundredths (0.10) dwelling units per buildable acre.)
 - d. Endowment of a permanent fund to offset continuing open space maintenance costs. Spending from this fund should be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of five (5) percent, the amount designated for the endowment fund should be twenty (20) times the amount estimated to be required on a yearly basis to maintain the open space. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities (such as a homeowners' association, a land trust, or the County). (Bonus not to exceed ten hundredths (0.10) dwelling units per buildable acre.)
 - e. Conservation of traditional rural architecture reminiscent of the County's agricultural heritage, preservation of historical structures, or design of new structures which reflect these architectural themes. (Bonus not to exceed ten hundredths (0.10) dwelling units per buildable acre.)
 - f. Protection of slopes exceeding twenty-five (25) percent as measured over a ten (10) foot interval and minimization of mass grading. (Bonus not to exceed ten hundredths (0.10) dwelling units per buildable acre.)
 - g. Enhancement or expansion of an existing wetland or creation of a new wetland beyond that required for compliance with Army Corps of Engineers Section 404, Permit Requirements. (Bonus not to exceed ten hundredths (0.10) dwelling units per buildable acre.)
- (4) *Yards.* Yard requirements may be varied or waived if the lot is located adjacent to common open space.
- (i) *Business planned developments.* For planned development located in one (1) or more business districts, exceptions may be made in the regulations of such districts, as follows:
 - (1) *Use regulations.* Uses listed as permitted and special uses in the residential and business districts are allowed.

- (2) *Bulk regulations.*
- a. Gross density:
1. In the B-1 district, not more than nine (9) dwelling units per gross acre, except that an efficiency unit shall be counted as sixty-seven hundredths (0.67) of a dwelling unit, and a lodging room as five-tenths (0.5) of a dwelling unit.
 2. In the B-2 district, not more than seventeen (17) dwelling units per gross acre, except that an efficiency unit shall be counted as sixty-seven hundredths (0.67) of a dwelling unit, and a lodging room as five-tenths (0.5) of a dwelling unit.
- (3) *Performance standards.* Performance standards shall be in accordance with the standard of the district in which the development is located.
- (j) *Industrial planned developments.* For planned developments located in one (1) or more industrial districts, exceptions may be made in the regulations of such districts, as follows:
- (1) *Use regulations.* Uses listed as permitted and special uses in the commercial and manufacturing districts are allowed.
 - (2) *Bulk regulations.*
 - a. *Yards.* Yard requirements may be waived, except along the interior boundaries of the development.
 - b. *Floor area ratio.* Floor area ratio requirements of the district are applicable to the entire planned development and not to specific uses which may be located within the planned development. For this purpose, the net site area shall be used in the computation.
 - (3) *Performance standards.* Performance standards shall be in accordance with the requirements of the prevailing district.
- (k) *Re-application.* At least one (1) year shall elapse between the date of an adverse decision and reapplication or repetition for a variation, amendment or special use.
(Ord. No. 2020-17, exh. M, § 13:08(P), 9-15-2020)

Sec. 36-126. Special manufacturing uses in M-1 districts.

- (a) (1) In order to protect areas devoted to residential, business and light manufacturing uses from annoying or dangerous classes of industrial nuisances and hazards, the County has divided into two (2) manufacturing performance districts, M-1 Limited Manufacturing District and M-2 Heavy Industrial District, graduated respectively in terms of industrial performance standards from high to low. For practical purposes, the performance standards in the manufacturing districts have been supplemented by lists and of the uses permitted in these districts.
- (2) It is recognized, however, that among the uses first permitted in the M-2 Heavy Industrial Districts, there may be individual establishments having such high performance standards that they could safely be permitted in the M-1 Limited Manufacturing District even though engaged in operations not listed as permitted in the M-1 Limited Manufacturing District. It is consistent

with the purposes of this chapter and with the welfare of the community that provisions be made to allow such individual establishments of high performance to be located in the M-1 Limited Manufacturing District.

- (3) The ZBA is hereby empowered, therefore, to authorize as a special use in the M-1 Limited Manufacturing District, if the ZBA is satisfied beyond a reasonable doubt that all performance standards for the M-1 Limited Manufacturing District, as well as all other regulations, will be complied with. In authorizing such special use, the ZBA may require the posting of a performance bond by the owners or operators of the proposed establishment, such bond to be subject to forfeiture and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M-1 Limited Manufacturing District performance standards should the establishment in fact fail to so comply.

(b) Preliminary to granting a special use permit as prescribed in Section 36-117, the ZBA shall require the applicant for a special manufacturing use to furnish it with a certificate of an architect or structural engineer licensed by the State, which certificate shall include the following:

- (1) A complete inventory of all machinery and fuel-burning equipment to be used in the conduct of the enterprise, together with any performance ratings for same which may be available from the manufacturers thereof.
- (2) A statement that the proposed operation will conform with the performance standards for the M-1 Limited Manufacturing District, and a description of the methods, structural and mechanical, which will be employed to keep any potential sources of nuisance in conformity with the said performance standards.
- (3) Such other pertinent information as the ZBA shall deem necessary to assist it in making its findings and report.

(Ord. No. 2020-17, exh. M, § 13:08(Q), 9-15-2020)

Secs. 36-127—36-150. Reserved.

Subdivision II. Procedure for Approval of RPD-1, RPD-2 or RPD-3 Development

Sec. 36-151. Preliminary plan process.

- (a) *Preapplication discussion.* The purpose of this informal meeting is:
 - (1) To introduce the applicant and the site designers to the County's zoning and subdivision regulations and procedures.
 - (2) Discuss the applicant's objectives in relation to the County's official policies and ordinance requirements.
 - (3) Identify early on, using the four (4) step process, the specific issues that will need to be addressed in designing the site. The meeting will include the applicant, the site designers as well as members of the County's Concept Plan Committee and additional representatives as may be required from the affected school and/or park districts, emergency service providers and representatives of any municipality within one and one-half (1½) miles of the proposed development.

(b) *Existing features (site analysis) plan.*

- (1) Plans analyzing each site's special features are required for all proposed subdivisions, as they form the basis of the design process for greenway lands, house locations, street alignments, and lot lines. The applicant or representative shall bring to the preapplication discussion a copy of the existing features (site analysis) plan. Detailed requirements for existing features (site analysis) plans are contained in another section of this chapter but, at the minimum, must include:
 - a. A contour map based at least upon topographical maps published by the U.S. Geological Survey;
 - b. The location of severely constraining elements such as steep slopes (over twenty-five (25) percent), wetlands, watercourses, intermittent streams and one hundred (100) year flood-plains, and all rights-of-way and easements;
 - c. Soil boundaries as shown on USDA Natural Resources Conservation Service medium intensity maps and supplemental soils surveys of the property based on a two hundred (200) foot grid;
 - d. The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainageways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails and any sites listed on the Critical Trends Assessment Program of the State Department of Natural Resources;
 - e. A drain tile study.
- (2) In order to adequately prepare the existing features (site analysis) plan, an NRI report shall be prepared, and shall be submitted as part of the preapplication materials supplied along with any additional studies as recommended in said report, including, but not limited to, a wetland delineation report or other similar studies.
- (3) The existing features (site analysis) plans shall identify both primary open space and secondary open space. Together, these primary and secondary open space areas comprise the development's proposed open space, the location of which shall be consistent with the Planning Goals and Objectives for Natural Resources of the Land Resource Management Plan. The existing features (site analysis) plan shall form the basis for the concept plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands in new subdivisions, according to the four-step design process described in Section 36-153.

(c) *On-site inspection.* After the existing features (site analysis) plan has been prepared, the Director of Planning, Building and Zoning or designated representative shall, if possible, schedule a mutually convenient date to walk the property with the applicant and the site designer. The purpose of this visit is to familiarize County officials with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of the secondary

conservation areas and potential house locations and street alignments. Separate on-site inspections are encouraged if a convenient date cannot be established for a group visit. If this visit is not scheduled before submission of the sketch plan or the concept plan, it should occur soon thereafter.

(Ord. No. 2020-17, exh. M, § 13:09(A), 9-15-2020)

Sec. 36-152. Concept plan process.

(a) After the preapplication discussion, a sketch plan or a concept plan shall normally be submitted to the Concept Plan Committee for review and comment for all proposed subdivisions. The Concept Plan Committee shall at a minimum be composed of the Director of Planning, Building and Zoning, County Highway Engineer, the County's Consulting Engineer, Director of Environmental Health, Director of the County Forest Preserve, one (1) representative from each of the County Board, Building and Zoning Committee, Regional Planning Commission, Zoning Board of Appeals and a representative from the municipalities within one and one-half (1½) miles or other affected districts.

(b) The purpose of the concept plan is to obtain the County's early sense on the appropriateness of the project as well as the overall pattern of streets, house lots, primary and secondary open space areas, and potential trail linkages (where applicable), prior to any significant expenditure on engineering costs in the design of streets, stormwater management, or the accurate delineation of internal lot boundaries.

(c) As used in this chapter, the term "concept plan" refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments. This is the stage where drawings are tentatively illustrated before heavy engineering costs are incurred in the design of any proposed subdivision layout. For any project of ten (10) acres or more, these drawings shall be prepared by a team that includes a landscape architect and a civil engineer.

(d) The concept plan shall include, at a minimum, the following:

- (1) A site plan of the planned development. This plan will be at a scale of not less than one (1) inch equals one hundred (100) feet which shall show all proposed streets (public and private), rights-of-way, preliminary lot locations and sizes, open space areas and any other information as determined by the Director of Planning, Building and Zoning.
- (2) How the plan follows the four (4) step process.
- (3) A topographic survey with two (2) foot contour intervals.
- (4) A preliminary tree preservation plan, that identifies all significant trees proposed to be preserved or removed.
- (5) A rendered plan of the planned development area showing in contrasting colors or by other means the respective location of all categories of land use.
- (6) A map of the general area showing the location of the planned development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.

- (7) Preliminary specifications of the following:
- a. Sequence of phases or stages of development of the planned development. Common open space areas shall generally be provided in each phase consistent with the phasing of dwelling units.
 - b. A general landscape planting plan prepared by a landscape architect, which meets the approval of the Regional Planning Commission.
- (8) The following shall be provided by either graphic exhibits or written statement:
- a. The density of residential uses and the number of dwelling units by type.
 - b. The ancillary and nonresidential uses to be provided in a residential planned development.
 - c. The calculation of buildable acreage, the estimated percent and acreage of land used for each of primary and secondary conservation purposes, and the projected type and acreage of passive and recreational open space.

(e) A concept plan shall be submitted by the applicant to the Director of Planning, Building and Zoning for referral to the Concept Plan Committee, the applicable township, and any municipality within one and one-half (1½) miles of the proposed development, for their review and comment. If requested by an affected municipality or township, the developer shall present their concept plan at an appropriate local government meeting. After a complete submission has been received, the PBZ Department shall prepare a report describing how the plan conforms to the requirements of the County's ordinances, including the development evaluation criteria of Section 36-372, and the Land Resource Management Plan and will discuss with the applicant and review their recommendations. The report shall include a copy of any correspondence received from local municipalities or townships.

(f) If, in the opinion of the Concept Review Committee, the proposed design and layout of the project does not adequately preserve protect or incorporate the significant natural features of the site as identified in the four (4) step process in Section 36-153 with regard to wetlands, fens, seeps, high quality streams or significant trees, as defined in the County's subdivision regulations set forth in Chapter 30 or if there is a difference of opinion between the Committee and the developer regarding the quality of the features being recommended for preservation by the Concept Review Committee, the Committee may designate a consultant experienced in development design and in the protection of natural features and greenway lands to meet with the applicant and the Committee to provide an independent assessment of the proposal. All reasonable costs associated with use of the consultant shall be paid by the applicant.

(g) In reviewing the proposal, the consultant shall provide the applicant and the Committee with comments as to how the proposed plan sensitively incorporates and maximizes the preservation of the significant natural resources and features of the site and how these proposed plans and documents conform with the:

- (1) Goals and objectives of the County Land Resource Management Plan;
- (2) Intent and rules of the residential planned development ordinance;
- (3) Principles and practices of conservation design.

In addition, the consultant shall supply an assessment of the quality of the natural resources and features present on the property along with input as to which features are significant enough to warrant preservation or enhancement. As part of this assessment, the consultant shall also present recommendations on how the concept plan should be revised to accomplish these objectives.

(h) After receiving the input from the consultant, the developer may prepare a revised concept plan for presentation to the Concept Review Committee for review and recommendation to the Regional Planning Commission or request a recommendation on the original plan submitted. The Concept Plan Committee shall schedule a meeting within fifteen (15) days of submission of a revised plan to the Director of Planning, Building and Zoning. After review of the submitted plan, the Committee shall provide its recommendation.

(i) The Director of Planning, Building and Zoning or designated representative shall then submit the concept plan and report to the Regional Planning Commission, for review and recommendation within forty-five (45) days of the original submission of the concept plan. The concept plan, report, and the minutes of the applicable Regional Planning Commission meeting shall then be transmitted to the PBZ Committee for their review. Each body shall review the proposal and provide their recommendation. Alternatively, the PBZ may recommend further review by the Concept Plan Committee. If the PBZ recommends further review by the Concept Plan Committee, the application shall be forwarded to that body, along with the report and the minutes of the applicable meetings of the Regional Planning Commission and the PBZ Committee. The Concept Plan Committee shall schedule a meeting within fifteen (15) days of the recommendation by the PBZ.

(j) The Concept Plan Committee shall meet with the applicant on one (1) or more occasions and shall recommend approval, approval with conditions, or denial. Such recommendation shall be transmitted to the PBZ Committee of the County Board for final action.

(Ord. No. 2020-17, exh. M, § 13:09(B), 9-15-2020)

Sec. 36-153. Four-step design process.

Each sketch plan or concept plan shall follow a four (4) step design process. When the concept plan is submitted, applicants shall be prepared to demonstrate to the Concept Plan Committee and the County Board that these four (4) design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and greenway lands.

(1) *Designating the open space.*

- a. During the first step, all potential conservation areas (both primary and secondary) are identified, using the existing features (site analysis) plan and the two hundred (200) foot grid soil survey. Primary conservation areas shall consist of wetlands, floodplains, slopes over twenty-five (25) percent, and soils susceptible to slumping. Secondary conservation areas shall include all remaining open space areas and shall strive to include the most sensitive and noteworthy natural, scenic, and cultural resources on the property.
- b. Guidance on which parts of the remaining land to classify as secondary conservation areas shall be based upon:
 1. The procedures described in *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*, produced by Natural Lands Trust and published by Island Press;

2. On-site visits or inspections;
3. The open space location criteria contained in Section 36-371;
4. The evaluation criteria listed in Section 36-372; and
5. Information from published data and reports.



Step 1: Developing a "yield plan" to determine the maximum allowable density for the site.

The site is 120 acres, which includes 10 acres devoted to wetlands. At 90,000 square feet per lot, the 110 buildable acres yield 47 total lots. In addition, the 120-acre site provides for about 15% open space.

- (2) *Location of house sites.* During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in Section 36-372, subdivision applicants shall identify tentative house sites on the concept plan and proposed house sites on the detailed final plan. House sites should generally be located not closer than one hundred (100) feet from primary open space areas but may be situated within fifty (50) feet of secondary open space areas, in order to enjoy views of the secondary open space without negatively impacting the primary open space. The building footprint of proposed residences may be changed by more than fifty (50) feet in any direction with majority approval from the members of the County Board. Changes involving less than fifty (50) feet do not require approval.



Step 2: Identifying and analyzing key environmental features such as woodlands, topography, wetlands, and natural drainage.

This site has extensive environmental features, including large woodlands (shown as the green area) with natural drainageways (shown as the blue dotted line). One of the natural drainageways leads to a river on the west side of the graphic. Wetlands are shown as light blue shapes.

(3) *Street and lot layout.*

- a. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the primary and secondary conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over fifteen (15) percent shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new culs-de-sac to be maintained by the County or township and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Cul-de-sac serving more than six (6) homes shall generally be designed with a central island containing indigenous trees and shrubs (either conserved on site or planted).



Step 3: Identifying "development opportunities" and "conservation opportunities."

Illustrated in green, conservation opportunities are formed by the environmental features identified in Step 2. The yellow shapes represent development opportunities, offering sites for residential lots.

- b. The County generally encourages the creation of single-loaded residential access streets, in order that the maximum number of homes in new developments may enjoy views of open space.



- c. Note that in situations where more formal, "neo-traditional," or village-type layouts are proposed, Steps 2 and 3 may be reversed, so that the location of house sites follows the location of streets and squares.
- (4) *Lot lines.* The fourth step is simply to draw in the lot lines (where applicable). These are generally drawn midway between house locations.



Step 4: Preparing a site design with residential lots, a road network, and conservation areas.

At 40,000 square feet per lot, the 110 buildable acres yield 59 total lots in this conservation design plan. The 120-acre site provides about 60% open space, which is much greater than the yield plan from Step 1. The existing farm structure along the eastern edge was also preserved as its own lot (light orange area). The higher lot count and greater open space coverage emphasize the benefits of using the conservation design approach.

(Ord. No. 2020-17, exh. M, § 13:09(C), 9-15-2020)

Sec. 36-154. Preliminary site plan/plat approval.

(a) *Preliminary site plan.* Prior to approval of the concept plan, the applicant shall submit to the Regional Planning Commission a preliminary site plan/preliminary plat that shows the approximate layout of proposed streets, house lots, and open space lands complies with the zoning and subdivision ordinances of the County and any municipalities within one and one-half (1½) miles of the development, particularly those sections governing the design of subdivision streets and stormwater management facilities. This site plan requirement is meant to provide the County with assurance that the proposed plan is able to be accomplished within the current regulations of the County. The site plan shall also note any variations needed to implement the plan as drawn. At the applicant's own risk, an applicant may skip the preliminary plat stage and proceed directly to final plan approval or may combine preliminary and final plat approval.

(b) *Content of petition.* The formal petition shall contain, in addition to all other requirements, the following:

- (1) A site plan of the planned development. This plan will be at a scale of not less than one (1) inch equals one hundred (100) feet which shall show all proposed streets (public and private), street

classifications, rights-of-way, pavement width of street and driveways, all principal buildings, lot sizes, building lines, easements for utility services, off-street parking, service areas, open space recreation facilities and any other information necessary to clearly show the proposed elements of the planned development.

- (2) Preliminary architectural plans for all residential buildings proposed to contain more than one (1) dwelling unit shall be submitted in sufficient detail to show the basic planning, the number of units per building and the estimated number of bedrooms per dwelling unit. Building elevations shall be required only for structures containing more than one (1) dwelling unit. Preliminary architectural plans for business or other nonresidential buildings shall illustrate elevations and proposed exterior materials.
- (3) A topographic survey with two (2) foot contour intervals and the boundary survey of the subject area, prepared and certified by a registered State surveyor.
- (4) A rendered plan of the planned development area showing in contrasting colors or by other means the respective location of all categories of land use.
- (5) A map of the general area showing the location of the planned development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
- (6) Preliminary engineering plans and specifications for the following improvements:
 - a. Roads and streets, including classifications, width of rights-of-way, widths of paved surfaces and construction details.
 - b. Sidewalks and trails, including widths of paved surfaces and construction details.
 - c. Sanitary and storm sewer system.
 - d. Water supply system.
 - e. Street lighting and public area lighting system.
 - f. Recommended installations for electric, gas and telephone facilities and distribution.
 - g. Sequence of phases or stages of development of the planned development.
 - h. A general landscape planting plan and tree removal and preservation plan, prepared by a landscape architect which meets the approval of the Regional Planning Commission.
- (7) The following shall be provided by either graphic exhibits or written statement:
 - a. The density of residential uses and the number of dwelling units by type.
 - b. The ancillary and nonresidential uses to be provided in a residential planned development.
 - c. The off-street parking and other service facilities proposed.
 - d. The exception or variations to the County zoning or subdivision requirements being requested as part of the planned development application.
 - e. The calculation of buildable acreage, the percent and acreage of land used for each of primary and secondary open space purposes, and the type and acreage of passive and recreational open space.

- f. Other submittals as requested by the County PBZ Department (including, but not limited to, traffic studies, groundwater studies, etc.).

(c) *Procedures for approval.*

- (1) The applicant shall request the preliminary plan/plat approval in addition to a petition for a zoning map amendment, by letter addressed to the PBZ or designee, to be placed on the agenda of the next regular meeting of the ZPAC for a preliminary discussion of the proposed planned development. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the ZPAC with the proposed development.
- (2) A copy of the petition shall also be submitted to the applicable township and any municipality within one and one-half (1½) miles of the proposed development, with extra-territorial jurisdictional control. The applicant shall present the application at a regularly scheduled meeting of the Regional Planning Commission (or other applicable body) of the township or municipality. The township and/or municipality may submit comments to the County regarding the petition within thirty (30) days.
- (3) The Director of Planning, Building and Zoning or designated representative shall review the submission to ensure that it complies with the preliminary plan and any comments and conditions governing approval of the preliminary plan.
- (4) The petition shall be reviewed by the ZPAC within thirty (30) days of the date of the complete original submission of the final plan, and a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The director or staff shall submit minutes of the ZPAC meeting containing such recommendation shall be submitted to the Regional Planning Commission for review and recommendation, along with any written correspondence received from any municipality or township.
- (5) The petition shall be heard by the Regional Planning Commission within sixty (60) days of the ZPAC meeting provided any necessary revisions or supplemental information requested by ZPAC have been supplied at least thirty (30) days in advance the Regional Planning Commission meeting. Upon completion of their review of the preliminary plan or plat, a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the Regional Planning Commission meeting containing such recommendation shall be submitted to the ZBA, along with any written correspondence received from any municipality or township.
- (6) The Chairman of the ZBA shall set a hearing date on the zoning map amendment to be held within thirty (30) days of the submission of the Regional Planning Commission report provided any necessary revisions or supplemental information requested by the Regional Planning Commission have been supplied at least fifteen (15) days in advance of the hearing. The Chairman shall cause notice of the hearing to be published at least once, not more than thirty

(30) days nor less than fifteen (15) days before said hearing date in one (1) or more newspaper of general circulation in the County. Written notice shall be given by the applicant to all property owners as prescribed by the ZBA bylaws.

- (7) Upon completion of their review of the map amendment and preliminary plan or plat, the ZBA shall make a recommendation. The Director of Planning, Building and Zoning or designated representative shall forward a copy of the petition, the minutes of the applicable meetings containing the recommendations of the Regional Planning Commission and the Zoning Board of Appeals accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein, to the Planning, Building and Zoning Committee of the County Board. The PBZ Committee shall review the petition within thirty (30) days of the public hearing unless a legal objection is eligible for filing in which case the PBZ Committee shall review the petition within sixty (60) days.
- (8) The Director of PBZ or designated representative shall forward a copy of the petition and the minutes of the applicable meetings of the Regional Planning Commission, Zoning Board of Appeals and Planning, Building and Zoning Committee to the County Board. The County Board shall review the petition within thirty (30) days of the PBZ Committee's meeting.
- (9) The County Board may grant an ordinance approving a map amendment for the planned development as well as any related special use permits. A separate ordinance approving the concept plan and preliminary plan/plat may also be granted, including plats, landscape plans, and the like. The concept plan and preliminary site plan or plats required by this section and Section 36-152(d) shall be explicitly made a part of the planned development ordinance.

(d) *Zoning map.* Approved residential planned developments shall be delineated and designated by a number on the zoning district map. A file, available for inspection by the public, shall be maintained by the Director of PBZ for each planned development so designated. The file shall contain a record of the approved development plan and all exceptions authorized therein.

(Ord. No. 2020-17, exh. M, § 13:09(D), 9-15-2020)

Sec. 36-155. Final plan approval.

(a) *Request.* The applicant shall request the final plan approval, by letter addressed to the Director of PBZ or designee, to be placed on the agenda of the next regular meeting of the Regional Planning Commission for a preliminary discussion of the proposed planned development at such meeting, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Regional Planning Commission with the proposed development.

(b) *Content of petition.* The formal petition shall contain, in addition to all other requirements, the following:

- (1) A site plan of the planned development. This plan will be at a scale of not less than one (1) inch equals one hundred (100) feet which shall show all proposed streets (public and private), street classifications, rights-of-way, pavement width of street and driveways, all principal buildings, lot

sizes, building lines, easements for utility services, off-street parking, service areas, open space recreation facilities and any other information necessary to clearly show the proposed elements of the planned development.

- (2) Preliminary architectural plans for all residential buildings proposed to contain more than one (1) dwelling unit shall be submitted in sufficient detail to show the basic planning, the number of units per building and the estimated number of bedrooms per dwelling unit. Building elevations shall be required only for structures containing more than one (1) dwelling unit. Preliminary architectural plans for business or other nonresidential buildings shall illustrate elevations and proposed exterior materials.
- (3) A topographic survey with two (2) foot contour intervals and the boundary survey of the subject area, prepared and certified by a registered State surveyor.
- (4) A rendered plan of the planned development area showing in contrasting colors or by other means the respective location of all categories of land use.
- (5) A map of the general area showing the location of the planned development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
- (6) Specifications of the following improvements:
 - a. Roads and streets, including classifications, width of rights-of-way, widths of paved surfaces and construction details.
 - b. Sidewalks, including widths of paved surfaces and construction details.
 - c. Sanitary and storm sewer system.
 - d. Water supply system.
 - e. Street lighting and public area lighting system.
 - f. Recommended installations for electric, gas and telephone facilities and distribution.
 - g. Sequence of phases or stages of development of the planned development.
 - h. A general landscape planting plan, prepared by a landscape architect which meets the approval of the Regional Planning Commission.
- (7) The following shall be provided by either graphic exhibits or written statement:
 - a. The density of residential uses and the number of dwelling units by type.
 - b. The ancillary and nonresidential uses to be provided in a residential planned development.
 - c. The off-street parking and other service facilities proposed.
 - d. The exception or variations to the County zoning or subdivision requirements being requested as part of the planning development application.
 - e. The calculation of buildable acreage, the percent and acreage of land used for each of primary and secondary conservation purposes, and the type and acreage of passive and recreational open space.

- f. Estimates of cost of installation of all proposed improvements, confirmed by a registered State engineer.
 - g. Petitioner's proposed development agreement, covenants, restrictions and conditions, special service district and homeowners' association bylaws to be established as a part of the planned development.
 - h. Open space maintenance and monitoring plan that complies with the standards set forth in Section 30-197.
 - i. Other submittals as requested by the County PBZ Department.
 1. *Construction of improvements.* The petitioner shall construct and install the required improvements in accordance with the County subdivision regulations set forth in Chapter 30 and the special use ordinance.
 2. *Street classification.* Street classifications, definitions, and specification shall be in accordance with the regulations pertaining to same as established in the subdivision regulations set forth in Chapter 30 and the Comprehensive Plan of the County, as may be amended from time to time, as may be modified by the special use permit.
 3. *Standards.* No planned development shall be authorized by the County Board unless the Regional Planning Commission shall find and recommend that the following standards will be met:
 - (i) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
 - (ii) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
 - (iii) That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the planned development have been adhered to.
 - (iv) When private streets and common driveways are made a part of the planned development or private common open space or recreation facilities are provided, the applicant shall submit as a part of the application the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the County Board.
- (c) *Procedures for approval.*
- (1) A copy of the petition shall be filed with the PBZ Department, and ten (10) copies of the petition shall be filed with the Director of PBZ or designee. Attached to each copy shall be copies of the supporting documents and exhibits provided for herein.
 - (2) A copy of the petition shall also be submitted to the applicable township and any municipality within one and one-half (1½) miles of the proposed development. The applicant shall present

the application at a regularly scheduled meeting of the Regional Planning Commission (or other applicable body) of the township or municipality. The township and/or municipality may submit comments to the County regarding the petition within thirty (30) days.

- (3) The Director of the PBZ or designated representative shall review the submission to ensure that it complies with the preliminary plan and any comments and conditions governing approval of the preliminary plan.
- (4) The petition will be placed on the agenda of the next regular meeting of the ZPAC for a preliminary discussion of the proposed planned development. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the ZPAC with the final plat for the proposed development.
- (5) The petition shall be reviewed by the ZPAC within thirty (30) days of the date of the complete original submission of the final plan, and a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the ZPAC meeting containing such recommendation shall be submitted to the Regional Planning Commission for review and recommendation, along with any written correspondence received from any municipality or township.
- (6) The petition shall be reviewed by the Regional Planning Commission within sixty (60) days of the date of the ZPAC meeting provided any necessary revisions or supplemental information requested by ZPAC have been supplied at least thirty (30) days in advance the Regional Planning Commission meeting. Upon completion of their review of the final plat, a recommendation shall be made, accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the Regional Planning Commission meeting containing such recommendation shall be submitted to the PBZ Committee of the County Board for review and recommendation to the County Board.
- (7) The Chairman of the PBZ Committee shall review the matter within thirty (30) days of the submission of the Regional Planning Commission report and receipt of the required approvals for the final engineering plans and supporting documents by all applicable reviewing agencies.
- (8) Following review and recommendation by the PBZ Committee, the Director of the PBZ Committee or designated representative shall forward a copy of the petition and the minutes of the applicable meetings of the Regional Planning Commission and the PBZ Committee to the County Board. The County Board shall review the petition within thirty (30) days of the PBZ Committee's meeting.
- (9) The County Board may grant an ordinance for the planned development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like. The site development plan required by this subdivision shall be explicitly made a part of the planned development ordinance.

(d) *Relationship to subdivision approval.*

- (1) An application for approval of a residential planned development, as provided for in this subdivision, may be undertaken concurrently with an application for subdivision plat approval, as provided in the County subdivision regulations set forth in Chapter 30.
- (2) Certain large projects may be platted and developed in phases. In such cases, the final subdivision plat may be done on a phase-by-phase basis, after receiving preliminary planned development approval and preliminary subdivision approval for the entire development. However, the final planned development plan for the entire development must be approved in advance of or concurrently with final plat approval of the first phase.
- (3) Required open space in a phased subdivision plat. In projects which are developed in phases, each subdivision plat phase need not provide thirty (30) percent of that phase's area as open space (in accordance with the minimum open space requirement for residential planned developments). However, each phase shall provide a reasonable amount of open space, to serve residents of that phase until the entire development is built out and the minimum required open space (thirty (30) percent of the total acreage of the entire development) is completed.

(Ord. No. 2020-17, exh. M, § 13:09(E), 9-15-2020)

Secs. 36-156—36-178. Reserved.

DIVISION 4. SITE PLAN REVIEW

Sec. 36-179. Purpose and intent.

Site plan approval is required to ensure that plans that are otherwise in conformance with this chapter also include the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress, and drainage of the site in a manner that will promote safety and convenience for the public and will preserve surrounding property values. Site plan review is not a substitute for required State and County building permit reviews.

(Ord. No. 2020-17, exh. M, § 13.10(A), 9-15-2020)

Sec. 36-180. Applicability.

(a) Site plan review is required for all new construction or additions and changes in the use of land or existing buildings which results in any alteration or construction within the following zoning districts:

- (1) All business districts.
- (2) All manufacturing districts.
- (3) All commercial development within a planned development.
- (4) All nonresidential or nonagricultural structures within a residential or agricultural district.

(b) The following activities are excluded from site plan review:

- (1) Normal maintenance.

- (2) Construction or alteration of any building in use exclusively as a single-family or two (2) family dwelling or any uses devoted exclusively to agriculture, horticulture or floriculture.
- (3) Home occupations, as defined in this chapter.
- (4) Restoration or reconstruction of a damaged structure if such restoration does not exceed fifty (50) percent of the value of the entire structure based on the County Assessor's records. Such restoration must commence within one (1) year from the date of the fire or other casualty or act of God. If restoration or reconstruction does not begin within one (1) year, a site plan shall be required.

(Ord. No. 2020-17, exh. M, § 13.10(B), 9-15-2020)

Sec. 36-181. Variance.

The PBZ Director or the PBZ Committee of the County Board may grant exceptions from the site plan requirements.

(Ord. No. 2020-17, exh. M, § 13.10(C), 9-15-2020)

Sec. 36-182. Site design standards.

The following development standards are established as criteria for the review of site plans:

- (1) *Responsive to site conditions.*
 - a. Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this chapter.
 - b. To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands and floodplains should be preserved as open space. Slopes in excess of twenty (20) percent as measured over a ten (10) foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken.
- (2) *Traffic and parking layout.*
 - a. Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross access easements or other recordable mechanisms must be employed.
 - b. Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles.

- c. Barrier curbs should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Relief from this provision may be considered by the PBZ Committee for rear yard parking facilities in M-1 Limited Manufacturing Districts, M-2 Heavy Industrial Districts, and B-4 Commercial Recreation Districts or for hardship cases, such as projects where barrier curb installation would conflict with drainage requirements. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing.
- d. Traffic studies may be required by the ZPAC or the PBZ Committee. Such traffic studies should address:
 1. Projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 2. Projected traffic flow patterns, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.

Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be provided.

- (3) *Site layout.* Improvements shall be laid out to avoid adversely affecting groundwater and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.
- (4) *Consistency with the LRMP.* The proposed use and the design of the site should be consistent with the Land Resource Management Plan.
- (5) *Building materials.* The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements.
- (6) *Relationship to surrounding development.* A site shall be developed in harmony with neighboring street patterns, setbacks and other design elements.
- (7) *Open space and pedestrian circulation.* Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property.
- (8) *Buffering.* Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dust, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view.
- (9) *Emergency vehicle access.* Every structure shall have sufficient access for emergency vehicles.
- (10) *Mechanical equipment screening.* All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts.

- (11) *Lighting.* The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view.
 - (12) *Refuse disposal and recycling storage areas.* All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited.
- (Ord. No. 2020-17, exh. M, § 13.10(D), 9-15-2020)

Sec. 36-183. Petition for site plan review.

- (a) *Standing.* A petition for site plan review shall be made by a person, firm or corporation that is the legal owner or has a possessory interest on the land which is described in the application for site plan review.
- (b) *Filing.* Petitions for site plan review shall be filed in writing with the Zoning Administrator and shall be accompanied by such documents and information as the ZPAC or the PBZ Committee may require. Such documents and information shall include, but are not limited to, the following:
 - (1) Completed petition for site plan review in a format developed by the County;
 - (2) Application fee;
 - (3) Generalized location map;
 - (4) Plats and drawings depicting compliance with the aforementioned site design standards.
- (c) *Plan requirements.* The petition for site plan review and drawings should include the following:
 - (1) Name of the project, boundaries, and location map showing the site's location in County, date, north arrow and scale of plan.
 - (2) Name, address and telephone number of the owner of record.
 - (3) All existing lot lines, easements and rights-of-way, including area in acres or square feet.
 - (4) Contiguous land uses and zoning, and location and use of structures within two hundred (200) feet of the site.
 - (5) Location and use of all existing and proposed structures within the development.
 - (6) Location of all present and proposed roads, parking areas, driveways, sidewalks, fences, curbs, paths and walls.

- (7) Location and proposed screening details for all permanent waste disposal containers.
 - (8) Location, height, intensity and bulb type of all external lighting fixtures. The direction of illumination and methods to eliminate glare into adjoining properties should be shown.
 - (9) Location of all present and proposed utilities, including, but not limited to, sewage or septic systems, water supply, telephone, cable and electrical systems, and stormwater drainage systems, such as drain lines, culverts, catchbasins, hydrants and drainage swales. Detailed soil mapping may be required to ensure suitability of the property for septic field installation.
 - (10) Location of existing and proposed natural features, including topography, forest cover and water sources.
 - (11) Elevation plans for exterior facades of proposed structures, showing design features and indicating type and color of materials to be used.
 - (12) Landscaping proposed for the development, including new plantings and existing plant material to be preserved, along with an indication of trees to be removed or transplanted. A separate landscape plan may be submitted in lieu of illustration on the site plan.
 - (13) A copy of the permit application and any revisions required by the U.S. Army Corps of Engineers for any floodplain or wetland modification.
 - (14) Timetable for construction of improvements.
- (Ord. No. 2020-17, exh. M, § 13.10(E), 9-15-2020)

Sec. 36-184. Procedure.

A written application for site plan review shall be submitted to the PBZ Department, which will schedule the item for review. Consultation with the appropriate County staff and consultants is encouraged throughout this process to ensure a minimum delay. If requested by the applicant, the County will review applications for site plan review concurrently with separate requests for rezoning or platting. The review process will include the following:

- (1) *ZPAC*. One (1) copy of the complete application, along with eight (8) copies of the site plan, shall be submitted by the property owner or certified agent to the Zoning Administrator at least fourteen (14) days prior to the ZPAC meeting. The purpose of the ZPAC meeting will be to evaluate the completeness of the application and to provide the applicant with feedback/input on the proposed site plan. Prior to the ZPAC meeting, the Zoning Administrator shall distribute copies of the site plan to Committee members. After discussion on a proposed site plan, the ZPAC may approve, deny, or approve with modifications, or request that the applicant revise the plan and return to a future ZPAC meeting for further review.
 - (2) *PBZ Committee*. Site plan decisions by ZPAC may be appealed to the PBZ Committee.
- (Ord. No. 2020-17, exh. M, § 13.10(F), 9-15-2020)

Sec. 36-185. Nullification.

Where a site plan has been approved and where no substantial construction work is initiated within one (1) year from the date approving the site plan, then, without further action by the PBZ Committee, such site plan approval shall become null and void.

(Ord. No. 2020-17, exh. M, § 13.10(G), 9-15-2020)

Sec. 36-186. Enforcement.

It is the policy of the County that enforcement of the site plan review requirements in this division is in the highest public interest. If any person, firm, or corporation violates the provisions of this division, the County may exercise any or all of the remedies and penalties available under law.

(Ord. No. 2020-17, exh. M, § 13.10(H), 9-15-2020)

Secs. 36-187—36-210. Reserved.**ARTICLE III. NONCONFORMITIES****Sec. 36-211. Purpose and scope.**

(a) It is the purpose of this article to provide for the regulation of legally nonconforming structures, lots of record and uses, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this chapter that those nonconformities which adversely affect orderly development and the value of nearby property not be permitted to continue without restriction.

(b) This article limits the development and continued existence of uses, structures, and lots established prior to the effective date of the ordinance from which this chapter is derived which do not conform to the requirements herein.

(c) The limitations of this article shall not apply to uses, structures, or lots whose nonconforming features are the subject of a variation or special use permit.

(Ord. No. 2020-17, exh. F, § 5:01, 9-15-2020)

Sec. 36-212. Continuance.

(a) Any lawfully established use of a building or land, at the effective date of the ordinance from which this chapter is derived, or of amendments thereto, that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.

(b) No use, which is accessory to a principal nonconforming use, shall continue after such principal use shall have ceased or been terminated, unless it shall thereafter conform to all regulations of this chapter.

(Ord. No. 2020-17, exh. F, § 5:02, 9-15-2020)

Sec. 36-213. Transfer.

The purchaser of property constituting a legal nonconforming use is entitled to the same rights as the grantor of that property except as provided in Section 36-214.
(Ord. No. 2020-17, exh. F, § 5:03, 9-15-2020)

Sec. 36-214. Discontinuance.

(a) Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use which conforms to the provisions of this chapter, such premises shall not thereafter be used or occupied by a nonconforming use.

(b) Whenever a nonconforming use of a building or structure, or part thereof, has been discontinued for a period of twelve (12) consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be re-established and the use of the premises thereafter shall be in conformity with the use regulations of this chapter.

(c) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment and said land shall not thereafter be used in a nonconforming manner.
(Ord. No. 2020-17, exh. F, § 5:04, 9-15-2020)

Sec. 36-215. Repairs and alterations to buildings containing nonconforming uses.

(a) So long as a building or structure is used or is eligible for use, normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs, replacement of roof covering, veneering of outer walls, and incidental alterations which do not extend or intensify the nonconforming use.

(b) No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:

- (1) When the alteration is required by law.
- (2) When the alteration will result in eliminating the nonconforming use.
- (3) When a building containing residential nonconforming uses is altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

(Ord. No. 2020-17, exh. F, § 5:05, 9-15-2020)

Sec. 36-216. Expansion.

(a) A building containing a nonconforming use may be enlarged or extended only if the entire building is thereafter devoted to a conforming use and is made to conform to all the regulations of the district in which it is located.

(b) A nonconforming use of land shall not be increased in intensity, nor be expanded or extended beyond the area it occupied at the date of the adoption of the ordinance from which this chapter is derived or any amendment thereto.

(c) A nonconforming use shall not be expanded or extended beyond the floor area or lot area that it occupied on the effective date of the ordinance from which this chapter is derived, or the effective date of any amendment thereto, rendering such use nonconforming and shall not be expanded so that it displaces any conforming use in the same structure or on the same parcel.

(d) No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

(e) No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of the ordinance from which this chapter is derived, or to displace any conforming use in the same building or on the same parcel.

(Ord. No. 2020-17, exh. F, § 5:06, 9-15-2020)

Sec. 36-217. Exempted uses.

When a lawfully existing building or other structure otherwise conforms to the height, bulk and yard regulations of this chapter, but is nonconforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of Sections 36-214 through 36-216, and Section 36-218.

- (1) In any residential district, where a dwelling is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.
- (2) In any residential district, where a use permitted in the B-1 district occupies ground floor space within a multiple-family dwelling located on a corner lot.
- (3) In any business, manufacturing or industrial district, where the use is less distant from a residential district than that specified in the regulation for the district in which it is located.
- (4) In any district, where an established use is nonconforming with respect to the standards prescribed in this chapter for off-street parking or loading.
- (5) In any A-1 Agricultural District where an established non-farm dwelling was located on or before July 10, 1973, it shall be deemed to be a legal use.

(Ord. No. 2020-17, exh. F, § 5:07, 9-15-2020)

Sec. 36-218. Conversion to special use.

Any nonconforming use may be made a special use by the granting of a special use permit as authorized by Article II of this chapter, if the use meets the requirements and standards applicable to special use approval, and if the use is authorized by the provisions of this chapter.

(Ord. No. 2020-17, exh. F, § 5:08, 9-15-2020)

Sec. 36-219. Continuance of nonconforming structures.

(a) Any legal nonconforming building or structure may be continued in use, provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.

(b) Any building for which a permit has been lawfully granted prior to the effective date of the ordinance from which this chapter is derived, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within six (6) months and diligently pursued to completion. Such building shall thereafter be deemed a lawfully established building.

(c) No structure in an R-3, R-4, R-5, R-6 or R-7 zoning district, which is accessory to a principal nonconforming structure, shall continue after such principal structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this chapter. This requirement may be waived if, in the opinion of the Zoning Administrator, maintaining the accessory structure will not adversely affect the health, safety, value, or general welfare of adjoining or neighboring properties. The Zoning Administrator may, at the Administrator's discretion, refer the matter to the PBZ Committee for review and recommendation.

(Ord. No. 2020-17, exh. F, § 5:09, 9-15-2020)

Sec. 36-220. Repairs to nonconforming structures.

Normal maintenance of a nonconforming building or other structure is permitted, including necessary structural repairs, replacement of roof covering, veneering of outer walls, and incidental alterations which do not constitute additions or expansions as regulated by Section 36-221.

(Ord. No. 2020-17, exh. F, § 5:10, 9-15-2020)

Sec. 36-221. Additions and expansions to nonconforming structures.

A building or structure which is nonconforming with respect to yards, maximum lot coverage, height, or any other element of bulk regulated by this chapter shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the yard, height or bulk regulations for the district in which it is located, except where a variation is granted according to the regulations of Article II of this chapter.

(Ord. No. 2020-17, exh. F, § 5:11, 9-15-2020)

Sec. 36-222. Restoration of a damaged nonconforming structure.

(a) No repairs or reconstruction shall be made unless construction is commenced within one (1) year from the date of the fire or other casualty or act of God and is diligently pursued until completion. The structure may be restored to its original condition and the occupancy or use of such structure may be continued which existed at the time of such partial destruction. Failure to initiate or conclude restoration within these limits shall constitute abandonment, after which said building must conform to the provisions of the zoning district in which it is located, except as otherwise specified in Subsection (b) of this section.

(b) Any accessory building or structure located in an R-5, R-6 or R-7 district that is damaged by any means, if such damage results in a loss of property of fifty (50) percent or greater, as based on floor area as determined by the PBZ Department, shall not be reconstructed unless such reconstruction is in conformance with setback, height and other bulk regulations of this chapter.

(Ord. No. 2020-17, exh. F, § 5:12, 9-15-2020)

Sec. 36-223. Nonconforming signs, billboards and outdoor advertising structures.

Nonconforming signs, billboards, and outdoor advertising structures shall be subject to the rules and regulations as specified in Article VI of this chapter.

(Ord. No. 2020-17, exh. F, § 5:13, 9-15-2020)

Sec. 36-224. Exempted buildings and structures.

(a) When a lawfully existing building or other structure otherwise conforms to the use regulations of this chapter but is nonconforming only in the particular manner hereinafter specified, the building shall be exempt from the requirements of Section 36-221 through 36-223.

(b) Any single-family dwelling which became nonconforming on the effective date of the ordinance from which this chapter is derived and is nonconforming only as to total lot area, front, side or rear yard requirements may be remodeled, extended, or structurally altered if, in the opinion of the Zoning Administrator, such alteration will not adversely affect the health, safety, value, or general welfare of adjoining or neighboring properties. The Zoning Administrator may, at the Administrator's discretion, refer the matter to the PBZ Committee for review and recommendation.

(Ord. No. 2020-17, exh. F, § 5:14, 9-15-2020)

Sec. 36-225. Development of nonconforming lots.

(a) A lot which met the lot area, lot width, and other dimension requirements of the zoning district at the time such lot was recorded shall be considered a legal nonconforming lot. Construction of new buildings, or repair of existing buildings that are being used for permitted uses, shall be permitted, provided setback provisions of this chapter are met. Where setback and/or lot area provisions cannot be met, the PBZ Director may permit an exception. If the lot is served by a sanitary sewer line, exceptions may be granted up to the standards of the zoning district at the time such lot was recorded. If the lot is non-sewered, an exception of up to twenty-five (25) percent of the required setback or lot size may be granted if requirements of the County Health Department are met. Where a setback reduction of more than twenty-five (25) percent is required, a variance shall be required.

(b) A lot which was established in an agricultural district by recorded deed or is part of an approved plat of subdivision or was otherwise legally established on or before the adoption of the ordinance from which this chapter is derived, may be used for single-family residence purposes, provided that the yard requirements of the R-2 district are complied with.

(Ord. No. 2020-17, exh. F, § 5:15, 9-15-2020)

Secs. 36-226—36-240. Reserved.

ARTICLE IV. ZONING DISTRICTS

DIVISION 1. GENERALLY

Sec. 36-241. Districts.

For the purpose and provisions herein the County is hereby organized into twenty (20) districts. The minimum area that may constitute a separate or detached part of any zoning district shall be as follows:

| <i>Code Reference</i> | <i>Zoning District</i> | <i>Minimum Area</i> |
|---|--|---------------------|
| Ch. 36, Art. IV, Div. 2, Subdivision II | A-1 Agricultural District | |
| Ch. 36, Art. IV, Div. 3, Subdivision II | R-1 One-Family Residential District | 130,000 sq. ft. |
| Ch. 36, Art. IV, Div. 3, Subdivision III | RPD-1 Residential Planned Development—One | 20,000 sq. ft. |
| Ch. 36, Art. IV, Div. 3, Subdivision IV | RPD-2 Residential Planned Development—Two | 20,000 sq. ft. |
| Ch. 36, Art. IV, Div. 3, Subdivision V | RPD-3 Residential Planned Development—Three | 20,000 sq. ft. |
| Ch. 36, Art. IV, Div. 3, Subdivision VI | R-2 One-Family Residential District | 90,000 sq. ft. |
| Ch. 36, Art. IV, Div. 3, Subdivision VII | R-3 One-Family Residential District | 45,000 sq. ft. |
| Ch. 36, Art. IV, Div. 3, Subdivision VIII | R-4 One-Family Residence District | 30,000 sq. ft. |
| Ch. 36, Art. IV, Div. 3, Subdivision IX | R-5 One-Family Residence District | 15,000 sq. ft. |
| Ch. 36, Art. IV, Div. 3, Subdivision X | R-6 One-Family Residence District | 7,000 sq. ft. |
| Ch. 36, Art. IV, Div. 3, Subdivision XI | R-7 General Residence District | Varies |
| Ch. 36, Art. IV, Div. 4, Subdivision II | B-1 Local Shopping District | 10,000 sq. ft. |
| Ch. 36, Art. IV, Div. 4, Subdivision III | B-2 General Business District | 10,000 sq. ft. |
| Ch. 36, Art. IV, Div. 4, Subdivision IV | B-3 Highway Business District | 10,000 sq. ft. |
| Ch. 36, Art. IV, Div. 4, Subdivision V | B-4 Commercial Recreation District | 20,000 sq. ft. |
| Ch. 36, Art. IV, Div. 4, Subdivision VI | B-5 Business Planned Development District | Varies |
| Ch. 36, Art. IV, Div. 4, Subdivision VII | B-6 Office and Research Park District | 150,000 sq. ft. |
| Ch. 36, Art. IV, Div. 5, Subdivision II | M-1 Limited Manufacturing District | |
| Ch. 36, Art. IV, Div. 5, Subdivision III | M-2 Heavy Industrial District | |
| Ch. 36, Art. IV, Div. 5, Subdivision IV | M-3 Aggregate Materials Extraction, Processing and Site Reclamation District | |

(Ord. No. 2020-17, exh. G, § 6:01, 9-15-2020)

Sec. 36-242. Zoning maps.

The boundaries of the zoning districts listed in Section 36-241 are hereby established as shown on the map entitled "Official Zoning Map of Kendall County, Illinois," found in the office of the County PBZ Department. A link entitled "Official Zoning Map of Kendall County, Illinois," found on the County PBZ Department's website, shall be a secondary source to view the official zoning map. The paper map

found in the County PBZ Department shall be the official zoning map in cases of conflict between the paper and online maps. A paper copy of this map can be obtained in the County PBZ Department office. Said map shall have the same force and effect as if the zoning map, together with all notations, references, and other information shown thereon were fully set forth and described herein.

(Ord. No. 2020-17, exh. G, § 6:02, 9-15-2020)

Sec. 36-243. District boundaries.

When uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map, the following rules shall apply:

- (1) District boundary lines are either the centerlines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended unless otherwise indicated.
- (2) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with the dimensions shown on the map from section, quarter section, or division lines, or centerlines of streets, highways, or railroad rights-of-way unless otherwise indicated.
- (3) Where a lot held in one (1) ownership and of record at the effective date of the ordinance from which this chapter is derived is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted portion of the lot by more than twenty-five (25) feet.

(Ord. No. 2020-17, exh. G, § 6:03, 9-15-2020)

Sec. 36-244. Zoning of streets, alleys, public ways, waterways, and rights-of-way.

All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, street, public ways, waterways, and railroad rights-of-way. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

(Ord. No. 2020-17, exh. G, § 6:04, 9-15-2020)

Sec. 36-245. Disconnected territory.

Any addition to the unincorporated area of the County, resulting from disconnection by municipalities or otherwise, or from submerged land which may be reclaimed hereafter, shall be automatically classified in the A-1 Agricultural District until such time as the County Board designates the permitted use of land in accordance with the administrative provisions of this chapter.

(Ord. No. 2020-17, exh. G, § 6:05, 9-15-2020)

Sec. 36-246. Utilities.

(a) The following utility facilities are exempted from regulation by this chapter: poles, towers, wires, cables, conduits, vaults, or any other similar distributing equipment of a public utility, as defined in the Public Utilities Act (220 ILCS 5/1-101 et seq.), if the public utility is subject to the Messages Tax Act (35 ILCS 610/1 et seq.), the Gas Revenue Tax Act (35 ILCS 615/1 et seq.) or the Public Utilities Revenue Act (220 ILCS 5/1-101), or if such facilities or equipment are located on any rights-of-way and are used for railroad purposes; except as regulated by Subsection (b) of this section.

(b) Telecommunications carrier facilities shall be allowed in all zoning districts if they conform to the following standards:

- (1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Antenna means an antenna device by which radio signals are transmitted, received, or both.

County Board means the Kendall County Board.

County jurisdiction area means those portions of the County that lie outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect.

Equipment housing means a combination of one (1) or more equipment buildings 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 under a license from the FCC consisting of a combination of improvements and equipment, including:

- a. One (1) or more antennas;
- b. A supporting structure and the hardware by which antennas are attached;
- c. Equipment housing;
- d. Ancillary equipment such as signal transmission 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 three (3) feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of three (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 point where the ground meets a vertical wall of a principal residential building.

Lot line setback distance means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right-of-way.

Nonresidential zoning district means the County jurisdiction area except for those portions within a residential zoning district.

Nonresidentially zoned lot means a zoning lot in a nonresidential zoning district.

Principal residential building has its common meaning but shall not include any building under the same ownership as the land of the facility lot. The term "principal residential building" shall not include any structure that is not designed for human habitation.

Qualifying structure means a supporting structure that is:

- a. An existing structure, if the height of the facility, including the structure, is not more than fifteen (15) feet higher than the structure just before the facility is installed; or
- b. 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 fifteen (15) feet higher than the height of the existing structure just before the facility is installed.

Residential zoning district means a zoning district that is designated under this chapter and is zoned predominantly for residential uses.

Residentially zoned lot means a zoning lot in a residential zoning district.

Supporting structure means a structure, whether an antenna tower or another type of structure, that supports one (1) or more antennas as part of a facility.

Telecommunications carrier means a telecommunications carrier, as defined in the Public Utilities Act (220 ILCS 5/1-101 et seq.) as of January 1, 1997.

(2) *Location guidelines.*

- a. A nonresidentially 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 two (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 two (2) acres in size and is used for residential purposes is the least desirable location.
- e. The size of a lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.

(3) *Design 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, which shall be conventional red lighting at night and may be white strobe during the day (unless required by the FAA or FCC to be white strobe at night), all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility.
- c. No facility should encroach onto an existing septic field.
- d. Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.
- e. Existing trees more than three (3) inches in diameter should be preserved if reasonably feasible during construction. If any tree more than three (3) inches in diameter is removed during construction, a tree three (3) inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point three (3) feet above ground level.
- f. If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low-maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping should be in accordance with any County landscaping regulations of general applicability, except that Subsection (b)(3)e of this section shall control over any tree-related regulations imposing a greater burden.
- g. Fencing should be installed around a facility. The height and materials of the fencing should be in accordance with any County fence regulations of general applicability.
- h. Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.

(4) *Standards.*

- a. Except as provided in this subsection (4), no yard or setback regulation shall apply to or be required for a facility.
- b. A facility may be located on the same zoning lot as 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 (1) 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 fifteen (15) feet from the front lot line of the facility lot or less than ten (10) feet from any other lot line.
 - e. No bulk regulations 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. 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.
- (5) *Approval process.*
- 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 two hundred (200) feet, except that if a facility is located more than one and one-half (1½) miles from the corporate limits of any municipality with a population of twenty-five thousand (25,000) or more the height of the facility shall not exceed three hundred fifty (350) feet; and
 - 2. The horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds ninety-nine (99) feet in height, the horizontal separation distance to the nearest principal residential building shall be at least one hundred (100) feet or eighty (80) percent of the height of the supporting structure, whichever is greater. Compliance with this subsection shall only be evaluated as of the time that a building permit application for the facility is submitted. If the supporting structure is not an antenna tower, this section is satisfied.
 - b. Unless a facility is permitted under Subsection (b)(5)a of this section, a facility can be established only after the County Board gives its approval following consideration of the provisions of Subsection (b)(5)c of this section. The County Board may give its approval after one (1) public hearing by the ZBA on the proposal, but only by the favorable vote of a majority of the members present at a meeting held no later than seventy-five (75) days after submission of a complete application by the telecommunications carrier; if the County Board fails to act on the application within seventy-five (75) days after its submission, the application shall be deemed to have been approved. No more than one (1) public hearing shall be required.
 - c. For the purposes of Subsection (b)(5)b of this section, the following siting considerations, but no other matter, shall be considered by the County Board or any other body conducting the public hearing:
 - 1. The criteria in Subsection (b)(2) of this section regarding location guidelines;
 - 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;
 5. The extent to which the design of the proposed facility reflects compliance with Subsection (b)(3) of this section regarding design guidelines.
- d. The County's review of a building permit application for a facility shall be completed within thirty (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.
 - e. Any public hearing authorized under this section shall be conducted in a manner determined by the County Board. Notice of any such public hearing shall be published at least fifteen (15) days before the hearing in a newspaper of general circulation published in the County.
 - f. Any decision regarding a facility by the County Board or a County agency or official shall be supported by written findings of fact. The circuit court shall have jurisdiction to review the reasonableness of any adverse decision and the plaintiff shall bear the burden of proof, but there shall be no presumption of the validity of the decision.

(Ord. No. 2020-17, exh. G, § 6:06, 9-15-2020; Ord. No. 2022-22, § II, 8-16-2022)

Sec. 36-247. Pipelines.

The purpose of this section is to minimize the negative agricultural impacts and to protect sensitive areas by affording minimal negative impact during and after pipeline construction. This section shall pertain to all pipelines to be located within agricultural properties with sensitive areas, including, but not limited to, wetlands and existing forested or natural areas, which are not constructed in relation to the direct development of property. Such pipelines shall meet the following standards:

(1) *Pipeline depth.*

- a. Except for above-ground piping facilities, such as mainline block valves, tap valves, meter stations, etc., the pipeline will be buried with:
 1. A minimum of five (5) feet of top cover where it crosses cropland.
 2. A minimum of five (5) feet of top cover where it crosses pastureland or other agricultural land comprised of soils that are classified by the USDA as being prime soils.
 3. A minimum of three (3) feet of top cover where it crosses pastureland and other agricultural land not comprised of prime soils.
 4. A minimum of three (3) feet of top cover where it crosses wooded/brushy land or other sensitive areas.
 5. Substantially the same top cover as an existing parallel pipeline, but not less than three (3) feet, where the route parallels an existing pipeline within a one hundred (100) foot perpendicular offset.

- b. Notwithstanding the foregoing, in those areas where rock is in its natural formation and/or a continuous stratum of gravel exceeding two hundred (200) feet in length are encountered, the minimum cover will be thirty (30) inches.
- (2) *Replacement of topsoil.*
- a. The topsoil depth shall be determined by a properly qualified soil scientist or soil technician who will set stakes every two hundred (200) feet along the right-of-way identifying the depth of topsoil to be removed.
 - b. The actual depth of the topsoil, not to exceed thirty-six (36) inches, will first be stripped from the area to be excavated above the pipeline, and from the adjacent subsoil storage area. The topsoil will be stored in a windrow parallel to the pipeline trench in such a manner that it will not become intermixed with subsoil materials.
 - c. The topsoil must be replaced so that after settling occurs, the topsoil's original depth and contour (with an allowance for settling) will be restored. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance will the topsoil materials be used for any other purpose.
 - d. As the topsoil is replaced, all rocks greater than three (3) inches in dimension shall be removed from the topsoil.
- (3) *Restoration of ground cover.*
- a. All soil conservation practices (such as terraces, grassed waterways, etc.) which are damaged by the pipeline's construction will be restored to their pre-construction condition.
 - b. Sensitive areas shall be restored by seeding or planting vegetation that will establish preexisting character or to the landowner's desire, not to exceed what was formerly present.
- (4) *Restoration and/or repair of field tiles.*
- a. The company will endeavor to locate all tile lines within the right-of-way prior to the pipeline's installation so repairs can be made if necessary. The company will contact affected landowners/tenants for their knowledge of the tile line locations prior to the pipeline's installation. All identified tile lines will be staked or flagged prior to construction to alert construction crews to the possible need for tile line repairs.
 - b. All the tile lines that are damaged, cut or removed shall be staked or flagged with the stakes or flags in such a manner they will remain visible until permanent repairs are completed. Tile lines must be restored to their original route within fourteen (14) days of the pipeline being laid.
 - c. Where tile lines are severed by the pipeline trench, angle iron, I-beams or an equivalent shall be used to support the repaired tile lines. The support member shall be sufficient to support a ten (10) ton point load on the surface directly above the repaired tile line.
- (5) *Ingress and egress routes.* Prior to the pipeline's installation, the company and the landowner/tenant will reach a mutually acceptable agreement on the route that will be utilized for entering

and leaving the pipeline right-of-way should access to the right-of-way not be practical or feasible from adjacent segments of the pipeline right-of-way or public highway or railroad rights-of-way.

(6) *Property owner/tenant notification procedure.*

- a. The property owners/tenants of the land on which the pipe will be located shall be notified of the project intent and approximate scheduling of the construction.
- b. Written permission shall be obtained from each property owner/tenant affected for pipelines not approved by the Federal Energy Regulatory Commission.

(7) *Special provisions pertaining to pipeline locations.*

- a. All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of five hundred (500) feet from any occupied principal structure.
- b. All pipelines which cross a regulatory floodplain must obtain a special use pursuant to Article II of this chapter.

(Ord. No. 2020-17, exh. G, § 6:07, 9-15-2020)

Secs. 36-248—36-253. Reserved.

DIVISION 2. AGRICULTURAL DISTRICTS

Subdivision I. In General

Secs. 36-254—36-278. Reserved.

Subdivision II. A-1 Agricultural District

Sec. 36-279. Purpose.

It is recognized that the public health and welfare of the citizens of the County are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The A-1 district is intended to ensure that lands within the County which are well suited for agricultural production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. Specific purposes for this district are to:

- (1) Establish a zoning district in which agriculture and certain related uses are encouraged as principal uses of the land.
- (2) Preserve fertile, tillable soils as a valuable natural resource.
- (3) Enhance and maintain the sound economic base that agricultural pursuits provide the County and region.

- (4) Provide open areas which contribute to the stability of the environment and enhancement of air and water quality.
 - (5) Preserve woodlands and wetlands associated with farms which, because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life, but may not be conducive to the agricultural uses cited in this subdivision.
 - (6) Prevent scattered, indiscriminate urban development within areas zoned agricultural.
 - (7) Limit residential development of agriculturally zoned properties or those areas identified as agricultural uses in the County's Land Resource Management Plan to not more than one (1) dwelling unit per each forty (40) acres of land.
- (Ord. No. 2020-17, exh. H, § 7:01(A), 9-15-2020)

Sec. 36-280. Policy.

It shall be the policy of the County to:

- (1) Allow only those uses of land which are clearly and primarily best suited for agricultural purposes within the A-1 zoning district.
- (2) Prevent mixtures of urban and rural land uses which create conflicts and incompatibilities which directly or indirectly impose unbalanced tax loads on agriculture and which require urban services which, in turn, contribute to the premature termination and eventual elimination of agricultural uses.
- (3) Ensure that allowance of farm residences under this section shall not change the general character of agricultural use.

The County has a long, rich tradition in agriculture and respects the role that farming and agricultural related businesses continue to play in shaping the economic viability of the County. Property that supports this industry is indicated by a zoning indicator A-1 or A-1 special use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise, and unique hours of operation that are not typical in other zoning areas. Please be aware that certain special and permitted uses are in existence and can continue operations as approved.

(Ord. No. 2020-17, exh. H, § 7:01(B), 9-15-2020)

Sec. 36-281. Uses permitted.

The following uses shall be permitted in the A-1 district:

- (1) Accessory uses. Accessory uses, structures, and buildings shall be permitted, provided such uses, structures or buildings comply with the regulations of Section 36-971.
- (2) Crop and tree farming.
- (3) Dairy and livestock farming.
- (4) Dwelling unit for watchmen and families, including a caretaker.

- (5) Farming.
- (6) Farm animals.
- (7) Forest preserve.
- (8) Forestry.
- (9) Game breeding.
- (10) Grazing and forage.
- (11) Greenhouses and nurseries.
- (12) Group homes, subject to the following:
 - a. No more than eight (8) persons, plus staff.
 - b. Licensed or certified by the State.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
- (13) Home occupation, provided it follows the definition in Section 36-2, meets the conditions in Section 36-972 and an affidavit is filled out in the PBZ office stating those conditions are met.
- (14) Horse breeding and raising.
- (15) Land application of domestic septage with approval from the Health Department in accordance with the requirements set forth in the most recent version of the County's private sewage disposal ordinance and the State EPA.
- (16) Roadside stands, with not more than six hundred (600) square feet of gross floor area, including outdoor display, and set back at least ninety (90) feet from the centerline of all adjacent roads, and with off-street parking for a minimum of five (5) cars, or one (1) space for each fifty (50) square feet of structure, whichever is greater. Sales shall be limited to only those products grown or produced on the premises. Sales are only permitted from March 15 through November 15.
- (17) Seasonal festivals.
- (18) Signs, as permitted and regulated by Article VI of this chapter.
- (19) Single-family residential use, provided:
 - a. Standard lot. A new residence shall be permitted on a zoning lot forty (40) acres or larger. Prior to the construction of any new residence, the property owner shall file with the County PBZ Department a legal description detailing the location of the parcel, along with a sketch identifying the location of the proposed residence. The County will maintain records of parcels that have been allocated for single-family residences.
 - b. Allocation. Parcels of forty (40) acres or more in size shall be entitled to one (1) allocation for a single-family residence for each forty (40) acres of available land within the overall zoning lot. Available land shall be determined as the total acreage of any parcel regardless of the number of existing residences on the premises or replacement homes for which the parcel may be eligible. The available allocations shall be registered in accordance with the

procedures outlined in Subsection (19)e of this section. Prior to the construction of any new residence, the property owner shall file with the County PBZ Department a legal description detailing the location of the acreage to which the allocation is being assigned. All parcels upon which a single-family residence is to be constructed utilizing a building permit allocation shall be a minimum of one hundred thirty thousand (130,000) square feet with a minimum lot width of two hundred (200) feet at the front building setback line. The County will maintain records of parcels that have been registered for single-family residences and record the dimensions of the parcels upon which the single-family residences are built.

- c. Existing approved lots.
 1. Single-family dwellings on zoning lots approved pursuant to the applicable regulations prior to March 8, 1977, which are as follows:
 - (i) Any three-quarter ($\frac{3}{4}$) acre lot, or larger, existing prior to July 17, 1959.
 - (ii) Any vacant three (3) acre parcel or larger that existed prior to August 8, 1971.
 - (iii) Any vacant five (5) acre parcel or larger that existed prior to August 28, 1972.
 - (iv) Any vacant twenty (20) acre parcel or larger that existed prior to March 8, 1977.
 - (v) Any lot in a subdivision or group of lots combined to meet the minimum area requirements of a zoning lot except as otherwise permitted under Section 36-225(b).
 2. Parcels classified as "Existing Approved Lots" under this Subsection (19)c shall be registered on or before December 29, 2005. If an owner declines to register a parcel by this date, the burden of proof of the availability of a permit will shift to the owner, who shall be required to prove, by clear and convincing evidence, that a building permit allocation is applicable to the parcel in question. After December 29, 2005, the owner of a zoning lot meeting the standards of this Subsection (19)c shall file a petition with the County PBZ Department to construct a new single-family dwelling on an unregistered prior zoning lot. The petition shall be reviewed by the Zoning Administrator and approved, denied, or referred to the Planning, Building, and Zoning Committee of the County Board. In considering the petition, the Zoning Administrator shall consider the following findings of fact:
 - (i) The petitioner must have purchased the property prior to May 1, 2000;
 - (ii) The petitioner must demonstrate that the property was buildable under the applicable zoning regulations at the time it was purchased.
- d. Replacement home. A replacement home is defined as a residence intended to replace a preexisting home destroyed or damaged to the extent that it was demolished.
 1. A replacement home shall be permitted in those instances where the owner can supply physical evidence documenting the prior existence of a residence on the property and further provided that it is registered in accordance with the procedures and deadlines established in Subsection (19)e of this section. Evidence shall be

submitted to the County PBZ Department and may include historic aerial photographs, tax records, plat maps or other legal documentation verifying the prior existence of a residential dwelling.

2. Except for those parcels of land created prior to December 16, 2003, which are improved with existing residences or are eligible for a replacement home, all replacement home lots shall have a minimum area of one hundred thirty thousand (130,000) square feet.
 3. Lots created prior to December 16, 2003, which are less than one hundred thirty thousand (130,000) square feet in area and are improved with existing residences or are eligible for a replacement home shall be considered legally nonconforming and shall not be further reduced in size except as may result from the required dedication of additional right-of-way for an adjoining roadway.
 4. If the PBZ Department determines that adequate evidence is not provided to support a replacement home, the applicant may appeal the decision to the PBZ Committee of the County Board. Appeals of the PBZ Committee's decision shall be reviewed by the ZBA in accordance with Article II of this chapter.
- e. All existing zoning lots which meet the requirements of Subsection (19)a, b, c or d of this section shall be registered by the property owner with the County PBZ Department prior to the issuance of a building permit. One single-family residence shall be permitted for each registered allocation. All parcels upon which a single-family residence is to be constructed utilizing a building permit allocation shall be a minimum of one hundred thirty thousand (130,000) square feet with a minimum lot width of two hundred (200) feet at the front building setback line. The County will maintain records of parcels that have been registered for single-family dwellings in the A-1 zoning district along with the number of permit allocations available to each tract. As each available permit allocation is used, the PBZ Department shall record the location and dimensions of the parcels upon which the single-family residences are built and shall update the records to track the number of available allocations remaining.
- f. Allocations registered prior to December 16, 2003. Parcels in excess of sixty (60) acres in size which were registered for a single allocation prior to December 16, 2003, may register for additional allocations for each forty (40) acres of available land for any zoning lot in excess of forty (40) acres in size that remains within the original parent parcel. These additional allocations will be registered in the same manner as outlined in Subsection (19)e of this section.

(20) Sod farms.

(21) Storage of products when accessory to the pursuit of agriculture.

(22) Truck farming.

(Ord. No. 2020-17, exh. H, § 7:01(C), 9-15-2020; Ord. No. 2022-01, art. II, 1-4-2022)

Sec. 36-282. Special uses permitted.

The following special uses may be permitted in the A-1 district only if specifically authorized by the County Board as allowed in Article II of this chapter:

- (1) Adult day care or respite care.
- (2) Adult-use cannabis craft grower, subject to the following conditions:
 - a. The facility may not be located within one thousand (1,000) feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for the purposes of this section. The measurement shall be from the cannabis use.
 - b. The facility may not be located within one thousand (1,000) feet of the property line of a preexisting property zoned or used for residential purposes, unless the residential use is owned by the same owner as the adult-use cannabis craft grower. The measurement shall be from the cannabis use.
 - c. The facility may not be located within one thousand (1,000) feet of the property line of a preexisting forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 - d. On properties zoned M-1 Limited Manufacturing District or M-2 Heavy Industrial District, adult-use cannabis craft growers may co-locate with adult-use dispensing organizations and adult-use cannabis infuser organizations, or both.
 - e. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.).
 - f. At the time of application, the petitioner shall submit the following information:
 1. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 2. Information on the proposed structure the facility will be located in, including total square footage, security installations/security plan, including type of security system and plans to address operations when security and surveillance systems malfunction and building code compliance.
 3. Anticipated number of employees and customers.
 4. Anticipated parking demand and available parking supply.
 5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 6. Site design, including access points and internal site circulation.
 7. Proposed signage plan.
 8. Other criteria as may be necessary to determine findings of fact of the special use permit application.

- g. The operator of the business allowed by the special use permit shall provide the County Sheriff's Office access to security system and security plans upon request by the County Sheriff's Office.
 - h. This use shall be in a stand-alone building.
 - i. The petitioner shall file an affidavit with the County affirming compliance with the regulations contained in this chapter.
 - j. In the event that the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) is amended, the more restrictive of the State or County regulation shall apply.
- (3) Adult-use cannabis cultivation center, subject to the following conditions:
- a. The facility may not be located within two thousand five hundred (2,500) feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for the purposes of this section. The measurement shall be from the cannabis use.
 - b. The facility may not be located within two thousand five hundred (2,500) feet of the property line of a preexisting property zoned or used for residential purposes. The measurement shall be from the cannabis use.
 - c. The facility may not be located within two thousand five hundred (2,500) feet of the property line of a preexisting forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 - d. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.).
 - e. At the time of application, the petitioner shall submit the following information:
 - 1. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - 2. Information on the proposed structure the facility will be located in, including total square footage, security installations/security plan, including type of security system and plans to address operations when security and surveillance systems malfunction and building code compliance.
 - 3. Anticipated number of employees and customers.
 - 4. Anticipated parking demand and available parking supply.
 - 5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - 6. Site design, including access points and internal site circulation.
 - 7. Proposed signage plan.
 - 8. Other criteria as may be necessary to determine findings of fact of the special use permit application.

- f. No outdoor storage is allowed.
 - g. Electronic message boards and temporary signs are not allowed.
 - h. Fences must be a minimum of eight (8) feet tall.
 - i. The operator of the business allowed by the special use permit shall provide the County Sheriff's Office access to security system and security plans upon request by the County Sheriff's Office.
 - j. This use shall be in a stand-alone building.
 - k. The petitioner shall file an affidavit with the County affirming compliance with the regulations contained in this chapter.
 - l. In the event that the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) is amended, the more restrictive of the State or County regulation shall apply.
- (4) Agency-licensed family residential care homes, transitional.
- (5) Agency-licensed group residential care home, permanent.
- (6) Agricultural implement sales and service.
- (7) Airports and heliports, including aircraft hangers, tie downs and aircraft service and repair, subject to the following restrictions:
- a. Site shall be a minimum of fifty (50) acres for a Basic Utility Stage 1 airport with a two thousand two hundred (2,200) foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA and IDOT Division of Aeronautics requirements.
 - b. There shall be a minimum three hundred (300) foot distance between airport property and the nearest residence.
 - c. Security fencing shall be provided to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.
 - d. Airports and surrounding territory are subject to the rules and regulations of the Illinois Department of Transportation (IDOT) Division of Aeronautics and to the following:
 - 1. Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the IDOT Division of Aeronautics shall be in accordance with the requirements set forth in the approach plan.
 - 2. Height of structures, in areas ten thousand (10,000) linear feet beyond the boundaries of airports that do not have an established approach plan, shall be governed by the following:
 - (i) For an airport having the longest runway less than three thousand nine hundred fifty (3,950) linear feet in length, structures located just beyond the boundaries of the airport shall not be in excess of fifteen (15) feet in height, and for every two hundred (200) linear feet of additional distance from the airport boundaries the height of structures may be increased by not more than ten (10) feet.

- (ii) For an airport having a runway of three thousand nine hundred fifty (3,950) linear feet or more in length, structures just beyond the boundaries of the airport shall not be in excess of fifteen (15) feet in height; for every two hundred (200) linear feet of additional distance from airport boundaries, the height of structures may be increased by not more than five (5) feet and where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four (4) feet in every two hundred (200) linear feet of additional distance from airport boundaries, for the first ten thousand (10,000) linear feet, and for the area covered in the next forty thousand (40,000) linear feet, the height of structures may be increased by not more than five (5) feet in every additional two hundred (200) linear feet.
 - (iii) Structures exceeding the limiting heights shall be considered obstruction to air navigation unless found not to be objectionable after special aeronautical study. Such structures may be specifically authorized as a variation after public hearing by the Zoning Board as provided by law.
- (8) Animal feed; preparation, grinding, mixing and storage.
- (9) Athletic field with lights, provided that the following conditions are met:
 - a. The minimum site area shall be one hundred forty thousand (140,000) square feet.
 - b. All structures, viewing, parking, and seating areas shall be set back at least one hundred (100) feet from any street or property line.
 - c. Photometric lighting plans will be submitted and approved by the County. All lighting shall be directed downward and should minimize glare and light trespassing on adjacent property.
- (10) Auction facility.
- (11) Bait shop with items not produced on the property.
- (12) Banquet halls, subject to the following conditions:
 - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
 - b. The subject parcel must be a minimum of five (5) acres.
 - c. The use of this property shall be in compliance with all applicable ordinances.
 - d. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
 - e. The noise regulations are as follows:
 - 1. *Day hours.* No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant.

2. *Night hours.* No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant.
 3. *Exemption.* Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.
- (13) Bed and breakfast establishments, subject to the following conditions:
- a. Shall have no more than five (5) guest rooms for rent.
 - b. Shall be in operation for not less than ten (10) nights in a twelve (12) month period.
 - c. Shall maintain a guest register which shall be available at all times for inspection.
 - d. Shall be located in a single-family detached dwelling, not an accessory building or garage.
 - e. Shall satisfy all requirements of the County Health Department in accordance with the requirements set forth in Chapter 18, Article V, and Building Department prior to the issuance of occupancy permits.
 - f. In addition to the parking requirements for a single-family detached dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guest room. The off-street parking for a bed and breakfast establishment shall not be located in any required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent opacity.
 - g. Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.
 - h. Each guest room may have its own private bath. No guest room shall have any kitchen facilities. As used herein, the term "guest room" shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.
 - i. Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of one (1) week.
 - j. Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in relation to the rest of the single-family detached dwelling.
- (14) Cemeteries, including crematoriums and mausoleums, provided no building shall be located less than one hundred (100) feet from a lot line.
- (15) Child day care facilities.

- (16) Clean up and restoration services with the following conditions:
 - a. If zoned as an A-1 Agricultural District, the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
 - c. All operations are to take place inside an enclosed structure.
 - d. A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance.
 - e. A material management plan must be submitted, including where items will be stored on site, including, but not limited to, chemicals and belongings.
 - f. No materials that are brought in can be burned on the site.
 - g. All signage shall comply with the provisions of Article VI of this chapter.
 - h. All requirements of the County Health Department and Building Department shall be satisfied prior to the issuance of occupancy permits.

- (17) Commercial solar energy facility and test solar energy systems subject to the following conditions:

- a. All commercial solar energy facilities and test solar energy systems located within one and one-half (1½) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality's regulations to flow through the property.
- b. The setbacks for commercial solar energy facilities shall be measured from the nearest edge of any component of the facility as follows:

| | |
|--|--|
| Occupied community buildings or dwellings on nonparticipating properties | 150 feet from the nearest point on the outside wall of the structure |
| Boundary lines of participating properties | None |
| Boundary lines of nonparticipating properties | 50 feet to the nearest point on the property line of the nonparticipating property |
| Public road rights-of-way | 50 feet from the nearest edge |

The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, State Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

- c. A commercial solar energy facility's perimeter shall be enclosed by fencing having a height of at least six (6) feet and no more than twenty-five (25) feet.

- d. No component of a solar panel as part of a commercial solar energy facility shall have a height of more than twenty (20) feet above ground when the solar energy facility's arrays are at full tilt.
- e. The above setback, fencing, and component height requirements may be waived subject to written consent of the owner of each affected nonparticipating property. This written consent shall be submitted at the time of application submittal.
- f. Sound limitations for components in commercial solar energy facilities shall follow the sound limitations established by the State Pollution Control Board.
- g. The County shall not require standards for construction, decommissioning, or deconstruction of a commercial solar energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.
- h. A vegetative screening shall be placed around the commercial solar energy facility.
- i. Commercial solar energy facility applicants shall provide the results and recommendations from consultations with the State Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial solar energy facility applicant shall adhere to the recommendations provided through this consultation.
- j. Commercial solar energy facility applicants shall provide the results of the U.S. Fish and Wildlife Service's information for planning and consulting environmental review or a comparable successor toll that is consistent with U.S. Fish and Wildlife Service land-based wind energy guidelines and any applicable U.S. Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.
- k. A facility owner shall demonstrate avoidance of protected lands as identified by the State Department of Natural Resources and the State Nature Preserve Commission or consider the recommendations of the State Department of Natural Resources for setbacks from protected lands, including areas identified by the State Nature Preserve Commission.
- l. A facility owner shall provide evidence at the time of application submittal of consultation with the State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law.
- m. A commercial solar energy facility owner shall plant, establish, and maintain for the life of the facility vegetative ground cover consistent with State law and the guidelines of the State Department of Natural Resources' vegetative management plans. The vegetation management plan shall be required at the time of application submittal.
- n. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The

facility owner shall supply the County Planning, Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.

- o. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial solar energy system within a reasonable time after construction of the commercial solar energy facility is complete. The specific time shall be set in the special use permit.

(18) Commercial wind energy facility and test wind towers subject to the following conditions:

- a. The following conditions apply to all commercial wind energy facilities located outside the one and one-half (1½) mile zoning jurisdiction of municipalities and within the one and one-half (1½) mile zoning jurisdictions of municipalities under intergovernmental agreements with the County for zoning services. All commercial wind energy facilities located within one and one-half (1½) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality's regulations to flow through the property, unless not required to do so by applicable law.
- b. 1. The setbacks for wind towers as measured from the center of the base of the wind tower shall be as follows:

| | |
|---|---|
| Occupied community buildings or nonparticipating residences | 2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure |
| Participating residences | 1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure |
| Boundary lines of participating properties | None |
| Boundary lines of nonparticipating properties | 1.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property |
| Public road rights-of-way | 1.1 times the maximum blade tip height of the wind tower to the center point of the public road right-of-way |
| Overhead communication and electric transmission and distribution facilities (not including overhead utility service lines to individual homes or outbuildings) | 1.1 times the maximum blade tip height of the wind tower to the nearest edge of the property line, easement, or right-of-way containing the overhead line |
| Overhead utility service lines to individual houses or outbuildings | None |
| Fish and wildlife areas and State Nature Preserve Commission protected lands | 2.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the fish and wildlife or protected land |

- 2. The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, State Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.
- 3. A wind tower of a commercial wind energy facility shall be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than thirty (30) hours per year of shadow flicker under planned operating conditions.

4. The above setback may be waived subject to written consent of the owner of each affected nonparticipating property. This written consent shall be submitted at the time of application submittal.
- c. Sound limitations for wind towers in commercial wind energy facilities shall follow the sound limitations established by the State Pollution Control Board.
- d. The County shall not require standards for construction, decommissioning, or deconstruction of a commercial wind energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.
- e. A vegetative screening shall be placed around the commercial wind energy facility.
- f. The commercial wind energy facility shall follow applicable Federal regulations pertaining to blade tip height maximums.
- g. Commercial wind energy systems applicants shall provide the results and recommendations from consultations with the State Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial wind energy system applicant shall adhere to the recommendations provided through this consultation.
- h. Commercial wind energy systems applicants shall provide the results of the U.S. Fish and Wildlife Service's information for planning and consulting environmental review or a comparable successor toll that is consistent with U.S. Fish and Wildlife Service land-based wind energy guidelines and any applicable U.S. Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.
- i. A facility owner shall demonstrate avoidance of protected lands as identified by the State Department of Natural Resources and the State Nature Preserve Commission or consider the recommendations of the State Department of Natural Resources for setbacks from protected lands, including areas identified by the State Nature Preserve Commission.
- j. A facility owner shall provide evidence at the time of application submittal of consultation with the State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law.
- k. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the County Planning, Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.
- l. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial wind energy system within a reasonable time after construction of the commercial wind energy facility is complete. The specific time shall be set in the special use permit.

- (19) Communication use.
- (20) Composting of landscape waste and food waste, subject to the following:
- a. The facility shall meet all State Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Subchapter 1, Part 830, Standards for compost facilities.
 - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
 - c. The hours during which landscape waste may be received shall be 7:00 a.m. to 4:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
 - d. The decibel levels at the property line shall not exceed State Pollution Control Board standards.
 - e. A locked gate shall restrict vehicle access during closed hours except that a lock-box shall allow access to emergency vehicles.
 - f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - h. Authorized County personnel shall be allowed on site during business hours for inspection and testing.
 - i. The facility operator shall send up-to-date copies of the State permit and related documents, including operational plan, surface water management plan, pest control plan, site drawing, and an annual report to the County Solid Waste Coordinator.
 - j. Truck weights shall be limited to seventy-three thousand two hundred eighty (73,280) pounds.
 - k. The operator shall provide weight receipts to the County.
 - l. Off-site debris and trash generated by the site must be cleaned up daily on surrounding properties with the owner's permission.
 - m. Other conditions as appropriate for the particular facility.

- (21) Correctional facilities, subject to the following:
 - a. The facility shall be at least six hundred fifty (650) feet from the nearest property which is residentially zoned or used.
 - b. The facility shall not be established within one thousand three hundred twenty (1,320) feet of a public or private school, day care or place of worship.
 - c. The County may deny the permit when the use would be detrimental to nearby properties or may add conditions or safeguards to the approval in order to protect the health and welfare of citizens.
- (22) Fertilizer and seed sales, including bulk storage and mixing.
- (23) Golf courses, club houses, country clubs, and membership riding clubs.
- (24) Governmental buildings and facilities.
- (25) Grain storage, when not accessory to the pursuit of agriculture.
- (26) Group homes, subject to the following:
 - a. More than nine (9) persons, plus staff.
 - b. Licensed or certified by the State.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
- (27) Halfway house, provided that it is located a minimum of one thousand (1,000) feet from any dwelling.
- (28) Hospice.
- (29) Indoor target practice with the following conditions:
 - a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.
 - b. Must be at least one hundred fifty (150) feet from existing dwellings and property lines of schools, day cares, and places of worship.
 - c. Hours of operation from 7:00 a.m. to 10:00 p.m.
 - d. No alcohol allowed.
 - e. Must meet all requirements of the County Health Department.
 - f. Applicable Federal, State, EPA and County rules and regulations.
- (30) Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
- (31) Kennels, provided that the kennels must be located inside and must be located a minimum of two hundred fifty (250) feet from the lot line of lots zoned residential or shown as residential on the Land Resource Management Plan map and one hundred fifty (150) feet from lots zoned

other than residential or shown on the Land Resource Management Plan map as nonresidential. The animals must be indoors by sunset, except for the purposes of owners picking up and dropping off pets and regular bathroom breaks until 10:00 p.m.

(32) Landscaping business, provided that:

- a. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of a special use permit.
- b. The business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least seventy-three thousand two hundred eighty (73,280) pounds unless otherwise approved in writing by the agency having jurisdiction over said highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the special use.
- c. No landscape waste generated off the property can be burned on the site.

(33) Medical cannabis cultivation center, subject to the following conditions:

- a. The facility may not be located within two thousand five hundred (2,500) feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for the purposes of this section. The measurement shall be from the cannabis use.
- b. The facility may not be located within two thousand five hundred (2,500) feet of the property line of a preexisting property zoned or used for residential purposes. The measurement shall be from the cannabis use.
- c. The facility may not be located within two thousand five hundred (2,500) feet of the property line of a preexisting forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
- d. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.).
- e. At the time of application, the petitioner shall submit the following information:
 1. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 2. Information on the proposed structure the facility will be located, including total square footage, security installations/security plan, including type of security system and plans to address operations when the security and surveillance systems malfunction and building code compliance.

3. Anticipated number of employees and customers.
 4. Anticipated parking demand and available parking supply.
 5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 6. Site design, including access points and internal site circulation.
 7. Proposed signage plan.
 8. Other criteria as may be necessary to determine findings of fact of the special use permit application.
- f. No outdoor storage is allowed.
 - g. Electronic message boards and temporary signs are not allowed.
 - h. Fences must be a minimum of eight (8) feet tall.
 - i. The operator of the business allowed by the special use permit shall provide the County Sheriff's Office access to security system and security plans upon request by the County Sheriff's Office.
 - j. This use shall be in a stand-alone building.
 - k. The petitioner shall file an affidavit with the County affirming compliance with the regulations contained in this chapter.
 - l. In the event that the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.) is amended, the more restrictive of the State or County regulation shall apply.
- (34) Micro distillery, subject to the following conditions:
- a. If zoned as an A-1 Agricultural District, the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. Locally grown inputs shall be used to the greatest extent possible.
 - c. The number of hours permitted to operate shall be on the approving ordinance.
 - d. Parking shall be in accordance with Article V, Division 2 of this chapter, including lighting.
 - e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the State Liquor Control Commission), and County rules and regulations shall apply.
 - f. Shall contact and meet all requirements of the County Health Department.
 - g. A waste management plan should be submitted to the County Health Department.
- (35) Nano breweries, subject to the following conditions:
- a. The facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.

- b. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the State Liquor Control Commission), and County rules and regulations shall apply.
 - c. Locally grown inputs shall be used to the greatest extent possible, with production utilizing crops grown on the same property or in combination with crops grown off site.
 - d. Any tasting or sale of beer shall be subject to the County liquor control regulations set forth in Chapter 4.
- (36) Offices of architects, brokers, engineers, insurance agents, lawyers, real estate agents, planners and other professionals, medical and dental practitioners, clergy, salesmen, sales representatives or manufacturing representatives, provided that the subject parcel is not less than three (3) acres in size; is located within three-fourths ($\frac{3}{4}$) of a mile of an existing or proposed commercial center as designated on the County Land Resource Management Plan; has hard-surfaced road frontage onto an arterial or major collector roadway as depicted on the County Land Resource Management Plan; is located in an area not designated on the Land Resource Management Plan as dedicated for agricultural uses.
- a. The following purposes are served:
 - 1. To encourage the preservation of existing farmhouses, barns and related structures and the pastoral setting and viewscapes they provide.
 - 2. To allow for the establishment of low-intensity office uses within existing structures that will serve as transitional uses between agricultural areas and advancing suburban development.
 - 3. To prevent spot zoning of parcels for commercial uses and the expansion of commercial strips along the County's arterial roadways.
 - b. All special use permit applications for an office use must meet the following requirements:
 - 1. Unless otherwise approved by the County Board, the office use shall be conducted within one (1) or more buildings or structures on a qualifying zoning lot unless the applicant can demonstrate to the County's satisfaction that conversion of an existing structure is not feasible due to structural or other similar limitations.
 - 2. If any proposed additions or new structures are to be built on the property:
 - (i) The architectural design of those structures must be reflective of the existing architecture on the site;
 - (ii) The additional square footage may not exceed fifty (50) percent of the combined square footage of the existing structures on the parcel;
 - (iii) Placement of any new structures or additions to existing buildings shall be done in a manner that does not detract from the maintenance of the existing viewscape of the locality.
 - 3. There shall be no outside display of goods or outside storage of equipment, materials, or motor vehicles utilized in conducting the office use.

4. The office use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the A-1 zoning district.
 5. Limited demolition of an existing farmhouse, barn, or accessory structure may be permitted upon the submission of a site plan and architectural drawings for review and approval by the County as part of any such special use request for office uses, provided that such demolition shall not exceed fifteen (15) percent of the combined square footage of all existing structures on the premises. The combined square footage of existing structures shall be defined as the sum total of the square footage of all existing structures situated on a qualifying zoning parcel at the time of submission and approval of the first application for such a special use on said qualifying parcel.
 6. Submission of a site plan and drawings indicating the location of existing structures and any proposed or existing additions thereto shall be supplied to demonstrate how the special use will serve to preserve or enhance the architecture of the existing structures and agricultural character of the property. Such plans and drawings shall include details regarding facilities for traffic movement, parking and loading; the design and appearance of all sides of any existing or future buildings to be maintained on the premises, including any areas of demolition or expansion and the size thereof; details of any proposed landscaping or buffering as are necessary or appropriate to maintain the agricultural character of the premises and to fit harmoniously with the character, use and zoning of adjoining surrounding properties and to avoid any appreciable adverse effect upon such properties.
 7. No sign, other than one (1) identification sign as permitted in Article VI of this chapter, shall be allowed.
 8. Off-street parking shall be provided in accordance with the provisions of Article V, Division 2 of this chapter.
- (37) Outdoor commercial sporting activities, including, but not limited to, swimming facilities and motocross sports. Appropriate regulations for lighting, noise, and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice or shooting, athletic fields with lights, paintball facilities and riding stables, including, but not limited to, polo clubs, and similar uses.
- (38) Outdoor target practice or shooting (not including private shooting on your own yard) with the following conditions:
- a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting range shall submit copies of all of the studies and plans suggested in the 2012 NRA Range Source Book, including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan. Two (2) copies of the 2012 NRA Range Source Book shall be available for public access in the County PBZ Department. One (1) of the copies of the 2012 NRA Range Source Book shall be made available for rent to members of the public.
 1. The above-referenced plans shall contain information as suggested by the National Rifle Association.

2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. The narrative shall, at a minimum, describe the type of range (i.e., public, private, or government), the types of firearms and targets expected to be used and the proposed days and hours of operation.
 3. The safety plan shall describe the duties and qualifications of the range supervisors.
 4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirements of the National Rifle Association's standards, the standards of the National Shooting Sports Foundation's standards, or the United States Environmental Protection Agency's best management practices standards.
 5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the County Planning, Building and Zoning office.
 6. Any changes to the above-required studies and plans shall be promptly forwarded to the County PBZ Department.
 7. A bond shall be provided for site remediation. The specific dollar amount shall be determined by the County Board.
- b. Range layout requires conformity with the 2012 National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one (1) inch equals one hundred (100) feet.
- c. The site plan for the proposed outdoor target practice of shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
1. The safety area shall conform to 2012 NRA Range Source Book for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
 2. For the purposes of this regulation, the term "downrange safety area" means the area away from the launching site towards the target. In case of shooting ranges where targets are not stationary, appropriate baffling shall be provided.
- d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty (20) feet high and six (6) feet thick at the top for ranges three hundred (300) feet in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty (30) feet of firing line distance over twenty (20) feet, the berm height shall increase by ten (10) feet in height as an example. Berms shall be located as follows:
1. Shotgun ranges: no berming required.

2. Ranges for handguns and rifles:
 - (i) Target placement not to exceed twenty (20) feet from the backstop.
 - (ii) Lateral not closer than thirty (30) feet from the firing line.
3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
4. In addition to berms, appropriate baffling may be installed over the firing line creating a no blue sky to prevent projectiles from overshooting the berm.
5. The range shall be located on site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:
 - (i) Shotgun ranges: one thousand five hundred (1,500) feet, provided that shot size is limited to #4 or smaller.
 - (ii) Ranges for handguns and rifles not more powerful than a .22 long rifle: seven thousand (7,000) feet.
 - (iii) Ranges for rifles more powerful than a .22 long rifle: thirteen thousand five hundred (13,500) feet.
 - (iv) The downrange safety area requirement for handgun and rifle ranges may be waived if the firing line is provided with overhead baffling, berming, or a combination thereof, meeting the standards of the 2012 National Rifle Association's Source Book or appropriate baffling may be installed over the firing line creating a "no blue sky" to prevent projectiles from overshooting the berm.
- e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.
- f. The firing line must be at least one thousand (1,000) feet from existing residential dwellings and property lines of schools, day cares, places of worship, airstrips, and residentially zoned property.
- g. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection is required.
- h. At least one (1) designated range safety officer must be present during operational hours when discharging of firearms is taking place. The term "range safety officer" means a person who is certified under the National Rifle Association's Range Safety Officer Program or other equivalent State or nationally recognized range safety officer certification program as approved by the County Board, for the type of shooting being supervised. The range safety officer shall enforce all range rules.
- i. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place.
- j. Everyone on the firing line is required to wear hearing protection and safety glasses.
- k. The range shall provide public bathroom facilities.
- l. The range shall require a minimum parcel size of twenty (20) acres.

- m. Hours and days of operation shall be specified in the special use permit and determined by the County Board. However, between October 1 and March 31, no firing shall take place prior to 10:00 a.m. or after 5:00 p.m. and between April 1 and September 30, no firing shall take place prior to 10:00 a.m. or after 8:30 p.m. However, notwithstanding the aforementioned hours of operation, up to twelve (12) night shoots per year shall be allowed ending no later than 10:00 p.m.
- n. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred (100) foot intervals warning members of the public of the danger. Berming may substitute for fencing.
- o. Must meet the existing setbacks of the zoning district.
- p. No alcohol, marijuana, or other illicit drugs allowed.
- q. No projectiles shall leave the boundaries of the site.
- r. The outdoor target practice or shooting range allowed by special use permit shall provide the County PBZ Department proof of accident and liability insurance prior to the commencement of operations; the insurance shall be at a level standard and customary for outdoor target practice or shooting range. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit and the special use permit holder shall supply a copy of the insurance policy to the County PBZ Department annually on or before February 1 of each year.
- s. All applicable Federal, State and County rules and regulations shall be adhered to.
- t. Must adhere to the performance standards of Section 36-877. (Not more than sixty (60) percent of the area of the lot may be covered by buildings or structures, including accessory buildings.)
- u. Notwithstanding the hours of operations set in the special use permit, the range shall abide by the following noise regulations, so as not to exceed allowable residential noise in accordance with the following:
 - 1. *Day hours.* No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential use which exceeds sixty (60) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant.
 - 2. *Night hours.* No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential use which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant.
 - 3. *Exemption.* Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.

- v. Outdoor target practice and public or private shooting ranges in existence prior to May 7, 2019, shall be exempt from this Subsection (38), but they shall follow the restrictions on their respective special use permits.
 - w. Outdoor target practice and shooting ranges open to the public established after May 7, 2019, must comply with the regulations of this Subsection (38) or secure applicable variances.
- (39) Paintball facilities, subject to the following conditions:
- a. Minimum lot size of twenty (20) acres.
 - b. The facility shall have direct access to a road designated as a major collector (or higher) in the County Land Resource Management Plan unless the township board of supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect the safety of the road.
 - c. Hours and days of operation as specified in special use permit to be determined by the County Board.
 - d. All safe and spectator areas must be protected by special paintball netting, and participants and spectators must wear approved paintball goggles.
 - e. No paintball activity shall leave the boundaries of the site, including fired paintballs.
 - f. Requirement of netting to be installed around the property shall be determined by the County Board.
 - g. Paintball guns shall only be powered by carbon dioxide (CO₂), high pressured air (HPA) or nitrogen (N₂).
 - h. All signage shall comply with the provisions of Article VI of this chapter.
 - i. Ammo for such paintball guns shall only include paintball pellets made of non-toxic, biodegradable water soluble substances.
 - j. All applicable State and County rules and regulations pertaining to wastewater treatment and disposal, potable water supply, and food service shall be adhered to.
- (40) Parks.
- (41) Performing arts center, subject to the following conditions:
- a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
 - b. The site shall be shown as a commercial area on the Land Resource Management Plan.
 - c. All signage shall comply with the provisions of Article VI of this chapter.
 - d. The amount of students and type of events are listed in the approving ordinance.
 - e. Shall satisfy all requirements of the County Health Department and Building Department prior to the issuance of occupancy permits.
 - f. Must meet applicable Fire Protection District Codes.
- (42) Philanthropic institutions and institutions supported by charity.

- (43) Places of worship, subject to the following conditions:
- a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
 - b. Other related uses, such as schools, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
- (44) Public or private utilities and service uses:
- a. Telecommunications hubs.
 - b. Filtration plants, pumping stations, and water reservoirs.
 - c. Sewage treatment plants.
 - d. Electric substations and booster stations.
 - e. Other similar uses.
- (45) Private airstrip and/or heliports, provided it complies with all Illinois Department of Transportation (IDOT) Division of Aeronautics and Federal Aviation Administration (FAA) requirements and provisions of Section 36-330.
- (46) Private clubs or lodges not including indoor or outdoor gun clubs and uses regulated in Section 36-981.
- (47) Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted, provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the centerline of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above-listed items are also permitted.
- (48) Recreational camps and recreational vehicle parks subject to the following conditions:
- a. All applications for a permit to operate a recreational vehicle park or campground shall contain the following:
 1. Name, address and telephone number of applicant.
 2. Percentage of interest of the applicant and/or owners in the proposed campground.
 3. Name and address of all persons holding an interest or having an interest in the proposed campground.
 4. Location, address and legal description of the entire proposed campground.
 5. Existing zoning of subject property and all adjacent properties.

6. Complete engineering plans and specifications of the proposed campground showing:
 - (i) The area and dimensions of the entire tract of land;
 - (ii) The number, location and size of all lots intended for use by recreational vehicles or tents;
 - (iii) The number, location and size of all unimproved, partially improved and fully improved lots;
 - (iv) The location, right-of-way and surfaced roadway width and surfacing materials of roadways and walkways;
 - (v) The location of proposed interior vehicular and pedestrian circulation patterns;
 - (vi) The location of service buildings, sanitary stations and any other existing or proposed structures;
 - (vii) The location of water and sewer lines;
 - (viii) Plans and specifications of all buildings constructed or to be constructed within the campground;
 - (ix) Plans and specifications of the water supply, refuse and sewage disposal facilities, pet exercise and sanitation areas;
 - (x) The location and details of lighting and electrical systems;
 - (xi) The location of fire hydrants, if provided;
 - (xii) Location of all drainage easements to comply with County drainage plans;
 - (xiii) Quantity and point or area of departure of stormwater runoff prior to and subsequent to construction of the proposed RV park;
 - (xiv) Erosion control and landscaping plans;
 - (xv) The County Soil and Water Conservation District soils report;
 - (xvi) The calendar months of the year during which the applicant will operate the proposed campground.
- b. Where a campground development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.
- c. Every application for the construction, operation, maintenance and occupancy for a campground shall be accompanied with plans and specifications, fully setting out the trailer spaces, the position of each RV, motor vehicle parking spaces, the driveway giving access thereto and a plan of landscaping. Before any permit is issued for a campground and the use thereof, the plans and specifications shall first be approved by the PBZ Department and the County Health Department, taking into account all the provisions as set out herein, as well as such special conditions as may be imposed by the County Board or its specified subcommittee, and, provided further, that said plans and specifications are in accordance with State regulations governing campgrounds.

- d. After completing the necessary zoning requirements and when upon review of the application, the PBZ Department has determined that the proposed plan meets all requirements of this chapter, a permit shall be issued.
- e. The minimum parcel size must be twenty (20) acres.
- f. The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of three hundred (300) feet.
- g. The periphery of the park or campground, except at designated access roads, must be completely enclosed and maintained by a fence which will not permit people or farm animals to pass through it.
- h. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands.
- i. Traffic from the park or campground must not seriously impair the movement of or cause hazard to agricultural and vehicular traffic.
- j. All lands classified as floodplains shall remain in permanent open space.
- k. No more than twenty (20) percent of any forest shall be cleared or developed and the remaining eighty (80) percent shall be retained in permanent open space or a tree study with a tree mitigation plan approved by the PBZ Committee may be submitted. General maintenance shall be exempt from the requirements of this section and this provision does not apply to the clearing of invasive species. Invasive species shall be defined by the State Department of Natural Resources.
- l. All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted.
- m. Stormwater runoff shall be limited to the rate which would occur under natural conditions.
- n. All ponds, wetlands, and watercourses are to be protected from erosion and sedimentation in accordance with the County's stormwater management regulations in Chapter 16, Article II.
- o. Areas with slopes greater than fifteen (15) percent are to be retained in permanent open space.
- p. Scenic views from public highways or adjoining lands must be maintained.
- q. The park or campground should provide separate circulation systems for vehicles and pedestrians.
- r. Access to the park must be safe and convenient.
- s. To ensure adequate open space and protection of resource areas, lots within the park or campground should be clustered.

- t. Internal roads, except one (1) main collector road, should be one (1) way and no wider than eighteen (18) feet.
- u. Collector roads should be no wider than twenty-four (24) feet.
- v. Recreation facilities within the park should be in proportion to the maximum park population.
- w. Recreational space within the park should be in proportion to the maximum park population and may include up to sixty (60) percent of the park or campground.
- x. Water supply and waste disposal facilities shall be designed, constructed and maintained in accordance with Health Department regulations.
- y. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
- z. No parking is permitted on interior roads.
- aa. All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance.
- bb. All accessory uses should be limited to park residents.
- cc. There shall be no indication of retail accessory uses visible from any public road or street.
- dd. Lots in the park or campground must be at least one thousand five hundred (1,500) square feet and clearly marked on the ground with landmarks on the lot corners and lot signage approved by the local fire protection district.
- ee. Trailers and accessory structures must be separated from one another by at least ten (10) feet in all directions.
- ff. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements.
- gg. Demands for public water or sanitary waste disposal must not overburden current facilities.
- hh. No recreational vehicle tent, or location within a recreational vehicle park or campground shall be used as a permanent place of abode. If the address of the recreational vehicle park or campground is listed as a person's address on any government-issued document, including, but not limited to, any government roll or registry (such as a voter roll or registry), or any application or enrollment information for a public, private, or parochial educational institution, the recreational vehicle park or campground shall be considered that person's permanent place of abode, regardless of the length of that person's occupancy. This provision shall not apply to campground caretakers.
- ii. Inspections.
 - 1. The PBZ Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter, but in no case shall such inspection take place less than once per year.

2. The PBZ Department and the Health Department shall have the power to enter at reasonable times and upon reasonable notice upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.
 3. The owner of the recreational vehicle park or campground, or agent or employee, shall be required to maintain a register containing a record of all campers, picnickers, and visitors registered in the park or campground. The PBZ Department, Health Department, law enforcement agency with jurisdiction, and the local fire protection district shall have the power to inspect the register upon request. The register shall be updated daily at minimum.
 4. It shall be the duty of the park management to give the PBZ Department and the Health Department free access to all lots and other areas at reasonable times and upon reasonable notice for the purpose of inspection.
 5. It shall be the duty of every camper or picnicker in the park to give the owner thereof or agent or employee access to any part of such recreational vehicle park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter and to facilitate inspections.
- jj. All standards of the Health Department shall be met.
- kk. Must seek approval from the fire and police departments at the time of application submittal for the special use permit.
- ll. Adequate directional signage must be throughout the property, including street signs. All trails shall be marked at their beginnings and ends.
- mm. A map of the recreational vehicle park or campground shall be supplied to KenCom. At minimum, the map shall show the location and names or numbers of all lots and trails in the recreational vehicle park or campground and the location and names of all streets and trails. Changes to the map or any identification information on the map shall be reported to KenCom within thirty (30) days of the change.
- (49) Retail or wholesale sales yards for agricultural products, including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
- (50) Retail or wholesale sale of pottery, art, or home decor products, alone or together with the operation of a tearoom, sit-down food sale area for food sales on the premises incidental to the operation of the primary retail sales use, provided that the subject parcel is not less than three (3) acres in size, has hard-surfaced road frontage onto an arterial or major collector roadway as depicted on the County Land Resource Management Plan; is located in an area not designated on the Land Resource Management Plan as dedicated for agricultural uses.
- a. The following purposes are served:
1. To encourage the preservation of existing farmhouses, barns and related structures and the pastoral setting and viewscapes they provide.

2. To allow for the establishment of low-intensity retail or wholesale uses within existing structures that will serve as transitional uses between agricultural areas and advancing suburban development.
 3. To prevent spot zoning of parcels for commercial uses and the expansion of commercial strips along the County's arterial roadways.
- b. All special use permit applications for a retail or wholesale use must meet the following requirements:
1. Unless otherwise approved by the County Board, the retail or wholesale use shall be conducted within one (1) or more buildings or structures on a qualifying zoning lot unless the applicant can demonstrate to the County's satisfaction that conversion of an existing structure is not feasible due to structural or other similar limitations.
 2. If any proposed additions or new structures are to be built on the property:
 - (i) The architectural design of those structures must be reflective of the existing architecture on the site;
 - (ii) The additional square footage may not exceed fifty (50) percent of the combined square footage of the existing structures on the parcel;
 - (iii) Placement of any new structures or additions to existing buildings shall be done in a manner that does not detract from the maintenance of the existing viewscape of the locality.
 3. There shall be no outside display of goods or outside storage of equipment, materials, or motor vehicles utilized in conducting the retail or wholesale use.
 4. The retail or wholesale use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the A-1 zoning district.
 5. Limited demolition of an existing farmhouse, barn, or accessory structure may be permitted upon the submission of a site plan and architectural drawings for review and approval by the County as part of any such special use request for retail or wholesale uses, provided that such demolition shall not exceed fifteen (15) percent of the combined square footage of all existing structures on the premises. The combined square footage of existing structures shall be defined as the sum total of the square footage of all existing structures situated on a qualifying zoning parcel at the time of submission and approval of the first application for such a special use on said qualifying parcel.
 6. Submission of a site plan and drawings indicating the location of existing structures and any proposed or existing additions thereto shall be supplied to demonstrate how the special use will serve to preserve or enhance the architecture of the existing structures and agricultural character of the property. Such plans and drawings shall include details regarding facilities for traffic movement, parking and loading; the design and appearance of all sides of any existing or future buildings to be maintained on the premises, including any areas of demolition or expansion and the size thereof; details of any proposed landscaping or buffering as are necessary or

appropriate to maintain the agricultural character of the premises and to fit harmoniously with the character, use and zoning of adjoining surrounding properties and to avoid any appreciable adverse effect upon such properties.

7. No sign, other than one (1) identification sign as permitted in Article VI of this chapter, shall be allowed.
 8. Off-street parking shall be provided in accordance with the provisions of Article V, Division 2 of this chapter.
- (51) Schools. Elementary, junior high, and high schools, including playgrounds, garages for school buses, and athletic field auxiliary thereto.
- (52) Service clubs.
- (53) Small poultry and small animal processing plants, subject to the following conditions:
- a. A maximum of twenty-one thousand (21,000) units a week. All animals are counted as one (1) animal unit except turkeys and geese are counted as four and one-half (4½) animal units.
 - b. Facilities (the unloading area) must be located at least four hundred (400) feet from any principal structure.
 - c. No rendering may take place on the site.
 - d. Live animals may be held on the site for no more than twenty-four (24) hours.
 - e. All slaughtering/processing permitted only in an enclosed building.
 - f. The number of hours and days of operation as specified in special use permit to be determined by the County Board.
 - g. Poultry processed to be sold for retail or wholesale sale shall be specified in the special use permit as a condition.
 - h. Parking shall be in accordance with Article V, Division 2 of this chapter, including lighting.
 - i. All applicable Federal, State and County rules and regulations shall apply.
 - j. Other such conditions as approved by the County Board.
 - k. Waste, byproducts or any decomposable residue which results from the slaughtering of animals must be kept in a sealed container and picked up within forty-eight (48) hours.
 - l. All signage shall comply with the provisions of Article VI of this chapter.
 - m. Shall satisfy all requirements of the County Health Department and Building Department prior to the issuance of occupancy permits.
 - n. Performance standards. All activities shall conform to the performance standards set forth in Section 36-978.
- (54) Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles, provided that the business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface,

designed to accommodate loads of at least seventy-three thousand two hundred eighty (73,280) pounds. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the A-1 Agricultural District.

(55) Telecommunications stations.

(56) Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation.

(Ord. No. 2020-17, exh. H, § 7:01(D), 9-15-2020; Ord. No. 2020-24, § V, 11-17-2020; Ord. No. 2023-21, § II, 5-16-2023; Ord. No. 2023-24, §§ XI—XIII, 5-16-2023)

Sec. 36-283. Conditional uses.

The following conditional uses may be permitted in the A-1 district only if specifically authorized by the Zoning Administrator:

- (1) Accessory agricultural services such as a blacksmith; sale of farm supplies by farmers as agents, where grain elevators or similar commercial facilities are not maintained on the farm premises; or similar accessory use to a farm residence provided:
 - a. The applicant shall send notice to all owners of property within five hundred (500) feet of the subject site by certified mail within five (5) days of filing the applications of the intent and location of the service. If any owner receiving notice as described above shall, within ten (10) days after the date of the notice, file a written objection with the Zoning Administrator thereto, the question of whether such application shall be granted shall be referred to the ZBA which shall consider the matter at its next regular or special meeting. A report summarizing the findings of fact and a recommendation of the ZBA shall be forwarded to the County Board for a determination.
 - b. Such use shall be operated and storage maintained entirely within an enclosed building or screened on all sides by a solid fence not less than six (6) feet in height.
 - c. Such use shall not utilize more that twenty-five (25) percent of the lot area or two (2) acres, whichever is less.
 - d. On-site employees shall consist of immediate family members, and not more than three (3) other persons.
 - e. Said business shall be owned by the owner of the residence.
 - f. Such businesses shall provide a parking area to accommodate at least two (2) cars in addition to one (1) parking space for each on-site employee. Such off-street parking area shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings.
 - g. No more than one (1) business shall be permitted on a site.
 - h. Such businesses shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on or off the premises of such use.

- (2) Agricultural labor housing or living quarters for a groomsman or an employee watchman, provided that the following conditions and restrictions are met:
 - a. Shall be used in connection with an agricultural purpose, as defined in Section 5-12001 of the Counties Code (55 ILCS 5/5-12001), as hereafter amended.
 - b. Shall meet all requirements of the County Health Department.
 - c. Shall be used for agricultural labor housing or living quarters for a groomsman, an employee watchman and immediate family.
 - d. Shall meet all required setbacks and minimum lot size.

- (3) Elderly cottage housing opportunities (ECHO housing), provided:
 - a. One manufactured home is permitted on a separate ground area of not less than five (5) acres in an A-1 Agricultural District. Current health codes must be met.
 - b. The following purpose is served:
 - 1. To permit adult offspring to provide small temporary residences for their aging parents who are in need of support while maintaining independence.
 - 2. To permit families to provide security and support for non-elderly relatives with serious health problems or physical disabilities.
 - 3. To reduce the degree to which frail elderly homeowners have to choose between increasing isolation in their own homes and institutionalization in nursing homes.
 - 4. To develop housing types in single-family neighborhoods that are appropriate for households at a variety of stages in the life cycle.
 - 5. To permit ECHO housing in a manner that protects the property values and single-family character of neighborhoods by ensuring that the units are compatible with the neighborhood and are easily removed.
 - c. A conditional use permit must meet the following requirements for temporary ECHO:
 - 1. There can only be one (1) ECHO housing unit located on each parcel.
 - 2. The ECHO housing unit must comply with all setbacks within the respective zoning districts.
 - 3. The ECHO housing unit must not exceed one thousand two hundred (1,200) square feet of living space with not more than two (2) bedrooms.
 - 4. The ECHO housing unit must be compatible with the surrounding area.
 - 5. The ECHO housing unit must be an attached or detached pre-manufactured home with a removable foundation or a mobile home.
 - 6. Each ECHO housing unit may have one (1) parking space.
 - 7. The owner of the principal residence and at least one (1) occupant of the ECHO unit must be related by blood, marriage or adoption.
 - 8. The owners of the principal residence and lot must live in one (1) of the dwelling units on the lot. No more than two (2) occupants shall reside in an ECHO unit.

9. In order to be eligible for ECHO housing, at least one (1) of the occupants of the ECHO unit must be over sixty-two (62) years of age, or unable to live independently because of mental or physical disabilities. All disabled occupants must submit a letter from a physician verifying the disability and stating the projected duration of the disability.
 10. The principal owner of the property must annually submit an affidavit to the Zoning Administrator, verifying that the unit is still occupied by the eligible residents. Once the unit is no longer occupied by the eligible residents, the principal owner has six (6) months to remove the unit from the property. If the unit is not removed within six (6) months, the County Zoning Department may remove the structure. The principal owner of the property will be held financially liable for the cost. If the principal owner has not cleared debts within thirty (30) days of notification, a lien may be placed against the property.
- (4) Feed yards, provided that the lot is not located nearer than one thousand (1,000) feet from a residential district.
 - (5) Guest house with kitchen facilities, provided it meets the following conditions:
 - a. The parcel must be three (3) acres or greater in size and must be able to demonstrate the ability to provide adequate water and sanitary wastewater treatment facilities to service both the principal residence and guest house in accordance with all applicable Health Department regulations and guidelines in effect at the time of application.
 - b. The guest house shall comply with the building setbacks of the A-1 Agricultural District and shall be a minimum of twenty (20) feet from the principal structure.
 - c. All guest houses shall not exceed the height of the main dwelling.
 - d. Adequate off-street parking shall be available for the guest house.
 - e. Covenant or deed restrictions. As a condition of securing a building permit for construction of a guest house being added to an existing parcel containing a single-family home, the property owner shall record against the deed to the subject property a covenant or deed restriction which shall prohibit the rental, lease or sale of the guest house separately from the rental, lease or sale of the main dwelling unit. Proof that such a covenant or deed restriction has been recorded shall be provided to the County PBZ Department prior to the issuance of the building permit for the guest house.
 - f. The materials, colors, and architectural style of the guest house shall be similar to the principal residence.
 - g. The livable floor area of the guest house shall not exceed fifty (50) percent of the livable floor area of the principal residence.
 - h. Construction of all guest houses shall meet applicable building codes.
 - (6) Home-based retail and/or wholesale food operation providing it meets all applicable County, State and Federal public health requirements.

- (7) Livestock sales and purchasing, but not a stockyard or slaughterhouse. Such uses may not be located nearer than one thousand (1,000) feet from a residential district.
- (8) Public 911 safety towers, provided:
- a. The height cannot exceed two hundred (200) feet if it is located within one and one-half (1½) miles from the corporate limits of any municipality with a population of twenty-five thousand (25,000) or more. If it is further than one and one-half (1½) miles from the corporate limits of a municipality with a population of twenty-five thousand (25,000) or more, it can be three hundred fifty (350) feet.
 - b. No building or tower that is part of a public 911 safety tower should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
 - c. Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility.
 - d. No public 911 safety tower should encroach onto an existing septic field.
 - e. Except as provided in this Subsection (8), no yard or setback regulation shall apply to or be required for a public 911 safety tower.
 - f. No minimum lot area, width, or depth shall be required for a public 911 safety tower and unless the tower is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a public 911 safety tower. If the tower is to be manned on a regular, daily basis, one (1) off-street parking space shall be provided for each employee regularly at the site. No loading facilities are required.
 - g. No portion of a tower's supporting structure or equipment housing shall be less than fifteen (15) feet from the front lot line or less than ten (10) feet from any other lot line.
 - h. Fencing should be installed around a public 911 safety tower. The height and materials of the fencing should be in accordance with any County fence regulations of general applicability.
- (9) Riding stables, including, but not limited to, polo clubs, rodeo clubs and similar uses, provided:
- a. The lot is not located nearer than five hundred (500) feet from an existing dwelling other than the owners' residence or a residential district.
 - b. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time.
 - c. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
 - d. Submission of a manure management plan for review and approval by the County Health Department.

- e. Hours of operation for the indoor arenas shall be restricted to 6:00 a.m. to 10:00 p.m. daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
 - f. Off-street parking and loading at a ratio of not less than one (1) parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e., storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
 - g. Provision of handicapped accessible bathroom facilities for customers and employees.
 - h. Compliance with basic life safety requirements for building ingress and egress.
- (10) Single-family dwellings may be authorized under the following conditions:
- a. Each such dwelling shall be located on a zoning lot that meets the standards of single-family residential lots; one hundred thirty thousand (130,000) square feet minimum.
 - b. Septic suitability is approved by the Health Department.
 - c. It is the intent to limit such usage, and if, in the judgment of the County Board, contiguous parcels requesting approval hereunder represent an unwarranted expansion of this usage, then denial is warranted.
 - d. That application shall be made on forms provided by the Zoning Administrator and shall include written and graphic evidence establishing that the site meets the following standards and that the site for the proposed use must be incompatible with agricultural use that may be evidenced by establishment of one (1) or more of the following criteria:
 - 1. Existing woodland coverage of a substantial portion of the site containing trees in excess of six (6) inches in diameter measured at breast height;
 - 2. Soils which have a land evaluation ranking from the County Soil and Water Conservation District of seventy-five (75) or less;
 - 3. Excessive slopes;
 - 4. Other physical features which serve as barriers to farm operations such as streams, rock outcroppings and property configuration in relationship to wetlands, floodprone areas or buildings.
 - e. That such application shall be acted upon by the Zoning Administrator. The Zoning Administrator may, at the Administrator's discretion, refer the application to the PBZ Committee of the County Board for recommendation prior to taking action. It is the policy that allowance of dwellings under this section shall not change the general character of agricultural use in the surrounding area.
- (11) Truck and tractor amusement competition events, provided that the following conditions and restrictions are met:
- a. Event tracks, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within five hundred (500) feet of a residential district, or a residential structure located off the subject property unless written consent from the affected residents is provided to the PBZ office.

- b. The operator shall provide adequate parking on the site, such that no on-street parking will be required.
- c. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
- d. No alcohol shall be sold on the premises without a County liquor license.
- e. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
- f. Events shall not exceed six (6) consecutive days in duration.
- g. Events shall not exceed two (2) times per calendar year on any particular property.
- h. Noise levels shall not exceed ninety (90) dB as measured at the nearest property line, not including any residences located on the subject property.
- i. The operator shall provide adequate crowd control and parking direction as reasonably determined by the County Sheriff's Office.
- j. Any event activities shall start no earlier than 9:00 a.m., and shall end no later than 9:00 p.m., any day of the week.
- k. Any truck and tractor amusement competition event which cannot meet these standards may still be permitted via a special use.

(Ord. No. 2020-17, exh. H, § 7:01(E), 9-15-2020; Ord. No. 2022-01, art. III, 1-4-2022; Ord. No. 2023-24, § XIV, 5-16-2023)

Sec. 36-284. Accessory uses permitted.

Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use are permitted in the A-1 district, provided they are operated and maintained under the same ownership, on the same lot, and do not include structures or structural features inconsistent with the permitted use or special use.

(Ord. No. 2020-17, exh. H, § 7:01(F), 9-15-2020)

Sec. 36-285. Site and structure requirements.

The following site and structure requirements apply in the A-1 district:

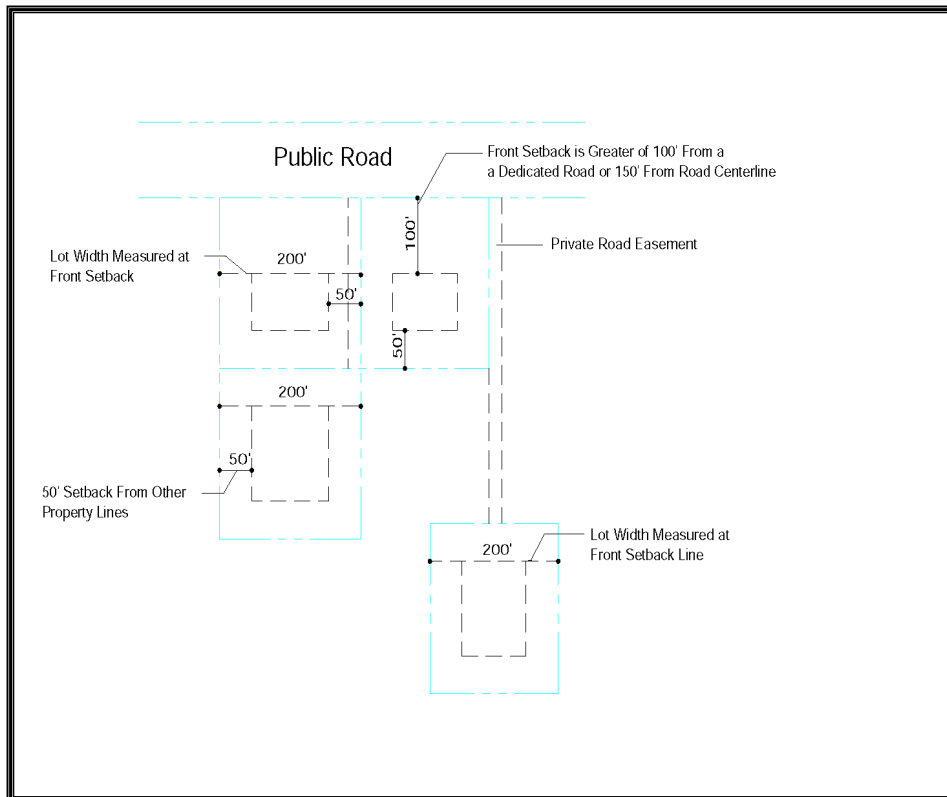
- (1) *Minimum lot area and minimum lot width.* Minimum lot area and minimum lot width (measured at the front building setback line) per the following table:

| <i>Type of Use</i> | <i>Minimum Lot Area</i> | <i>Minimum Lot Width</i> |
|--|-------------------------|--------------------------|
| New residence | 40 acres | 200 feet |
| Existing residences or replacement homes that are subdivided from a larger agricultural parcel | 130,000 square feet | 200 feet |

| <i>Type of Use</i> | <i>Minimum Lot Area</i> | <i>Minimum Lot Width</i> |
|---------------------------------------|--|--|
| Other permitted residences | As provided in Section 36-281(19)c | No minimum |
| Special or conditional uses | No minimum, unless specifically listed | 200 feet or as approved for the special or conditional use |
| All other permitted agricultural uses | No minimum | 200 feet measured from the front building setback line |

(2) *Setbacks.*

- a. Principal buildings: one hundred (100) feet from a dedicated road right-of-way or one hundred fifty (150) feet from the centerline of all adjacent roads, and fifty (50) feet from all property lines dividing lots held in separate ownership.
- b. Accessory structures: one hundred (100) feet from a dedicated road right-of-way or one hundred fifty (150) feet from the centerline of all adjacent roads, and ten (10) feet from all property lines dividing lots held in separate ownership.



(Ord. No. 2020-17, exh. H, § 7:01(G), 9-15-2020)

Secs. 36-286—36-303. Reserved.

DIVISION 3. RESIDENTIAL DISTRICTS

*Subdivision I. In General***Sec. 36-304. Purpose, goals and objectives.**

(a) The purpose of this section is to establish zoning parameters for residential projects which encourage creative development within designated growth areas of the unincorporated County, while preserving open space and protecting the rural character and natural environments within those areas. The open space and uncongested character of the County are major reasons why residents move to this area. Thus, protection of the County's rural character is critical to maintaining the resident's quality of life. This can be accomplished through clustering housing sites on portions of the land to be developed and retaining unbroken open space on the remaining portions of the land.

(b) The regulations of this section also balance residential development with the County's commitment to maintain a viable agribusiness sector, because such residential development can impact the continued viability of agriculture. The increased population can make it difficult for farmers to move equipment to their lands.

(c) This section also ensures that residential projects are designed to protect water resources from contamination and protect natural drainage areas, floodplains and wetlands to avoid costly man-made stormwater projects. Residential development creates additional demands on natural resources such as water (for irrigation of lawns, gardens and consumption). The goal is a safe, ample and reliable source of potable water available throughout the County, and the protection of all surface water and groundwater resources for recreation and preservation.

(d) Overall, the goal of this division is economically viable development which respects the inherent environmental limitations of the County's natural resources and of the specific land to be developed.

(e) There are four (4) residential zoning districts for all new residential developments proposed after the effective date of the ordinance from which this chapter is derived: R-1 One-Family Residential District, RPD-1 Residential Planned Development—One, RPD-2 Residential Planned Development—Two, and RPD-3 Residential Planned Development—Three. The RPD districts are distinguished based on the maximum gross residential density of the development and the location within the County's Land Resource Management Plan. The R-1 One-Family Residential District has been retained to provide property owners with a simple alternative for very low density residential developments. All other prior residential districts are maintained solely to permit regulation of developments approved under those prior districts.

(f) Private streets are prohibited unless for limited access on unique sites with unusual topography, woodlands, or configuration.

(g) The County has a long, rich tradition in agriculture and respects the role that farming and agricultural related businesses continue to play in shaping the economic viability of the County. Property that supports this industry is indicated by a zoning indicator A-1 or A-1 special use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in

occasional smells, dust, sights, noise, and unique hours of operations that are not typical in other zoning areas. Please be aware that certain special and permitted uses are in existence and can continue operations as approved.

(Ord. No. 2020-17, exh. I, § 8:01, 9-15-2020)

Secs. 36-305—36-326. Reserved.

Subdivision II. R-1 One-Family Residential District

Sec. 36-327. Purpose.

The R-1 district may be appropriate in any area suggested for residential use on the Land Resource Management Plan. Such development must meet the standards of this subdivision.

(Ord. No. 2020-17, exh. I, § 8:02(intro. ¶), 9-15-2020)

Sec. 36-328. Permitted uses.

The following uses are permitted in the R-1 district:

- (1) Accessory uses. Accessory uses, structures, and buildings shall be permitted, provided such uses, structures or buildings comply with the regulations of Section 36-971.
- (2) Fire stations.
- (3) Group homes, subject to the following:
 - a. No more than eight (8) persons, plus staff.
 - b. Licensed or certified by the State.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group home and adjacent properties as measured from the lot line.
- (4) Home occupations, provided an affidavit is filled out in the PBZ office stating the conditions of this chapter are met.
- (5) Lands and buildings used for horticulture or farm purposes, including vegetable gardens as defined by the Garden Act (505 ILCS 87/1 et seq.).
- (6) Parks.
- (7) Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten (10) feet back from the nearest right-of-way line.
- (8) Single-family detached dwellings.
- (9) Signs, as permitted and regulated by Article VI of this chapter.
- (10) Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.

- (11) Farm-type animals shall be permitted in accordance with the following:
- a. On lots less than one (1) acre, no farm-type animals shall be permitted.
 - b. On lots at least one (1) acre but less than three (3) acres in size, a maximum of one (1) horse and a maximum combined total of five (5) ducks, rabbits, chickens, or goats, with the following exception: The number of horses permitted on lots less than three (3) acres in size created prior to October 17, 2000, shall be determined in accordance with the methodology as in Subsection (11)e of this section.
 - c. On lots three acres or more in size, one (1) horse per acre shall be permitted, provided that twenty-one thousand seven hundred eighty (21,780) square feet of contiguous land is dedicated as pasture for each horse permitted on a lot. Any lot with more than three horses shall submit a manure management plan to PBZ staff for review. In addition, for lots over three (3) acres but less than five (5) acres, a maximum combined total of ten (10) ducks, rabbits, chickens, or goats is allowed. Additional farm-type animals may be permitted temporarily for 4-H projects.
 - d. Lots at least one (1) acre in size but less than five (5) acres shall be permitted to keep up to twelve (12) chickens.
 - e. On lots of five (5) acres or more, the following animals are permitted in any combination, provided that there shall not be in excess of two-thirds ($\frac{2}{3}$) of an animal unit per acre in accordance with the following table. The animal unit permitted for any animal not listed shall be determined by the Director of Planning, Building and Zoning and shall as nearly as possible approximate one (1) of the listed animals:

| <i>Number of Animal Units Per Animal</i> | <i>Type of Animal (or similar)</i> |
|--|------------------------------------|
| 1.4 | Dairy cattle |
| 1.0 | Beef cattle |
| 0.66 | Horses |
| 0.8 | Llamas or alpacas |
| 0.4 | Ostrich |
| 0.4 | Goats |
| 0.4 | Hogs |
| 0.2 | Ducks |
| 0.1 | Sheep |
| 0.02 | Turkeys |
| 0.02 | Rabbits |
| 0.01 | Chickens |

The formula for calculating the number of animals allowed on parcels in excess of five (5) acres in size shall be as follows:

$$(\text{acreage of the property} \times 0.66) = \text{total number of animal units allowed}$$

Example: 5.0 acres \times 0.66 = 3.33 animal units.

Based on the table above, the following mix of animals would be permitted:

(2 dairy cattle = 2.8 animal units) + (1 goat = 0.4 animal units) + (1 sheep = 0.10 animal units) + (3 chickens = 0.03 animal units) = 3.33 total animal units.

(Ord. No. 2020-17, exh. I, § 8:02(A), 9-15-2020)

Sec. 36-329. Conditional uses.

The following uses shall be allowed as conditional uses in the R-1 district:

- (1) Beekeeping with the following conditions:
 - a. Beekeeping and the honey produced from beekeeping shall be for personal use only.
 - b. Permit shall be required, with fee set by the County Board.
 - c. Minimum lot size of one (1) acre (43,560 square feet) with a maximum of two (2) colonies.
 - d. No colony shall be permitted within a front yard setback.
 - e. All colonies must be set back at least thirty (30) feet from any rear or side yard lot line except that, when abutting a right-of-way of a street or railroad, the colony must be a minimum of five (5) feet from the rear or side yard lot line (as long as there is no sidewalk or pathway).
 - f. All colonies within one hundred (100) feet of an adjoining home shall require a flyway barrier with a six (6) foot minimum height.
 - g. All colonies shall require a minimum four (4) feet fence surrounding the perimeter of the colonies or surrounding the perimeter of the entire property. Fencing must have a locking gate with caution signage on each gate.
 - h. Notification shall be sent by the permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the PBZ Department. Any property owner who receives notification shall have fourteen (14) calendar days from the postmarked date to send written objection to the PBZ Department. If any such objection is received, no colony shall be located within one hundred (100) feet of the adjoining home of the objecting property owner.
 - i. During the application submittal, there must be documentation from the homeowners' association (HOA) stating they approve or deny the proposal. If there is no HOA, that must be submitted in writing and signed by the applicant.
 - j. Prior to submitting a renewal application, an applicant is permitted to resend notification to a property that has previously objected. If the property owner does not object within fourteen (14) calendar days after receiving the resent notification, the applicant may locate a colony within one hundred (100) feet of the residence of the previously objecting property but shall maintain a distance of at least thirty (30) feet from all property lines at all times unless abutting a right-of-way, in which case the colony can be placed within five (5) feet of the property line.
 - k. The Zoning Administrator has authority to approve all new and renewal permits. If the Zoning Administrator receives information that a renewal applicant has violated any of

these requirements, caused injury to the public, impacted the safety and health of the public, or has had an adverse effect on surrounding properties as a result of keeping bees on the subject property, the Zoning Administrator may, at the Administrator's discretion, deny the renewal application.

- l. Any decision made by the Zoning Administrator may be appealed in writing to the PBZ Committee.
 - m. A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the PBZ Department with the application.
 - n. Proof of apiary registration with the State Department of Agriculture shall be submitted to the PBZ Department within thirty (30) days of the application submittal.
 - o. All approved permits shall comply with the Bees and Apiaries Act of Illinois (510 ILCS 20).
- (2) Home-based retail and/or wholesale food operation.
- (3) Model homes, with the following restrictions:
- a. Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the PBZ Department.
 - b. Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
 - c. Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.

(Ord. No. 2020-17, exh. I, § 8:02(B), 9-15-2020; Ord. No. 2023-24, § XV, 5-16-2023)

Sec. 36-330. Special uses.

The following uses may be allowed in the R-1 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Agency-licensed family residential care homes, transitional.
- (2) Agency-licensed group residential care home, permanent.
- (3) Airport, private airstrip, heliports and aircraft landing fields, provided that airports and surrounding territory are subject to the rules and regulations of the Illinois Department of Transportation (IDOT) Division of Aeronautics and must comply with all IDOT Division of Aeronautics and Federal Aviation Administration (FAA) requirements and provisions as follows:
 - a. Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the IDOT Division of Aeronautics shall be in accordance with the requirements set forth in the approach plan.

- b. Height of structures, in areas ten thousand (10,000) linear feet beyond the boundaries of airports that do not have an established approach plan, shall be governed by the following:
 - 1. For an airport having the longest runway less than three thousand nine hundred fifty (3,950) linear feet in length, structures located just beyond the boundaries of the airport shall not be in excess of fifteen (15) feet in height, and for every two hundred (200) linear feet of additional distance from the airport boundaries the height of structures may be increased by not more than ten (10) feet.
 - 2. For an airport having a runway of three thousand nine hundred fifty (3,950) linear feet or more in length, structures just beyond the boundaries of the airport shall not be in excess of fifteen (15) feet in height; for every two hundred (200) linear feet of additional distance from airport boundaries, the height of structures may be increased by not more than five (5) feet and, where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four (4) feet in every two hundred (200) linear feet of additional distance from airport boundaries, for the first ten thousand (10,000) linear feet, and for the area covered in the next forty thousand (40,000) linear feet, the height of structures may be increased by not more than five (5) feet in every additional two hundred (200) linear feet.
 - c. Structures exceeding the limiting heights shall be considered obstruction to air navigation unless found not to be objectionable after special aeronautical study. Such structures may be specifically authorized as a variation after public hearing by the Zoning Board as provided by law.
- (4) Bed and breakfast establishments are permitted, subject to the conditions stated in Section 36-282(13).
 - (5) Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within five hundred (500) feet of any dwelling.
 - (6) Child day care facilities.
 - (7) Commercial solar energy facility and test solar energy systems subject to the conditions contained in Section 36-282(17).
 - (8) Commercial wind energy facility and test wind towers subject to the conditions contained in Section 36-282(18).
 - (9) Communications use.
 - (10) Golf courses, regulation size, including "Par 3" golf courses, commercially operated driving ranges and planned unit development for conventional golf courses, including a driving range.
 - (11) Group homes, subject to the following:
 - a. More than nine (9) persons, plus staff.
 - b. Licensed or certified by the State.

- c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
- (12) Halfway house, provided that it is located a minimum of one thousand (1,000) feet from any dwelling.
- (13) Hospice.
- (14) Philanthropic institutions.
- (15) Places of worship, subject to the conditions contained in Section 36-282(43).
- (16) Public or private utilities and service uses:
 - a. Telecommunications hubs.
 - b. Filtration plants, pumping stations, and water reservoirs.
 - c. Sewage treatment plants.
 - d. Electric substations and booster stations.
 - e. Other similar uses.
- (17) Rest homes, nursing homes and sanitariums.
- (18) Schools: elementary, junior high, and high schools, including playgrounds, garages for school buses, and athletic fields auxiliary thereto.
- (19) Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land not less than five (5) acres.
- (20) Uses not otherwise listed herein may be granted special use approval if such uses conform to the purpose, goals and objectives of the residential zoning districts as described in Section 36-304. (Ord. No. 2020-17, exh. I, § 8:02(C), 9-15-2020; Ord. No. 2023-24, § XVI, 5-16-2023)

Sec. 36-331. Lot size.

Lot sizes in the R-1 district shall be as follows:

- (1) Permitted and conditional uses: one hundred thirty thousand (130,000) square feet minimum lot with a width at the established building line of not less than two hundred (200) feet.
- (2) Special uses: Lot size for special uses shall be specified in the special use permit. (Ord. No. 2020-17, exh. I, § 8:02(D), 9-15-2020)

Sec. 36-332. Yard areas.

Yard area regulations in the R-1 district shall be as follows:

- (1) *Front yard.* Every building hereafter erected or enlarged shall provide and maintain a front yard as follows:
 - a. One hundred fifty feet (150) feet from the roadway centerline when fronting on a Federal, State or County roadway or one hundred (100) feet from the right-of-way, whichever is greater.

- b. Fifty (50) feet from the right-of-way or access easement on all township or private roadways, with the following exception: Where lots comprising fifty (50) percent of the frontage on the same side of the street within the same block as the subject property are developed, and the developed properties have front yards that vary from one another not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage of the subject property. However, in no case shall a front yard of more than fifty (50) feet be required.
- (2) *Side yard.* A side yard on each side of the zoning lot of not less than fifty (50) feet shall be provided.
- (3) *Rear yard.* A rear yard of not less than fifty (50) feet shall be provided.
(Ord. No. 2020-17, exh. I, § 8:02(E), 9-15-2020)

Sec. 36-333. Lot coverage.

No more than ten (10) percent of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.
(Ord. No. 2020-17, exh. I, § 8:02(F), 9-15-2020)

Sec. 36-334. Maximum building height.

No building or structure shall be erected or structurally altered to exceed the following heights:

- (1) One (1) family detached dwellings: forty (40) feet and not more than two and one-half (2½) stories.
- (2) Other nonresidential permitted or conditional buildings and structures: forty-five (45) feet and not more than three (3) stories.
- (3) Special uses: Maximum height limitations shall be specified with the granting of a special use permit.
(Ord. No. 2020-17, exh. I, § 8:02(G), 9-15-2020)

Secs. 36-335—36-356. Reserved.

Subdivision III. RPD-1 Residential Planned Development—One

Sec. 36-357. Purpose.

The RPD-1 district applies to development lying within the contiguous growth area or rural transition identified in the Land Resource Management Plan. Such development must meet the standards of this subdivision.
(Ord. No. 2020-17, exh. I, § 8:03(intro. ¶), 9-15-2020)

Sec. 36-358. Density.

Base density for the RPD-1 district shall be thirty-three hundredths (0.33) dwelling units per acre of buildable acreage (excluding any density bonuses as permitted under Section 36-360), provided that not

less than thirty (30) percent of the total acreage of the property is designated as open space. To determine the permitted number of dwelling units, the buildable area of the site shall be multiplied by the sum of the base density, plus any applicable density bonuses.

(Ord. No. 2020-17, exh. I, § 8:03(A), 9-15-2020)

Sec. 36-359. Maximum density.

Maximum density for the RPD-1 district, including all density bonuses as provided in Section 36-360, shall not exceed forty-five hundredths (0.45) dwelling units per acre of buildable land (thirty-three hundredths (0.33) dwelling units per buildable acre base density, plus maximum incentive of twelve hundredths (0.12) dwelling units per buildable acre, subject to approval of the County Board). Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density of forty-five hundredths (0.45) dwelling units per buildable acre. Regardless of the application of density bonuses, at least thirty (30) percent of the total acreage must be designated as open space.

(Ord. No. 2020-17, exh. I, § 8:03(B), 9-15-2020)

Sec. 36-360. Density incentives.

The following density incentives may be used to increase development density in the RPD-1 district up to the permitted maximum density in each RPD district. Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density for the applicable RPD district. Regardless of the application of density bonuses, at least thirty (30) percent of the total acreage must be designated as open space.

- (1) Provision of public access to open space areas (bonus not to exceed three hundredths (0.03) dwelling units per buildable acre, subject to approval by the County Board). Some examples would include trails (walking or bike), sidewalks, etc.
- (2) Innovative detention/retention facilities or sewage disposal methods (bonus not to exceed four hundredths (0.04) dwelling units per buildable acre, subject to approval by the County Board). The following are examples of improvements which may qualify for a density bonus:
 - a. Significant use of native vegetation such as prairies and wetlands.
 - b. Integration of natural landforms, existing soil filtration characteristics and natural landscaping into the drainage plan, in order to enhance water quality while reducing or eliminating stormwater runoff and the attendant flooding and erosion.
 - c. Provision of alternatives to detention basins such as stormwater infiltration in naturalized swales, native prairie landscapes and gently sloped depressional areas through the development.
- (3) Secondary open space that is substantially more than the minimum size otherwise required for stormwater detention or through park dedication requirements (bonus not to exceed seven hundredths (0.07) dwelling units per buildable acre, subject to approval by the County Board).
- (4) Provision of recreational amenities, beyond minimum standards established in the subdivision regulations of Chapter 30, including, but not limited to, a golf course, ball fields, playground equipment, tennis courts, basketball courts, swimming pool, hiking and bicycling paths (beyond

those on the County Transportation Plan), community centers, and exceptional landscape improvements such as native or natural plantings (bonus not to exceed one hundredths (0.01) dwelling units per buildable acre, subject to approval by the County Board).

- (5) Off-site and perimeter road improvements or an ownership and maintenance fund for management of open space in addition to those needed to provide adequate access solely for the proposed development (bonus not to exceed three hundredths (0.03) dwelling units per buildable acre, subject to approval by the County Board).
- (6) Conservation of traditional rural architecture reminiscent of the County's agricultural heritage, preservation of historical structures, or design of new structures which reflect these architectural themes (bonus not to exceed one hundredths (0.01) dwelling units per buildable acre, as determined by the County Board or as identified in a local historic preservation plan).
- (7) Enhancement or expansion of an existing wetland or creation of a new wetland beyond that required for compliance with Army Corps of Engineers Section 404 Permit requirements (bonus not to exceed one hundredths (0.01) dwelling units per buildable acre, subject to approval by the County Board).

(Ord. No. 2020-17, exh. I, § 8:03(C), 9-15-2020)

Sec. 36-361. Lot size.

Due to the existing soils types which are prevalent throughout the County, a minimum lot size of forty-five thousand (45,000) square feet will be required in the RPD-1 district if the subdivision design contemplates the use of traditional septic leach fields and individual wells up to a maximum lot size of one hundred thirty thousand (130,000) square feet. Lot sizes of less than forty-five thousand (45,000) square feet down to a minimum size of twenty thousand (20,000) square feet may be considered under one (1) or more of the following circumstances:

- (1) The developer can demonstrate to the satisfaction of the County Health Department and PBZ Department that each lot has been appropriately sized to provide:
 - a. An adequate area of undisturbed and unencumbered soils within each lot that can support a primary and secondary area for a conventional septic drain field which complies with the schedule for sizing of septic envelopes as specified in the County subdivision regulations set forth in Chapter 30;
 - b. Sufficient buildable area outside the septic envelope to allow construction of a standard single-family residential dwelling which complies with all applicable setbacks and height bulk requirements of the corresponding RPD Zoning District, and which meets the required setbacks and separation requirements between the sewage disposal systems and potable water supply systems.
- (2) A centralized on-site wastewater treatment and disposal system is contemplated meeting the requirements of all applicable State and local government agencies.

- (3) A community well is proposed to serve the individual lots within the proposed development provided the developer has demonstrated that the individual lots comply with the requirements as stated under Subsection (1) of this section.

(Ord. No. 2020-17, exh. I, § 8:03(D), 9-15-2020)

Sec. 36-362. Lot width.

Lot width shall not be less than one hundred (100) feet measured at the front building setback.

(Ord. No. 2020-17, exh. I, § 8:03(E), 9-15-2020)

Sec. 36-363. Permitted uses.

The following uses are permitted in the RPD-1 district:

- (1) Accessory uses. Accessory uses, structures, and buildings shall be permitted, provided such uses, structures or buildings comply with the regulations of Section 36-971.
- (2) Attached dwelling units shall be limited to a maximum of seventy-five (75) percent of the total dwelling units in the planned development.
- (3) Duplexes or two (2) family detached dwellings.
- (4) Farming.
- (5) Group homes, subject to the following:
 - a. No more than eight (8) persons, plus staff.
 - b. Licensed or certified by the State.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group home and adjacent properties as measured from the lot line.
- (6) Health clubs (public or private) and related accessory uses only when included in the original plan.
- (7) Home occupations provided an affidavit is filled out in the PBZ office stating the conditions of this chapter are met.
- (8) Lands and buildings used for horticultural or farm purposes.
- (9) Multiple-family dwellings.
- (10) Parks, forest preserves and recreational areas, when publicly owned.
- (11) Planned unit developments.
- (12) Police and fire stations.
- (13) Postal substations.
- (14) Roadside stands for the display or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten (10) feet back from the nearest right-of-way line.

- (15) Signs, as permitted and regulated by Article VI of this chapter. However, no part of a sign in an RPD district shall be greater than ten (10) feet above ground level and no larger than thirty (30) square feet.
 - (16) Single-family detached dwellings.
 - (17) Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
- (Ord. No. 2020-17, exh. I, § 8:03(F), 9-15-2020)

Sec. 36-364. Conditional uses.

In residential planned developments containing over fifty (50) dwelling units, the following uses shall be allowed in the RPD-1 district, provided that the general conditions and use-specific conditions are met:

- (1) *General conditions.*
 - a. Conditional uses shall not occupy more than fifteen (15) percent of the buildable acreage of the development.
 - b. Conditional uses shall front arterial or major collector level streets, as defined in the County Transportation Plan. Model homes shall be excluded from this subsection.
- (2) *Specific conditions.*
 - a. Home-based retail and/or wholesale food operation.
 - b. Model homes, with the following restrictions:
 - 1. Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the PBZ Department.
 - 2. Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
 - 3. Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
 - c. Places of worship, subject to the following:
 - 1. The maximum lot coverage of structures may not exceed thirty-five (35) percent; total impervious surfaces may not exceed seventy (70) percent of the lot area.
 - 2. Buildings shall maintain a minimum setback of eighty (80) feet from the center of the road and thirty (30) feet from all other property lines.
 - 3. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
 - 4. Other related uses, such as schools, child day care services, kindergartens shall be permitted to the extent that the activity is otherwise permitted and shall be subject to all applicable regulations, including parking.

- d. Schools: Elementary, junior high, and high schools, including playgrounds, garages for school buses, and athletic fields auxiliary thereto, subject to the following:
 - 1. The minimum lot area shall be one (1) acre.
 - 2. The minimum lot width requirement shall be one hundred twenty (120) feet.
 - 3. A front setback of eighty (80) feet from the center of the road shall be required.
 - 4. Side and rear yards of no less than twenty-five (25) feet shall be provided. Where any outdoor activity area, swimming pool, ball field or court adjoins a residential land use, such yards shall be buffered with landscaping across fifty (50) percent of the lot width.
 - 5. Hours of operation shall be limited to the following:
 - (i) Outdoor group activities shall not be allowed after 10:00 p.m.
 - (ii) The facility may not be used as a regular overnight domicile or shelter. However, the school may be used for overnight retreats or events for school members and guests.
 - (iii) Lighted outdoor recreation facilities, parking lots and lighting shall be designed to avoid excessive light and glare impacts on adjacent properties. Restrictions on light pole height and types, deflectors and other such measures may be required to prevent overspill and excessive intensity of light.

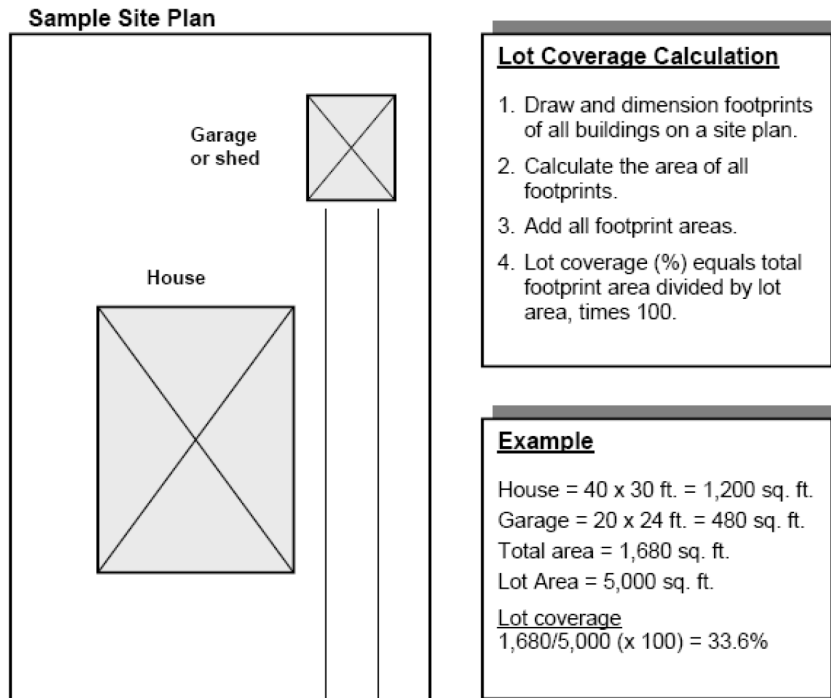
(Ord. No. 2020-17, exh. I, § 8:03(G), 9-15-2020; Ord. No. 2023-24, § XVII, 5-16-2023)

Sec. 36-365. Special uses.

(a) The following uses may be allowed in the RPD-1 district by a special use permit in accordance with the provisions of Article II of this chapter if approved with the planned development or as an amendment to a planned development:

- (1) Agency-licensed group residential care home, permanent.
- (2) Airport, private airstrip, heliports and aircraft landing fields, provided that airports and surrounding territory are subject to the rules and regulations of the Illinois Department of Transportation (IDOT) Division of Aeronautics and must comply with all IDOT Division of Aeronautics and Federal Aviation Administration (FAA) requirements detailed in Section 36-330(3).
- (3) Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within five hundred (500) feet of any dwelling.
- (4) Colleges and universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
- (5) Commercial solar energy facility and test solar energy systems subject to the conditions contained in Section 36-282(17).
- (6) Commercial wind energy facility and test wind towers subject to the conditions contained in Section 36-282(18).

- (7) Community centers.
- (8) Convenience establishments consistent with the permitted uses as specified in the B-1 district, subject to the following:
 - a. The area, size, and uses to be included in convenience establishments shall be established and regulated in the planned development ordinance passed pursuant to Subdivision VI of this division.
 - b. When one (1) or more convenience establishment is proposed, they shall be grouped, arranged and designed for maximum pedestrian convenience.
 - c. Convenience establishments shall not have substantial adverse effects on residential uses within the RPD or adjoining uses by reason of their location, design, construction, manner or timing of operation, signs, lighting, parking or access arrangements. Signage and lighting requirements may be more restrictive than the signage requirements of Article VI of this chapter and the County subdivision regulations set forth in Chapter 30.
 - d. The maximum parcel size shall be one hundred thousand (100,000) square feet. No convenience establishment shall have a gross floor area in excess of five thousand (5,000) square feet per building. Lot coverage of all buildings shall not exceed thirty (30) percent of the area of the parcel, exclusive of rights-of-way of adjoining streets.



- e. Landscaped open space shall be utilized to protect the residential character of the RPD and surrounding uses, in an amount equal to or at least fifteen (15) percent of the area of the parcel, exclusive of rights-of-way of adjoining streets. Such space shall be landscaped

or otherwise appropriately improved to provide convenient pedestrian circulation, play areas for children, passive recreation areas, and the like. Pedestrian sidewalks intended for circulation between parking areas and convenience establishments shall not be included as the improved open space required by this section.

- f. Convenience establishments shall have a front setback of at least thirty-five (35) feet, and rear setbacks of at least fifty (50) feet, or equal to the adjoining lot setbacks, whichever is greater. Side setbacks shall be at least ten (10) feet, or equal to the side setback of an adjacent residential use, whichever is greater.
 - g. Transition landscaping shall be provided where the convenience establishment parcel abuts residential areas. Continuous landscaping shall be provided across one hundred (100) percent of the yard to a minimum mature height of six (6) feet. Plant material shall consist of approximately fifty (50) percent evergreen plants and fifty (50) percent deciduous material. Shrubs shall be spaced at a maximum of four (4) feet on center. A solid screen may be achieved by clustering shrubs beneath shade or ornamental trees, by using evergreen trees, or any mix thereof, or by providing a six (6) foot high solid commercial grade wood fence along the length of the property. Any fence shall be of one (1) material and one (1) color and shall have shade trees placed on the side of the fence closest to the commercial use, at the equivalent of one (1) tree for every fifty (50) linear feet.
- (9) Drug store if it is associated with a hospital.
 - (10) Farm-type animals on open space acreage as detailed in an approved special use permit.
 - (11) Golf courses, club houses, country clubs and membership riding clubs, including "Par 3" golf courses, unlit commercially operated driving ranges, unlit miniature golf courses and planned unit development for conventional golf courses.
 - (12) Group homes, subject to the following:
 - a. More than nine (9) persons, plus staff.
 - b. Licensed or certified by the State.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
 - (13) Personal and business service shops but not including uses regulated in Section 36-981.
 - (14) Riding stables, including, but not limited to, polo clubs, rodeo clubs and similar uses subject to Section 36-283.
 - (15) Secondary dwelling unit as approved on a case-by-case basis by the County Board, provided the following purpose is served and all of the following conditions are met:
 - a. *Purpose.* To provide additional housing on a single parcel for family members and visiting guest of the owners of the single-family dwelling while maintaining and rehabilitating the historically significant structure as the principal or secondary dwelling unit.

- b. *Conditions.*
 1. At least one (1) of the structures has been identified by the County Board as having historical significance and must incorporate or involve the preservation of an existing structure that can be retrofitted for residential uses or unique buildings which add to the history and heritage of the County.
 2. The parcel must be greater than forty-five thousand (45,000) square feet in size and must be able to demonstrate the ability to provide adequate water and sanitary wastewater treatment facilities to service both the principal residence and secondary residential unit in accordance with all applicable Health Department regulations and guidelines in effect at the time of application for the special use.
 3. The units shall comply with the height bulk regulations and building setbacks of the RPD district.
 4. The property shall be maintained as a single parcel containing two (2) dwelling units unless otherwise approved by the County Board and provided the resulting lots can demonstrate compliance with all of the requirements of the RPD district and applicable Health Department regulations in effect at the time the parcel is divided.
 5. All secondary dwelling units shall not exceed the height of the main dwelling.
 6. All secondary dwelling units shall be served by the same address, electrical, water, and gas meters that serve the main single-family dwelling unit. No separate meters shall be allowed.
 7. Adequate off-street parking shall be available for the secondary dwelling unit.
 8. The materials, colors, and architectural style of the secondary dwelling unit shall be similar to the principal residence.
 9. The livable floor area of the secondary dwelling unit shall not exceed fifty (50) percent of the livable floor area of the principal residence.
 10. Construction of all secondary dwelling units shall meet applicable building codes.
 11. There must be a shared driveway between both dwelling units.
 - c. *Covenant or deed restrictions.* As a condition of securing a building permit for construction of a secondary dwelling unit being added to an existing single-family home, the property owner shall record against the deed to the subject property, a covenant or deed restriction which shall prohibit the rental, lease or sale of the secondary dwelling unit separately from the rental, lease or sale of the main dwelling unit. Proof that such a covenant or deed restriction has been recorded shall be provided to the County Zoning Administrator prior to the issuance of the building permit for the secondary dwelling unit.
- (16) Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land not less than five (5) acres.

(b) The following uses may be allowed in the RPD-1 district by special use permit, in accordance with the provisions of Article II of this chapter, without inclusion in the planned development or a subsequent amendment:

- (1) Agency-licensed family residential care homes, transitional.
- (2) Bed and breakfast establishments are permitted, subject to the conditions stated in Section 36-282(13).
- (3) Child day care facilities, subject to the following:
 - a. Minimum lot area of forty-five thousand (45,000) gross square feet.
 - b. Provision of appropriate outdoor play areas.
 - c. Other standards as appropriate for the particular location and use, such as screening, buffering, and fencing or other provisions to promote the health, safety, and welfare of County residents.
- (4) Hospice.
- (5) Places of worship, subject to the following conditions:
 - a. Must be located on an arterial or major collector street, as defined in the County Transportation Plan.
 - b. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
 - c. Other related uses, such as schools, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
- (6) Public or private utilities and service uses:
 - a. Telecommunications hubs.
 - b. Filtration plants, pumping stations, and water reservoirs.
 - c. Sewage treatment plants.
 - d. Electric substations and booster stations.
 - e. Other similar uses.
- (7) Rest homes, nursing homes, hospitals and sanitariums.

(Ord. No. 2020-17, exh. I, § 8:03(H), 9-15-2020; Ord. No. 2023-24, §§ XVIII, XIX, 5-16-2023)

Sec. 36-366. Development standards.

All developments in the RPD-1 district shall be developed according to the standards of the County subdivision regulations set forth in Chapter 30. In addition, the following requirements shall apply:

- (1) *Streets access.* No residential lot shall have direct access to arterial or major collector roads. Private streets and driveways may only be approved to alleviate unusual circumstances. Specifically, private streets may only be approved if there is some desirable feature on the site that

would not otherwise be preserved. Such features may include significant trees, topography, water features, historic sites, etc. The design and construction of private driveways and streets shall conform to the standards in Section 30-165.

- (2) *Sidewalks.* Sidewalks are generally not required unless necessary to fulfill or complete an existing pedestrian circulation system. However, connections to local and regional trail systems shall be provided.
- (3) *Parkway trees.* Shade trees shall be provided such that the total number of trees shall equal or exceed the ratio of one (1) tree for each forty (40) feet of street frontage. Appropriate location of parkway tree planting shall be determined at the time of final plat approval. Parkway tree plantings shall generally be within the required front yard of home sites.
- (4) *Landscaping.* Building foundation landscaping shall be provided on those sides of permitted nonresidential buildings that face a public right-of-way. Loading docks, service yards, parking areas, and trash dumpsters shall be screened by a solid fence or continuous landscaping of at least six (6) feet in height.

(Ord. No. 2020-17, exh. I, § 8:03(I), 9-15-2020)

Sec. 36-367. Yard/setback and height standards.

The following yard/setback and height standards shall apply in the RPD-1 district:

- (1) *Yard area.*
 - a. Front yard: thirty (30) feet or greater, measured from the front property line.
 - b. Side yards: ten (10) percent or greater of the lot width as measured at the front yard setback line.
 - c. Rear yard: fifty (50) feet or greater from the rear property line.
- (2) *Maximum building height.* No building or structure shall be erected or structurally altered to exceed the following heights:
 - a. Residential dwelling unit: forty (40) feet and not more than two and one-half (2½) stories.
 - b. Other nonresidential permitted or conditional buildings and structures: forty-five (45) feet and not more than three stories.
 - c. Special uses: Maximum height limitations shall be specified with the granting of a special use permit.

(Ord. No. 2020-17, exh. I, § 8:03(J), 9-15-2020)

Sec. 36-368. Signs.

Signs in the RPD-1 district shall be in accordance with the regulations set forth in Article VI of this chapter or as specified in the planned development agreement.

(Ord. No. 2020-17, exh. I, § 8:03(K), 9-15-2020)

Sec. 36-369. Off-street parking and loading.

Off-street parking and loading in the RPD-1 district shall be in accordance with the regulations set forth in Article V, Division 2 of this chapter.

(Ord. No. 2020-17, exh. I, § 8:03(L), 9-15-2020)

Sec. 36-370. Minimum amount and size of open space.

In the RPD-1 district, the minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and restricted from further subdivision through a recorded permanent conservation easement held (at the County's option) by the County Forest Preserve, or a recognized land trust or conservancy, shall be specified as follows:

- (1) A minimum of thirty (30) percent of the total acreage of the development shall be used for open space. The open space areas shall include the following:
 - a. All non-buildable acreage (except land within an existing road right-of-way); and
 - b. A minimum of twenty-five (25) percent of the buildable acreage.
- (2) At least twenty-five (25) percent of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty (50) percent of the total open space provided shall be utilized for that purpose. This maximum active recreation area may exceed fifty (50) percent for a golf course development. The uses for which open space areas are proposed shall be documented by the applicant.
- (3) The minimum width of any open space shall be fifty (50) feet.
- (4) Wherever practical, the open space areas shall generally be designated as undivided, contiguous open space, to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards.
- (5) Undivided open space shall be directly accessible to the largest practical number of residential lots within an RPD. The majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient access to all lots not adjoining the open space shall also be provided. Where the undivided open space is designated as separate, noncontiguous parcels, no parcel shall consist of less than three (3) acres in area nor have a length-to-width ratio in excess of four to one (4:1), except such areas that are specifically designed as village greens, ball fields, buffers to wetlands, water bodies/watercourses, or trail links.
- (6) The required open space may be used for underground drainage fields for individual or community septic systems, and for spray fields or spray irrigation purposes in a land treatment sewage disposal system. However, mound systems protruding above grade and aerated sewage treatment ponds or spray fields shall be limited to no more than ten (10) percent of the required minimum open space.
- (7) Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utilities. However, land within the rights-of-way of overhead, high tension power lines shall not be included as comprising part

of the minimum required open space. In no event shall the areas devoted to stormwater management ponds or basins constitute more than fifty (50) percent of the minimum required open space.

(Ord. No. 2020-17, exh. I, § 8:03(M), 9-15-2020)

Sec. 36-371. Types and location of open space.

Open space shall be comprised of two (2) types of land: Primary open space and secondary open space.

- (1) Primary open space consists of all non-buildable areas (except existing road rights-of-way), specifically wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the one hundred (100) year floodplain, slopes exceeding twenty-five (25) percent and soils subject to slumping. The location of primary open space areas are predetermined by the locations of these features.
- (2) Secondary open space includes all buildable acreage protected as open space. Secondary open space areas shall include, at a minimum, a one hundred fifty (150) foot deep greenway buffer along all water bodies and watercourses, and a fifty (50) foot greenway buffer alongside arterial and major collector streets and wetlands. The location of secondary open space areas shall be guided by the maps and policies contained in the land resource and management area policies of the Land Resource Management Plan and shall typically include all or part of the following kinds of resources: the five hundred (500) year floodplain, mature woodlands, aquifer recharge areas, areas with highly permeable soil according to the County Soil Survey, significant wildlife habitats, sites listed by the Critical Trends Assessment Program of the State Department of Natural Resources, prime farmland, historic or traditional rural architecture reminiscent of the County's agricultural heritage, and scenic views into the property from existing public roads.
- (3) The location of open space conserved through compact residential development shall be consistent with the policies contained in the land resource and management area policies of the Land Resource Management Plan, the recommendations contained in this section and the development evaluation criteria of Section 36-372.
- (4) All lands within both the primary and secondary open space shall be permanently preserved as open space and protected from being developed for anything other than passive or active open space uses through one (1) or more of the following means:
 - a. Through the donation or dedication of the proposed open space parcels to a Forest Preserve or local park district for use as perpetual open space. In such instances the donation or dedication shall be noted in any accompanying development agreements and the individual parcels planned for dedication or donation shall be noted as "Park Site" or "Forest Preserve" lands on the final plat.
 - b. Imposition and recording of a deed restriction limiting the use of the property to passive or active open space in perpetuity and identifying the maintenance responsibilities of the individuals or entities having ownership of the properties (i.e., individual lot owners and/or homeowners' associations). Such restrictions shall be noted on the final plat and shall also be referenced in any accompanying development agreements.

- c. Through the recordation of a conservation easement that prohibits further development, and sets other standards safeguarding the site's special resources from negative changes, provided:
 1. The property contains significant wetlands, fens, native areas or tree stands that require specialized care and maintenance to ensure the preservation of specific natural features.
 2. An established conservation agency, land conservancy foundation, trust or group with the knowledge and skill to manage and oversee the maintenance of these specialized areas has agreed to either take title to the property or enforce the provisions of the easement.
 3. The easement provisions, restrictions and conditions shall be noted on the final plat and shall also be referenced in any accompanying development agreements.

(Ord. No. 2020-17, exh. I, § 8:03(N), 9-15-2020)

Sec. 36-372. Development evaluation criteria.

In evaluating the layout, amount, and location of lots and open space, the County shall evaluate the extent to which the site plan does the following:

- (1) Protects floodplains, wetlands and steep slopes from clearing, grading, filling or construction.
- (2) Preserves and maintains mature woodlands, existing fields, pastures, meadows and orchards and creates a sufficient buffer area to minimize conflicts between residential and agricultural uses.
- (3) Locates development on open fields or pastures because of site constraints. Dwellings should be sited on the least prime agricultural soils or in locations at the far edge of a field, as seen from existing public roads.
- (4) Visually buffers development from existing public roads, such as by a planting screen primarily consisting of indigenous trees, shrubs and wildflowers as identified in Sections 30-191 and 30-192.
- (5) Maintains or creates an upland buffer of native species vegetation of at least fifty (50) feet in depth adjacent to wetlands and surface waters and one hundred fifty (150) feet deep greenway along all water bodies and watercourses.
- (6) Landscaped common areas, cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value. Deciduous shade trees shall be planted at forty (40) foot intervals in the front yards on both sides of new streets.
- (7) Designs around existing hedgerows and tree lines between fields or meadows and minimizes impacts on large woodlands (greater than five (5) acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive plants.
- (8) Protects wildlife habitat areas and ravines.
- (9) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.

- (10) Avoids locating new construction on prominent hilltops or ridges, by taking advantage of lower topographical features.
 - (11) Designs around and preserves sites of historic, archaeological value, or rural architecture reminiscent of the County's agricultural heritage.
 - (12) Protects roadside rural character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stones walls, hedgerows, etc., as identified in the County Transportation Plan.
 - (13) Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
 - (14) Includes a pedestrian circulation system designed to ensure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels).
 - (15) Provides open space that is reasonably contiguous. To the greatest extent practicable, open space shall be designed as a single block with logical, straightforward boundaries.
- (Ord. No. 2020-17, exh. I, § 8:03(O), 9-15-2020)

Sec. 36-373. Ownership and management of open space.

(a) The developer may cause to be endowed a permanent fund to offset continuing open space maintenance costs. Spending from this fund should be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of five (5) percent, the amount designated for the endowment fund should be twenty (20) times the amount estimated to be required on a yearly basis to maintain the open space. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities (such as a homeowners' association, a land trust, or the County). The applicants may receive a density bonus in accordance with the provisions of Section 36-360 for creation of this fund.

(b) The developer shall agree to create an underlying special service area controlled by the County. This special service area shall be created at the time of final platting of the first phase of the planned development and shall include all phases of the planned development. In the event the entity that has ownership and maintenance responsibilities fails to adequately manage the open space, the County may assume maintenance responsibilities until such time as that or another appropriate entity can manage the open space. The County may assess the property of those within the special service area for the County's prior and estimated future cost of maintaining the open space.

(Ord. No. 2020-17, exh. I, § 8:03(P), 9-15-2020)

Secs. 36-374—36-404. Reserved.

*Subdivision IV. RPD-2 Residential Planned Development—Two***Sec. 36-405. Purpose.**

The RPD-2 district applies to all developments lying within a contiguous growth area, rural transition. Such developments shall meet the standards of this subdivision.

(Ord. No. 2020-17, exh. I, § 8:04(intro. ¶), 9-15-2020)

Sec. 36-406. Base density.

Base density for the RPD-2 district shall be forty-five hundredths (0.45) dwelling units per acre of buildable land (excluding any density bonus which may be awarded in accordance with the provisions of Section 36-360), provided that not less than thirty (30) percent of the total acreage of the property is designated as open space.

(Ord. No. 2020-17, exh. I, § 8:04(A), 9-15-2020)

Sec. 36-407. Maximum density.

(a) Maximum density for the RPD-2 district, including all density bonuses as provided in Section 36-360, shall not exceed sixty-five hundredths (0.65) dwelling units per acre of buildable land (forty-five hundredths (0.45) dwelling units per buildable acre base density, plus maximum incentive of twenty hundredths (0.20) dwelling units per buildable acre). An additional density bonus of twenty hundredths (0.20) dwelling units per buildable acre (which would allow up to eighty-five hundredths (0.85) dwelling units per acre of buildable land) may be granted in the case of a proposed development that:

- (1) Is all or partially located within one hundred (100) feet of a Class A stream as defined by IDNR (i.e., the Aux Sable Creek and Big Rock Creek), or its tributaries;
- (2) Utilizes both community septic and community water services.

(b) Such bonuses shall be subject to review and approval by the County Board. Examples of additional and significant public amenities may include, but shall not be limited to, contributions for off-site roadway improvements, construction of road improvements that facilitate the development of planned re-alignment of existing and/or future roads, land contributions to the Forest Preserve District in excess of the minimum amount required under the County's land cash donation (Chapter 26, Article II). Density transfers may be considered where land with unique natural features such as woodlands will be dedicated to the Forest Preserve District. Regardless of the application of density bonuses, at least thirty (30) percent of the total acreage must still be designated as open space.

(Ord. No. 2020-17, exh. I, § 8:04(B), 9-15-2020)

Sec. 36-408. Other standards and uses.

All other standards and uses of the RPD-1 district shall apply to the RPD-2 district except the density regulations of Sections 36-358 and 36-359 and the maximum lot size under Section 36-361. The maximum lot size in the RPD-2 district shall be limited to ninety thousand (90,000) square feet.

(Ord. No. 2020-17, exh. I, § 8:04(C), 9-15-2020)

Secs. 36-409—36-429. Reserved.

*Subdivision V. RPD-3 Residential Planned Development—Three***Sec. 36-430. Purpose.**

The RPD-3 district applies to all developments lying within contiguous growth area, urban. Such developments shall meet the standards of this subdivision.

(Ord. No. 2020-17, exh. I, § 8:05(intro. ¶), 9-15-2020)

Sec. 36-431. Base density.

Base density for the RPD-3 district shall be eighty-six hundredths (0.86) dwelling units per acre of buildable land (excluding any density bonus which may be awarded in accordance with the provisions of Section 36-360), provided that not less than thirty (30) percent of the total acreage of the property is designated as open space.

(Ord. No. 2020-17, exh. I, § 8:05(A), 9-15-2020)

Sec. 36-432. Maximum density.

Maximum density for the RPD-3 district, including all density bonuses as provided in Section 36-360, shall not exceed one (1) dwelling units per acre of buildable land eighty-six hundredths (0.86) dwelling units per buildable acre base density, plus maximum incentive of fourteen hundredths (0.14) dwelling units per buildable acre). Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density of one (1) dwelling units per buildable acre. Regardless of the application of density bonuses, at least thirty (30) percent of the total acreage must still be designated as open space.

(Ord. No. 2020-17, exh. I, § 8:05(B), 9-15-2020)

Sec. 36-433. Other standards and uses.

All other standards and uses of the RPD-1 district shall apply to the RPD-3 district except the density regulations of Sections 36-358 and 36-359. The maximum lot size in the RPD-3 district shall be limited to sixty-five thousand (65,000) square feet.

(Ord. No. 2020-17, exh. I, § 8:05(C), 9-15-2020)

Secs. 36-434—36-464. Reserved.*Subdivision VI. R-2 One-Family Residential District***Sec. 36-465. Permitted uses.**

The following uses are permitted in the R-2 district:

- (1) Any permitted use in the R-1 One-Family Residential District (Section 36-328), except:
 - a. Lands and buildings used for horticulture or farm purposes not including vegetable gardens as defined by the Garden Act (505 ILCS 87/1 et seq.) and roadside stands following the setback requirements in Section 36-328(7).
 - b. Farm-type animals shall be prohibited in the R-2 district with the exception of chickens.

- (2) Keeping of up to twelve (12) chickens on a zoning lot, provided that:
 - a. The lot is a minimum of one (1) acre.
 - b. No roosters shall be kept on any zoning lot.
 - c. No other poultry, including, but not limited to, geese, ducks, turkeys shall be kept on the property.
 - d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties.
 - e. All confinements shall be located at least ten (10) feet from all residentially zoned lots.
 - f. All uncovered fenced enclosures shall be at least four (4) feet in height.
 - g. No eggs or chickens shall be offered for sale on the premises.

(Ord. No. 2020-17, exh. I, § 8:06(A), 9-15-2020; Ord. No. 2022-03, arts. III, IV, 1-18-2022)

Sec. 36-466. Special uses.

The following uses may be allowed in the R-2 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Any use permitted as a special use in the R-1 One-Family Residential District (Section 36-330), except commercial solar energy facilities, test solar energy facilities, commercial wind energy facilities, and test wind towers, and that planned developments may be considered where the zoning lot proposed for development has a gross area of not less than forty (40) acres.

(Ord. No. 2020-17, exh. I, § 8:06(B), 9-15-2020; Ord. No. 2023-24, § XX, 5-16-2023)

Sec. 36-467. Conditional uses.

The following conditional uses may be permitted in the R-2 district only if specifically authorized by the Zoning Administrator:

- (1) Beekeeping with conditions as detailed in Section 36-329(1).
- (2) Home-based retail and/or wholesale food operation.
- (3) Model homes, with the following restrictions:
 - a. Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the PBZ Department.
 - b. Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
 - c. Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.

(Ord. No. 2020-17, exh. I, § 8:06(C), 9-15-2020; Ord. No. 2023-24, § XXI, 5-16-2023)

Sec. 36-468. Lot size.

Lot sizes in the R-2 district shall be as follows:

- (1) One (1) family detached dwellings: ninety thousand (90,000) square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
- (2) Nonresidential: All nonresidential principal uses of buildings as permitted in this subdivision shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than forty (40) percent of the depth of the lot, except municipal project and developments.
- (3) Special uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

(Ord. No. 2020-17, exh. I, § 8:06(D), 9-15-2020)

Sec. 36-469. Yard areas.

(a) *Front yard.* Every building hereafter erected or enlarged in the R-2 district shall provide and maintain a front yard of not less than fifty (50) feet with this exception: Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.

(b) *Side yard.* A side yard on each side of the zoning lot of not less than twenty-five (25) feet shall be required, and, where a side yard adjoins a street, the minimum width shall be fifty (50) feet.

(c) *Rear yard.* A rear yard of not less than fifty (50) feet shall be required.

(Ord. No. 2020-17, exh. I, § 8:06(E), 9-15-2020)

Sec. 36-470. Lot coverage.

Not more than twelve (12) percent of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.

(Ord. No. 2020-17, exh. I, § 8:06(F), 9-15-2020)

Sec. 36-471. Maximum building height.

The same maximum building height regulations shall apply in the R-2 district as permitted or required in the R-1 district.

(Ord. No. 2020-17, exh. I, § 8:06(G), 9-15-2020)

Sec. 36-472. No rezoning.

No parcel originally larger than ten (10) acres in size shall qualify for rezoning to R-2 after January 16, 2001, unless an application has been submitted for such rezoning prior to that date.

(Ord. No. 2020-17, exh. I, § 8:06(H), 9-15-2020)

Secs. 36-473—36-497. Reserved.*Subdivision VII. R-3 One-Family Residential District***Sec. 36-498. Permitted uses.**

The following uses are permitted in the R-3 district:

- (1) Any permitted use in the R-1 One-Family Residential District (Section 36-328), except:
 - a. Lands and buildings used for horticulture or farm purposes not including vegetable gardens as defined by the Garden Act (505 ILCS 87/1 et seq.) and roadside stands following the setback requirements in Section 36-328(7).
 - b. Farm-type animals shall be prohibited in the R-3 district with the exception of chickens.
- (2) Keeping of up to twelve (12) chickens on a zoning lot, provided that the conditions contained in Section 36-465(2) are met.

(Ord. No. 2020-17, exh. I, § 8:07(A), 9-15-2020; Ord. No. 2022-03, arts. V, VI, 1-18-2022)

Sec. 36-499. Special uses.

The following uses may be allowed in the R-3 district by a special use permit in accordance with the provisions of Article II of this chapter:

- (1) Any use permitted as a special use in the R-1 One-Family Residential District (Section 36-330), except commercial solar energy facilities, test solar energy facilities, commercial wind energy facilities, and test wind towers, and that planned developments may be considered where the zoning lot proposed for development has a gross area of not less than forty (40) acres.
- (2) Retail shop/office uses that can satisfy the following requirements:
 - a. The site must have direct access onto an arterial roadway as designated on the Transportation Plan.
 - b. No outside storage of any materials or outdoor display.
 - c. No sign, other than one (1) identification sign, non-illuminated, non-flashing and thirty-two (32) square feet shall be allowed. All other regulations with regards to height and location must be followed as outlined in Article VI of this chapter.
 - d. No more than three (3) employees are allowed to work on site at one time.
 - e. Contact the Health Department to make sure the septic system is adequate for the proposed use.
 - f. The office or retail use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the R-3 district.
 - g. Expansion of a residential building, structure, or of any accessory building in which an office or retail use is proposed to be situated may be permitted upon the submission of a site plan and accurate drawings showing all elevations of such proposed building or structure to the Regional Planning Commission for its review and recommendation, and

upon approval by the County Board. The current structures and any new structures must maintain a residential appearance and match the surrounding neighborhood architecture.

- h. The standards are intended to ensure compatibility with other permitted uses and maintain the residential character of the surrounding residential uses.

(Ord. No. 2020-17, exh. I, § 8:07(B), 9-15-2020; Ord. No. 2023-24, § XXII, 5-16-2023)

Sec. 36-500. Conditional uses.

The following conditional uses may be permitted in the R-3 district only if specifically authorized by the Zoning Administrator:

- (1) Beekeeping with the conditions in Section 36-329(1).
- (2) Home-based retail and/or wholesale food operation.
- (3) Model homes, with the restrictions in Section 36-467(3).

(Ord. No. 2020-17, exh. I, § 8:07(C), 9-15-2020)

Sec. 36-501. Lot size.

The following lot size requirements shall apply in the R-3 district:

- (1) One (1) family detached dwellings:
 - a. Lot: forty-five thousand (45,000) square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
 - b. Density: shall not exceed eight (8) dwelling units per each ten (10) gross acres.
- (2) Nonresidential: All nonresidential principal uses of buildings as permitted in this subdivision shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than forty (40) percent of the depth of the lot, except municipal projects and developments.
- (3) Special uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

(Ord. No. 2020-17, exh. I, § 8:07(D), 9-15-2020)

Sec. 36-502. Yard areas.

(a) *Front yard.* Every building hereafter erected or enlarged in the R-3 district shall provide and maintain a front yard of not less than fifty (50) feet with this exception: Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.

(b) *Side yard.* For interior lots recorded prior to October 18, 2005, a side yard on each side of not less than ten (10) percent of the lot width shall be required. For interior lots recorded after October 18, 2005, a side yard on each side of not less than fifteen (15) feet or ten (10) percent of the lot width, whichever is greater, shall be required. Where a side yard is adjacent to a street, a setback of not less than thirty (30) feet shall be provided.

(c) *Rear yard.* A rear yard of not less than fifty (50) feet shall be required.
(Ord. No. 2020-17, exh. I, § 8:07(E), 9-15-2020)

Sec. 36-503. Lot coverage.

Not more than twenty (20) percent of the area of a zoning lot in the R-3 district may be covered by buildings or structures, including accessory buildings.
(Ord. No. 2020-17, exh. I, § 8:07(F), 9-15-2020)

Sec. 36-504. Maximum building height.

The same maximum building height regulations shall apply in the R-3 district as permitted or required in the R-1 district.
(Ord. No. 2020-17, exh. I, § 8:07(G), 9-15-2020)

Sec. 36-505. No rezoning.

No parcel originally larger than ten (10) acres in size shall qualify for rezoning to R-3 after January 16, 2001, unless an application has been submitted for such rezoning prior to that date.
(Ord. No. 2020-17, exh. I, § 8:07(H), 9-15-2020)

Secs. 36-506—36-533. Reserved.

Subdivision VIII. R-4 One-Family Residence District

Sec. 36-534. Termination of district.

The R-4 district shall not be considered for rezoning classifications after February 15, 2000.
(Ord. No. 2020-17, exh. I, § 8:08(intro. ¶), 9-15-2020)

Sec. 36-535. Permitted uses.

The following uses are permitted in the R-4 district:

- (1) Accessory uses. See Section 36-971.
- (2) Home occupations, provided an affidavit is filled out in the PBZ office stating the zoning conditions are met.
- (3) Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten (10) feet back from the nearest right-of-way line.
- (4) Single-family detached dwellings.

- (5) Signs.
- (6) Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
- (7) Vegetable gardens as defined by the Garden Act (505 ILCS 87/1 et seq.).
(Ord. No. 2020-17, exh. I, § 8:08(A), 9-15-2020; Ord. No. 2022-03, art. VII, 1-18-2022)

Sec. 36-536. Special uses.

The following uses may be allowed in the R-4 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Child day care facilities.
- (2) Golf courses, regulation size, but not including "Par 3" golf courses or commercially operated driving ranges.
- (3) Places of worship, subject to the conditions contained in Section 36-282(43).
- (4) Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least twenty (20) acres. For such developments, the County Board may vary the bulk regulations subject to the conditions in this chapter, provided such variations are consistent with the general purpose and intent of this chapter, and will result in better site planning and thus be of greater benefit to the occupants of the development and to the surrounding area.
- (5) Public or private utilities and service uses:
 - a. Telecommunications hubs.
 - b. Filtration plants, pumping stations, and water reservoirs.
 - c. Sewage treatment plants.
 - d. Electric substations and booster stations.
 - e. Other similar uses.
- (6) Rest homes, nursing homes and sanitariums.
- (7) Seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation.
- (8) Schools: public, elementary, junior high, and high schools, including playgrounds, garages for school buses, and athletic fields.
(Ord. No. 2020-17, exh. I, § 8:08(B), 9-15-2020; Ord. No. 2023-24, § XXIII, 5-16-2023)

Sec. 36-537. Conditional uses.

The following conditional uses may be permitted in the R-4 district only if specifically authorized by the Zoning Administrator:

- (1) Home-based retail and/or wholesale food operation.
(Ord. No. 2020-17, exh. I, § 8:08(C), 9-15-2020)

Sec. 36-538. Lot size.

The following lot size requirements shall apply in the R-4 district:

- (1) One (1) family detached dwellings:
 - a. Lot: thirty thousand (30,000) square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
 - b. Density: shall not exceed twelve (12) dwelling units per each ten (10) gross acres.
 - c. Utilities: All lots in the R-4 district shall be served by public sewerage facilities.
- (2) Nonresidential: All nonresidential principal uses of buildings as permitted in this subdivision shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than forty (40) percent of the depth of the lot, except municipal projects and developments.
- (3) Special uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.
(Ord. No. 2020-17, exh. I, § 8:08(D), 9-15-2020)

Sec. 36-539. Yard areas.

(a) *Front yard.* Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

- (1) Freeway and arterial roads, as defined by the Land Resource Management Plan: forty (40) feet from the right-of-way line.
- (2) Major and minor collector roads, as defined by the Land Resource Management Plan: thirty (30) feet from the right-of-way line.
- (3) All other roads: twenty-five (25) feet from the right-of-way line.

Exception: Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.

(b) *Side yard.* For interior lots a side yard on each side of the lot equal to ten (10) percent of the lot width shall be required. Where a side yard is adjacent to a street, a setback of not less than thirty (30) feet shall be provided.

(c) *Rear yard.* A rear yard of not less than thirty (30) feet shall be required.
(Ord. No. 2020-17, exh. I, § 8:08(E)(1), 9-15-2020)

Sec. 36-540. Lot coverage.

Not more than twenty (20) percent of the area of a zoning lot in the R-4 district may be covered by buildings or structures, including accessory buildings.
(Ord. No. 2020-17, exh. I, § 8:08(E)(2), 9-15-2020)

Sec. 36-541. Maximum building height.

The same maximum building height regulations shall apply in the R-4 district as permitted or required in the R-1 district; see Section 36-334.
(Ord. No. 2020-17, exh. I, § 8:08(F), 9-15-2020)

Secs. 36-542—36-560. Reserved.

Subdivision IX. R-5 One-Family Residence District

Sec. 36-561. Termination of district.

The R-5 district shall not be considered for rezoning classifications after February 15, 2000.
(Ord. No. 2020-17, exh. I, § 8:09(intro. ¶), 9-15-2020)

Sec. 36-562. Permitted uses.

The following uses are permitted in the R-5 district:

(1) Any permitted use in the R-4 district (Section 36-535).
(Ord. No. 2020-17, exh. I, § 8:09(A), 9-15-2020)

Sec. 36-563. Special uses.

The following uses may be allowed in the R-5 district by special use permit, in accordance with the provisions of Article II of this chapter:

(1) Any use permitted as a special use in the R-4 (Section 36-536), except that planned development may be considered where the zoning lot proposed for development has a gross area of not less than twenty (20) acres.
(Ord. No. 2020-17, exh. I, § 8:09(B), 9-15-2020)

Sec. 36-564. Conditional uses.

The following conditional uses may be permitted in the R-5 district only if specifically authorized by the Zoning Administrator:

(1) Home-based retail and/or wholesale food operation.
(Ord. No. 2020-17, exh. I, § 8:09(C), 9-15-2020)

Sec. 36-565. Lot size.

The following lot size requirements shall apply in the R-5 district:

- (1) One (1) family detached dwellings.
 - a. Lot: fifteen thousand (15,000) square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
 - b. Density: shall not exceed twenty-two (22) dwelling units per each ten (10) gross acres.
 - c. Utilities: All lots in the R-5 district shall be served by public sewerage facilities.
- (2) Nonresidential. All nonresidential principal uses of buildings as permitted in this subdivision shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than forty (40) percent of the depth of the lot, except municipal projects and developments.
- (3) Special uses. Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

(Ord. No. 2020-17, exh. I, § 8:09(D), 9-15-2020)

Sec. 36-566. Yard area.

(a) *Front yard.* Every building hereafter erected or enlarged in the R-5 district shall provide and maintain a front yard in accordance with the following requirements:

- (1) Freeway and arterial roads, as defined by the Land Resource Management Plan: forty (40) feet from the right-of-way line.
- (2) Major and minor collector roads, as defined by the Land Resource Management Plan: thirty (30) feet from the right-of-way line.
- (3) All other roads: twenty-five (25) feet from the right-of-way line.

Exception: Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.

(b) *Side yard.* A side yard on each side of the lot equal to ten (10) percent of the lot width for interior side yards shall be required. A side yard to a street shall be not less than thirty (30) feet.

(c) *Rear yard.* A rear yard of not less than thirty (30) feet shall be required.

(Ord. No. 2020-17, exh. I, § 8:09(E), 9-15-2020)

Sec. 36-567. Hard surface coverage.

Not more than forty (40) percent of the surface area of a zoning lot in the R-5 district may be covered by hard surfaces.

(Ord. No. 2020-17, exh. I, § 8:09(F), 9-15-2020)

Sec. 36-568. Maximum building height.

The same maximum building height regulations shall apply in the R-5 district as permitted or required in the R-1 district; see Section 36-334.

(Ord. No. 2020-17, exh. I, § 8:09(G), 9-15-2020)

Sec. 36-569. Floor area ratio.

The maximum floor area ratio (FAR) in the R-5 district shall be four-tenths (0.4).

(Ord. No. 2020-17, exh. I, § 8:09(H), 9-15-2020)

Secs. 36-570—36-586. Reserved.*Subdivision X. R-6 One-Family Residence District***Sec. 36-587. Termination of district.**

The R-6 district shall not be considered for rezoning classifications after February 15, 2000.

(Ord. No. 2020-17, exh. I, § 8:10(intro. ¶), 9-15-2020)

Sec. 36-588. Permitted uses.

The following uses are permitted in the R-6 district:

- (1) Any permitted use in the R-4 district (Section 36-535).

(Ord. No. 2020-17, exh. I, § 8:10(A), 9-15-2020)

Sec. 36-589. Special uses.

The following uses may be allowed in the R-6 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Any use permitted as a special use in the R-4 district (Section 36-536), except that planned development may be considered where the zoning lot proposed for development has a gross area of not less than twenty (20) acres.

(Ord. No. 2020-17, exh. I, § 8:10(B), 9-15-2020)

Sec. 36-590. Conditional uses.

The following conditional uses may be permitted in the R-6 district only if specifically authorized by the Zoning Administrator:

- (1) Home-based retail and/or wholesale food operation.

(Ord. No. 2020-17, exh. I, § 8:10(C), 9-15-2020)

Sec. 36-591. Lot size.

The following lot size requirements shall apply in the R-6 district:

- (1) One (1) family detached dwellings.
 - a. Lot: seven thousand (7,000) square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
 - b. Density: shall not exceed three and one-half (3.5) dwelling units per each one (1) gross acre.
 - c. Utilities: All lots in the R-6 district shall be served by public sewerage and water facilities.
- (2) Nonresidential: All nonresidential principal uses of building as permitted in this subdivision shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than forty (40) percent of the depth of the lot, except municipal projects and developments.
- (3) Special uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

(Ord. No. 2020-17, exh. I, § 8:10(D), 9-15-2020)

Sec. 36-592. Yard area.

(a) *Front yard.* Every building hereafter erected or enlarged in the R-6 district shall provide and maintain a front yard in accordance with the following requirements:

- (1) Freeway and arterial roads, as defined by the Land Resource Management Plan: forty (40) feet from the right-of-way line.
- (2) Major and minor collector roads, as defined by the Land Resource Management Plan: thirty (30) feet from the right-of-way line.
- (3) All other roads: twenty-five (25) feet from the right-of-way line.

Exception: Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.

(b) *Side yard.* A side yard on each side of the lot equal to ten (10) percent of the lot width for interior side yards shall be required. A side yard to a street shall be not less than thirty (30) feet.

(c) *Rear yard.* A rear yard of not less than thirty (30) feet shall be required.

(Ord. No. 2020-17, exh. I, § 8:10(E), 9-15-2020)

Sec. 36-593. Hard surface coverage.

Not more than forty (40) percent of the surface area of a zoning lot in the R-6 district may be covered by hard surfaces.

(Ord. No. 2020-17, exh. I, § 8:10(F), 9-15-2020)

Sec. 36-594. Maximum building height.

The same maximum building height regulations shall apply in the R-6 district as permitted or required in the R-1 district; see Section 36-334.

(Ord. No. 2020-17, exh. I, § 8:10(G), 9-15-2020)

Sec. 36-595. Floor area ratio.

The maximum floor area ratio (FAR) in the R-6 district shall be four-tenths (0.4).

(Ord. No. 2020-17, exh. I, § 8:10(H), 9-15-2020)

Secs. 36-596—36-623. Reserved.*Subdivision XI. R-7 General Residence District***Sec. 36-624. Termination of district.**

The R-7 district shall not be considered for rezoning classifications after February 15, 2000.

(Ord. No. 2020-17, exh. I, § 8:11(intro. ¶), 9-15-2020)

Sec. 36-625. Permitted uses.

The following uses are permitted in the R-7 district:

- (1) Any of the permitted uses in the R-4 district (Section 36-535).
- (2) Multiple-family dwellings.
- (3) Single-family semi-detached dwellings.
- (4) Single-family attached dwellings, but not more than one hundred eighty (180) feet in length.
- (5) Two (2) family detached dwellings.

(Ord. No. 2020-17, exh. I, § 8:11(A), 9-15-2020)

Sec. 36-626. Special uses.

The following uses may be allowed in the R-7 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Any use permitted as a special use in the R-4 district (Section 36-536), except that planned development may be considered where the zoning lot proposed for development has a gross area of not less than twenty (20) acres.
- (2) Mobile home park, on a lot not less than (10) acres in area.

(Ord. No. 2020-17, exh. I, § 8:11(B), 9-15-2020)

Sec. 36-627. Conditional uses.

The following conditional uses may be permitted in the R-7 district only if specifically authorized by the Zoning Administrator:

- (1) Home-based retail and/or wholesale food operation.
(Ord. No. 2020-17, exh. I, § 8:11(C), 9-15-2020)

Sec. 36-628. Lot area and allowable density.

The following lot area and allowable density requirements shall apply in the R-7 district:

- (1) *One (1) family detached dwelling*
 - a. Utilities: All lots in the R-7 district shall be served by public sewerage facilities.
 - b. Every single-family detached dwelling and every two (2) family detached dwelling shall be on a lot conforming with the area requirements for a single-family detached dwelling in the R-6 district.
 - c. All residential structures containing two (2) or more attached dwelling units shall be located on a lot which provides the following minimum land area per dwelling unit:

| <i>Type of Dwelling Unit</i> | <i>Minimum Lot Area Per Dwelling Unit (in sq. ft.)</i> |
|------------------------------|--|
| 4 or more bedrooms | 4,000 |
| 3 bedroom | 3,500 |
| 2 bedroom | 3,000 |
| 1 bedroom | 2,000 |
| Efficiency | 1,000 |

- d. For the purposes of determining lot area, any room other than a living room, dining room, kitchen or bath shall be counted as a bedroom.
 - e. Density: The maximum density allowed based upon the gross area shall be fifteen (15) dwelling units per acre.
- (2) *Nonresidential.* All nonresidential principal uses of building as permitted in this section shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than forty (40) percent of the depth of the lot, except municipal projects and developments.
- (3) *Special uses.* Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

(Ord. No. 2020-17, exh. I, § 8:11(D), 9-15-2020)

Sec. 36-629. Lot width.

Every lot in the R-7 district shall have a width equal to at least forty (40) percent of the lot depth.
(Ord. No. 2020-17, exh. I, § 8:11(E), 9-15-2020)

Sec. 36-630. Floor area ratio.

The floor area ratio (FAR) in the R-7 district shall be as follows:

- (1) For one and two (2) family dwellings: four-tenths (0.4).
 - (2) For multiple-family buildings: five-tenths (0.5).
 - (3) For permitted nonresidential uses: seven-tenths (0.7).
- (Ord. No. 2020-17, exh. I, § 8:11(F), 9-15-2020)

Sec. 36-631. Yard area.

(a) All yard areas for single-family and two (2) family buildings in the R-7 district shall be the same as the regulations required in the R-6 district; see Section 36-592.

(b) For multiple-family buildings, the following yards shall be provided:

- (1) *Front yard.* Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. Freeway and arterial roads, as defined by the Land Resource Management Plan: fifty (50) feet from the right-of-way line.
 - b. Major and minor collector roads, as defined by the Land Resource Management Plan: forty (40) feet from the right-of-way line.
 - c. All other roads: thirty (30) feet from the right-of-way line.

Exception: Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.

- (2) *Side yard.* Two (2) side yards each not less than ten (10) feet in width shall be required, except a side yard adjoining a street shall not be less than thirty (30) feet in width and for structures more than thirty (30) feet in length measured perpendicularly to the front lot line, an interior side yard shall be increased in width by one-half (0.5) foot for each one (1) foot the building exceeds thirty (30) feet in length.
 - (3) *Rear yard.* A rear yard of not less than thirty (30) feet shall be required.
- (Ord. No. 2020-17, exh. I, § 8:11(G), 9-15-2020)

Sec. 36-632. Hard surface coverage.

Not more than forty (40) percent of the surface area of a zoning lot in the R-7 district may be covered by hard surfaces.

(Ord. No. 2020-17, exh. I, § 8:11(H), 9-15-2020)

Sec. 36-633. Maximum building height.

(a) For single-family detached dwellings, the same maximum building height regulations shall apply in the R-7 district as permitted or required in the R-1 district; see Section 36-334.

(b) For all other dwelling types, the maximum building height shall not be more than two (2) stories or twenty-four (24) feet, whichever is lower.
(Ord. No. 2020-17, exh. I, § 8:11(I), 9-15-2020)

Secs. 36-634—36-654. Reserved.

DIVISION 4. BUSINESS DISTRICTS

Subdivision I. In General

Sec. 36-655. Purpose.

(a) The purpose of this division is to encourage the orderly development of commercial properties to serve and meet the needs of the citizens of the County. The establishment of new commercial districts shall follow the guidelines of the County Land Resource Management Plan. In general, areas designated as commercial/industrial or transportation corridors on the Land Resource Management Plan are appropriate for commercial development. Where properties proposed for commercial development are contiguous to existing municipalities, the County encourages the annexation of these properties.

(b) More specifically, the commercial zoning districts are intended to provide for groupings of business and commercial establishments that are compatible in scope of services, methods of operation, and traffic generation.

(c) The County has a long, rich tradition in agriculture and respects the role that farming and agricultural related businesses continue to play in shaping the economic viability of the County. Property that supports this industry is indicated by the zoning indicator A-1 or A-1 special use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise, and unique hours of operation that are not typical in other zoning areas. Please be aware that certain special and permitted uses are in existence and can continue operations as approved.
(Ord. No. 2020-17, exh. J, § 9:00, 9-15-2020)

Secs. 36-656—36-683. Reserved.

Subdivision II. B-1 Local Shopping District

Sec. 36-684. Purpose.

The B-1 Local Shopping District is composed of those areas of the County whose principal use is neighborhood-oriented, limited retail, service and repair business activities which serve the surrounding area. This district is provided to permit the development of these business activities, to protect adjacent

areas against encroachment by incompatible uses, and to lessen congestion on public roads. To these ends, certain uses which would interfere with the operation of these business activities and the purpose of this district have been excluded.

(Ord. No. 2020-17, exh. J, § 9:01(A), 9-15-2020)

Sec. 36-685. Permitted uses.

The following uses are permitted in the B-1 district:

- (1) Accessory uses. Accessory uses, structures, and buildings shall be permitted, provided they comply with the regulations of Section 36-971.
- (2) Adult day care or respite care.
- (3) Art galleries and studios.
- (4) Bait shop.
- (5) Barbershops, beauty parlors, massage or similar personal and business service shops.
- (6) Bicycle sales and repair.
- (7) Convenience store.
- (8) Custom dressmaking, millinery, tailoring or shoe repair shops.
- (9) Drug store.
- (10) Fire stations.
- (11) Gardening supplies and seed stores (retail sales only).
- (12) Governmental buildings and facilities.
- (13) Grocery and food sales under ten thousand (10,000) square feet.
- (14) Indoor business sales and service under ten thousand (10,000) square feet.
- (15) Indoor retail sales of goods under ten thousand (10,000) square feet, including repair of goods sold on the premises.
- (16) Nano breweries, subject to the conditions in Section 36-282(35).
- (17) Offices, business and professional, including medical clinics.
- (18) Personal and business service shops under ten thousand (10,000) square feet but not including uses regulated in Section 36-981.
- (19) Photography studios.
- (20) Police stations.
- (21) Postal substations.
- (22) Restaurants, cafes, cafeterias or other similar establishments, including, but not limited to, retail food stores.

(23) Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.

(24) Tobacco shops.

(Ord. No. 2020-17, exh. J, § 9:01(B), 9-15-2020)

Sec. 36-686. Special uses.

The following uses may be allowed in the B-1 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Book and stationery stores when services are intended to serve the immediate convenience needs of persons employed in the area.
- (2) Business planned developments.
- (3) Camera and photographic supply stores.
- (4) Clubs and lodges (non-profit), fraternal or religious institutions.
- (5) Communications use.
- (6) Currency exchange.
- (7) Child day care facilities.
- (8) Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
- (9) Dwelling units for watchmen and families, including a caretaker.
- (10) Musical instrument sales and repair (including lessons).
- (11) Places of worship, subject to the conditions contained in Section 36-282(43).
- (12) Public or private utilities and service uses.
 - a. Telecommunications hubs or telecommunication stations.
 - b. Filtration plants, pumping stations, and water reservoirs.
 - c. Sewage treatment plants.
 - d. Electric substations and booster stations.
 - e. Other similar uses.
- (13) Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation.

(Ord. No. 2020-17, exh. J, § 9:01(C), 9-15-2020; Ord. No. 2023-24, § XXIV, 5-16-2023)

Sec. 36-687. Conditional uses.

The following conditional uses may be permitted only if specifically authorized by the Zoning Administrator:

- (1) Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than one thousand five hundred (1,500) pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
- (2) Electrical appliance stores and repair with a size limit of ten thousand (10,000) square feet.
- (3) Laundries, automatic self-service types or hand employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed ten (10) pounds' capacity each.

(Ord. No. 2020-17, exh. J, § 9:01(D), 9-15-2020; Ord. No. 2023-24, § XXV, 5-16-2023)

Sec. 36-688. Lot size.

Every lot or tract of land upon which a building is erected or maintained in the B-1 district shall have an area of not less than ten thousand (10,000) square feet and a width of not less than one hundred (100) feet as measured from the front building line.

(Ord. No. 2020-17, exh. J, § 9:01(E), 9-15-2020)

Sec. 36-689. Yard areas.

No building shall be erected or enlarged in the B-1 district unless the following yards are provided and maintained in connection with such building:

- (1) *Front yard.* Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. Arterial roadways: fifty (50) feet from a dedicated road right-of-way or one hundred (100) feet from the centerline of all adjacent roads, whichever is greater.
 - b. Major or minor collector roadways: forty (40) feet from a dedicated road right-of-way or ninety (90) feet from the centerline of all adjacent roads, whichever is greater.
 - c. All other streets: thirty feet (30) from a dedicated road right-of-way or seventy-five (75) feet from the centerline of all adjacent roads, whichever is greater.
- (2) *Side yard.* The side yard shall be ten (10) feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be ten (10) feet, or equivalent to said adjacent setback, whichever is greater.
- (3) *Rear yard.* The rear yard shall be twenty (20) feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be twenty (20) feet, or equivalent to said adjacent setback, whichever is greater.

(Ord. No. 2020-17, exh. J, § 9:01(F), 9-15-2020)

Sec. 36-690. Lot coverage.

(a) *Maximum floor area ratio.* The maximum floor area ratio in the B-1 district shall not exceed fifty (50) percent.

(b) *Impervious lot coverage (buildings, parking, drives, etc.).* Impervious lot coverage in the B-1 district shall not exceed seventy-five (75) percent of the lot.
(Ord. No. 2020-17, exh. J, § 9:01(G), 9-15-2020)

Sec. 36-691. Maximum building height.

No building hereinafter erected in the B-1 district shall exceed thirty-five (35) feet in height.
(Ord. No. 2020-17, exh. J, § 9:01(H), 9-15-2020)

Sec. 36-692. Off-street parking and loading.

In accordance with the regulations set forth in Article V, Division 2 of this chapter, parking in the B-1 district shall not encroach upon the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least ten (10) feet from the rear property line is maintained.
(Ord. No. 2020-17, exh. J, § 9:01(I), 9-15-2020)

Sec. 36-693. Other provisions.

(a) *Performance standards.* All activities in the B-1 district shall conform with the performance standards set forth in Section 36-978.

(b) *Refuse enclosures.* Refuse or trash collection areas in the B-1 district shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, and shall include a concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.

(c) *Waste materials.* No materials or wastes shall be deposited upon a lot in the B-1 district in such a form that they may be transferred off the property by natural causes or forces.

(d) *Screening and landscaping.* Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Article II, Division 4 of this chapter. All areas must include a landscaping plan for approval at the time the request for B-1 zoning is made.
(Ord. No. 2020-17, exh. J, § 9:01(J), 9-15-2020)

Secs. 36-694—36-714. Reserved.

*Subdivision III. B-2 General Business District***Sec. 36-715. Purpose.**

The B-2 General Business District is composed of those areas of the County whose principal use is general retail, service and repair business activities which serve persons and businesses in the County. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.

(Ord. No. 2020-17, exh. J, § 9:02(A), 9-15-2020)

Sec. 36-716. Permitted uses.

The following uses are permitted in the B-2 district:

- (1) All permitted uses in the B-1 district.
- (2) Private ambulance service.
- (3) Antique shops.
- (4) Art and school supply stores.
- (5) Auction facility when conducted wholly within an enclosed building and with no outside storage.
- (6) Banks and financial institutions.
- (7) Book and stationery stores.
- (8) Building material sales (retail).
- (9) Camera and photographic supply stores.
- (10) Catering establishments.
- (11) Copying/reproduction stores and banner or sign supplies.
- (12) Electrical appliance stores and repair.
- (13) Furrier.
- (14) Glass cutting and glazing establishments.
- (15) Grocery and food sales.
- (16) Indoor business sales and service in excess of ten thousand (10,000) square feet.
- (17) Indoor retail sales of goods in excess of ten thousand (10,000) square feet, including repair of goods sold on the premises.
- (18) Monument sales, but not including the cutting or grinding of stones.
- (19) Motor vehicle accessory store.
- (20) Musical instrument sales and repair (including lessons).
- (21) Packaged liquor store or any sale of alcoholic beverages.

- (22) Personal and business service shops in excess of ten thousand (10,000) square feet.
 - (23) Pet shop when conducted wholly within an enclosed building.
 - (24) Plumbing, heating, and roofing supply shops.
 - (25) Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving).
 - (26) Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation.
- (Ord. No. 2020-17, exh. J, § 9:02(B), 9-15-2020)

Sec. 36-717. Special uses.

The following uses may be allowed in the B-2 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Agricultural implement sales and service on an open lot or within a building.
- (2) Boat, trailer and recreational vehicle sales or rental and service.
- (3) Child day care facilities.
- (4) Clubs and lodges (non-profit), fraternal or religious institutions.
- (5) Communications use.
- (6) Crematories/funeral homes.
- (7) Currency exchange.
- (8) Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
- (9) Dwelling units for watchmen and families, including a caretaker.
- (10) Fertilizer sales, including limited storage.
- (11) Hospital.
- (12) Indoor entertainment and recreation.
- (13) Indoor target practice with the conditions found in Section 36-282(29).
- (14) Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
- (15) Meeting halls.
- (16) Motor vehicle service stations for retail sale of gasoline and oil for motor vehicles.
- (17) Motor vehicle/motorcycle service stations, including repair and rebuilding, or painting of motor vehicles.
- (18) Motor vehicle sales/motorcycle sales.
- (19) Motor vehicle washing, including the use of mechanical conveyers, blowers and steam cleaning.

- (20) Outdoor storage, provided such storage is screened from adjacent and surrounding properties.
 - (21) Parking garages for storage of private passenger automobiles and commercial vehicles under one and one-half (1½) tons' capacity.
 - (22) Places of worship, subject to the conditions contained in Section 36-282(43).
 - (23) Public or private utilities and service uses.
 - a. Telecommunications hubs and telecommunication stations.
 - b. Filtration plants, pumping stations, and water reservoirs.
 - c. Sewage treatment plants.
 - d. Electric substations and booster stations.
 - e. Other similar uses.
 - (24) Taverns.
- (Ord. No. 2020-17, exh. J, § 9:02(C), 9-15-2020; Ord. No. 2023-24, § XXVI, 5-16-2023)

Sec. 36-718. Conditional uses.

The following conditional uses may be permitted in the B-2 district only if specifically authorized by the Zoning Administrator:

- (1) Contractor or construction services, such as building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air conditioning, heating and ventilating.
- (2) Contractors' offices and shops, where no fabrication is done on the premises and where all storage of material and equipment is within a building.
- (3) Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than one thousand five hundred (1,500) pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
- (4) Enclosed self-service storage facility, provided that:
 - a. Each self-service storage facility shall be governed by the provisions of the Illinois Self-Service Storage Facility Act (770 ILCS 95/1 et seq.).
 - b. A fence and landscaping shall be provided which completely encloses the facility and screens it from view of residential structures and residentially zoned property.
- (5) Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
- (6) Laundries, automatic self-service types or hand, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed ten (10) pounds' capacity each.

- (7) Outdoor displays may be permitted, subject to the following:
- a. *Temporary seasonal displays.*
 1. Seasonal displays not exceeding sixty (60) days per calendar year may be conducted on the same zoning lot as the principal business.
 2. A site plan must be submitted by the applicant and approved by the Zoning Administrator showing the location of the seasonal display, the items to be displayed and the duration of the display.
 3. Seasonal display areas shall be located at least ten (10) feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.
 - b. *Permanent outdoor displays.*
 1. Permanent outdoor displays shall only be permitted on the same zoning lot as the principal business and shall only display merchandise which is sold at the subject premises. Items which are not sold on the premises or which are general outdoor storage are not permitted.
 2. Permanent outdoor displays shall not exceed ten (10) percent of the subject area or one thousand (1,000) square feet in area, whichever is smaller.
 3. Permanent outdoor displays shall be subject to site plan review and approval by the Zoning Administrator.
 4. Permanent outdoor displays shall be located at least ten (10) feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.
 5. Displays shall not be higher than fifteen (15) feet in height.
 6. A zoning certificate and fee are required for approval of an outdoor display area.
 7. Any outdoor display area shall be subject to review by the PBZ Committee and may be rescinded if deemed necessary.
 8. Any outdoor display area which does not meet these requirements may be permitted as a special use.

- (8) Processing or assembly, provided that space occupied in a building does not exceed six thousand (6,000) square feet of total floor space and basement space, not including stairwells or elevator shafts, provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other conditions which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding six thousand (6,000) square feet, they shall then be located in the M-1 Manufacturing District.

(Ord. No. 2020-17, exh. J, § 9:02(D), 9-15-2020; Ord. No. 2023-24, § XXVII, 5-16-2023)

Sec. 36-719. Lot size.

Every lot or tract of land upon which a building is erected or maintained in the B-2 district shall have an area of not less than 10,000 square feet and a width of not less than one hundred (100) feet.

(Ord. No. 2020-17, exh. J, § 9:02(E), 9-15-2020)

Sec. 36-720. Yard areas.

No building shall be erected or enlarged in the B-2 district unless the following yards are provided and maintained in connection with such building:

- (1) *Front yard.* Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. Arterial roadways: fifty feet (50) from the dedicated road right-of-way or one hundred (100) feet from the centerline of all adjacent roads, whichever is greater.
 - b. Major or minor collector roadways: forty (40) feet from the dedicated road right-of-way or ninety (90) feet from the centerline of all adjacent roads, whichever is greater.
 - c. All other streets: thirty (30) feet from the dedicated road right-of-way or seventy (70) feet from the centerline of all adjacent roads, whichever is greater.

Exception: Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.

- (2) *Side yard.* Side yards shall be ten (10) feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be ten (10) feet, or equivalent to said adjacent setback, whichever is greater.
- (3) *Rear yard.* Rear yards shall be twenty (20) feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be twenty (20) feet, or equivalent to said adjacent setback, whichever is greater.

(Ord. No. 2020-17, exh. J, § 9:02(F), 9-15-2020)

Sec. 36-721. Lot coverage.

(a) *Maximum floor area ratio.* The maximum floor area ration in the B-2 district shall not exceed fifty (50) percent.

(b) *Impervious lot coverage (buildings, parking, drives, etc.).* Impervious lot coverage in the B-2 district shall not exceed seventy (70) percent of the lot.

(Ord. No. 2020-17, exh. J, § 9:02(G), 9-15-2020)

Sec. 36-722. Maximum building height.

No building hereinafter erected in the B-2 district shall exceed thirty-five (35) feet in height.

(Ord. No. 2020-17, exh. J, § 9:02(H), 9-15-2020)

Sec. 36-723. Off-street parking and loading.

In accordance with the regulations set forth in Article V, Division 2 of this chapter, parking shall not encroach upon the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least ten (10) feet from the rear property line is maintained.

(Ord. No. 2020-17, exh. J, § 9:02(I), 9-15-2020)

Sec. 36-724. Other provisions.

(a) *Performance standards.* All activities in the B-2 district shall conform with the performance standards set forth in Section 36-978.

(b) *Outdoor sales.* All outdoor sales space in the B-2 district shall be provided with a permanent durable and dustless surface and shall be graded and drained as to dispose of all surface water.

(c) *Refuse enclosures.* Refuse or trash collection areas in the B-2 district shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven (7) feet; shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.

(d) *Waste materials.* No materials or wastes shall be deposited upon a lot in the B-2 district in such a form that they may be transferred off the property by natural causes or forces.

(e) *Screening and landscaping.* Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Article II, Division 4 of this chapter. All areas must include a landscaping plan for approval at the time the request for B-2 zoning is made.

(Ord. No. 2020-17, exh. J, § 9:02(J), 9-15-2020)

Secs. 36-725—36-746. Reserved.*Subdivision IV. B-3 Highway Business District***Sec. 36-747. Purpose.**

The B-3 Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 district and B-2 district. It is the intent of the B-3 district regulations that establishments desiring location along major traffic routes are grouped with appropriate and adequate accessways provided.

(Ord. No. 2020-17, exh. J, § 9:03(A), 9-15-2020)

Sec. 36-748. Permitted uses.

The following uses are permitted in the B-3 district:

- (1) All permitted uses identified in the B-2 district.
- (2) Agricultural implement sales and service on an open lot or within a building.
- (3) Animal hospital.
- (4) Banquet halls, subject to the conditions contained in Section 36-282(12).
- (5) Beverages, non-alcoholic, bottling and distributing.
- (6) Boat, trailer and recreational vehicle sales or rental and service.

- (7) Carpet and rug stores.
 - (8) Clean up and restoration services with the conditions contained in Section 36-282(16).
 - (9) Construction equipment sales and service.
 - (10) Crematories/funeral homes.
 - (11) Currency exchange.
 - (12) Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
 - (13) Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than one thousand five hundred (1,500) pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
 - (14) Health clubs (public or private) and related accessory uses.
 - (15) Hotel and/or motels.
 - (16) Indoor entertainment and recreation.
 - (17) Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
 - (18) Laundries, automatic self-service types or hand, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed ten (10) pounds' capacity each.
 - (19) Miniature golf courses.
 - (20) Motor vehicle service stations for retail sale of gasoline and oil for motor vehicles.
 - (21) Motor vehicle sales/motorcycle sales.
 - (22) Motor vehicle/motorcycle service stations, including repair and rebuilding or painting of motor vehicles.
 - (23) Motor vehicle washing facilities, including the use of mechanical conveyers, blowers and steam cleaning.
 - (24) Nurseries and greenhouses.
 - (25) Parking garages for storage of private passenger automobiles and commercial vehicles under one and one-half (1½) tons' capacity.
 - (26) Restaurants, including the drive-in type where food is served to customers remaining in motor vehicles.
 - (27) Taverns.
- (Ord. No. 2020-17, exh. J, § 9:03(B), 9-15-2020)

Sec. 36-749. Special uses.

The following uses may be allowed in the B-3 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Adult-use cannabis dispensing organization, subject to the following conditions:
 - a. The facility may not be located within one thousand (1,000) feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for the purposes of this subdivision. The measurement shall be from the cannabis use.
 - b. The facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a preexisting property zoned or used for residential purposes. The measurement shall be from the cannabis use.
 - c. The facility may not be located within one thousand (1,000) feet of the property line of a preexisting forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 - d. At least seventy-five (75) percent of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.
 - e. On-site consumption of cannabis by the public shall not be allowed at adult-use cannabis dispensing organizations.
 - f. On properties zoned M-1 Limited Manufacturing District or M-2 Heavy Industrial District, adult-use cannabis dispensing organizations may co-locate with adult-use craft growers and adult-use cannabis infuser organizations, or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
 - g. On properties zoned B-3 Highway Business District, adult-use cannabis dispensing organizations may co-locate with adult-use cannabis infuser organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
 - h. On properties zoned B-3 Highway Business District, this use shall be within one thousand (1,000) feet of an interchange of an interstate highway and a County or State highway.
 - i. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.).
 - j. At the time of application, the petitioner shall submit the following information:
 1. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

2. Information on the proposed structure the facility will be located in, including total square footage, security installations/security plan, including type of security system and plans to address operations when security and surveillance systems malfunction and building code compliance.
 3. Hours of operation.
 4. Anticipated number of employees and customers.
 5. Anticipated parking demand and available parking supply.
 6. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 7. Site design, including access points and internal site circulation.
 8. Proposed signage plan.
 9. Other criteria as may be necessary to determine findings of fact of the special use permit application.
- k. No flashing light, search light, spotlights, or other similar lighting systems may be used on the exterior of the building.
 - l. Electronic message boards and temporary signs are not allowed. Any additional merchandise packaging provided by an adult-use cannabis dispensing organization, such as bags, sacks, totes, or boxes shall be opaque and identify the name of the adult-use cannabis dispensing organization.
 - m. Hours of operation are 6:00 a.m. until 10:00 p.m.
 - n. The operator of the business allowed by the special use permit shall provide the County Sheriff's Office access to security system and security plans upon request by the County Sheriff's Office.
 - o. This use shall be in a stand-alone building.
 - p. The petitioner shall file an affidavit with the County affirming compliance with the regulations contained in this chapter.
 - q. In the event that the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) is amended, the more restrictive of the State or County regulation shall apply.
- (2) Adult-use cannabis infuser organization, subject to the following conditions:
- a. The facility may not be located within one thousand five hundred (1,500) feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for the purposes of this subdivision. The measurement shall be from the cannabis use.
 - b. The facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a preexisting property zoned or used for residential purposes. The measurement shall be from the cannabis use.

- c. The facility may not be located within one thousand five hundred (1,500) feet of the property line of a preexisting forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
- d. At least seventy-five (75) percent of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.).
- e. On properties zoned M-1 Limited Manufacturing District or M-2 Heavy Industrial District, adult-use cannabis infuser organizations may co-locate with adult-use dispensing organizations and adult-use cannabis craft growers, or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- f. On properties zoned B-3 Highway Business District, adult-use cannabis infuser organizations may co-locate with adult-use dispensing organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- g. On properties zoned B-3 Highway Business District, this use shall be within one thousand (1,000) feet of an interchange of an interstate highway and a County or State highway.
- h. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.).
- i. At the time of application, the petitioner shall submit the following information:
 - 1. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - 2. Information on the proposed structure the facility will be located in, including total square footage, security installations/security plan, including type of security system and plans to address operations when security and surveillance systems malfunction and building code compliance.
 - 3. Hours of operation.
 - 4. Anticipated number of employees and customers.
 - 5. Anticipated parking demand and available parking supply.
 - 6. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - 7. Site design, including access points and internal site circulation.
 - 8. Proposed signage plan.
 - 9. Other criteria as may be necessary to determine findings of fact of the special use permit application.
- j. The operator of the business allowed by the special use permit shall provide the County Sheriff's Office access to security system and security plans upon request by the County Sheriff's Office.

- k. This use shall be in a stand-alone building.
 - l. The petitioner shall file an affidavit with the County affirming compliance with the regulations contained in this chapter.
 - m. In the event that the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) is amended, the more restrictive of the State or County regulation shall apply.
- (3) Adult-use cannabis processing organization, subject to the following conditions:
- a. The facility may not be located within one thousand five hundred (1,500) feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for the purposes of this subdivision. The measurement shall be from the cannabis use.
 - b. The facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a preexisting property zoned or used for residential purposes. The measurement shall be from the cannabis use.
 - c. The facility may not be located within one thousand five hundred (1,500) feet of the property line of a preexisting forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 - d. At least seventy-five (75) percent of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.).
 - e. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.).
 - f. At the time of application, the petitioner shall submit the following information:
 - 1. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - 2. Information on the proposed structure the facility will be located in, including total square footage, security installations/security plan, including type of security system and plans to address operations when security and surveillance systems malfunction and building code compliance.
 - 3. Hours of operation.
 - 4. Anticipated number of employees and customers.
 - 5. Anticipated parking demand and available parking supply.
 - 6. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - 7. Site design, including access points and internal site circulation.
 - 8. Proposed signage plan.

- 9. Other criteria as may be necessary to determine findings of fact of the special use permit application.
 - g. The operator of the business allowed by the special use permit shall provide the County Sheriff's Office access to security system and security plans upon request by the County Sheriff's Office.
 - h. On properties zoned B-3 Highway Business District, this use shall be within one thousand (1,000) feet of an interchange of an interstate highway and a County or State highway.
 - i. This use shall be in a stand-alone building.
 - j. The petitioner shall file an affidavit with the County affirming compliance with the regulations contained in this chapter.
 - k. In the event that the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) is amended, the more restrictive of the State or County regulation shall apply.
- (4) Child day care facilities.
 - (5) Clubs and lodges (non-profit), fraternal or religious institutions.
 - (6) Communication uses.
 - (7) Community centers/after school programs/educational centers.
 - (8) Consumer credit, payday loan offices, financing or financial offices.
 - (9) Dwelling units for watchmen and families, including a caretaker.
 - (10) Fertilizer sales, including limited storage.
 - (11) Hospitals.
 - (12) Indoor target practice with the conditions contained in Section 36-282(29).
 - (13) Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
 - (14) Kennels with the conditions contained in Section 36-282(31).
 - (15) Landscaping business, with the conditions contained in Section 36-282(32).
 - (16) Medical cannabis dispensing organization, subject to the following conditions:
 - a. The facility may not be located within one thousand (1,000) feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for the purposes of this subdivision. The measurement shall be from the cannabis use.
 - b. The facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a preexisting property zoned or used for residential purposes. The measurement shall be from the cannabis use.

- c. The facility may not be located within one thousand (1,000) feet of the property line of a preexisting forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
- d. On-site consumption of cannabis by the public shall not be allowed at medical cannabis dispensing organizations.
- e. The facility may not conduct any sales or distribution of cannabis other than as authorized by State law.
- f. At the time of application, the petitioner shall submit the following information:
 - 1. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - 2. Information on the proposed structure the facility will be located in, including total square footage, security installations/security plan, including type of security system and plans to address operations when security and surveillance systems malfunction and building code compliance.
 - 3. Hours of operation.
 - 4. Anticipated number of employees and customers.
 - 5. Anticipated parking demand and available parking supply.
 - 6. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - 7. Site design, including access points and internal site circulation.
 - 8. Proposed signage plan.
 - 9. Other criteria as may be necessary to determine findings of fact of the special use permit application.
- g. No flashing lights, search lights, spotlights, or other similar lighting systems may be used on the exterior of the building.
- h. Electronic message boards and temporary signs are not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
- i. Hours of operation are 6:00 a.m. until 10:00 p.m.
- j. The operator of the business allowed by the special use permit shall provide the County Sheriff's Office access to security system and security plans upon request by the County Sheriff's Office.
- k. On properties zoned B-3 Highway Business District, this use shall be within one thousand (1,000) feet of an interchange of an interstate highway and a County or State highway.
- l. This use shall be in a stand-alone building.
- m. The petitioner shall file an affidavit with the County affirming compliance with the regulations contained in this chapter.

- n. In the event that the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.) is amended, the more restrictive of the State or County regulation shall apply.
- (17) Meeting halls.
 - (18) Micro brewery and/or winery.
 - (19) Micro distillery with the conditions contained in Section 36-282(34).
 - (20) Outdoor storage provided such storage is screened from adjacent and surrounding properties.
 - (21) Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
 - (22) Pawn shop.
 - (23) Performing arts center subject to the conditions contained in Section 36-282(41).
 - (24) Places of worship, subject to the conditions contained in Section 36-282(43).
 - (25) Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off site where such production takes place on the premises. In addition, the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted, provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the centerline of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above-listed items are also permitted.
 - (26) Public or private utilities and service uses.
 - a. Telecommunications hubs and telecommunication stations.
 - b. Filtration plants, pumping stations, and water reservoirs.
 - c. Sewage treatment plants.
 - d. Electric substations and booster stations.
 - e. Other similar uses.
 - (27) Retail or wholesale sales yards for agricultural products, including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
 - (28) Self-service storage facilities.
 - (29) Theaters: outdoor theaters (drive-in), indoor theaters and convention centers.
 - (30) Truck driving school.
 - (31) Truck stop.
- (Ord. No. 2020-17, exh. J, § 9:03(C), 9-15-2020; Ord. No. 2023-21, § III, 5-16-2023; Ord. No. 2023-24, § XXVIII, 5-16-2023)

Sec. 36-750. Conditional uses.

All conditional uses outlined in the B-2 General Business District (Section 36-718) may be permitted in the B-3 district only if specifically authorized by the Zoning Administrator except self-storage facilities.

(Ord. No. 2020-17, exh. J, § 9:03(D), 9-15-2020)

Sec. 36-751. Lot size.

Every lot or tract of land upon which a building is erected or maintained in the B-3 district shall have an area of not less than ten thousand (10,000) square feet and a width of not less than one hundred (100) feet.

(Ord. No. 2020-17, exh. J, § 9:03(E), 9-15-2020)

Sec. 36-752. Yard areas.

No building shall be erected or enlarged in the B-3 district unless the following yards are provided and maintained in connection with such building:

- (1) *Front yard.* Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. Arterial roadways: fifty (50) feet from a dedicated road right-of-way or one hundred (100) feet from the centerline of all adjacent roads, whichever is greater.
 - b. Major or minor collector roadways: forty (40) feet from a dedicated road right-of-way or ninety (90) feet from the centerline of all adjacent roads, whichever is greater.
 - c. All other streets: thirty feet (30) from a dedicated road right-of-way or seventy-five (75) feet from the centerline of all adjacent roads, whichever is greater.
- (2) *Side yard.* Side yards shall be twenty (20) feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be twenty (20) feet, or equivalent to said adjacent setback, whichever is greater.
- (3) *Rear yard.* Rear yards shall be twenty (20) feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be twenty (20) feet, or equivalent to said adjacent setback, whichever is greater.

(Ord. No. 2020-17, exh. J, § 9:03(F), 9-15-2020)

Sec. 36-753. Lot coverage.

(a) *Maximum floor area ratio.* The maximum floor area ration in the B-3 district shall not exceed fifty (50) percent.

(b) *Impervious lot coverage (building, parking, drives, etc.).* Impervious lot coverage in the B-3 district shall not exceed seventy (70) percent of the lot.

(Ord. No. 2020-17, exh. J, § 9:03(G), 9-15-2020)

Sec. 36-754. Maximum building height.

No building hereinafter erected shall exceed thirty-five (35) feet in height.
(Ord. No. 2020-17, exh. J, § 9:03(H), 9-15-2020)

Sec. 36-755. Off-street parking and loading.

In accordance with the regulations set forth in Article V, Division 2 of this chapter, parking in the B-3 district shall not encroach along the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least ten (10) feet from the rear property line is maintained.

(Ord. No. 2020-17, exh. J, § 9:03(I), 9-15-2020)

Sec. 36-756. Other provisions.

(a) *Performance standards.* All activities in the B-3 district shall conform to the performance standards set forth in Section 36-978.

(b) *Outdoor sales.* All outdoor sales space in the B-3 district shall be provided with a permanent durable dustless surface and shall be graded and drained as to dispose of all surface water.

(c) *Refuse enclosure.* Refuse or trash collection areas in the B-3 district shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven (7) feet; shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.

(d) *Waste material.* No materials or wastes shall be deposited upon a lot in the B-3 district in such a form that natural causes or forces may transfer them off the property.

(e) *Screening and landscaping.* Where commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Article II, Division 4 of this chapter. All areas must include a landscaping plan for approval at the time the request for B-3 zoning is made.

(Ord. No. 2020-17, exh. J, § 9:03(J), 9-15-2020)

Secs. 36-757—36-775. Reserved.*Subdivision V. B-4 Commercial Recreation District***Sec. 36-776. Purpose.**

The B-4 Commercial Recreation District is intended to accommodate commercial activities that serve the recreational needs of County residents, or which are dependent upon locations near recreational resources, such as lakes. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.

(Ord. No. 2020-17, exh. J, § 9:04(A), 9-15-2020)

Sec. 36-777. Permitted uses.

The following uses are permitted in the B-4 district:

- (1) Accessory uses.
 - (2) Auction facility when conducted with another permitted use in this district.
 - (3) Banquet halls, subject to the conditions contained in Section 36-282(12).
 - (4) Boat launching ramp.
 - (5) Boat, trailer and recreational vehicle sales or rental and service.
 - (6) Child day care facilities.
 - (7) Dwelling unit for watchmen and families, including a caretaker.
 - (8) Fairgrounds.
 - (9) Fire stations.
 - (10) Golf courses (including miniature golf), golf driving range, club houses, county clubs, and membership riding clubs.
 - (11) Governmental buildings and facilities.
 - (12) Health clubs (public or private) and related accessory uses.
 - (13) Non-profit recreational facilities and related accessory uses.
 - (14) Performing arts center subject to the conditions contained in Section 36-282(41).
 - (15) Philanthropic institutions and institutions supported by charity.
 - (16) Police stations.
 - (17) Postal substations.
 - (18) Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
 - (19) Truck and tractor amusement competition events subject to the conditions contained in Section 36-283(11).
- (Ord. No. 2020-17, exh. J, § 9:04(B), 9-15-2020; Ord. No. 2022-01, art. IV, 1-4-2022)

Sec. 36-778. Special uses.

The following uses may be allowed in the B-4 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Amphitheater, drive-in theater, auditorium, stadium and sports arena, provided that the following conditions are met:
 - a. The minimum site area shall be two hundred thousand (200,000) square feet.
 - b. All structures, viewing and seating areas shall be set back at least one hundred (100) feet from any street or property line.

- c. The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
 - d. The following accessory uses may be permitted as incidental to, and limited to patrons of, the principal use:
 - 1. Playground.
 - 2. Refreshment stand or booth.
 - 3. Souvenir stand or booths.
 - 4. Offices.
 - e. For any drive-in theater:
 - 1. Theater screen shall not be visible from any collector street, arterial street, or freeway within one thousand two hundred (1,200) feet.
 - 2. The viewing/parking area shall be screened in such a manner that it cannot be observed from outside the property.
 - 3. Off-street space for automobiles of patrons awaiting admission to the theater shall be equal to a minimum of fifteen (15) percent of the capacity of the viewing area. All entrances and exits shall be separated, and internal circulation shall provide one-way traffic.
- (2) Athletic fields with lights subject to the conditions contained in Section 36-282(9).
 - (3) Amusement park, including go-cart tracks, water parks and other rides, provided that the following minimum standards are met:
 - a. The site shall be located and designed to minimize adverse impacts on adjacent uses.
 - b. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
 - (4) Bait shop.
 - (5) Convenience store.
 - (6) Hotel and/or motel.
 - (7) Indoor entertainment and recreation.
 - (8) Indoor target practice with the conditions contained in Section 36-282(29).
 - (9) Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
 - (10) Kennels with the conditions contained in Section 36-282(31).
 - (11) Places of worship, subject to the conditions contained in Section 36-282(43).
 - (12) Planned developments, business.
 - (13) Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off site where such production takes place on the premises. In addition the tasting

of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted, provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the centerline of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above-listed items are also permitted.

- (14) Racetrack, provided that the following minimum standards are met:
- a. The minimum site area shall be twenty (20) acres.
 - b. The racetrack and all building, viewing areas, seating areas, and structures for housing animals shall be located no closer than two hundred seventy-five (275) feet from any public road right-of-way or property line.
 - c. If night racing is to be conducted, all parking areas and accessways shall be adequately lit, provided that such lighting, as well as lighting for the racetrack, shall meet the lighting standards set forth in Section 36-1013.
 - d. If a vehicle racetrack is proposed, a noise study shall be prepared by a trained professional addressing anticipated noise levels during races or practice sessions. This study shall also address how excessive noise will be mitigated. The County shall reserve the right to obtain an independent review of this study and require additional noise mitigation beyond that outlined in the noise study.
 - e. If an animal racetrack is proposed, all facilities for housing and maintaining equine shall comply with the following requirements:
 1. An approval for such facility from the County Health Department must accompany the application for a special use permit.
 2. A one hundred (100) foot wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, un-vegetated exercise area, manure pile, or application area and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.
 - f. The following accessory uses may be permitted as incidental to and limited to patrons of the principal use:
 1. Refreshment stands or booths.
 2. Souvenir stands or booths.
 3. Wagering facilities.
 4. Restaurants or lounges.
 5. Playgrounds or child day care facilities.
 6. Vehicle fuel and supplies sales limited to owners or operators of vehicles to be raced.
 7. Temporary campgrounds.
 8. Any other customary and incidental uses which are deemed appropriate by the County Board.

- (15) Recreational camps and recreational vehicle parks subject to the conditions contained in Section 36-282(48).
 - (16) Riding stables, including, but not limited to, polo clubs, rodeo clubs and similar uses subject to the conditions in Section 36-283(9).
 - (17) Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation.
 - (18) Telecommunications stations.
 - (19) Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-4 district.
- (Ord. No. 2020-17, exh. J, § 9:04(C), 9-15-2020; Ord. No. 2023-21, § IV, 5-16-2023; Ord. No. 2023-24, § XXIX, 5-16-2023)

Sec. 36-779. Conditional uses.

There are no conditional uses for the B-4 district.
 (Ord. No. 2020-17, exh. J, § 9:04(D), 9-15-2020; Ord. No. 2023-24, § XXX, 5-16-2023)

Sec. 36-780. Lot size.

Every lot or tract of land upon which a building is erected or maintained in the B-4 district shall have an area of not less than twenty thousand (20,000) square feet and a lot width of one hundred (100) feet measured at the front building line.
 (Ord. No. 2020-17, exh. J, § 9:04(E), 9-15-2020)

Sec. 36-781. Number of buildings.

Due to the nature of the uses permitted in the B-4 district, multiple buildings may be permitted on a single zoning lot, without requiring planned development approval.
 (Ord. No. 2020-17, exh. J, § 9:04(F), 9-15-2020)

Sec. 36-782. Yard areas.

No building shall be erected or enlarged in the B-4 district unless the following yards are provided and maintained in connection with such building:

- (1) *Front yard.* Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. Arterial roadway: fifty (50) feet from the dedicated road right-of-way or one hundred (100) feet from the centerline of all adjacent roads, whichever is greater.
 - b. Major or minor collector roadway: fifty (50) feet from the dedicated road right-of-way or one hundred (100) feet from the centerline of all adjacent roads, whichever is greater.
 - c. All other streets: forty (40) feet from the dedicated road right-of-way or eighty (80) feet from the centerline of all adjacent roads, whichever is greater.

- (2) *Side yard and rear yard.* Side and rear yards shall be ten (10) feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard and rear yard shall be ten (10) feet, or equivalent to said adjacent setback, whichever is greater.

(Ord. No. 2020-17, exh. J, § 9:04(G), 9-15-2020)

Sec. 36-783. Lot coverage.

(a) *Maximum floor area ratio.* The maximum floor area ratio in the B-4 district shall not exceed twenty (20) percent.

(b) *Impervious lot coverage (buildings, parking, drives, etc.).* Impervious lot coverage in the B-4 district shall not exceed seventy-five (75) percent of the lot.

(Ord. No. 2020-17, exh. J, § 9:04(H), 9-15-2020)

Sec. 36-784. Maximum building height.

No building hereinafter erected in the B-4 district shall exceed fifty (50) feet in height.

(Ord. No. 2020-17, exh. J, § 9:04(I), 9-15-2020)

Sec. 36-785. Other provisions.

(a) *Performance standards.* All activities in the B-4 district shall conform with the performance standards set forth in Section 36-978.

(b) *Refuse enclosures.* Refuse or trash collection areas in the B-4 district shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven (7) feet; shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.

(c) *Waste materials.* No materials or wastes shall be deposited upon a lot in the B-4 district in such a form that they may be transferred off the property by natural causes or forces.

(d) *Screening and landscaping.* Adequate screening and landscaping for adjoining residential areas shall be provided as set forth in Article II, Division 4 of this chapter. All areas must include a landscaping plan for approval at the time the request for B-4 zoning is made.

(Ord. No. 2020-17, exh. J, § 9:04(J), 9-15-2020)

Secs. 36-786—36-794. Reserved.

Subdivision VI. B-5 Business Planned Development District

Sec. 36-795. Purpose.

The B-5 Business Planned Development (BPD) District is intended to provide for greater freedom, imagination, and flexibility in the development of land while assuring appropriate development standards. To this extent it allows diversification and variation in the relationship of uses, structures, and open spaces in developments planned as comprehensive, cohesive projects which are unified by a shared

concept. It is further intended to encourage the beneficial integration of different compatible land uses at a proper scale and to encourage better design, provision of amenities, and the efficient use of public services through the use of planned unit development procedures. The intensity and profile of the development within this district are intended to be compatible with all adjacent uses.

(Ord. No. 2020-17, exh. J, § 9:05(A), 9-15-2020)

Sec. 36-796. Permitted uses.

Permitted uses in the B-5 district shall be consistent with the purpose of this district, including a wide variety of retail, office, general commercial and light industry. A permitted use list shall be developed and approved with each zoning request in the B-5 district.

(Ord. No. 2020-17, exh. J, § 9:05(B), 9-15-2020)

Sec. 36-797. Lot, yard, coverage and height.

Uses in the B-5 district shall conform to a plan for the district, as adopted by ordinance by the County Board. The plan must include, at a minimum, the following:

- (1) Minimum yard requirements, including appropriate landscape easements.
- (2) Lot coverage permitted.
- (3) Building height permitted.
- (4) Minimum landscape and site open space standards.
- (5) Minimum architectural standards.
- (6) Lighting.

(Ord. No. 2020-17, exh. J, § 9:05(C), 9-15-2020)

Sec. 36-798. Off-street parking and loading.

In accordance with the regulations set forth in Article V, Division 2 of this chapter, parking may encroach upon the required side or rear yard, provided that a landscaped buffer yard of at least ten (10) feet from the side or rear property line is maintained. Trucks and semitrailers shall not be parked or stored out-of-doors overnight, in the parking lot or on the premises, except within an area screened from adjacent properties by a walled and gated sight screen enclosure, fence or landscaped berm. However, temporary parking, overnight, not to exceed a twenty-four (24) hour time period, may be permitted for delivery vehicles which arrive after normal business hours.

(Ord. No. 2020-17, exh. J, § 9:05(D), 9-15-2020)

Sec. 36-799. Other provisions.

(a) *Performance standards.* All activities in the B-5 district shall conform with the performance standards set forth in Section 36-978.

(b) *Outdoor sales.* All outdoor sales space in the B-5 district shall be provided with a permanent durable and dustless surface and shall be graded and drained as to dispose of all surface water.

(c) *Outdoor storage.* No outdoor storage shall be permitted in the B-5 district unless approved as a part of the B-5 district.

(d) *Refuse enclosures.* Refuse or trash collection areas in the B-5 district shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven (7) feet; shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.

(e) *Waste materials.* No materials or wastes shall be deposited upon a lot in the B-5 district in such a form that they may be transferred off the property by natural causes or forces.

(f) *Screening and landscaping.* Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Article II, Division 4 of this chapter. All areas must include a landscaping plan for approval at the time the request for B-5 zoning is made.

(Ord. No. 2020-17, exh. J, § 9:05(E), 9-15-2020; Ord. No. 2023-24, § XXXI, 5-16-2023)

Secs. 36-800—36-813. Reserved.

Subdivision VII. B-6 Office and Research Park District

Sec. 36-814. Purpose.

The B-6 Office and Research Park District is intended to provide for innovative, well-designed and maintained office and nuisance-free research uses in an environment which is characterized by controlled ingress and egress to major streets and extensive setbacks and yard areas with imaginative landscaping. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.

(Ord. No. 2020-17, exh. J, § 9:06(A), 9-15-2020)

Sec. 36-815. Permitted uses.

The following uses are permitted in the B-6 district:

- (1) Accessory uses.
- (2) Banks and financial institutions.
- (3) Business or trade schools.
- (4) Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
- (5) Consumer credit, payday loan offices, financing or financial offices.
- (6) Fire stations.
- (7) Governmental buildings and facilities.
- (8) Hospitals.

- (9) Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
 - (10) Offices, business and professional, including medical clinics.
 - (11) Parking garages for storage of private passenger automobiles and commercial vehicles under one and one-half (1½) tons' capacity.
 - (12) Planned developments, business.
 - (13) Police stations.
 - (14) Research laboratories, including the testing of products, but not including the manufacturing of products, except as incidental to the research and testing of products.
 - (15) Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving).
 - (16) Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
 - (17) Wholesale sales, displays and offices, but not including storage or warehousing.
- (Ord. No. 2020-17, exh. J, § 9:06(B), 9-15-2020)

Sec. 36-816. Special uses.

The following uses may be allowed in the B-6 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Book and stationery stores when services are intended to serve the immediate convenience needs of persons employed in the area.
- (2) Child day care facilities.
- (3) Convenience stores.
- (4) Dwelling unit for watchmen and families, including a caretaker.
- (5) Health clubs (public or private) and related accessory uses.
- (6) Hotel and/or motel.
- (7) Indoor target practice with the conditions contained in Section 36-282(29).
- (8) Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
- (9) Light manufacturing and assembly.
- (10) Packaged liquor store or any sale of alcoholic beverages when associated with a brewery or winery.
- (11) Places of worship, subject to the conditions contained in Section 36-282(43).
- (12) Private clubs such as soccer, etc.

- (13) Public or private utilities and service uses:
 - a. Telecommunications hubs.
 - b. Filtration plants, pumping stations, and water reservoirs.
 - c. Sewage treatment plants.
 - d. Electric substations and booster stations.
 - e. Other similar uses.
- (14) Restaurants and/or taverns.
- (15) Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including office supply stores, restaurants (but not drive-in facilities), dry cleaning (but not on-site plant) and similar uses.
- (16) Self-service storage facilities (enclosed).
- (17) Telecommunications stations.
- (18) Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-6 Office and Research Park District.
(Ord. No. 2020-17, exh. J, § 9:06(C), 9-15-2020)

Sec. 36-817. Conditional uses.

There are no conditional uses for the B-6 district.
(Ord. No. 2020-17, exh. J, § 9:06(D), 9-15-2020; Ord. No. 2023-24, § XXXII, 5-16-2023)

Sec. 36-818. Lot size.

Every lot or tract of land upon which a building is erected or maintained in the B-6 district shall have an area of not less than one hundred fifty thousand (150,000) square feet and a width of not less than two hundred fifty (250) feet.
(Ord. No. 2020-17, exh. J, § 9:06(E), 9-15-2020)

Sec. 36-819. Yard areas.

No building shall be erected or enlarged in the B-6 district unless the following yards are provided and maintained in connection with such building:

- (1) *Front yard.* Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. Arterial roadways: seventy-five (75) feet from the dedicated road right-of-way or one hundred twenty-five (125) feet from the centerline of all adjacent roads, whichever is greater.
 - b. Major or minor collector roadways: fifty (50) feet from the dedicated road right-of-way or one hundred (100) feet from the centerline of all adjacent roads, whichever is greater.
 - c. All other streets: forty (40) feet from the dedicated road right-of-way or ninety (90) feet from the centerline of all adjacent roads, whichever is greater.

- (2) *Side yard.* Side yards shall be thirty (30) feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be thirty (30) feet, or equivalent to said adjacent setback, whichever is greater.
- (3) *Rear yard.* Rear yards shall be forty (40) feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be forty (40) feet, or equivalent to said adjacent setback, whichever is greater.

(Ord. No. 2020-17, exh. J, § 9:06(F), 9-15-2020)

Sec. 36-820. Lot coverage.

(a) *Maximum floor area ratio.* The maximum floor area ration in the B-6 district shall not exceed fifty (50) percent.

(b) *Impervious lot coverage (buildings, parking, drives, etc.).* Impervious lot coverage in the B-6 district shall not exceed seventy (70) percent of the lot.

(Ord. No. 2020-17, exh. J, § 9:06(G), 9-15-2020)

Sec. 36-821. Maximum building height.

No building hereinafter erected in the B-6 district shall exceed seventy-five (75) feet in height. No building within three hundred (300) feet of a residential district shall exceed two (2) stories, nor shall it exceed forty (40) feet in height.

(Ord. No. 2020-17, exh. J, § 9:06(H), 9-15-2020)

Sec. 36-822. Off-street parking and loading.

In accordance with the regulations set forth in Article V, Division 2 of this chapter, parking in the B-6 district may encroach upon the required side or rear yard, provided that a landscaped buffer yard of at least ten (10) feet from the side or rear property line is maintained. Trucks and semitrailers shall not be parked or stored out-of-doors overnight, in the parking lot or on the premises, except within an area screened from adjacent properties by a walled and gated sight screen enclosure, fence or landscaped berm. However, temporary parking, overnight, not to exceed a forty-eight (48) hour time period, may be permitted for delivery vehicles which arrive after normal business hours.

(Ord. No. 2020-17, exh. J, § 9:06(I), 9-15-2020)

Sec. 36-823. Other provisions.

(a) *Performance standards.* All activities in the B-6 district shall conform with the performance standards set forth in Section 36-978.

(b) *Outdoor sales.* All outdoor sales space in the B-6 district shall be provided with a permanent durable and dustless surface and shall be graded and drained as to dispose of all surface water.

(c) *Outdoor storage.* No outdoor storage shall be permitted in the B-6 district.

(d) *Refuse enclosures.* Refuse or trash collection areas in the B-6 district shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven (7) feet and shall include a concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.

(e) *Waste materials.* No materials or wastes shall be deposited upon a lot in the B-6 district in such a form that they may be transferred off the property by natural causes or forces.

(f) *Screening and landscaping.* Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Article II, Division 4 of this chapter. All areas must include a landscaping plan for approval at the time the request for B-6 zoning is made.

(Ord. No. 2020-17, exh. J, § 9:06(J), 9-15-2020)

Secs. 36-824—36-854. Reserved.

DIVISION 5. MANUFACTURING DISTRICTS

Subdivision I. In General

Secs. 36-855—36-871. Reserved.

Subdivision II. M-1 Limited Manufacturing District

Sec. 36-872. Conditions of use.

All permitted uses in the M-1 district are subject to the following conditions:

- (1) Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in Section 36-978.
- (2) All business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred fifty (150) feet of a residential district, all storage shall be in completely enclosed buildings or structures; storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight (8) feet high, but in no case lower in height than the enclosed storage; suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half (1½) tons' capacity may be un-enclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Article V, Division 2 of this chapter.
- (3) Uses established on the effective date of the ordinance from which this chapter is derived and by its provisions are rendered nonconforming shall be permitted to continue, subject to the regulations of Article III of this chapter.

(4) Uses established after the effective date of the ordinance from which this chapter is derived shall conform fully to the performance standards hereinafter set forth for the district.
(Ord. No. 2020-17, exh. K, § 10:01(A), 9-15-2020)

Sec. 36-873. Permitted uses.

The following uses are permitted in the M-1 district:

- (1) Accessory uses. Accessory uses, structures, and buildings shall be permitted, provided they comply with the regulations of Section 36-971.
- (2) Ambulance service (private).
- (3) Animal feed; preparation, grinding, mixing and storage.
- (4) Auction facility.
- (5) Banquet halls, subject to the conditions in Section 36-282(12).
- (6) Beverages, non-alcoholic, bottling and distributing.
- (7) Business or trade school.
- (8) Clean up and restoration services, subject to the conditions in Section 36-282(16).
- (9) Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds.
- (10) Construction equipment sales and service.
- (11) Contractors' offices and shops.
- (12) Dwelling units for watchmen and their families, including caretakers when located on the premises where they are employed in such capacity.
- (13) Glass cutting and glazing establishments.
- (14) Light manufacturing and assembly.
- (15) Micro distillery subject to the conditions in Section 36-282(34).
- (16) Motor vehicle sales/motorcycle sales, including truck sales.
- (17) Nano breweries, subject to the conditions contained in Section 36-282(35).
- (18) Offices, business and professional, including medical clinics.
- (19) Parking garages for storage of private passenger automobiles and commercial vehicles.
- (20) Public and community service uses, as follows:
 - a. Bus terminals, bus storage (indoor and outdoor).
 - b. Electric substations.
 - c. Fire stations.
 - d. Governmental buildings and facilities.
 - e. Municipal or privately owned recreation buildings.

- f. Police stations.
 - g. Sewage treatment plants.
 - h. Telephone exchanges.
 - i. Water filtration plants.
 - j. Water pumping stations.
 - k. Water reservoirs.
- (21) Production, publishing, processing, cleaning, testing, or repair, limited to the following uses and products:
- a. Apparel and other products manufactured from textiles.
 - b. Art needle work and hand weaving.
 - c. Motor vehicle painting, upholstering, repairing, reconditioning, and body and fender repairing when done within the confines of a structure.
 - d. Awnings, venetian blinds.
 - e. Bakeries.
 - f. Beverages, non-alcoholic.
 - g. Blacksmith shop.
 - h. Books, hand binding and tooling.
 - i. Bottling works.
 - j. Brushes and brooms.
 - k. Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature.
 - l. Cameras and other photographic equipment and supplies.
 - m. Canning and preserving.
 - n. Canvas and canvas products.
 - o. Carpet and rug cleaning.
 - p. Carting, express hauling or storage yards.
 - q. Cement block manufacture.
 - r. Ceramic products, such as pottery and small glazed tile.
 - s. Cleaning and dyeing establishments when employing facilities for handling more than one thousand five hundred (1,500) pounds of dry goods per day.
 - t. Clothing.
 - u. Cosmetics and toiletries.
 - v. Creameries and dairies.
 - w. Dentures.

- x. Drugs.
- y. Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.
- z. Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.
- aa. Electrical supplies, manufacturing and assembly of, such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.
- bb. Food products, processing and combining of (except meat and fish), baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.
- cc. Fur goods, not including tanning and dyeing.
- dd. Glass products, from previous manufactured glass.
- ee. Hair, felt and feather products (except washing, curing and dyeing).
- ff. Hat bodies of fur and wool felt.
- gg. Hosiery.
- hh. House trailer, manufacture.
- ii. Ice, dry and natural.
- jj. Ink mixing and packaging and inked ribbons.
- kk. Jewelry.
- ll. Laboratories, medical, dental, research, experimental, and testing, provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.
- mm. Laundries.
- nn. Leather products, including shoes and machine belting, but not including tanning and dyeing.
- oo. Luggage.
- pp. Machine shops for tool, die and pattern making.
- qq. Meat products.
- rr. Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.
- ss. Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.
- tt. Musical instruments.
- uu. Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.
- vv. Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.
- ww. Perfumes and cosmetics.

- xx. Pharmaceutical products.
- yy. Plastic products, but not including the processing of the raw materials.
- zz. Poultry and rabbits, slaughtering.
- aaa. Precision instruments, such as optical, medical and drafting.
- bbb. Products from finished materials: plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yard.
- ccc. Printing and newspaper publishing, including engraving and photoengraving.
- ddd. Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations.
- eee. Copying/reproduction stores and banner or sign supplies.
- fff. Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.
- ggg. Silverware, plate and sterling.
- hhh. Soap and detergents, packaging only.
- iii. Soldering and welding.
- jjj. Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.
- kkk. Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.
- lll. Storage of household goods.
- mmm. Storage and sale of trailers, farm implements and other similar equipment on an open lot.
- nnn. Storage of flammable liquids, fats or oil in tanks each of fifty thousand (50,000) gallons or less capacity, but only after the locations and protective measures have been approved by local fire chief in the district in which the subject property is located.
- ooo. Textiles: spinning, weaving, manufacturing, dyeing, printing, knit goods, yard goods, thread, and cordage, but not including textile bleaching.
- ppp. Tool and die shops.
- qqq. Tools and hardware, such as bolts, nuts, and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, nonferrous metal castings, and plumbing appliances.
- rrr. Toys.
- sss. Truck, truck tractor, truck trailer, car trailer, or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal, which shall be treated under Section 36-874.
- ttt. Umbrellas.

uuu. Upholstering (bulk), including mattress manufacturing, rebuilding, and renovating.

vvv. Vehicles, children's, such as bicycles, scooters, wagons and baby carriages.

www. Watches.

xxx. Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works.

yyy. Any other manufacturing establishment that can be operated in compliance with the performance standards set forth in Section 36-978 without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor; and that is a use compatible with the use and occupancy of adjoining properties.

(22) Retail and services as follows:

- a. Motor vehicle service station for the retail sale of gasoline and oil for motor vehicles, for minor services which may be conducted out of doors.
- b. Motor vehicle/motorcycle service stations (includes repair, rebuild, and painting).
- c. Banks and financial institutions.
- d. Carpet and rug stores.
- e. Catering establishments.
- f. Contractor or construction such as building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air conditioning, heating and ventilating, fuel oil, with a storage of fuel oils, gas and other flammable products limited to one hundred twenty thousand (120,000) gallons per tank, with total storage on zoning lot not to exceed five hundred thousand (500,000) gallons.
- g. Plumbing, heating, and roofing supply shops.

(23) Signs.

(24) Telecommunications stations.

(25) Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

(26) Wholesaling and warehousing.

(Ord. No. 2020-17, exh. K, § 10:01(B), 9-15-2020)

Sec. 36-874. Special uses.

The following uses may be allowed in the M-1 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Any use which may be allowed as a special use in B-3 district or B-4 district, but not including house trailer (mobile home) camps.
- (2) Any use permitted in the M-2 district, provided the performance standard set forth in Section 36-978, can be met in their entirety.

- (3) Adult regulated uses.
 - a. The following uses are deemed to be regulated uses:
 1. Adult bookstore.
 2. Adult motion picture theater.
 3. Adult mini-motion picture theater.
 4. Adult entertainment facilities.
 5. Adult use.
 6. Adult massage parlors or spas.
 7. Tattoo parlors and permanent body art establishments.
 8. Striptease club or gentlemen's club.
 9. Adult video store.
 - b. For the purposes of determining when a regulated use is allowed as a permitted or special use under this chapter, no regulated use shall be considered to be a retail business, service business, recreational or social facility, school, accessory use, or general land use.
 - c. Restrictions on location of regulated uses. No regulated use, either as a permitted use or as a special use, shall be maintained:
 1. Within one thousand (1,000) feet of the area to be zoned;
 2. Within one thousand (1,000) feet of any of the following zoning districts or provided for under this chapter: A-1 SU PUD, all residential zoning districts, and all business zoning districts; or
 3. Within one thousand (1,000) feet of a zoned area or district lying within a municipality and zoned for any kind of residential, business or commercial office, or office-research use under an ordinance of that municipality.
 - d. In addition to the preceding requirements, adult entertainment facilities shall also comply with the separation requirements as established under 55 ILCS 5/5-1097.5 from the property line of any school, child day care facility, cemetery, public park, forest preserve, public housing, and place of religious worship. These requirements shall supersede any less restrictive requirements set forth in this chapter.
- (4) Adult-use cannabis craft grower, subject to the conditions contained in Section 36-282(2).
- (5) Adult-use cannabis cultivation center, subject to the conditions contained in Section 36-282(3).
- (6) Adult-use cannabis transporting organization, subject to the following conditions:
 - a. The facility may not be located within one thousand five hundred (1,500) feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for the purposes of this subdivision. The measurement shall be from the cannabis use.

- b. The facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a preexisting property zoned or used for residential purposes. The measurement shall be from the cannabis use.
- c. The facility may not be located within one thousand five hundred (1,500) feet of the property line of a preexisting forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
- d. The transporting organization shall be the sole use of the tenant space in which it is located and shall not transport any other products beside cannabis, unless specifically allowed by the special use permit.
- e. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.).
- f. At the time of application, the petitioner shall submit the following information:
 - 1. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - 2. Information on the proposed structure the facility will be located in, including total square footage, security installations/security plan, including type of security system and plans to address operations when security and surveillance systems malfunction and building code compliance.
 - 3. Hours of operation.
 - 4. Anticipated number of employees and customers.
 - 5. Anticipated parking demand and available parking supply.
 - 6. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - 7. Site design, including access points and internal site circulation.
 - 8. Proposed signage plan.
 - 9. Other criteria as may be necessary to determine findings of fact of the special use permit application.
- g. The operator of the business allowed by the special use permit shall provide the County Sheriff's Office access to security system and security plans upon request by the County Sheriff's Office.
- h. This use shall be in a stand-alone building.
- i. The petitioner shall file an affidavit with the County affirming compliance with the regulations contained in this chapter.
- j. In the event that the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) is amended, the more restrictive of the State or County regulation shall apply.

- (7) Airports and heliports, including aircraft hangers, tie downs and aircraft service and repair, subject to the following restrictions:
- a. Site shall be a minimum of fifty (50) acres for a Basic Utility Stage 1 airport with a two thousand two hundred (2,200) foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA and IDOT Division of Aeronautics requirements.
 - b. There shall be a minimum three hundred (300) foot distance between airport property and the nearest residential property line.
 - c. Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum of six (6) feet in height.
- (8) Airport, private airstrip, heliports and aircraft landing fields, provided airports and surrounding territory are subject to the rules and regulations of the Illinois Department of Transportation (IDOT) Division of Aeronautics and must comply with all IDOT Division of Aeronautics and Federal Aviation Administration (FAA) requirements and provisions as follows:
- a. Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the IDOT Division of Aeronautics shall be in accordance with the requirements set forth in the approach plan.
 - b. Height of structures, in areas ten thousand (10,000) linear feet beyond the boundaries of airports that do not have an established approach plan, shall be governed by the following:
 1. For an airport having the longest runway less than three thousand nine hundred fifty (3,950) linear feet in length, structures located just beyond the boundaries of the airport shall not be in excess of fifteen (15) feet in height, and for every two hundred (200) linear feet of additional distance from the airport boundaries the height of structures may be increased by not more than ten (10) feet.
 2. For an airport having a runway of three thousand nine hundred fifty (3,950) linear feet or more in length, structures just beyond the boundaries of the airport shall not be in excess of fifteen (15) feet in height; for every two hundred (200) linear feet of additional distance from airport boundaries, the height of structures may be increased by not more than five (5) feet and where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four (4) feet in every two hundred (200) linear feet of additional distance from airport boundaries, for the first ten thousand (10,000) linear feet, and for the area covered in the next forty thousand (40,000) linear feet, the height of structures may be increased by not more than five (5) feet in every additional two hundred (200) linear feet.
 - c. Structures exceeding the limiting heights shall be considered obstruction to air navigation unless found not to be objectionable after special aeronautical study. Such structures may be specifically authorized as a variation after public hearing by the Zoning Board as provided by law.
- (9) Art galleries and studios.

- (10) Commercial solar energy facility and test solar energy systems, subject to the conditions contained in Section 36-282(17).
 - (11) Commercial wind energy facility and test wind towers, subject to the conditions contained in Section 36-282(18).
 - (12) Grain storage.
 - (13) Indoor target practice, with the conditions contained in Section 36-282(29).
 - (14) Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
 - (15) Kennels, with the conditions contained in Section 36-282(31).
 - (16) Medical cannabis cultivation center, subject to the conditions contained in Section 36-282(33).
 - (17) Motor freight terminals.
 - (18) Motor vehicle/truck wash facilities, including the use of mechanical conveyers, blowers and steam cleaning.
 - (19) Packaged liquor store or any sale of alcoholic beverages when associated with a brewery or winery.
 - (20) Paintball facilities, subject to the conditions contained in Section 36-282(39).
 - (21) Parks and recreational areas.
 - (22) Planned developments, industrial.
 - (23) Private clubs or lodges.
 - (24) Private clubs such as soccer, etc., provided an event parking plan is provided with the application.
 - (25) Racetrack, subject to the conditions of Section 36-778(14).
 - (26) Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving).
 - (27) Stadiums, auditoriums and arenas.
 - (28) Theaters, outdoor drive-in.
 - (29) Transfer station as long as it conforms to the Solid Waste Plan and all EPA requirements.
 - (30) Truck wash facility or motor vehicle wash facility.
 - (31) Any use permitted in the M-2 Heavy Industrial District, provided the performance standards set forth in Section 36-978 can be met in their entirety.
- (Ord. No. 2020-17, exh. K, § 10:01(C), 9-15-2020; Ord. No. 2023-24, § XXXIII, 5-16-2023)

Sec. 36-875. Conditional uses.

There are no conditional uses for the M-1 district.
(Ord. No. 2020-17, exh. K, § 10:01(D), 9-15-2020; Ord. No. 2023-24, § XXXIV, 5-16-2023)

Sec. 36-876. Yard area.

(a) *Front yard.* Every building hereafter erected or enlarged in the M-1 district shall provide and maintain a front yard in accordance with the following requirements:

- (1) Primary thoroughfares: fifty (50) feet from the property line.
- (2) Collector thoroughfare: forty (40) feet from the property line.
- (3) All other streets: thirty (30) feet from the property line.

Exception: Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.

(b) *Side yard.* On every zoning lot a side yard shall be provided along each side lot line of not less than ten (10) percent of the lot width but such side yard need not exceed twenty (20) feet in width.

(c) *Rear yard.* On every zoning lot there shall be provided a rear yard of not less than forty (40) feet. (Ord. No. 2020-17, exh. K, § 10:01(E), 9-15-2020)

Sec. 36-877. Building coverage.

Not more than sixty (60) percent of the area of the lot in the M-1 district may be covered by buildings or structures, including accessory buildings.

(Ord. No. 2020-17, exh. K, § 10:01(F), 9-15-2020)

Secs. 36-878—36-902. Reserved.*Subdivision III. M-2 Heavy Industrial District***Sec. 36-903. Condition of use.**

Permitted uses in the M-2 district are subject to the conditions listed in Sections 36-872(1) and (2). (Ord. No. 2020-17, exh. K, § 10:02(A), 9-15-2020)

Sec. 36-904. Permitted uses.

The following uses are permitted in the M-2 district:

- (1) Any use permitted in the M-1 district except banks and financial institutions.
- (2) Production, processing, cleaning, servicing, testing, and repair, including the following products:
 - a. Charcoal, lampblack and fuel briquettes.
 - b. Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or

other materials, nitrates, (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yard, hydrochloric, picric and sulfuric acids and derivatives.

- c. Coal, coke and tar products, including gas manufacturing.
 - d. Electric central station, power and steam-generating plants.
 - e. Fertilizers.
 - f. Film, photographic.
 - g. Flour, feed and grain, milling and processing.
 - h. Incineration or reduction of garbage, offal and dead animals.
 - i. Linoleum and oil cloth.
 - j. Magnesium foundries.
 - k. Matches.
 - l. Metal and metal ores (except precious and rare metals), reduction, refining, smelting and alloying.
 - m. Paint, lacquer, shellac, varnishes, linseed oil and turpentine.
 - n. Petroleum products, refining, such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.
 - o. Rubber (natural or synthetic).
 - p. Soaps, including fat and oil rendering.
 - q. Starch.
 - r. Wood, coal, and bones, distillations.
 - s. Wood pulp and fiber, reduction and processing, including paper mill operations.
 - t. Any other production, processing, cleaning, servicing, testing, and repair which conforms with the performance standards established hereinafter for the M-2 district.
- (3) Storage, including the following uses and materials or products:
- a. Goods used in or produced by manufacturing activities permitted in this district.
 - b. Grain.
 - c. Manure, peat and topsoil.
 - d. Petroleum and petroleum products.
- (Ord. No. 2020-17, exh. K, § 10:02(B), 9-15-2020)

Sec. 36-905. Special uses.

The following uses may be allowed in the M-2 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Any use which may be allowed as a special use in the M-1 district, unless already permitted under Section 36-904.

- (2) Commercial off-premises advertising structures in accordance with Section 36-1058.
- (3) Commercial solar energy facility and test solar energy systems subject to the conditions contained in Section 36-282(17).
- (4) Commercial wind energy facility and test wind towers subject to the conditions contained in Section 36-282(18).
- (5) Correctional facilities, subject to the conditions in Section 36-282(21).
- (6) Explosive, including storage, when not prohibited by other ordinance.
- (7) Junk yards and motor vehicle wrecking yards provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least twelve (12) feet high.
- (8) The County government agency and other law enforcement shooting range with conditions to be set and approved by the County Board.
- (9) Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.
- (10) Slaughterhouse.
(Ord. No. 2020-17, exh. K, § 10:02(C), 9-15-2020; Ord. No. 2023-24, § XXXVI, 5-16-2023)

Sec. 36-906. Conditional uses.

There are no conditional uses for the M-2 district.
(Ord. No. 2020-17, exh. K, § 10:02(D), 9-15-2020; Ord. No. 2023-24, § XXXV, 5-16-2023)

Sec. 36-907. Yard areas.

All yard areas in the M-2 district shall be the same as required in the M-1 districts. See Section 36-876.
(Ord. No. 2020-17, exh. K, § 10:02(E), 9-15-2020)

Sec. 36-908. Building coverage.

Not more than seventy (70) percent of the area of a lot in the M-2 district may be covered by buildings or structures, including accessory buildings.
Ord. No. 2020-17, exh. K, § 10:02(F), 9-15-2020)

Sec. 36-909. Performance standards.

The performance standards in the M-2 district shall be the same as in the M-1 district. See Section 36-978.
(Ord. No. 2020-17, exh. K, § 10:02(G), 9-15-2020)

Secs. 36-910—36-936. Reserved.

*Subdivision IV. M-3 Aggregate Materials Extraction, Processing and Site Reclamation District***Sec. 36-937. Intent.**

It is the purpose of this subdivision to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use. Aggregate materials extraction, processing and site reclamation shall be determined and permitted in compliance with standards as set forth herein.

(Ord. No. 2020-17, exh. K, § 10:03(A), 9-15-2020)

Sec. 36-938. Permitted uses.

The following uses are permitted in the M-3 district:

- (1) Surface and/or open pit mining, extraction and/or processing of aggregate materials (e.g., sand, gravel, limestone), subject to the issuance of a permit as provided, including an office in relation to business.
- (2) Explosive, including storage, when not prohibited by other ordinance.

(Ord. No. 2020-17, exh. K, § 10:03(B), 9-15-2020)

Sec. 36-939. Special uses.

The following uses may be allowed in the M-3 district by special use permit, in accordance with the provisions of Article II of this chapter:

- (1) Asphalt and/or concrete batch mixing plants with or without associated recycling facilities.
- (2) Commercial off-premises advertising structures in accordance with Section 36-1058.
- (3) Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
- (4) Outdoor target practice or shooting (not including private shooting in person's own yard) with the conditions in Section 36-282(38).

(Ord. No. 2020-17, exh. K, § 10:03(C), 9-15-2020; Ord. No. 2023-24, § XXXVII, 5-16-2023)

Sec. 36-940. Conditional uses.

There are no conditional uses for the M-3 district.

(Ord. No. 2020-17, exh. K, § 10:03(D), 9-15-2020; Ord. No. 2023-24, § XXXVIII, 5-16-2023)

Sec. 36-941. Setback requirements.

(a) *Generally*: Unless otherwise specifically provided in an applicable special use permit, production, processing and excavation shall not be conducted closer than two hundred (200) feet to the boundary of any zoning district where such operations are not permitted, nor closer than one hundred (100) feet from the boundaries of an adjoining property line, nor closer than one hundred fifty (150) feet to the right-of-way of any existing or platted street, road or highway, except in the following situations:

- (1) The bottom of the slope of the mined face of the excavation shall not be closer to said point above than a distance equal to one and one-half (1½) times the depth of the excavation (see diagram).

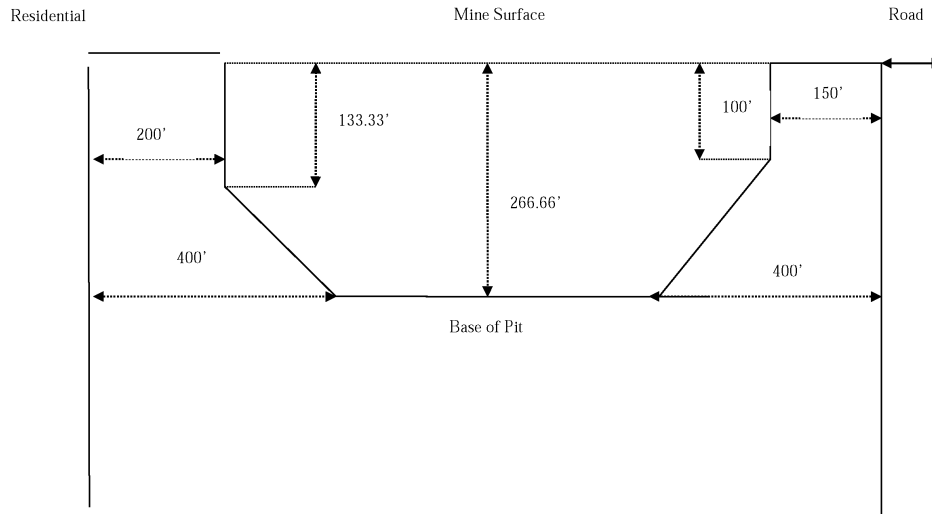


Diagram 36-941-1

- (2) If consolidated materials occur in the mined face, the slope of the face may be steeper than one and one-half (1½) to one (1) slope per Subsection (a)(1) of this section for the depths of those materials; however, all other mined slopes of unconsolidated materials shall be no steeper than two to one (2:1).
 - (b) *Buildings and structures.*
 - (1) Unless otherwise specified in the mining operations permit, every building and structure hereafter erected or enlarged shall provide and maintain a setback from a public or private street of not less than one hundred (100) feet from a dedicated road right-of-way or one hundred fifty (150) feet from the centerline of all adjacent roads, whichever is greater.
 - (2) Unless otherwise specified in the mining operations permit, every building and structure hereafter erected or enlarged shall have a side and rear yard of not less than fifty (50) feet from all property lines dividing lots held in separate ownership.
- (Ord. No. 2020-17, exh. K, §§ 10:03(E), 10.03.1, 9-15-2020)

Sec. 36-942. Area requirements.

The minimum area required for each M-3 district shall be greater than ten (10) acres.
 (Ord. No. 2020-17, exh. K, § 10:03(F), 9-15-2020)

Sec. 36-943. Prohibited activity.

No person, firm or corporation shall hereafter engage in the extraction of aggregate materials on any land within the unincorporated areas of the County, without first obtaining from the County a mining

operations permit in such form and in such a manner as shall hereinafter be provided. The inadvertent extraction of aggregate materials while in the process of land beautification, pond construction or such other activity unrelated to mining and processing uses are hereby excluded.

(Ord. No. 2020-17, exh. K, § 10:03(G), 9-15-2020)

Sec. 36-944. Fencing.

Where required by the County Board in granting an M-3 district zoning to promote safety, a minimum seven (7) foot chain link fence shall be erected at the site of the operation and facilities which shall be of a nature and character to reasonably protect the general public from danger. The location of the fencing shall be depicted on the site plan submitted as part of the mining permit application.

(Ord. No. 2020-17, exh. K, § 10:03(H), 9-15-2020)

Sec. 36-945. Request for location protection.

Within seven (7) days of filing any application for M-3 district zoning or M-3 district special use, the applicant shall give notice of such filing, and, at the applicant's expense, sent by registered mail through the PBZ office, a copy of such application as well as a copy of this complete section, to each owner as set forth on the tax assessor's records of all property located within one and one half (1½) miles of the parcel sought to be permitted. If, within fifteen (15) days of receipt of such notice, any owner or occupant of such property files with the PBZ Administrator (hereinafter referred to as "Administrator") a request for location protection, substantially in the form provided in Subsection (4) of this section, then the following shall occur; provided, however, if the proposed use of the property is for the surface mining of sand and gravel only (and includes no blasting or any special use), and the property is situated wholly within a township having a population in excess of twenty thousand (20,000), then notice shall only be sent to properties located with one thousand (1,000) feet of the parcel sought to be permitted.

- (1) Subject to different provisions being made by the County Board as provided in Subsection (3) of this section, any aggregate materials processing, ready-mix concrete, asphalt, and/or recycling equipment or plants on the subject property shall be located so as to provide maximum distance between the residence of any such owner or occupant and any such equipment or plant; if more than one (1) owner or occupant files a request for location protection, then any such equipment or plant shall be located on the property so as to provide as much distance as possible between such residences and such equipment or plant; provided, in any event, that setbacks otherwise required by this chapter shall be maintained.
- (2) Any owner or occupant filing for location protection, and/or agents, shall be invited to participate in County staff discussions with the applicants regarding the most effective and appropriate measures required to protect the residence sites from adverse impacts. The discussions shall include, but not be limited to, location of processing, ready-mix concrete, asphalt, and/or recycling equipment and plants, material storage and mining operations; size and shape of screening berms as they may interface with the residences; noise and dust abatement; site-specific landscaping for both short-term and long-term visual effect, and data reflecting the quality of aggregate materials to be excavated. The advice of a technically trained person

selected by the County Board shall be utilized at the applicant's reasonable expense to review and make recommendations concerning the most effective and appropriate measures to protect the residence sites from adverse impact as provided in Subsection (1) of this section.

- (3) The County Board may approve a location for aggregate material processing, ready-mix concrete, asphalt, and/or recycling equipment and plants, other than a location at a maximum distance from the residences of the owners or occupants filing for location protection, if the County Board determines that, because of berming, landscaping, and/or other protections proposed for the property sought to be rezoned, such an alternate location, when compared to the location providing maximum distance, provides the residence sites as much or greater protection from adverse effects of such equipment and/or plants. No such alternate location may be approved by the County Board prior to the residence owners/occupants having at least a sixty (60) day period within which to review such alternative location, have it reviewed by the technically trained person provided for in Subsection (2) of this section, and make recommendations to the County Board concerning it.
- (4) The form hereinabove referred to is the following:

The undersigned, being an owner or occupant of a residence at _____ (mailing address), hereby requests location protection pursuant the provisions of the Kendall County Zoning Ordinance on Earth Materials Extraction, Processing and Site Reclamation.

(Owner/Occupant)

(Ord. No. 2020-17, exh. K, § 10:03(I), 9-15-2020)

Sec. 36-946. Fees.

All applications for an M-3 district zoning designation shall be accompanied by a fee for map amendments in accordance with the fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the County as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of County employees or staff review time, legal fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the ZBA, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any all additional costs incurred by the County in the completion of their review and recommendation of the zoning map amendment. Costs in excess of the application fee deposit will need to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

(Ord. No. 2020-17, exh. K, § 10:03(J), 9-15-2020)

Sec. 36-947. Submittal requirements.

In order for the County to adequately determine the short- and long-term impact of the proposed mining operation on vegetation, wildlife, fish, land use, land values, local tax base, the economy of the County, employment opportunities, air pollution, water pollution, soil contamination, noise pollution and drainage, all applications for an M-3 district zoning designation shall be accompanied by the background information as outlined in Section 36-948(a)(4).

(Ord. No. 2020-17, exh. K, § 10:03(K), 9-15-2020)

Sec. 36-948. Permitting.*(a) Permit for mining.*

- (1)
 - a. All operators extracting and/or processing aggregate materials shall apply for a permit jointly with the owner and any person who is entitled to legal possession of the property to be affected and shall comply with the operation and reclamation regulations in this section.
 - b. Application for permit shall be made upon a form furnished by the Department. Such application shall be accompanied by a fee of one hundred dollars (\$100.00) for every acre and fraction of an acre of land to be affected during the life of the permit.
- (2) An operator desiring to have a permit amended to cover additional land may file an amended application with the County with such additional fee and bond or security as may be required under the provisions of this chapter. Such amendment shall comply with all requirements of this section.
- (3)
 - a. It shall be unlawful for any owner/operator to engage in surface mining in an area where the overburden shall exceed ten (10) feet in depth or where the operation will affect more than ten (10) acres during the permit year without first obtaining from the State Department of Mines and Minerals a permit to do so, pursuant to the Surface-Mined Land Conservation and Reclamation Act (225 ILCS 715/1 et seq.), as amended.
 - b. All owner/operators shall comply with the regulations of USEPA and all State and Federal regulatory agencies for occupational health and safety and obtain any necessary permits prior to issuance of the mining permit. Before the onset of any operations, the Zoning Administrator must be provided with copies of all necessary permits.
- (4) Every application, and every amendment to an application submitted under this section shall contain the following, except that the Administrator may waive the requirements of this subsection for amendments if the affected acreage is similar in nature to the acreage stated in the permit to be amended:
 - a. Ownership of land;
 - b. Aggregate materials to be mined;
 - c. Character and composition of vegetation and wildlife on land to be affected;
 - d. The proposed equipment to be used;
 - e. The current and past uses to which the lands to be affected have been put;

- f. The current assessed valuation of the lands to be affected and the assessed valuation shown by the two (2) quadrennial assessments next preceding the currently effective assessment;
- g. The nature, depth, and proposed disposition of the overburden;
- h. The estimated depth to which the mineral deposit will be mined;
- i. The location of the existing roads, and anticipated access and haulage roads planned to be used or constructed in conducting surface mining;
- j. The technique to be used in surface mining;
- k. Drainage on and away from the lands to be affected, including directional flow of water, natural and artificial drain ways and waterways, and streams or tributaries receiving the discharge;
- l. The current location of existing buildings and utility lines and easements within the lands to be affected;
- m. Practices and methods proposed to be used to minimize noise, dust, air contaminants and vibration and to prevent pollution of surface water or underground water;
- n. The recycling of water used for washing and grading;
- o. The simultaneous reclamation plan, including methods of accomplishment, phasing, and timing, as an area is mined out to start reclamation;
- p. A detailed map of the land drawn at a scale of one (1) inch equals one hundred (100) feet showing at least the following specifics:
 - 1. Existing topographical features at two (2) foot contour intervals, up to and including seven (7) percent grade. Greater than seven (7) percent grade would require five (5) foot contours;
 - 2. Location and names of all streams, creeks, bodies of water, underground water resources (which are readily ascertainable from sources such as the Illinois State Geological Survey well drillings logs) and drainage systems within the lands to be affected;
 - 3. Outline of area to be excavated;
 - 4. The proposed location of sorting, grading, crushing and similar equipment necessary to the operation and initial distribution of the excavated products;
 - 5. The proposed location of any buildings, scale houses, equipment storage areas, and equipment repair sheds or areas;
 - 6. The current location of buildings, utility lines and easements within the lands to be affected.
- q. The term "affected lands" or "affected land" shall be defined as real property described within the application filed herein whenever the term "affected lands" or "affected land" is used in this section.

- (5) Prior to the issuance of a permit, the applicant must obtain the approval by the County of the reclamation plan and map as provided in Subsection (b) of this section. Such plan shall be forwarded to the ZBA for public hearing, review and recommendation in accordance with the procedures provided under Section 36-42. The recommendation of the Zoning Board of Appeals shall be forwarded to the County Board for action. If approved, the Board will enact an ordinance establishing a date by which the permit shall expire.
 - (6) All permits issued hereunder shall expire ten (10) years from the date of issuance, unless the County Board passes an ordinance extending such expiration date.
 - (7) Each renewal of a mining permit under this section shall be for a period of time not more than ten (10) years.
 - a. A request to renew a mining permit that involves acreage or equipment in addition to that allowed in the original mining permit shall be treated in the same manner as the initial application.
 - b. A request to renew a mining permit when no additional acreage or equipment will be brought into use shall be handled in the following manner:
 1. If an owner/operator is not able to finish mining the acreage described in the mining permit in the time specified, such owner/operator shall apply to the County. A public hearing will be held. The maps required by this section for the initial hearing shall be revised, updated and resubmitted along with a statement of the current status of the mining reclamation. A new map describing conditions present on the site shall be furnished as described in this section.
 2. The applicant shall furnish the County PBZ Department with a copy of the aforesaid maps, plans and other related exhibits for review of the revised or extended reclamation plan no less than thirty (30) days before the ZBA hearing.
 3. The PBZ shall prepare a written report and oral statement on the revised or extended reclamation plan and enter it into evidence at the ZBA hearing.
 4. Any application for a renewal of a mining permit shall be filed with the ZBA prior to one hundred twenty (120) days before the expiration date of the original mining permit or any renewal thereof. A failure to file a request for renewal within the required time designated in this subsection shall result in a required cessation of mining and sale of product upon the expiration of the mining permit.
 - (8) An examination of the premises shall be made by the Administrator or designee at least annually during the term of the permit. The Administrator shall subsequently complete a mining inspection report, mailing to the operator one (1) copy by certified mail, return receipt requested, and retaining one (1) copy in the permanent files at the County.
 - (9) A permit issued hereunder may be revoked or modified by the County Board after due hearing in the event the permittee violates any provision of Subsection (c) of this section.
- (b) *Reclamation.*
- (1) At the County Board's discretion, the advice of technically trained experts will be utilized at a reasonable cost to the owner/operator to review the reclamation plan for its appropriateness on the affected land.

- (2) The County shall consider the short- and long-term impact of the proposed mining on vegetation, wildlife, fish, land use, land values, local tax base, the economy of the County, employment opportunities, air pollution, water pollution, soil contamination, noise pollution and drainage.
- (3) The reclamation plan map and statement of sequential operation and reclamation shall be followed to produce a finished condition that complies with the reclamation plan map and the provisions of this section so as to provide for the return to a useful purpose of the affected land.
- (4) The operator shall provide with the application for permit a detailed reclamation plan and map drawn at a scale of one (1) inch equals one hundred (100) feet designating which parts of the land shall be reclaimed for forest, pasture, crop, horticultural, home site, recreational, industrial, or other uses, including food, shelter and ground cover for wildlife. The reclamation plan and map shall specify progress and completion dates of the reclamation plan; provided, however, the reclamation is to be completed prior to the expiration of three (3) years after the termination of the mining operation on the land. In the event the operator and the County shall mutually determine that characteristics of the area concerned have been found to be present during the conduct of mining, changes may be made in the original reclamation plan by mutual consent of the operator and the PBZ Committee of the County Board, which change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables. Contours shall conform to requirements of development proposed, but not less than those required for existing original topography.
- (5) The reclamation plan shall contain a written statement containing an explanation of the character of the site to be mined and of the surrounding territory, and an explanation of the schedule of development.
- (6) All reclamation provided for hereunder shall be carried to completion by the operator prior to the expiration of three (3) years after the termination of the mining operation, except that no other reclamation of any kind shall be required to be made within depressed haulage roads or final cuts or any other area where pools or lakes, capable of supporting aquatic life, may be formed by rainfall or drainage runoff from adjoining land or where the Administrator determines that a road, dry pit bottom or ditch is consistent with and necessary to the conservation and reclamation plan. All mined areas which in the reclamation plan call for vegetation shall be covered with sufficient topsoil and other materials from the case overburden which will support acceptable plant growth as outlined in the reclamation plan. The County shall have authority to require darkened surface soil be segregated from other overburden in the stripping process so as to accomplish the requirements of this subsection.
- (7) Extension of the reclamation period may be granted by the Administrator as necessary to accomplish acceptable reclamation. Such extension shall be made at the discretion of the Department; however, the Department shall not deny a reasonable extension when the operator shows that acts of God, strikes, inability to receive ordered equipment or extended periods of unreasonable weather have made completion within the time limits impossible. When determined to be appropriate, the Administrator, at the Administrator's discretion, may refer a request for such an extension to the County Board for review and recommendation prior to taking action on such request.

- (8) The County shall declare forfeiture of the surety, bond or security on such land not satisfactorily reclaimed, and shall use such funds to complete the reclamation. Any excess shall be remitted to the permittee.
- (9) Any reclamation plan must require that viable ground cover or similar vegetation will be placed on the site within one (1) year of final production.
- (10) Disposal areas shall be reclaimed within one (1) year from final production.
- (11) The reclamation plan shall protect persons against hazards remaining on the property.
- (12) A landscape plan shall be prepared by a qualified landscape professional in accordance with the reclamation plan. Said plan shall include details on phasing of the landscape plan as cells are exhausted and the anticipated timeline for the sequential restoration of the subject property.

(c) *Mining operation requirements; duties of operator.* Every operator to whom a permit is issued pursuant to the provisions of this section may engage in surface mining upon the lands described in the permit upon the performance of and subject to the following requirements with respect to such lands:

- (1) All land affected by surface mining except as otherwise provided in this subdivision shall be graded to a rolling topography traversable by machines necessary for maintenance in accordance with planned use, with slopes that have no more than fifteen (15) percent (or eight (8) degrees and thirty-two (32) minutes) grade, except that in the case of those lands to be reclaimed in accordance with a filed plan for forest, plantation, recreational or wildlife, the outside slope of the box cut spoil, the slopes of all perimeter berms, all unconsolidated material in the pit sidewalls, and the outside slopes of all overburden deposition areas the grade shall not exceed thirty (30) percent (or sixteen (16) degrees and forty-two (42) minutes); the final cut spoil and the side slopes of haulage roads included can remain at a slope equal to the angle of repose of the material in order to retain or provide as much row crop of fifteen (15) percent slope land as possible, but such slopes need not be reduced to less than the original grade of the overburden of that area prior to mining; vertical highwalls can be left in competent material upon conclusion of the mining or pits formed by the aggregate mining industry.
- (2) In the case that the right-of-way has not been recently surveyed by a registered land surveyor and clearly marked, the right-of-way (ROW) line shall be assumed to be as follows, for the purpose of this section:
 - a. When the adjoining roadway is classified as a local street, a minimum of seventy (70) feet of ROW (thirty-five (35) feet from the centerline) shall be provided.
 - b. When the adjoining roadway is classified as a local subcollector, a minimum of eighty (80) feet of ROW (forty (40) feet from the centerline) shall be provided.
 - c. When the adjoining roadway is classified as a minor collector, a minimum of ninety (90) feet of ROW (forty-five (45) feet from the centerline) shall be provided.
 - d. When the adjoining roadway is classified as a major collector, a minimum of one hundred twenty (120) feet of ROW (sixty (60) feet from the centerline) shall be provided.
 - e. When the adjoining roadway is classified as an arterial, a minimum of one hundred fifty (150) feet of ROW (seventy-five (75) feet from the centerline) shall be provided.

- (3) All storm runoff water shall be detained, impounded, drained or treated in accordance with Chapter 16, Article II, Division 2 so as to reduce soil erosion, damage to un-mined lands, construct earth dams, where lakes may be formed, in accordance with sound engineering practices if necessary to impound water, provided the formation of lakes or ponds will not interfere with underground or other mining operations, other subsequent uses of the area approved by the County, or damage adjoining property. Such water impoundments must be approved by the County based on the expected ability of the lakes or ponds to support desirable uses such as water for livestock or wildlife; if to be used for fish life, it shall have minimum depths in accordance with standards for fish stocking in the various areas of the State recommended by the County.
- (4) Acid-forming materials present in the exposed face of the mined aggregate material seam in the final cut shall be covered at all times with not less than four (4) feet of water, or other materials which shall be placed with slopes having no more than thirty (30) percent grade, capable of supporting plant and animal life. Final cuts or other depressed affected areas, no longer in use in mining operations, which accumulate toxic waters will not meet reclamation requirements.
- (5) Slurry must be confined in depressed or mine areas bounded by levees or dams constructed from material capable of supporting acceptable vegetation built in accordance with sound engineering practices.
- (6) All abandoned haulage roads and all mine drainage ditches must be removed and graded, except where the Administrator determines that a road or ditch is consistent with and necessary to the conservation and reclamation plan.
- (7) The soil shall be prepared and planted with trees, shrubs, grasses, and legumes to provide suitable vegetative cover, in accordance with the approved reclamation plan.
- (8) Clearing of the mine site may include the moving of existing trees and shrubs to such location as will provide screening as hereinafter provided when cost effective to do so, or as will conform to the reclamation plan for ultimate use of the property as shown on such a plan.
- (9) Maximum depth of excavation shall not be below existing groundwater, except in such cases where the reclamation plan indicates that a lake will be part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation for conformance to the approved reclamation plan.
- (10) Adequate planting, berming and/or fencing shall be provided along all public roads adjacent to the property involved, sufficient to screen the operation from public view, as reasonably as possible and as approved by the County Board in granting the zoning. The toe of any berm shall not be closer than ten (10) feet from the ROW line.
- (11) No more than one (1) entrance and one (1) exit from a highway or road shall be provided to the area of operation. Such entrance shall be subject to approval by the department of highways having jurisdiction and shall, preferably, be located along a secondary road, and shall be located as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development. In the event the highway authority having jurisdiction over the roadway that provides access to the mining operations requires turning lanes, then said

lanes shall conform to IDOT requirements for geometrics and pavement design. Furthermore, a paved road from the entrance and exit, at a distance of not less than three (300) hundred feet from the right-of-way line into the area of operation, shall be provided in order to minimize the deposit of dirt and gravel from trucks into the public highway. Such pavement shall be in accordance with the specifications of the County Highway Department or at the discretion of the highway department having jurisdiction over the roadway. A wheel wash shall be installed within the operation along that portion of the paved entrance/exit road that is furthest from the point at which it accesses the adjoining roadway so as to prevent the tracking of dirt, dust, sand, gravel and debris onto the public right-of-way. Entrances and exits shall be provided with the gates to be securely locked during hours of inoperation.

- (12) Trucks used in hauling materials from the site of excavation shall be loaded in such a manner as to prevent spillage onto the public roadway, including, at a minimum, a secure cover over the top of the bed of the truck carrying said material. Any spillage or tracking of material on said roadways shall be removed from said public roadways as needed to maintain a safe vehicular driving operation and a safe driving surface. At a minimum, the public roadway shall be reviewed for said spillage or tracking of material every eight (8) hours. All generally accepted industrial safety precautions shall be practiced and observed during such process of removal. Accessways and on-site roads shall be maintained in a dust-free condition using sweepers, water trucks or other appropriate methods of dust suppression.
- (13) The owner/operator shall, coincidental with commencement of operations, bring the adjacent roadway providing access to the site up to IDOT standards and specifications for eighty thousand (80,000) pound truck routes, including pavement designs and geometrics from the entrance to the subject site to the nearest intersecting eighty thousand (80,000) pound roadway. The design shall include full-depth concrete pavement at the entrance to the site and extending in each direction to the end of the radius returns. The owner/operator shall repair any section of road damaged as a result of trucks and heavy equipment accessing or servicing the aggregate excavation operation. This provision shall not be construed to require the operator to purchase additional right-of-way.
- (14) Except in the areas needed for plant and equipment, stockpiles, maintenance facilities, scale houses and roads, overburden shall not be removed in excess of the area to be mined within one (1) year. Development toward the final plan shall be carried on as excavation progresses. Ground cover or other planting shall be made in areas where excavation is completed and land is not being used for material storage before further overburden is removed in order to ensure development as operations proceed.
- (15) Hours of arrival and departure of transport vehicles shall be from 6:00 a.m. to 7:00 p.m. from April 1 until November 1. The rest of the year the arrival and departure of transport vehicles shall be restricted to 6:00 a.m. to 6:00 p.m. Hours may be extended during a public emergency during which sand, gravel or limestone is needed and upon the order of the County Superintendent of Highways.
- (16) The holder of a permit hereunder shall ensure the safe and continued use of all wells on surrounding properties located within one and one half (1½) miles of the boundaries of the

parcel on which the mining operation is located and shall be required to post a bond or similar surety to guarantee the repair or replacement of any wells determined to have been adversely affected as a result of such mining operations. The amount of said bond shall be determined by multiplying the total number of wells located on those parcels for which location protection was properly filed times the average estimated cost for replacement as determined by a certified well expert or engineer's estimate of cost. No extraction operations shall be conducted in such a manner that the groundwater table of surrounding properties is harmfully lowered. Water pumped from the site for the purpose of washing of vehicles and/or product produced on site shall be retained in a settling pond until the silt and clay settles prior to the water being recycled in the area affected as provided for in this section.

- (17) Landscaping shall be regularly maintained to present a neat and orderly appearance and in such manner so as to discourage the encroachment of weeds and other unsightly or noxious vegetation from encroaching onto the premises or migrating off site and onto any adjoining properties.
- (18) The premises shall be neat and orderly, free from junk, trash or unnecessary debris. Buildings shall be maintained in a sound condition, in good repair and appearance. Salvageable equipment stored in a non-operating condition shall be suitably screened or garaged.
- (19) Enough topsoil must be stockpiled to meet the finished conditions in accordance with the approved reclamation plan, unless additional bonding to ensure the required quantities of topsoil has been furnished to the County.
- (20) Existing trees and ground cover along public road frontages shall be preserved and maintained in such a manner to preserve line of sight requirements.
- (21) Upon the completion of operations, the land shall be left in a condition so that sufficient drainage is provided in order to prevent water pockets or undue erosion; all final grading and drainageways shall exist such that natural stormwater leaves the entire property at the original and natural drainage points and without an excessive load on a particular drainage point. In the event the reclamation plan shall provide for the permanent establishment of a lake, the grading and drainage may be altered, but not in such a manner as to cause damage or inconvenience to surrounding or abutting properties.
- (22) Trees, shrubs, legumes, grasses, or ground cover shall be planted upon such area in order to avoid erosion, in accordance with the approved reclamation plan.
- (23) Within six (6) months after final production, all buildings, structures (except fences), and equipment shall be removed unless same are to be used in connection with the reclamation project.
- (24) Noise, dust, and odor.
 - a. The noise level originating from a mining operation shall comply with the performance standards set forth in the standards adopted by the State Pollution Control Board, as from time to time amended; provided, however, that daytime hours are defined as 6:00 a.m. to 7:00 p.m. from April 1 until November 1 and from 6:00 a.m. to 6:00 p.m. during the rest of the year. Any variation of these regulations will constitute a violation of this section.

- b. The release of particulate emissions shall also comply with the performance standards in the standards adopted by the State Pollution Control Board, as from time to time amended.
 - c. Operations shall be conducted so that noise levels and air and water quality standards comply with all applicable Federal and State standards and/or regulations.
- (25) Blasting operations at all permitted sites operated by the aggregate mining industry shall be conducted in accordance with existing State and Federal law and the rules promulgated by the departments having jurisdiction over such operations with the advice of the aggregate mining industry and in accordance with the provisions as outlined in 225 ILCS 715/6.5, as may be amended from time to time.

(d) *Reclamation bond.* In order to ensure that the approved reclamation plan is completed, the owner/operator shall provide bonding in accordance with the provisions of the Surface Mined Land Conservation and Reclamation Act (225 ILCS 715/8), as may be amended from time to time. If the facility will affect less than ten (10) acres annually or the overburden depth is less than ten (10) feet or does not require bonding with IDNR per the Surface Mined Land Conservation and Reclamation Act (225 ILCS 715/8), a reclamation bond will be filed with the County. An engineer's estimate of reclamation cost should be performed annually to determine the bond amount.

(e) *Enforcement.*

- (1) The Zoning Administrator, in conjunction with other appropriate departments, shall annually review each surface mining permit. In addition to the reclamation plan/map, the owner/operator shall provide the PBZ Department with an annual aerial photo of the total operation of the same, enlarged to a scale of one (1) inch equals one hundred (100) feet or other scale that would adequately display the property affected on a thirty (30) inch square format. All aerial photos shall meet the PBZ Department standards. The first photo shall be taken during the first year in operation and subsequent photos shall be taken in the same month of the following years. Each year's photo shall be presented at the same scale for the purpose of comparison. Photos shall be submitted prior to the issuance of the annual operating permit.
- (2) The Zoning Administrator, in conjunction with the PBZ Department, shall prepare a report and submit it to the PBZ Committee for their review. If it is determined that the operator is not in compliance with this subdivision, the bonding requirements, the simultaneous operation and reclamation statement or the reclamation plan/map, the Zoning Administrator shall issue a stop work order on all operations other than reclamation work needed to bring the operation into compliance.
- (3) Every three (3) years, at the time of the annual review, bonding, release of bond and re-bonding shall be checked as specified in Subsection (d) of this section. In addition, the operator shall provide the Zoning Administrator with a topographic survey with two (2) foot contours, at the same scale as the aerial photo, said topographic survey to show the status of existing conditions on the subject site.

(4) Before release of bond, an on-site inspection of the acreage reclaimed shall be made by the Zoning Administrator in conjunction with other appropriate departments to check for compliance with the reclamation plan and any additional conditions of the mining permit. A random count procedure shall be used to check seeding, plantings and depth of topsoil.

(f) *Rules and regulations.*

(1) The County may adopt and promulgate reasonable rules and regulations respecting the administration of this section and conformity therewith.

(2) Any act authorized to be done by the Administrator may be performed by any employee of the PBZ Department when so designated by the Zoning Administrator.

(g) *Exemptions.* Any mining operation legally commenced prior to April 14, 1992, shall be exempt from the requirements hereof, except that said operations shall not be exempt from the requirements hereof pertaining to the hours of operation, the operation of motor vehicles, safety and noise regulations, as defined in Subsections (c)(14) and (23) of this section.

(Ord. No. 2020-17, exh. K, § 10:03.1, 9-15-2020)

Secs. 36-949—36-969. Reserved.

ARTICLE V. SUPPLEMENTAL DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 36-970. Lot coverage.

(a) *Maintenance of yards, courts and other open spaces.* The maintenance of yards, courts and other open space and minimum lot area required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. No required yards, courts, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy requirements for any other building.

(b) *Division of zoning lot.* No zoning lot improved with a building shall hereafter be divided into two (2) or more zoning lots and no portion of any zoning lot which is improved with a building shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building comply with the bulk regulations of the zoning district in which the property is located.

(c) *Location of required open space.* The location of required open spaces or yards or courts and other open space allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group, except as otherwise permitted in planned development and planned open spaces.

(d) *Required yards for existing buildings.* No yards now or hereafter provided for a building existing on the effective date of the ordinance from which this chapter is derived shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this chapter for equivalent new construction, except as provided in Section 36-221.

(e) *Corner clearance.* There shall be no material obstruction to vision on any corner lot between a height of two (2) feet and a height of ten (10) feet above the finished grade of either street within a forty (40) foot triangle formed by the intersection street lines with the following exception: On corner lots within that part of a yard, court, or other open area located within a radius of twenty-five (25) feet from the point of intersection of the two (2) street right-of-way lines forming the lot corner, no buildings, structures, or shrubs as herein permitted as obstructions in front or side yards adjoining a street shall be erected, altered, or planted which have a height more than thirty (30) inches above the ground grade in this area, and trees planted in such areas shall be maintained in a manner that trees shall not have branches lower than eight (8) feet above the ground grade elevation in this area.

(Ord. No. 2020-17, exh. E, § 4:04, 9-15-2020)

Sec. 36-971. Accessory buildings, structures and uses.

(a) *Accessory buildings or uses.* The term "accessory building or use" includes, but is not limited to, the following:

- (1) A children's playhouse, garden house and private greenhouse.
- (2) A garage, shed or building for domestic storage.
- (3) Merchandise storage normally carried in stock on the same lot with any business use, unless such storage is excluded by the district regulations.
- (4) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations.
- (5) Incinerators incidental to residential use.
- (6) A non-paying guest house (without kitchen facilities) or rooms for guests within an accessory building provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not for permanent occupancy by others. (Only permitted on parcels of three (3) acres or more in the A-1 Agricultural District or R-1 district.)
- (7) Swimming pool, private, for use by the occupant and guests.
- (8) Off-street parking and loading facilities.
- (9) Signs (other than advertising signs) as permitted and regulated in each district incorporated in this chapter.
- (10) Carports as a separate structure.
- (11) Towers for personal use (i.e., radio towers, towers to receive Internet service).
- (12) Small wind energy system (permitted as accessory use only in the A-1, R-1, R-2, R-3, and all business and manufacturing districts; may also be approved as part of a residential planned development) subject to the conditions of Section 36-982.
- (13) Solar energy system, private, subject to the conditions of Section 36-983.
- (14) Home occupations (see Sections 36-972 and 36-973).

(15) Short-term rental provided the property is annually registered with the County Planning, Building and Zoning Department.

(b) *Permitted obstructions in required yards.*

(1) The table in Subsection (b)(2) of this section identifies accessory buildings, structures and uses that are permitted as obstructions in required yards (setbacks) subject to the following restrictions:

- a. No structure shall be placed within a recorded easement.
- b. No other obstruction shall occur within a recorded easement unless the sole purpose of the easement is for service to only the subject property.
- c. No obstruction shall adversely impact drainage.
- d. Unless otherwise indicated in the table in Subsection (b)(2) of this section, no obstruction shall be closer than five (5) feet from a property line.
- e. No obstruction shall encroach onto a private septic system or private water well.

(2) In the following table, an "X" indicates the obstruction is permitted:

| <i>Permitted Obstruction</i> | <i>Front</i> | <i>Side</i> | <i>Rear</i> |
|--|--------------|-------------|-------------|
| Awnings or canopies, which may project not more than 3 feet into a required yard | X | X | X |
| Arbors or trellises, and where trellises are attached to the principal building they may also project into front yards or side yards | | | X |
| Air conditioning equipment | | | X |
| Architectural entrance structures on a lot or at entrance roadways into subdivisions provided they comply with the setbacks established in Article VI of this chapter | X | X | X |
| Balconies | | | X |
| Bay windows, projecting not more than 3 feet into a yard | X | X | X |
| Chimneys, attached, projecting not more than 3 feet into a yard | X | X | X |
| Decks, attached to a principal structure, when constructed entirely or partially around a swimming pool, for the sole purpose of providing a connection of the swimming pool to the principal structure (such decks shall be removed from the required side and/or rear yard within 30 days of the removal of the swimming pool they are providing a connection for) | | X | X |
| Eaves and gutters on principal buildings projecting not more than 4 feet into a front and rear yard nor more than 24 inches into a side yard | X | X | X |
| Fallout shelters, attached or detached, when conforming also with other County codes and ordinances | | | X |
| Fire escapes, open or enclosed, or fire towers may project into a required front yard or side yard adjoining a street not more than 5 feet and into a required interior side yard not more than 3½ feet | X | X | X |

| <i>Permitted Obstruction</i> | <i>Front</i> | <i>Side</i> | <i>Rear</i> |
|---|--------------|-------------|-------------|
| Flagpoles, within 2½ feet of a property line | X | X | X |
| Garages or carports, detached | | X | X |
| Growing of farm and garden crops in the open is allowed in all yards up to the property line | X | X | X |
| Lawn furniture, such as sun dials, bird baths, and similar architectural features may encroach to within 2½ feet of a lot line | X | X | X |
| Open off-street parking and loading spaces may encroach to within 2½ feet of a lot line unless otherwise permitted in Article V, Division 2 of this chapter | | | X |
| Ornamental light standards to within 2½ feet of a property line | X | X | X |
| Playground and laundry-drying equipment | | X | X |
| Playhouses and open-sided summer houses | | X | X |
| Sheds and storage buildings for garden equipment and household items as accessory to dwellings | | X | X |
| Sills, belt courses, cornices, and ornamental features of the principal buildings, projecting not more than 18 inches into a yard | X | X | X |
| Steps, open, or ramps, necessary for access to and from the dwelling or an accessory building, steps or ramps as access to the lot from the street, and in gardens or terraces, up to the property line | X | X | X |
| Swimming pools, private, when conforming also with other codes or ordinances of the County | | X | X |
| Swimming pools, above or below ground, detached or attached to a principal structure, when also conforming with the setback regulations of wells and septic systems | | X | X |
| Terraces, patios, and outdoor fireplaces | | X | X |
| Tennis courts, private | | X | X |
| Trees, shrubs, and flowers up to property line except as otherwise regulated per Section 36-970(e) | X | X | X |
| Other accessory buildings, structures, and uses as herein permitted in district regulations as accessory to a specific permitted use | | X | X |

(c) *Location.* Except as otherwise provided for under this section, no part of any accessory building shall be located closer than five (5) feet from any side or rear property line, nor closer than ten (10) feet to any main buildings, unless attached and made a part of such main building. In the A-1 Agricultural District accessory structures must be ten (10) feet from all property lines dividing lots held in separate ownership. If an accessory structure is the first building on an A-1 Agricultural District lot it must meet principal building setbacks as set forth in Section 36-285(2).

(d) *Time of construction.* Except in A-1 Agricultural Districts, no accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

(e) *Height of accessory buildings in required rear yards.* No accessory building or portion thereof located in a required rear yard shall exceed the maximum height outlined below:

| <i>Zoning</i> | <i>Maximum Height</i> |
|----------------------------------|-----------------------|
| A-1 | No limit |
| R-1, R-2, RPD-1, RPD-2 | 25' |
| R-3 or RPD-3 | 20' |
| Other residential classification | 15' |
| Commercial or industrial | 25' |

(f) *Footprint of accessory buildings.* Any detached accessory building must have a footprint no larger than seventy (70) percent of the principal structure if located in the R-5, R-6 or R-7 zoning districts.

(g) *On reversed corner lots.* On a reversed corner lot in a residential district, and within fifteen (15) feet of any adjacent property to the rear in a residential district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to sixty (60) percent of the least depth which would be required under this chapter for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory building shall be located within five (5) feet of any part of a rear lot line which coincides with a side lot line or portion thereof of property in a residential district.

(Ord. No. 2020-17, exh. E, § 4:05, 9-15-2020; Ord. No. 2023-24, §§ VII, VIII, 5-16-2023)

Sec. 36-972. Home occupation, agricultural.

Agricultural home occupations are allowed, provided that:

- (1) It is conducted entirely within the dwelling or permitted accessory building by a member of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence.
- (2) A maximum sign of eight (8) square feet will be permitted but must meet setback requirements in Article VI of this chapter and be unlit.
- (3) No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises except that items incidental to the home occupation may be sold (i.e., hair products may be sold at a salon).
- (4) No person shall be employed on site other than members of the family residing on the premises and two (2) persons outside the family, providing that additional persons outside of the family may be permitted by the ZBA pursuant to an application for special use filed in accordance with the provisions of this chapter.
- (5) The number of off-street parking spaces for that use is provided as required by Division 2 of this article.
- (6) No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, unless otherwise permitted by law.

(Ord. No. 2020-17, exh. E, § 4:06, 9-15-2020)

Sec. 36-973. Home occupation, residential.

Residential home occupations are allowed, provided that:

- (1) It is conducted entirely within the dwelling by a member of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence.
- (2) There are no signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling except as allowed by the sign regulations for the district in which such home occupation is located.
- (3) No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises, except that items incidental to the home occupation may be sold (i.e., hair care products sold at a salon).
- (4) No more than ten (10) vehicle trips (customers, delivery persons or employees) may be made throughout a day to and from the home occupation.
- (5) No person shall be employed on site other than members of the family residing on the premises and one (1) person outside the family in all residential districts.
- (6) The number of off-street parking spaces for that use is provided as required by Division 2 of this article.
- (7) No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, unless otherwise permitted by law.
- (8) Instruction in music, crafts and dance shall be limited to one (1) student at a time with a maximum of eight (8) per day. Exceeding this limit requires a variance.
- (9) Salons shall be limited to one (1) station (chair or nail table, commonly referred to as a station). (Ord. No. 2020-17, exh. E, § 4:07, 9-15-2020)

Sec. 36-974. Lot area and dimensions.

(a) *Contiguous parcels.* When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one (1) ownership, they shall be used as one (1) zoning lot for such use.

(b) *Lots or parcels of land of record.* Any single lot or parcel of land held in one (1) ownership which was of record, May 10, 1960, that does not meet requirements for minimum lot width and area may be utilized for a permitted use, provided that yards, courts, or usable open spaces are not less than seventy-five (75) percent of the minimum required dimensions or area, except as provided in Section 36-225.

(Ord. No. 2020-17, exh. E, § 4:08, 9-15-2020)

Sec. 36-975. Access to public streets.

(a) Every principal building that is constructed on a lot shall have vehicular access by private driveway to a public street. Private driveways shall be located, designed, and constructed according to the subdivision standards in Chapter 30.

(b) Individual driveways which provide access to one (1) lot and shared private driveways which provided access to two (2) lots shall be approved by the Zoning Administrator.

(c) Shared private driveways which provide access to three (3) or more lots shall be approved by the County Board. In cases where the proposed access would be for lots that existed before March 17, 1998, the procedure for approval would be recommended by the Zoning Administrator, Plat Officer, Planning, Building, and Zoning Committee, and a vote by the County Board. Other cases would be part of the subdivision review procedure.

(Ord. No. 2020-17, exh. E, § 4:09, 9-15-2020)

Sec. 36-976. Number of buildings on a zoning lot.

Except in the case of a planned development, not more than one (1) principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the said zoning lot with any other principal building.

(Ord. No. 2020-17, exh. E, § 4:10, 9-15-2020)

Sec. 36-977. Tents.

Tents shall not be erected, used or maintained on any lot, except such small tents as are customarily used for recreational purposes and located on the same lot as a dwelling. Temporary use of tents for religious, amusement and recreation, business or manufacturing purposes shall be permitted. Temporary is defined as no longer than seven (7) days. If a tent will be erected longer than seven (7) days, a permit must be acquired from the Zoning Administrator or designee. Agriculturally zoned property is exempt from these provisions.

(Ord. No. 2020-17, exh. E, § 4:11, 9-15-2020)

Sec. 36-978. Performance standards.

Any use established after the effective date of the ordinance from which this chapter is derived shall be so operated as to comply with the performance standards set forth in Title 35 of the Illinois Administrative Code and administered by the Illinois Pollution Control Board (www.ipcb.state.il.us). No use lawfully established on the effective date of the ordinance from which this chapter is derived shall be so altered or modified as to conflict with, or further conflict with, these performance standards.

(Ord. No. 2020-17, exh. E, § 4:12, 9-15-2020)

Sec. 36-979. Existing special uses.

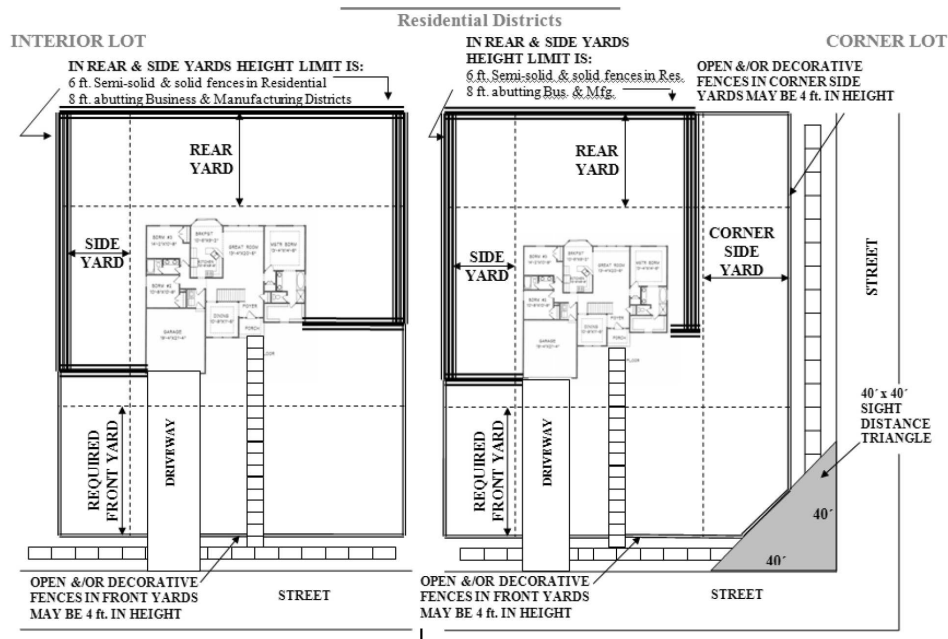
When a use is classified as a special use under this chapter and exists as a permitted use at the date of adoption of the ordinance from which this chapter is derived, it shall be considered as legal use, without further action of the County Board, the Zoning Administrator or the Board of Appeals.

(Ord. No. 2020-17, exh. E, § 4:13, 9-15-2020)

Sec. 36-980. Fences.

(a) *General.* Fences that are open, semi-solid or solid are allowed in all districts and yards with the following conditions, unless otherwise regulated herein:

- (1) Fences located in the A-1 district shall be excluded from any fence height restriction or fence type restriction specified in this section.
- (2) Only decorative or open fences, which do not exceed four (4) feet in height, are allowed in a front yard. (The front yard is a yard lying between the roadway right-of-way line and the nearest line of the building.)



- (3) Semi-solid and solid fences shall be regulated as follows:
 - a. In residential districts, solid and semi-solid fences are permitted up to six (6) feet in height in required side and rear yards with the finished side out, provided they do not extend into a required front or corner side yard. Where a side yard or rear lot line of a residentially zoned lot abuts property located in a business or manufacturing district, a solid or semi-solid fence of up to eight (8) feet in height may be permitted in the required side and rear yards with the finished side out, provided it does not extend into a required front or corner side yard.
 - b. In business and manufacturing districts, solid and semi-solid fences are permitted up to eight (8) feet in height and may be placed along the lot line in required side and rear yards with the finished side out, provided they do not extend into a required front or corner side yard.

- (4) Fences may be placed up to a property line, provided that fences shall not encroach into rights-of-way.
- (5) Fences on corners of vehicular intersections shall comply with the corner clearance provisions of Section 36-970(e).
- (6) Except in the A-1 district and R-1 district, barbed-wire and above-ground electric fences shall not be located in any residential district or residential platted subdivision. The use of under-ground electric fences to contain domestic pets is permitted in any district.

(b) *Required fences, hedges, and walls.*

- (1) A six (6) foot high fence or wall shall be constructed along the perimeter of all areas considered by the Board of Appeals to be dangerous to the public health.
- (2) When required by the Zoning Administrator, a six (6) foot high solid masonry wall shall be erected along the property line or zone boundary lines to separate industrial and commercial districts or uses from abutting residential districts as follows:
 - a. Where the zone boundary is at a rear lot line which is not a street, the wall shall be on that line.
 - b. Where the boundary is a side lot line, the wall shall be parallel to said side lot line and be reduced to three (3) feet in height in the area set forth as a required front yard for the abutting residential district. The wall paralleling the front property line shall be set back from said property line not less than ten (10) feet and the space between the wall and the property line shall be landscaped and maintained.
 - c. Where the boundary is a street, the wall shall be set back from the property line ten (10) feet. The space between the wall and the property line shall be landscaped and maintained.
 - d. Where the boundary is an alley, the wall shall be on the property line along the alley.

Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, State or Federal law.

(Ord. No. 2020-17, exh. E, § 4:14, 9-15-2020)

Sec. 36-981. Regulated uses.

- (a) The following uses are deemed to be regulated uses:
 - (1) Adult bookstore.
 - (2) Adult motion picture theater.
 - (3) Adult mini-motion picture theater.
 - (4) Adult entertainment facilities.
 - (5) Adult use.
 - (6) Adult massage parlors or spas.
 - (7) Tattoo parlors and permanent body art establishments.

- (8) Striptease club or gentlemen's club.
- (9) Adult video store.

(b) For the purposes of determining when a regulated use is allowed as a permitted or special use under this chapter, no regulated use shall be considered to be a retail business, service businesses, recreational or social facility, school, accessory, or general land use.

(Ord. No. 2020-17, exh. E, § 4:16, 9-15-2020)

Sec. 36-982. Small wind energy systems.

(a) *Total height.* There is no limitation on tower height, except as imposed by setback, clear zone and FAA regulations.

(b) *Setback.* The wind energy system shall be set back a distance equal to one hundred ten (110) percent of the hub height from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.

(c) *Clear zone.* The wind energy system shall maintain a circular clear zone that has a radius which is equivalent to one hundred ten (110) percent of the hub height. This clear zone shall be maintained free of any occupied structures on adjoining properties, tanks containing combustible/flammable liquids, and above-ground utility/electrical lines.

(d) *Noise.* Wind energy systems shall not exceed sixty (60) dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

(e) *Tower security.* Any climbing apparatus must be located at least twelve (12) feet above the ground, and the tower must be designed to prevent climbing within the first twelve (12) feet.

(f) *Lighting.* Wind energy systems shall not be artificially lighted with accent lighting. For the protection of the flight patterns of aircraft and the protection of heliports, airports and landing strips, wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.

(g) *Signs/advertising.* No tower should have any sign, writing, or picture that may be construed as advertising.

(h) *Visual effects and safety.* All reasonable visual and safety concerns of adjacent property owners must be resolved before a construction permit will be issued.

(i) *Multiple wind energy systems.* Multiple wind energy systems are allowed on a single parcel as long as the owner/operator complies with all noncommercial wind farm regulations contained in these regulations. Units shall be installed in compliance with minimum setback and clear zone requirements, as defined by these regulations. The minimum distance between wind energy systems shall be equivalent to one hundred ten (110) percent of the hub height.

(j) *Approved wind turbines.* At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one (1) of the following national certification programs such as the California Energy Commission, National

Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.

(k) *On-site electrical use.* On the construction/use permit application, the applicant must certify that the proposed system will be used primarily to reduce on-site consumption of electricity.

(l) *Compliance with the National Electrical Code.* Construction/use permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

(m) *Removal of defective or abandoned wind energy systems.* Any wind energy system found to be unsafe by an authorized County official shall be repaired by the owner to meet Federal, State and local safety standards or removed within six (6) months. If any wind energy system is not operated for a continuous period of twelve (12) months, the County will notify the landowner by registered mail and provide forty-five (45) days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receipt of notice from the County. (Ord. No. 2020-17, exh. E, § 4:17, 9-15-2020; Ord. No. 2023-24, § IX, 5-16-2023)

Sec. 36-983. Private solar energy system.

(a) *Roof mounted for on-site energy consumption.* Solar panels located on the roof of an existing structure shall be permitted in all districts. Roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof-mounted or building-integrated private solar energy systems for residential or business use shall be considered an accessory use in all zoning districts where there is a principal structure and shall meet the regulations of this chapter. Roof-mounted solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on site shall be exempt from building permits. The use of roof-mounted solar panels for on-site energy consumption shall comply with all applicable Federal, State, and local laws and the rules of the local electrical utility.

(b) *Freestanding for on-site energy consumption.* Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures in all zoning districts, provided that the system is no larger than necessary to provide one hundred twenty (120) percent of the electrical and/or thermal requirements of the structure, planned development, commercial and industrial park, or subdivision to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems. Private freestanding solar energy systems may be the first structure constructed on lots zoned residential, business, or manufacturing. Freestanding solar panels shall be permitted if they comply with the standards listed in this chapter. Ground- or pole-mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which they are located. Freestanding solar panels used as accessory to agricultural uses and

which the energy generated from the solar panels is consumed on site shall be exempt from building permits. The use of freestanding solar panels for on-site energy consumption shall comply with all applicable Federal, State, and local laws and the rules of the local electrical utility.

(c) *Setback requirements.* Unless otherwise stated in this chapter, the setback requirements for all solar energy systems shall meet the structure minimum setback requirements when the solar energy system is oriented at any and all positions. No solar energy system shall be located in any front yard of any residentially zoned or used property.

(d) *Design standards.* Active solar energy systems shall be designed to conform to the County's Land Resource Management Plan and to blend into the architecture of the building or may be required to be screened from the routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

- (1) Building-integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
- (2) Solar energy systems using roof-mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.
- (3) All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
- (4) Damaged field drain tile shall be repaired or rerouted on a timetable approved by the County Planning, Building and Zoning Department.

(e) *Coverage.* Roof- or building-mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for firefighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

(f) *Plan approval required.* All solar energy systems shall require administrative plan approval by the County Building Official via the review of the application for a building permit.

- (1) Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system including the property lines.
- (2) For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

- (3) For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
- (4) Applications that meet the design requirements of this chapter and do not require an administrative variance shall be granted administrative approval by the Zoning Administrator and not require Planning, Building and Zoning Committee review. Plan approval does not indicate compliance with building or electrical codes.

(g) *Approved solar components.* Electric solar energy system components must have a UL listing approved equivalent and solar hot water systems must have an SRCC rating.

(h) *Compliance with Building Code.* All active solar energy systems shall meet approval of County building officials; solar thermal systems shall comply with HVAC-related requirements of the Illinois State Energy Code. All County-adopted building codes will apply and take precedence where applicable.

(i) *Utility notification.* All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

(j) *Building permit requirements and fees.* All solar energy systems will be required to have a County building permit before any work can be started. A written plan and a plat/drawing for the proposed solar energy system shall be provided with the building permit application. The plat/drawing must show the location of the system on the building or on the property (for a ground-mount system, show arrangement of panels), with all property lines and setback footages indicated. Fees for processing the applications for building permits shall be established by the County Board. Any solar energy system for which construction has started before a building permit has been applied and paid for will be charged double the permit fee. The above fees do not apply to solar energy systems used to generate energy for on-site consumption of energy for agricultural purposes.

(k) *Decommissioning plan.*

- (1) Upon the request of the County Planning, Building and Zoning Department, an owner of a solar energy system must provide documentation, within thirty (30) days, that the solar energy system is still in use. If the solar energy system is not in use, the owner of the system shall have one hundred eighty (180) days, after notification from the County Planning, Building and Zoning Department, to remove the solar energy system from the property.
- (2) Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.

(l) *Other requirements.*

- (1) No fencing is required; however, if installed on the property, the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.
- (2) Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

- (3) Electric solar energy system components must have a UL listing and must be designed with anti-reflective coatings.
- (4) Solar energy systems must be in compliance with all State plumbing and energy codes.
- (5) For solar energy systems located within five hundred (500) feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the airport traffic control tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

(m) *Applicability.* The regulations in this section apply only to private solar energy systems and do not apply to commercial solar energy facilities.

(Ord. No. 2020-17, exh. E, § 4:18, 9-15-2020; Ord. No. 2023-24, § X, 5-16-2023)

Sec. 36-984. Temporary uses permitted.

An owner seeking an approval of a permitted temporary use shall apply for a temporary use to be acted upon by the Zoning Administrator. The Zoning Administrator may, at the Administrator's discretion, refer the request for a temporary use to the PBZ Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator or deputies in the review of a temporary use to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests. Any permitted temporary use may be treated as a special use (per the procedures contained in Article II of this chapter) if the stated time limit is to be exceeded.

- (1) Christmas tree sales: each permit shall be valid for a period of not more than sixty (60) days in any agricultural or business district.
- (2) Concrete ready-mix or asphalt plants, when necessary and incidental to a major construction project in any agricultural, business or manufacturing district.
 - a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
 - b. The plant shall be located a minimum of one thousand (1,000) feet from any occupied principal structure.
 - c. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
 - d. The plant shall produce product only for the specific parcel for which the temporary use is permitted. Plants constructed to support a major road project shall be located adjacent to the roadway.
 - e. Hours of operation must be 7:00 a.m. to 5:30 p.m. Monday through Saturday unless otherwise permitted.

- f. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
- (3) Temporary building, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district, provided that:
- a. Each permit shall specify the location of the building, trailer, or yard and the area of permitted operation.
 - b. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods.
 - c. Before the issuance of the temporary use permit, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
 - d. Trailers or mobile homes may be used for residential purposes only during the construction of a residence and must be removed within thirty (30) days of obtaining a certificate of occupancy or completion of construction. In no case shall a trailer or mobile home be permitted to remain on the premises for more than two (2) years.
- (4) Portable concrete crushing, screening and stockpiling of dirt, crushed concrete and RAP (recycled asphalt pavement), when necessary and incidental to a major construction project in any agricultural, business or manufacturing district as long as the following conditions are met:
- a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
 - b. The operation shall be located a minimum of seven hundred fifty (750) feet from the lot line of any residential building and/or a minimum of three hundred (300) feet from the lot line from retail businesses.
 - c. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit.
 - d. The operation shall have hard surface road frontage. If located in an A-1 Agricultural District, the operation must have frontage onto an arterial or major collector roadway as depicted on the County Land Resource Management Plan.
 - e. Hours of operation must be 7:00 a.m. to 5:30 p.m. Monday through Saturday unless otherwise permitted.
 - f. Before the issuance of the temporary use permit, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
- (5) Temporary stockpiling of dirt on private property when necessary and incidental to a major construction project:
- a. Erosion control measures must be in place.

- b. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
- c. Hours of operation must be 7:00 a.m. to 5:30 p.m. Monday through Saturday unless otherwise permitted.
- d. Before the issuance of the temporary use permit, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.

(Ord. No. 2020-17, exh. E, § 4:19, 9-15-2020)

Secs. 36-985—36-1011. Reserved.

DIVISION 2. OFF-STREET PARKING AND LOADING

Sec. 36-1012. Scope of regulations.

(a) *Applicability.* The off-street parking and loading provisions in this division shall apply as follows:

- (1) For all buildings and structures erected and all uses of land established after May 20, 2008, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located.
- (2) When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity (eighteen (18) inches per bench seat), or other units of measurement specified herein, the new parking regulations or loading facilities for such increase in intensity shall apply.
- (3) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to May 20, 2008, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions herein.

(b) *Existing parking and loading facilities.* Accessory off-street parking or loading facilities which are located on the same lot as the building or use served, and which were in existence on the effective date of the ordinance from which this chapter is derived, or were provided voluntarily after such effective date, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements of this chapter for a similar new building or use.

(c) *Permissive parking and loading facilities.* Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.

(d) *Damage and destruction.* For any conforming or legally nonconforming building or use which is in existence on the effective date of the ordinance from which this chapter is derived, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re-established or repaired, off-street parking or loading facilities need not be provided, except that

parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this chapter for equivalent new uses or construction.

(e) *Control of off-site parking facilities.* When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking other than on the same zoning lot until and unless the ZBA has reviewed the plans and has heard the applicant and has made findings that the common ownership or possession of the zoning lot and that the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

(f) *Submission of plot plan.* Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this chapter. Such plot plan shall indicate ingress and egress to the area and traffic patterns in adjacent streets and alleys.

(Ord. No. 2020-17, exh. L, § 11:01, 9-15-2020)

Sec. 36-1013. Additional regulations for parking.

(a) *Use of residential parking facilities.* Unless otherwise specified elsewhere in this chapter, off-street parking facilities accessory to residential uses and developed in any residential district in accordance with the requirements of this division shall be used solely for the parking of passenger automobiles owned and operated by the permanent occupants, guests or visitors of the dwellings to which they are accessory. Further, the parking of not more than one (1) truck of not more than one and one-half (1½) tons' capacity used by occupants of the dwelling structures to which such facilities are accessory shall be permitted. Under no circumstances shall parking facilities accessory to residential structures be used for the storage of commercial vehicles, or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments. For the purposes of this section, the term "commercial vehicles" includes trucks in excess of one and one-half (1½) tons' capacity, and construction vehicles and equipment. Temporary parking of these types of vehicles shall be allowed provided the vehicles are engaged in the delivery of goods and services or the construction of improvements on the premises as may be necessary from time to time. In addition, the outdoor storage or parking of race cars or similar vehicles shall be prohibited in all residential zoning districts.

(b) *Joint parking facilities.* Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

(c) *Shared parking facilities.* Shared parking may be permitted upon written documentation submitted to the Regional Planning Commission and County Board demonstrating evidence that parking spaces will be shared at specific times of the day (where one (1) activity uses the spaces during daytime hours and another activity uses the spaces during evening hours).

(d) *Mixed uses.* When two (2) or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sums of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the Regional Planning Commission and approved by the County Board.

(e) *Computation.* When the required number of off-street parking spaces results in a fractional space, any fraction of one-half ($\frac{1}{2}$) or less may be disregarded while a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one (1) parking space.

(f) *Design and maintenance.*

(1) *Open and enclosed parking spaces.* Accessory parking spaces may be open to the sky or enclosed in a building. Accessory parking spaces located in a residential district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a special use.

(2) *Surfacing.*

a. All required open off-street parking areas and access drives constructed or re-constructed after May 20, 2008, in all zoning districts shall be improved with a permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. Asphalt paving shall include a nine (9) inch compacted gravel base and three (3) inch asphalt covering, or equivalent. When more than four (4) parking spaces are required, pavement marking shall be provided to clearly identify each parking space.

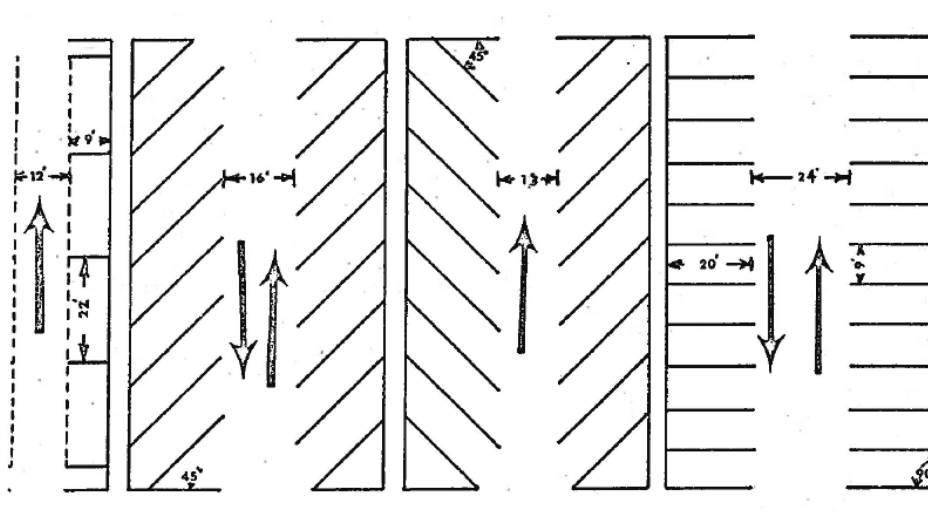
b. The Zoning Administrator may grant an exception to A-1, R-1, R-2, and R-3 single-family, and community service uses from Subsection (f)(2)a of this section where such uses generate low traffic volume. Handicapped parking stalls within the A-1 Agricultural District shall be improved with a permanent, concrete, unit paver or asphalt surface and shall also provide a hard surface to the entrance of the structure a minimum of six (6) feet wide. Such decisions made by the Zoning Administrator may be appealed to the PBZ Committee of the County Board.

(3) *Off-street parking dimensions.*

a. Required off-street parking spaces shall be designed in accordance with the following table:

Parking Table

| | | <i>Parking Angle</i> | | | |
|-----|----------------------|--------------------------|------------|------------|--------------------------------|
| | | <i>0° (Parallel)</i> | <i>45°</i> | <i>60°</i> | <i>90° (Perpendicular)</i> |
| (a) | Width of stall | 9' | 9' | 9' | 9' |
| (b) | Minimum stall length | 22' | 19' | 19' | 20' |
| (c) | Aisle width: one way | 12' | 13' | 18' | 12' |
| (d) | Aisle width: two way | 24' | 16' | 19' | 24' |

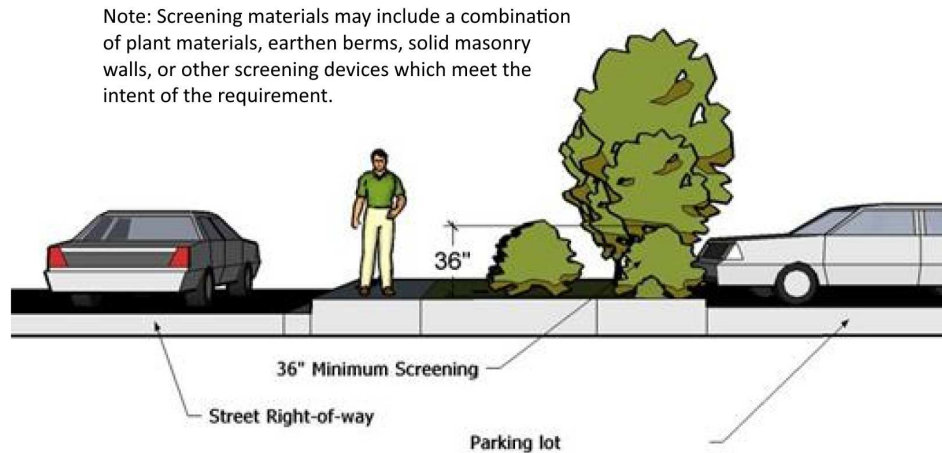


*Additional width may be required where the aisle serves as the principal means of access to on-site buildings or structures.

- b. In the event that the desired parking angle is not specified by the table in Subsection (f)(3)a of this section, the Zoning Administrator may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table.
- (4) *Access.* Each required off-street parking space shall open directly upon an aisle or driveway of such width as specified in the table in Subsection (f)(3)a of this section and designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movements.
- (5) *Accessible parking.* Please consult the Illinois Accessibility Code and the Americans with Disabilities Act for assessable parking regulations.
- (6) *In yards.* Off-street parking spaces in required setbacks shall conform to the following:
 - a. *Front yards.*
 - 1. No parking and drive aisles are permitted in a required front setback except the interior one-half (1/2) of the front yard in an M-1 Limited Manufacturing District or M-2 Heavy Industrial District.

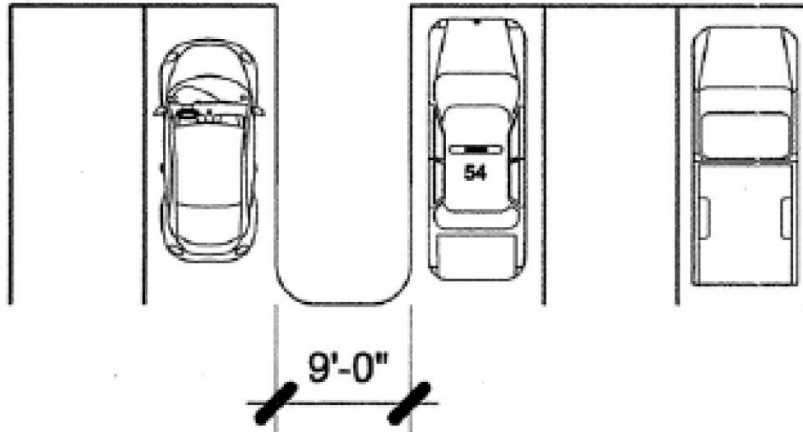
2. Unless otherwise provided elsewhere in this chapter, parking is allowed in a front yard on a private driveway serving single-family and two (2) family dwellings but shall not be considered as satisfying the off-street parking requirements for such uses as set forth in this chapter.
 - b. *Side yards.* Unless otherwise provided elsewhere in this chapter, parking is not permitted in any required side setback. Residential driveways, or parking in the A-1 zoning district is permitted in the required side setback with a minimum setback of five (5) feet from the lot line.
 - c. *Rear yards.* Parking is permitted in any rear setback a minimum of five (5) feet with the following exceptions and requirements:
 1. In the M-1 Limited Manufacturing District or M-2 Heavy Industrial District when a rear yard is adjacent to an residential district there shall be no parking in the twenty (20) feet adjacent thereto.
 2. In any residential district no open off-street parking space shall be located nearer than ten (10) feet to a principal building.
- (7) *Screening/perimeter landscaping.* All required open automobile parking areas containing more than twenty (20) parking spaces shall be effectively screened as follows:
- a. On each side adjacent to any property situated in a residential district, business district, manufacturing district, or agricultural zoned property with a special use permit unless otherwise approved as part of the special use permit, a wall, fence, or densely planted compact hedge no less than three (3) feet in height across one hundred (100) percent of the length of the parking area is required. However, if the property owner can provide clear evidence indicating that less screening is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning, Building and Zoning Committee.
 - b. On each side across a public right-of-way from any property situated in a residential district, business district, manufacturing district, or agricultural zoned property with a special use permit unless otherwise approved as part of the special use permit, the landscaping shall consist of one (1) of the following options:
 1. A berm that is at least two (2) feet higher than the finished elevation of the parking lot (at the nearest point) and a minimum of one (1) tree and ten (10) shrubs for every thirty (30) feet of frontage shall be provided. Shrubs shall be placed on the property such that parking or vehicular uses are screened from view as seen from the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design. All berms shall maintain a ten (10) foot setback from the edge of the existing or future right-of-way, whichever is greater.
 2. A minimum two (2) foot grade drop from the right-of-way line to the parking lot and a minimum of one (1) tree and ten (10) shrubs for every thirty (30) feet of frontage shall be provided. Shrubs shall be placed on the property such that parking or vehicular areas are screened from view as seen by the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.

3. A wall, fence or natural vegetative screening no less than three (3) feet in height along the length of the parking area.



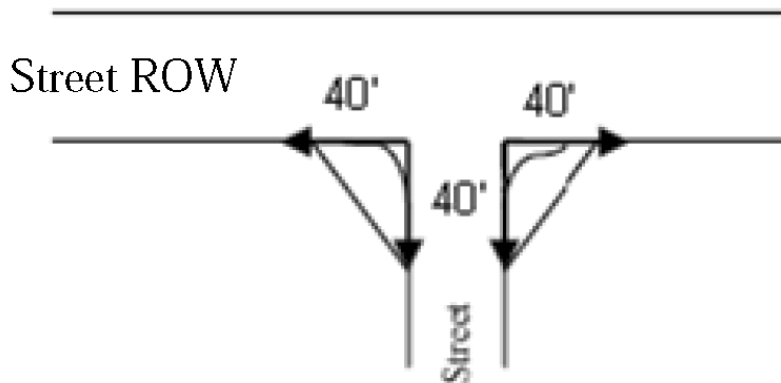
However, if the property owner can provide clear evidence indicating that less landscaping is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning, Building and Zoning Committee.

- c. The minimum size for plant materials (at time of installation) shall be as follows:
 1. Shade tree: two and one-half (2½) inch caliper.
 2. Evergreen tree: six (6) feet height.
 3. Ornamental tree: two (2) inch caliper single trunk or six (6) feet height multi-trunk.
 4. Shrubs: twenty-four (24) inches in height.
 - d. All driveways crossing a public sidewalk shall have a clear sight triangle inside the property measuring eight (8) feet by eight (8) feet.
- (8) *Circulation.* Circulation controls, including signs, landscape islands, and pavement markings, are encouraged and may be required by the Zoning Administrator only where safety concerns suggest a clear need for such enhancements.
 - (9) *Landscaped parking lot islands.* Landscaped parking lot islands are encouraged.



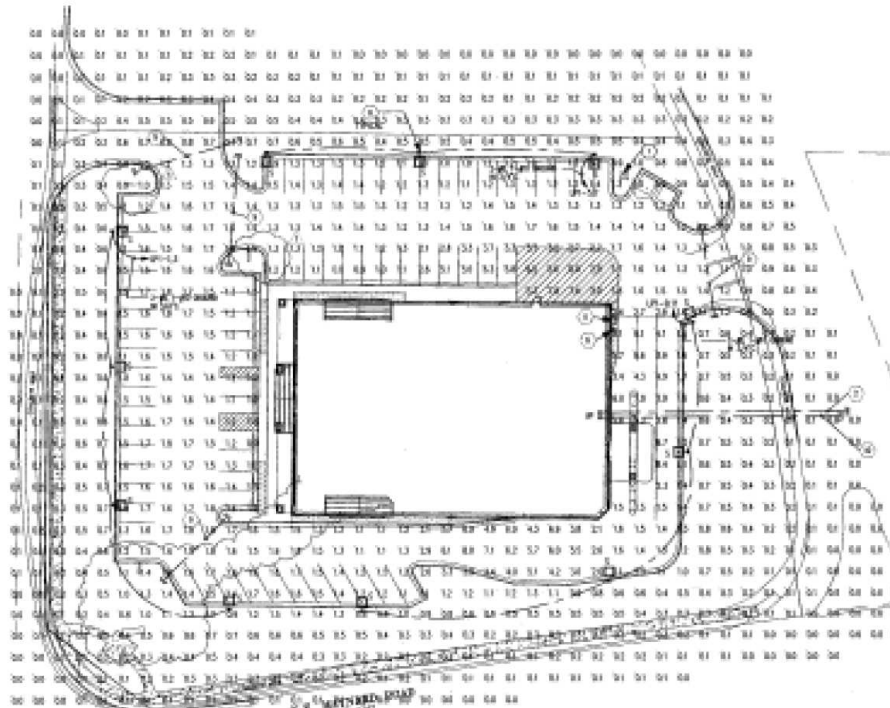
Minimum Required Width For Island - Parallel Spaces

- (10) *Landscape sight triangle.* No landscaping, including berms and vegetable gardens as defined by the Garden Act (505 ILCS 87/1 et seq.), shall be planted within a forty (40) foot sight triangle measured at the intersection of two (2) public streets.

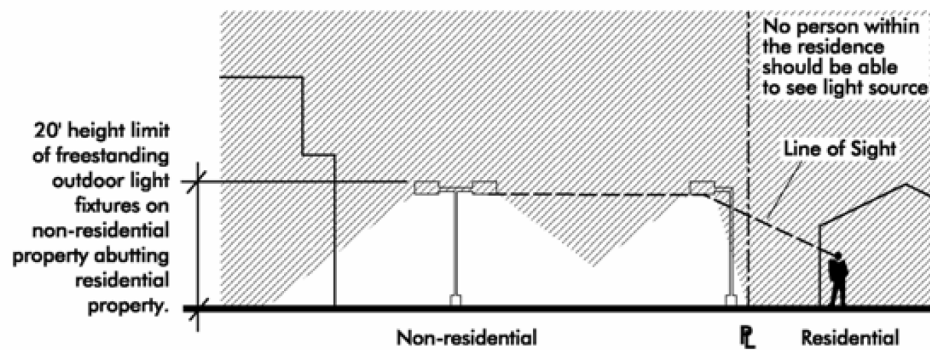


- (11) *Lighting.* All off-street parking and loading facilities, other than residential driveways, shall be illuminated as approved during submittal of the final review phase (special use, final RPD, site plan review or amendments to the parking lot layout). Lighting shall be in accordance with the standards of Illuminating Engineering Society of North America (IESNA) as follows:
 - a. A photometric plan will be required as a supporting document for parking lots with equal to or greater than thirty (30) parking spaces. Said photometric plan must show the locations, size, height, orientation, design, construction details, catalog cuts and plans for all of the outdoor lighting and signs, including wall-mounted lighting. The plan must

show the levels of illumination measured in horizontal footcandles at ground level in a regularly spaced grid pattern extending sufficiently past the project property lines. A catalog sheet showing the proposed lighting fixtures must be included. Example:



- b. To reduce glare onto adjacent properties, only fully shielded or cut-off light fixtures are allowed. Fully shielded means that no light is emitted above the horizontal plane of the luminaries. Flat lenses are allowed. Sag lenses and wall packs are prohibited. Abutting or nearby residential properties shall not be able to see the actual light source unless the luminaries are less than one hundred (100) watt incandescent.



- c. All under-canopy lights must be fully recessed into the canopy.

- d. 1. Where nonresidential sites are adjacent to residential sites (existing or future residential areas as shown on the officially adopted version of the Land Resource Management Plan), the light level at the property line produced by the nonresidential lighting shall not exceed two-tenths (0.2) footcandles. The lighting shall be designed to avoid casting direct light or glare onto the adjacent residential property. Acceptable means to prevent glare or direct light onto the residential property include pole/luminary-mounted shields and dense vegetation. On abutting nonresidential properties (existing or future nonresidential as shown on the officially adopted version of the Land Resource Management Plan), or public streets the maximum illumination at the property line shall be five (5.0) footcandles. Where residential is across a street, the maximum illumination at the use's boundary shall be two (2.0) footcandles.
 - 2. Higher maintained footcandle levels may be appropriate for certain uses such as illuminated ball fields, auto dealerships, or gas stations. In such instances, information will be reviewed during site plan review. The Zoning Administrator may approve higher light levels for specific uses during the review process without the need for a variation. The Zoning Administrator may refer such instances to the Planning, Building, and Zoning Committee of the County Board. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building, and Zoning Committee of the County Board.
 - e. The maximum mounting height (including fixture, pole and base) for light standards located in a parking lot shall not exceed twenty (20) feet measured from ground level to the base of the lens.
 - f. All nonresidential lighting is required to be turned off no later than sixty (60) minutes after business hours, only leaving lighting necessary for site security, unless otherwise approved by the Planning, Building, and Zoning Committee of the County Board.
 - g. Nonresidential outlot lighting fixtures must be architecturally compatible with fixtures used elsewhere in the development.
 - h. Decorative seasonal lighting shall be limited to a power rating of less than or equal to seventy-five (75) watts.
- (12) *Repair and service.* No motor vehicle repair work for compensation or sale of gasoline and motor oil of any kind shall be permitted in conjunction with open accessory off-street parking facilities provided in a residential district, except as may be permitted under an approved special use or planned unit development.

(Ord. No. 2020-17, exh. L, § 11:02, 9-15-2020; Ord. No. 2022-03, art. VIII, 1-18-2022)

Sec. 36-1014. Location of accessory off-street parking facilities.

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

- (1) For uses in a residential district, parking spaces accessory to dwelling shall be located on the same zoning lot as the use served.

- (2) For uses in business and manufacturing districts, all required parking spaces shall be within one thousand (1,000) feet from the entrance of the principal building being served. Spaces accessory to dwelling units (not including hotels) shall be within three hundred (300) feet of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residential district, except that private, free, off-street parking accessory to such uses may be allowed by special use permit, in accordance with Article II of this chapter, in any residential district within two hundred (200) feet of and adjacent to any business or industrial use.

(Ord. No. 2020-17, exh. L, § 11:03, 9-15-2020)

Sec. 36-1015. Schedule of parking requirements.

(a) For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. However, if the property owner can provide clear evidence indicating that less parking is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning, Building and Zoning Committee. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

| <i>Residential Uses</i> | |
|--|---|
| One-family dwelling, two-family dwellings, and multiple-family dwellings | 2 parking spaces shall be provided for each dwelling unit (garage spaces or in the driveway behind the front yard setback line) |
| Bed and breakfasts | 1 parking space shall be provided for each guest room, plus the spaces required for a single-family home. Parking spaces may be stacked in a driveway to prevent the over-paving of the area |
| Hotel or motel | 1 parking space for each guest room, plus 1 space per employee shall be provided |
| Lodging or boardinghouses | 1 parking space shall be provided for each lodging room, plus 1 space for the owner or manager |
| Private clubs and lodges (with sleeping facilities) | 1 parking space shall be provided for each lodging room, plus 1 for each employee, plus parking spaces equal in number to 25 percent of the capacity (as determined by the Fire Protection District) in persons (exclusive of lodging-room capacity) of such club or lodge |
| <i>Retail and Service Uses</i> | |
| Automobile laundry | 5 stacking spaces shall be provided for each manual wash rack. 10 stacking spaces shall be provided for each automatic wash lane. For either manual or automatic facilities, one parking space for each employee shall be provided. For automobile laundries associated with a gas station, a bypass lane shall be provided |

| <i>Retail and Service Uses</i> | |
|--|--|
| Automobile service stations | 1 space shall be provided for each employee, plus 2 spaces per pump station, but not less than 5 parking spaces |
| Bowling alleys | 4 parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses, bars, restaurants and the like as set forth herein for such uses |
| Drive-through restaurant | Stacking of 8 vehicles, plus 1 parking stall per 100 square feet of floor area |
| Restaurants | 1 parking space shall be provided for each 75 square feet of floor area for the entire premises |
| Furniture and appliance stores, household equipment or furniture repair shops | 1 parking space shall be provided for each 600 square feet of floor area for the entire premises |
| Health clubs and fitness centers | 1 parking space shall be provided per each 200 square feet and 1 per employee for the entire premises |
| Establishments engaged in manufacturing, assembly, production, processing, cleaning, servicing, testing or repair of materials, goods, or products | 1 parking space shall be provided for each employee, plus 1 parking space for each vehicle used in the conduct of the enterprise |
| Motor vehicle sales and machinery and heavy equipment sales | 1 parking space shall be provided for each 600 square feet of sales floor area, plus 3 spaces for every service bay, plus 1 space per employee. All required parking shall be in addition to areas reserved for storage and sale of vehicles |
| Offices, business, professional and governmental | 1 parking space shall be provided for each 250 square feet of floor area |
| Offices, medical or dental | 1 parking space shall be provided for each 200 square feet of floor area |
| Research and development | 1 parking space for each 250 square feet up to 50,000 square feet; thence 1 space for each 500 square feet over 50,000 square feet |
| Retail stores and banks | 1 parking space shall be provided for each 200 square feet of gross floor area. Drive-in banks or other similar drive-in establishments shall provide 4 stacking spaces per teller or customer service window |
| Tennis, squash, racquetball facility, indoor or outdoor | 3 parking spaces shall be provided per court |
| Theaters (indoors) | 1 parking space shall be provided for each 3 seats |

| <i>Retail and Service Uses</i> | |
|--|---|
| Undertaking establishments, funeral parlors | 15 parking spaces shall be provided for each chapel or parlor, plus 1 parking space for each funeral vehicle kept on the premises; in addition, there shall be provided stacking space for not less than 10 automobiles for funeral procession assembly |
| Warehouses and storage, not including self-storage facilities | 1 parking space for each 1,000 square feet of warehouse or storage area, plus 1 parking space for each 250 square feet of office area, plus 1 space for each vehicle kept on the premises |
| Wholesale establishments (but not including warehouses and storage buildings other than accessory) | 1 parking space shall be provided for each 600 square feet of floor area |
| <i>Community Service Uses</i> | |
| Place of worship, school, college and other auditoriums | 1 parking space shall be provided for each 3 auditorium seats. Adequate space shall also be provided for buses used in connection with the activity of the institution and all loading and unloading of passengers shall take place upon the premises |
| Colleges, universities and business, professional and trade schools | 1 parking space shall be provided for each employee, and 1 parking space shall be provided for each 3 students based on the maximum number of students attending classes on the premises at any 1 time during any 24 hour period |
| Hospitals | 1 parking space shall be provided for each 2 hospital beds, plus 1 parking space for each employee, plus 1 parking space for each doctor assigned to the staff |
| Libraries, art galleries and museums, public | 1 parking space shall be provided for each 400 square feet of gross floor area |
| Public utility and public service uses, including police and fire services | 1 parking space shall be provided for each employee per shift, plus 1 parking space for each vehicle used in the conduct of the enterprise, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public |
| Childcare facility/nursery school | 0.33 parking spaces per student capacity (as determined by the Fire Protection District), plus 1 parking space for each employee. Adequate drop-off and pick-up locations must be provided |
| Elementary or junior high school | 1 parking space for each employee, plus 1 space for each 20 students, plus 1 space for each vehicle used in the conduct of the school (plus additional parking as required for associated gymnasiums or auditoriums) |

| <i>Community Service Uses</i> | |
|---|---|
| High school | 1 parking space for each employee, plus 1 space for each 2 students and 1 space for each vehicle used in the conduct of the school, (plus additional parking as required for associated gymnasiums or auditoriums) |
| Auditoriums, stadiums, arenas, gymnasiums, convention halls, dance halls, exhibition halls, skating rinks and other similar places of assembly | Parking spaces equal in number to 25 percent of the capacity (as determined by the Fire Protection District) in persons shall be provided |
| <i>Miscellaneous Uses</i> | |
| Fraternities, sororities and dormitories | 1 parking space shall be provided for each 3 active members, plus 1 parking space for each employee |
| Private clubs and lodges (without sleeping facilities for guests) | Parking spaces equal in number to 25 percent of the capacity (as determined by the Fire Protection District) in persons |
| Rest homes, convalescent centers, assisted living, or residential care homes | 1 parking space shall be provided for each 5 beds, plus 1 parking space for each employee on duty at one time, plus 1 parking space for each doctor assigned to the staff |
| Theaters, automobile drive-in | Reservoir parking space equal to 10 percent of the vehicle capacity of such theaters shall be provided |
| Airports or aircraft landing field | Parking spaces shall be provided in adequate number as determined by the Regional Planning Commission and approved by the County Board to serve persons employed or residing on the premises as well as the visiting public |
| Heliports | |
| Convents and monasteries | |
| Crematories and mausoleums | |
| Fraternal institutions | |
| Outdoor amusement establishments, fairgrounds, permanent carnivals, kiddy parks and other similar amusement centers | |
| Municipal or privately owned recreation buildings, community centers, club houses, or other recreational uses such as ball fields or golf courses | |
| Penal and correctional institutions | |
| Rectories and parish houses | |
| Swimming pools | |

(b) For uses not listed heretofore in Subsection (a) of this section, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator. Such determination may be appealed to the Regional Planning Commission or determined as part of review of an application for special use permit.

(Ord. No. 2020-17, exh. L, § 11:04, 9-15-2020)

Sec. 36-1016. Parking and storage of recreational vehicles, recreational trailers, trailers and mobile homes.

(a) *Storage of unoccupied recreational vehicles, trailers and mobile homes.*

- (1) Unoccupied recreational vehicles, trailers and their contents may be located on lots in any district, provided they comply with the following regulations:
 - a. The number of recreational vehicles and trailers on a lot shall not be restricted when such recreational vehicles or trailers are located within the interior of a permitted structure or when fully screened from adjacent property. Screening shall consist of permitted solid fencing, structures, or evergreen landscaping such that the vehicle does not exceed the height of the permitted screening and so that the vehicle is not directly visible from adjacent properties when viewed at ground level.
 - b.
 1. Recreational vehicles trailers and their contents not stored within a permitted structure shall comply with the following parking requirements:
 - (i) Except for the A-1, R-1, R-2 and R-3 districts, unless otherwise permitted in Section 36-1013, such vehicles shall be parked on a hard-surfaced all-weather pad constructed of concrete, asphalt, brick or stone pavers or comparable material.
 - (ii) Recreational vehicles, trailers and their contents may not encroach into a required front, corner or side yard setback, shall not block any portion of a sidewalk or trail and shall not be parked or stored in a way that obstructs the visibility of oncoming traffic so as to create a safety hazard.
 - (iii) Recreational vehicles may be stored or parked within a required rear or interior side yard setback.
 2. Exception:
 - (i) An owner of a recreational vehicle located on property in an R-4, R-5, R-6 or R-7 residential district which cannot comply with the front yard setback provisions of the applicable zoning district as of June 20, 2006, and that has registered said vehicle with the County Planning, Building and Zoning Department, may be permitted to store such vehicle within the front yard setback provided said encroachment does not obstruct the required sight distance triangle, in the case of a corner lot, or create an obstruction so as to compromise the safety of pedestrians or other vehicles operating within the road right-of-way (ROW). Said exemption shall apply to the original recreational vehicle registered and any replacement of said recreational vehicle.
 - (ii) This exception shall be non-transferable to any subsequent owners or occupants of the property and shall terminate upon either the sale of the property or change in occupancy of the dwelling unit should the owners choose to maintain it as a rental property.
 - (iii) Owners shall be required to register their properties with the Planning, Building and Zoning Department on a form approved by the Department prior to December 29, 2006. The Planning, Building and Zoning Department shall

keep a copy of the registration form and approved parking plan on file. Upon sale of the property, the owner shall be required to notify the Planning, Building and Zoning Department in writing and the Planning, Building and Zoning Department shall note in the file that the exemption has been terminated.

- c. When recreational vehicles or trailers and their contents are not fully screened from adjacent properties, the maximum number of unscreened recreational vehicles or trailers permitted to be parked or stored on a zoning lot shall be in accordance with the following table:

| <i>Zoning</i> | <i>Permitted RVs or Trailers</i> |
|------------------------------------|--|
| Agriculture | Unlimited, provided such recreational vehicles or trailers are for use by the property owner or tenant |
| R-1, R-2, R-3 | 2, provided such recreational vehicles or trailers are for use by the property owner or tenant |
| All other residential districts | 1, provided such recreational vehicles or trailers are for use by the property owner or tenant |
| Commercial or industrial districts | No restriction on trailers or recreational vehicles, provided they are part of a permitted trailer storage or sales business |

- (2) The number of unscreened recreational vehicles, trailers and their contents parked or stored on a lot in a residential district may exceed the number presented in the table above only under the following circumstances:
 - a. For the purposes of conducting maintenance on, or the loading and unloading of, a recreational vehicle or trailer in preparation for a trip or similar recreational use, provided the duration does not exceed seventy-two (72) hours within a one (1) week period.
 - b. When a visiting guest or relative of the property owner is in possession of, a recreational vehicle. The time period during which the recreational vehicle may be parked or stored on the lot shall be limited to fourteen (14) consecutive days within a one (1) year period or twenty-one (21) days (non-consecutive) within a one (1) year period unless otherwise approved in writing by the Zoning Administrator.

- (3) Unoccupied mobile homes can be stored only in commercial and industrial districts only as part of a permitted trailer storage or sales business.

(b) *Occupied recreational trailers and mobile homes.*

- (1) Occupied recreational trailers and mobile homes may be located in "recreational camps" and subject to the standards and conditions of a special use permit.
- (2) Occupied recreational trailers and mobile homes may be located in residential districts only if:
 - a. The preexisting home was made unsafe for occupancy by fire, tornado, flood, or other disaster; and

- b. The occupants will be the future occupants of the home to be repaired or constructed on the same zoning lot.
 - c. When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be occupied and stored on the lot shall be limited to fourteen (14) consecutive days within a one (1) year period or twenty-one (21) days (non-consecutive) within a one (1) year period unless otherwise approved in writing by the Zoning Administrator. This provision shall also apply to properties zoned A-1 Agricultural.
- (3) Occupied mobile homes utilized for the following purposes may be located in A-1 Agricultural Districts subject to the following restrictions:
- a. *Medical care assistance.*
 - 1. Limited to one (1) per zoning lot, provided the individual occupying the mobile home provides medical care or assistance to the occupant of the primary residence on the same zoning lot; and
 - 2. That the zoning lot on which the mobile home and principal residence to which it is accessory are located must be of sufficient size to provide a lot area of at least one hundred thirty thousand (130,000) square feet for each dwelling unit.
 - 3. Shall comply with all zoning and permit requirements and fees of the County.
 - b. *Temporary housing.*
 - 1. Limited to one (1) per zoning lot, provided the individuals residing in said temporary housing will be the future occupants of a home to be repaired or constructed on the same zoning lot;
 - 2. Mobile homes serving as temporary housing for the repair or reconstruction of a farm residence are exempt from all zoning regulations and permit fees except those fees and permits as may be required per the County's floodplain regulations and fees, and the setback standards of the A-1 Agricultural District.
 - c. *Agricultural labor housing.* Where the occupant is an individual whose employment is related to agricultural activities on the same zoning lot, the mobile home is exempt from all zoning regulations and permit fees except those fees and permits as may be required per the County's floodplain regulations and the setback standards of the A-1 Agricultural District. In addition, the zoning lot on which the mobile home and principal residence to which it is accessory are located must be of sufficient size to provide a lot area of at least one hundred thirty thousand (130,000) square feet for each dwelling unit.
 - d. *ECHO housing.* Echo housing, provided such use complies with the provisions of Section 36-283(3).
- (c) *Installation.*
- (1) Occupied mobile homes must comply with the County regulations for sewage disposal.
 - (2) Occupied mobile homes must comply with State regulations for tie-downs.
 - (3) Wheels, tongue and hitch must remain attached.

- (4) Occupied mobile homes must be placed on piers having depth below the frost line.
 - (5) Any stairs, decks, or other "add-ons" must comply with the County building regulations.
 - (d) *Permits.*
 - (1) Permits are required for recreational trailers and mobile homes that are to be occupied with the exception of those situations permitted under Subsection (b)(2)c of this section.
 - (2) Occupied recreational trailers and mobile homes subject to permit requirements must show evidence of compliance with Federal HUD regulations or applicable State law.
 - (3) Permits and annual renewals may be approved by the Zoning Administrator as follows:
 - a. Medical care or assistance: Permits may be renewed annually provided a doctor's certification is provided indicating assistance is still required.
 - b. New home construction or repair: Permits may be issued for a period of up to one (1) year and may be extended by the Planning, Building and Zoning Director by six (6) months if the applicant shows adequate progress in construction.
 - (4) Permits may be rescinded by the PBZ Committee for failure to conform to this chapter.
 - (5) Recreational trailers and mobile homes must be removed from the zoning lot within sixty (60) days of notice of the rescinded or expired permit, unless otherwise allowed by ordinance.
 - (6) Permits for a temporary mobile home must be renewed annually or as stated above. The PBZ Committee may extend permits beyond the one (1) year and six (6) month limit as stated in Subsection (d)(3)b of this section. When the permit expires or when occupants of the trailer or mobile home do not meet the conditions set forth above, the trailer or mobile home must be removed within sixty (60) days.
 - (7) Fees.
 - a. Permit application form must be accompanied by a fee set by the County Board. Such fee is not refundable.
 - b. An annual fee set by the County Board will be required on or before the renewable date stated on the approved permit.
 - (e) *Affidavit.* All applications for a permit shall be accompanied by an affidavit, stating as follows:
 - (1) Names and addresses of occupants.
 - (2) Location of use.
 - (3) Description of trailer.
 - (4) Reason for application.
 - (5) Statement that a change in usage, name or number of occupants, location, will be reported to the building and Zoning Office immediately.
- (Ord. No. 2020-17, exh. L, § 11:05, 9-15-2020; Ord. No. 2023-19, § II, 5-16-2023)

Sec. 36-1017. Additional regulations for off-street loading.

(a) *Location.* All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) tons' capacity shall be closer than fifty (50) feet to any property in a residential district unless completely screened by building walls, or a uniformly painted solid fence, natural vegetation screening providing one hundred (100) percent opacity, wall or any combination thereof, not less than six (6) feet in height. No permitted or required loading berth shall be located within thirty-five (35) feet of the nearest point of intersection of any two (2) streets.

(b) *Size.* Unless otherwise specified, a required loading berth shall be at least twelve (12) feet in width by at least thirty (30) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.

(c) *Access.* Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

(d) *Surfacing.* All open off-street loading berths shall be improved with a concrete pad.

(e) *Repair and service.*

(1) No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential, manufacturing or business district.

(2) Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof.

(f) *Landscaping for loading docks.*

(1) The landscaping shall consist of one (1) of the following options:

a. A berm that is at least four (4) feet higher than the finished elevation of the loading dock (at the nearest point) and a minimum of one (1) tree and ten (10) shrubs for every thirty (30) feet of frontage shall be provided. Shrubs shall be placed on the property such that vehicular uses are screened from view as seen from the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.

b. A minimum two (2) foot grade drop from the right-of-way line to the parking lot and a minimum of one (1) tree and ten (10) shrubs for every thirty (30) feet of frontage shall be provided. Shrubs shall be placed on the property such that parking or vehicular areas are screened from view as seen by the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.

c. A wall, fence or natural vegetative screening no less than four (4) feet in height across the length of the loading dock.

(2) The minimum size for plant materials (at time of installation) shall be as follows:

a. Shade tree: two and one-half (2½) inch caliper.

b. Evergreen tree: six (6) feet height.

c. Ornamental tree: two (2) inch caliper single trunk or six (6) feet height multi-trunk.

d. Shrubs: twenty-four (24) inches in height.

(g) *Schedule of loading requirements.* For the uses listed in the following table, off-street loading berths shall be provided on the basis of the gross floor of the building or portions thereof devoted to such uses in the amount shown herein:

| <i>Use</i> | <i>Gross Floor Area in Square Feet</i> | <i>Required Number and Minimum Horizontal Dimensions of Berths</i> |
|---|--|--|
| Auditoriums, convention halls, exhibition halls, sports arenas, stadiums | 10,000 to 100,000 | 1 12' x 60' |
| | For each additional 100,000 or fraction thereof | 1 additional 12' x 60' |
| Banks and offices, business, professional and governmental | 10,000 to 100,000 | 1 12' x 30' |
| | For each additional 100,000 of fraction thereof to 500,000 | 1 additional 12' x 30' |
| | For each additional 500,000 or fraction thereof | 1 additional 12' x 30' |
| Bowling alleys | 10,000 to 100,000 | 1 12' x 30' |
| | For each additional 100,000 or fraction thereof | 1 additional 12' x 30' |
| Establishments dispensing food or beverages for consumption on the premises | 5,000 to 10,000 | 1 12' x 30' |
| | 10,001 to 25,000 | 2 12' x 30' |
| | 25,001 to 40,000 | 3 12' x 60' |
| | 40,001 to 100,000 | 4 12' x 60' |
| | For each additional 100,000 or fraction thereof | 1 additional 12' x 60' |
| Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products | 5,000 to 40,000 | 1 12' x 30' |
| | 40,001 to 100,000 | 2 12' x 60' |
| | For each additional 100,000 or fraction thereof | 1 additional 12' x 60' |
| Hospitals, sanitariums, nursing homes, convalescent centers, assisted living, etc., churches and schools | 10,000 to 100,000 | 1 12' x 30' |
| | For each additional 100,000 or fraction thereof | 1 additional 12' x 30' |
| Hotels, clubs, and lodges | 10,000 to 100,000 | 1 12' x 30' |
| | For each additional 100,000 or fraction thereof | 1 additional 12' x 30' |
| Hotels, clubs and lodges, when containing any of the following: retail shops, convention halls, or business or professional offices (other than accessory) auditoriums, or exhibition halls | 10,000 to 20,000 | 1 12' x 30' |
| | 20,001 to 150,000 | 1 12' x 60' |
| | For each additional 150,000 or fraction thereof | 1 additional 12' x 60' |

| <i>Use</i> | <i>Gross Floor Area in Square Feet</i> | <i>Required Number and Minimum Horizontal Dimensions of Berths</i> |
|--|---|--|
| Motor vehicle and machinery sales | 5,000 to 25,000 | 1 12' x 30' |
| | 25,001 to 40,000 | 2 12' x 60' |
| | 40,001 to 100,000 | 3 12' x 60' |
| | For each additional 100,000 or fraction thereof | 1 additional 12' x 60' |
| Retail stores | 5,000 to 10,000 | 1 12' x 30' |
| | 10,001 to 25,000 | 2 12' x 30' |
| | 25,001 to 40,000 | 3 12' x 30' |
| | 40,001 to 100,000 | 4 12' x 30' |
| | For each additional 100,000 or fraction thereof. | 1 additional 12' x 30' |
| Theaters | 8,000 to 25,000 | 1 12' x 30' |
| | For each additional 50,000 or fraction thereof | 1 additional 12' x 30' |
| Wholesale establishments (but not including warehouses and storage buildings other than accessory) | 5,000 to 10,000 | 1 12' x 60' |
| | 10,001 to 25,000 | 2 12' x 60' |
| | 25,001 to 40,000 | 3 12' x 60' |
| | 40,001 to 100,000 | 4 12' x 60' |
| | For each additional 100,000 or fraction thereof | 1 additional 12' x 60' |
| Warehouses and storage buildings | For each 100,000 or fraction thereof | 1 12' x 60' |
| Undertaking establishments | 8,000 to 100,000 | 1 12' x 30' |
| | For each additional 100,000 or fraction thereof | 1 additional 12' x 30' |
| Other | Uses not listed in this schedule of loading requirements shall provide loading berths according to the most similar use, as determined by the Zoning Administrator. | |

(Ord. No. 2020-17, exh. L, § 11:06, 9-15-2020)

Secs. 36-1018—36-1047. Reserved.

ARTICLE VI. SIGNS

Sec. 36-1048. Definitions.

All signage related definitions can be found in Section 36-2.

(Ord. No. 2020-17, exh. M, § 12:03, 9-15-2020)

Sec. 36-1049. Purpose.

This article is established to create the standards for a comprehensive and balanced system of sign regulations for the following purposes:

- (1) To encourage, as a means of communication in the County, the employment of signs which are:
 - a. Compatible with their surroundings.
 - b. Appropriate to the type of activity to which they pertain.
 - c. Expressive of the identity of individual proprietors.
 - d. Legible in the circumstances in which they are seen.
 - e. Respectful of the reasonable rights of other sign owners.
- (2) To preserve, protect and promote the public health, safety and welfare.
- (3) To improve pedestrian and traffic safety.
- (4) To maintain and enhance the County's appearance and ability to attract sources of economic development by promoting the reasonable, orderly and effective display of signs consistent with established ordinances of the County.
- (5) To minimize the possible adverse effect of signs on nearby public and private property.
- (6) To preserve the value of private property by assuring the compatibility of signs with surrounding land uses.
- (7) To ensure that signs are designed as integral architectural elements of the building and site to which they principally relate.

(Ord. No. 2020-17, exh. M, § 12:01, 9-15-2020)

Sec. 36-1050. Scope.

No sign regulated by this article shall be constructed, erected, converted, altered, rebuilt, enlarged, remodeled, relocated or expanded until a permit for such sign has been obtained in accordance with the standards and procedures set out in this chapter. However, no permit shall be required for exempt or temporary signs as defined herein.

(Ord. No. 2020-17, exh. M, § 12:02, 9-15-2020)

Sec. 36-1051. Exemptions.

The following signs shall be exempted from all but the maintenance and public safety requirements of this article. No permit is required for any sign designated as exempt below:

- (1) Public or quasi-public informational signs. Any public notice, warning, directional, and other instructional or regulatory signs identifying or locating a town, hospital, community center, public building or historic place situated in the County, or other signs approved by a governmental entity, and also signs identifying or locating a school, college, YMCA, YWCA, church or similar place of worship, service club, soil conservation activity, 4-H Club, or similar public or quasi-public activity for religious, civic, educational or cultural purposes. Such signs shall not

exceed an area of six (6) square feet each, nor a total of twenty-four (24) square feet for all signs, shall not be illuminated, shall contain no advertising matter, and shall be set back not less than five (5) feet from the fronting highway right-of-way.

- (2) Historic markers. Historic markers erected by duly authorized public authorities.
- (3) Interior signs. Any signs inside a building, not attached to a window or door, which cannot be read from vehicles passing on adjoining streets.
- (4) Non-sign decorations. Temporary displays, including holiday lights, decorations, painted window areas, works of art, flags (not exceeding fifty (50) square feet), memorial signs, religious or historic symbols, and other displays with no commercial message. Pennants are not considered decorations and are specifically prohibited.
- (5) Traffic control signs. Traffic control signs, such as "Stop," "Yield," and similar signs which are located on private property and meet State Department of Transportation standards, and which contain no commercial message.
- (6) Memorial signs. Memorial signs or tablets listing names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.
- (7) Instructional, directional and warning signs. Signs, not exceeding six (6) square feet in area, which provide instruction, direction or warning and are located entirely on the property to which they pertain to identify rest rooms, public telephones, walkways, parking lot entrances and exits, and features of a similar nature or, with respect to warnings, "no trespassing," "no dumping," and similar warning signs. Parking lot entrance and exit signs shall not exceed two (2) feet six (6) inches in height.
- (8) Garage/yard sale signs. A sign which advertises a residential garage sale, provided that such signs do not exceed five (5) square feet each, are located with no more than one (1) sign per lot frontage either on the zoning lot containing the sale or on other private property with that property owner's or tenant's permission and are only in place one (1) week prior and during the time the garage sale is actually taking place.
- (9) Construction signs. Construction signs shall not be installed prior to issuance of a building permit and shall be removed within seven (7) days of issuance of an occupancy permit. The sign shall be placed on private property on the premises of the construction and set back a minimum of ten (10) feet from any public right-of-way. One (1) construction sign shall be permitted per zoning lot. The sign shall not exceed thirty-two (32) square feet in surface area. The sign shall not exceed ten (10) feet in height from grade.
- (10) Real estate signs. One (1) real estate sign per street frontage of a zoning lot, advertising the sale or lease of premises within said zoning lot. Such signs may not be located in the public right-of-way, nor be directly illuminated. Signs shall not exceed six (6) square feet for residential districts, and thirty-two (32) square feet for all other districts. The maximum height for all real estate signs is eight (8) feet. Real estate signs shall be removed within seven (7) days after the real estate closing, or lease or rental transaction is completed, except that open house signs shall be erected and removed on the day of the event.

- (11) Bulletin boards. Bulletin board signs not exceeding twenty-four (24) square feet for public, charitable or religious institutions where the same are located on the zoning lot of said institutions. Maximum height for bulletin boards is twenty (20) feet.
- (12) Window signs. Window signs shall be affixed only to the interior surface of the glass and shall not be located on any windows above the first floor of the building. Such signs shall not exceed thirty-five (35) percent of the window surface area for each building face. Signs shall not be affixed in such a manner that a safety hazard to customers or staff of the establishment is created by the obstruction of vision. The County Sheriff or designee shall be empowered to require the removal or relocation of any such sign deemed to be a safety hazard.
- (13) Political signs.
(Ord. No. 2020-17, exh. M, § 12:04, 9-15-2020)

Sec. 36-1052. Administration.

(a) *Permit required.* Unless otherwise exempted in Section 36-1051, no sign shall be erected, structurally altered, or relocated without having first obtained a valid permit for such sign, issued by the County PBZ Department. No permit shall be required for routine maintenance of a sign.

(b) *Permit application.* Application for permits to erect, construct, or alter a sign shall be submitted on a form and in the manner prescribed by the PBZ Department. Each application shall be signed by the owner of the sign and the owner of the property upon which it is to be located. Applications for permits shall be accompanied by such information as may be required to ensure compliance with all applicable regulations, including:

- (1) Name, address and telephone number of the applicant;
- (2) A drawing or photograph showing the position of the sign or advertising structure in relation to the structure;
- (3) Two (2) prints of the drawings and specifications, and color renderings for the proposed sign or advertising structure, including the methods of construction, illumination, materials and attachment to the building or in the ground. Such drawings must include all text and graphics proposed on the sign, drawn to scale with dimensions;
- (4) If required by the PBZ Department, a copy of a statement by a registered professional engineer indicating that said sign meets structural and wind pressure requirements, and will not pose a public health or safety threat;
- (5) Name of person, firm, corporation or association responsible for erecting the sign or advertising structure;
- (6) Written consent of the owner or agent of the zoning lot on which the sign or advertising structure is to be erected;
- (7) A master sign plan documenting all existing signs on the zoning lot, including their type and area, location, and the occupant of the site to which each sign pertains;
- (8) Any additional information requested by the Zoning Administrator to show full compliance with this and all other applicable County regulations.

(c) *Application review procedures.* The following procedure must be followed for approval of a sign permit:

- (1) *PBZ Department approval.* Applications for all signs requiring a permit shall be reviewed and approved or denied by the PBZ Department.
- (2) *ZBA Department.* Appeals from decisions of the PBZ Department, and all variances to this chapter shall be considered by the ZBA. All recommendations of the ZBA shall be referred to the County Board for final consideration.
- (3) *PBZ Committee.* Appeals from decisions of the PBZ Department with regard to Building Code issues shall be considered by the PBZ Committee of the County Board. All recommendations of the PBZ Committee shall be referred to the County Board for final consideration.

(d) *Inspection procedures.*

- (1) *Optional pre-installation inspection.* The person responsible for the installation of a sign may request a pre-installation inspection prior to installing any permanent sign requiring a permit. Such inspection shall include a footing inspection, if applicable, and confirmation of the other details of mounting and placement. Since such an inspection is not mandatory, an additional fee will be charged for a pre-installation inspection.
 - (2) *Final inspection.* The person responsible for the installation of a sign shall notify the PBZ Department upon completion of the work to schedule a final inspection.
 - (3) *Additional inspection.* Any other reasonable inspection as required.
- (Ord. No. 2020-17, exh. M, § 12:05, 9-15-2020)

Sec. 36-1053. General standards.

(a) *Location.*

- (1) No sign shall be located in a sight triangle easement formed by intersecting streets. The sides of the triangle formed by the right-of-way of the intersecting streets shall be forty (40) feet in length as measured outward from the point of intersection of said rights-of-way.
- (2) All signs shall be located a minimum of ten (10) feet from the property line or right-of-way line (whichever is greater), provided the PBZ Department may require a greater setback or other location, so that said sign will not obstruct the view along any highway, at any intersection, private driveway, field entrance, or other point of ingress or egress.
- (3) No sign shall be allowed to encroach upon the public right-of-way or public property.
- (4) All signs shall be located on the premises for which they are advertising except where indicated otherwise under Sections 36-1051 and 36-1059. Real estate and development signs may be located off site for a period not to exceed two (2) years, provided that a special use is granted pursuant to Section 36-1059.

(b) *Illuminated signs.* All illuminated signs shall be subject to the following requirements:

- (1) Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district. When a sign is visible from a residential district, it shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.
- (2) Internally illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such spacing and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics.

(c) *Traffic safety.*

- (1) In order to ensure reasonable traffic safety, it shall be unlawful to erect or maintain any fluttering, undulating, swinging, rotating, blinking, or flashing sign or attention-gathering device. No sign or advertising structure shall be erected, installed or maintained in such a manner as to obstruct free and clear vision, or as to distract the attention of the driver of any vehicle by reason of position, shape, color or lighting thereof.
- (2) No sign or advertising structure shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or imitate, resemble or be confused with any authorized traffic sign, signal or device. Accordingly, no sign or advertising structure shall make use of the words "Stop," "Go," "Look," "Caution," "Warning," "Danger," or any similar word, phrase, symbol or character, or employ any red, yellow, orange, green or other colored lamp or light, in such a manner as to interfere with, mislead or confuse traffic.

(d) *Landscaping bonus.* Provision of landscaping around the base of freestanding signs shall be encouraged through a bonus of ten (10) percent applied to the allowable area for individual signs if the following requirements are met. To receive this bonus, all proposed landscaping shall be illustrated on the plans submitted as a part of a sign permit application.

- (1) For every one (1) square foot of gross sign area, there shall be provided one (1) square foot of landscape area adjacent to the sign.
- (2) The required landscape area shall compliment the sign and consist of plantings such as, but not limited to, hedges, low shrubs, perennial flowers and ground cover. Sodded or seeded areas shall not qualify as part of the landscaped area.
- (3) In addition to the plantings described above, the landscaped areas shall also contain ground protection, such as, but not limited to, ground cover plants or mulch.
- (4) It shall be the duty of the owner of such parcel to maintain all landscaped areas in a neat and proper manner.

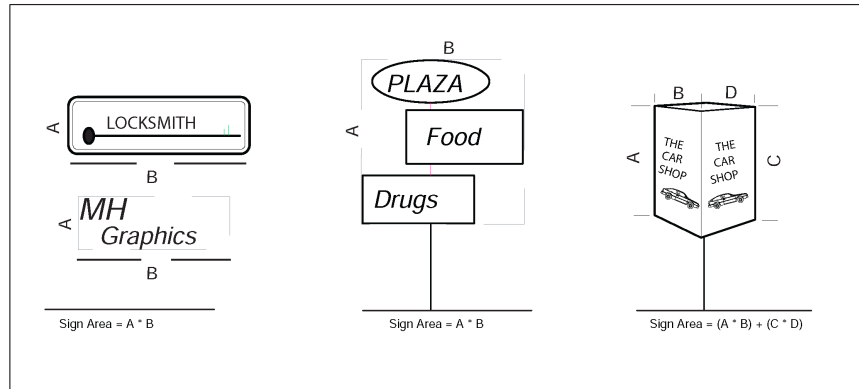
(Ord. No. 2020-17, exh. M, § 12:06, 9-15-2020)

Sec. 36-1054. Computation.

The following principles shall control the computation of sign area and sign height:

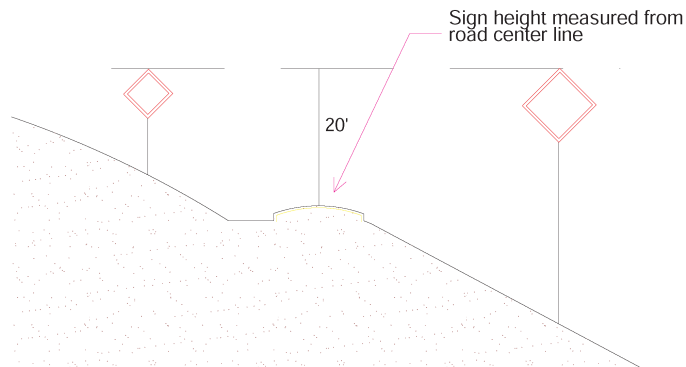
- (1) *Computation of area of individual signs.* The area of a sign face shall be the total exposed surface within a continuous perimeter composed of a single rectangle enclosing the extreme limits of

characters, lettering, illustrations, ornamentalions or other figures, together with any material, or color used as an integral part of the background of the display, or to differentiate the sign from the background on which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets regulations of this chapter and is clearly incidental to the display itself.



Sign Area Computation

- (2) *Computation of area of multi-faced signs.* The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back or with an interior angle of ninety (90) degrees or less so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
- (3) *Computation of height.* The height of a sign shall be the measurement from the top of the highest element of the sign to the established street centerline elevation.



Sign Height

(Ord. No. 2020-17, exh. M, § 12:07, 9-15-2020)

Sec. 36-1055. Agricultural districts.

(a) *Permitted signs.* In all agricultural districts the following classes of signs are permitted in accordance with regulations set forth herein:

- (1) *Non-flashing non-illuminated signs.* Non-flashing non-illuminated signs, as follows:
 - a. Crop identification signs, not exceeding six (6) square feet in area, advertising a product grown or produced on the property. The duration of these signs shall be limited to the growing season. Crop identification signs shall be unlimited in number and shall not require a permit.
 - b. Wall or freestanding signs associated with permitted uses, not exceeding thirty-two (32) square feet in gross surface area. One wall or freestanding sign shall be permitted on each frontage.
 - c. Freestanding and temporary signs as regulated in Section 36-1061.
- (2) *Non-flashing illuminated signs.* Non-flashing illuminated signs are permitted as a part of wall or freestanding signs associated with government, institutional and approved special uses, not exceeding thirty-two (32) square feet in gross surface area. One (1) wall or freestanding sign shall be permitted on each frontage. Hours of illumination shall be limited from 6:00 a.m. to 11:00 p.m. daily except that public safety facilities may be illuminated twenty-four (24) hours a day. Churches shall also be exempt from this provision on those days of the year when special services or events are held for the observance of religious holidays.
- (3) *Changeable copy signs.* Changeable copy signs are permitted as a part of wall or freestanding signs for places of worship, schools and government uses, subject to the following standards:
 - a. The size of the changeable copy sign shall be counted towards the total sign area permitted for each sign type.
 - b. Anything displayed on the changeable copy sign shall remain illuminated and visible for a time period stated in the special use permit.
 - c. The message shall not flash or pulsate. Any message that remains visible for less than two (2) seconds shall be considered flashing.
 - d. Changeable copy signs are prohibited within one hundred (100) feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure.
 - e. The hours of illumination shall be limited to between 6:00 a.m. and 11:00 p.m. for signs located less than five hundred (500) feet from any principal residence except on those days of the year when special services or events are held for the observance of religious holidays.
 - f. When adjacent to residential properties, light levels shall not exceed five-hundredths (0.05) footcandle as measured along the residential property line.
 - g. All content shall only be permitted for the place of worship, school or government use and their events and functions only.

- h. The changeable copy sign shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location.

(b) *Location and height.* Location and height regulations for signs located in the A-1 Agricultural District shall be as follows:

- (1) Crop identification signs shall not be placed in a public right-of-way.
- (2) Location shall be in accordance with Section 36-1053.
- (3) No sign attached to the wall of a building or other structure shall extend above the roofline of that building or structure.
- (4) No sign shall exceed eight (8) feet in height from grade to the highest point of the sign.
(Ord. No. 2020-17, exh. M, § 12:08, 9-15-2020)

Sec. 36-1056. Residential districts.

(a) *Permitted signs.* In all residential districts, the following signs are permitted in accordance with the regulations set forth hereinafter:

- (1) *Non-flashing non-illuminated signs.* Non-flashing, non-illuminated accessory signs as follows:
 - a. Nameplates, subject to the following:
 - 1. For one (1) and two (2) family dwellings, there shall be not more than one (1) nameplate, not exceeding two (2) square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted occupation, provided that on a corner lot two (2) such nameplates for each dwelling unit, one (1) facing each street, shall be permitted.
 - 2. For multiple-family dwellings, for apartment hotels, and for buildings other than dwellings, a single nameplate not exceeding nine (9) square feet in area and indicating only the name and address of the building and the name of the management thereof may be displayed, provided that on a corner lot two (2) such signs, one (1) facing each street, shall be permitted.
 - b. Freestanding signs for the sale of multiple parcels of property within an approved subdivision or for a single parcel of more than forty (40) acres shall not exceed one hundred (100) square feet and shall be permitted for a period of not more than two (2) years, except that a permit may be renewed annually for a period not to exceed one (1) year.
 - c. Subdivision identification signs. Two permanent subdivision signs not exceeding thirty-two (32) square feet in size per face, inclusive of any logo, shall be allowed per development. Where the development has access on two (2) or more streets or has more than one (1) entrance on one (1) street, identification shall be allowed at each entrance.
 - d. Public or semipublic buildings or public park identification sign. Public or semipublic buildings or public parks shall have not more than one (1) identification sign per street frontage not exceeding thirty-two (32) square feet in size per face, inclusive of any logo.

- (2) *Non-flashing illuminated signs.* Non-flashing illuminated signs, as follows:
- a. Wall or freestanding signs associated with government, institutional and approved special uses, not exceeding thirty-two (32) square feet in gross surface area.
 - b. One (1) wall or freestanding sign shall be permitted on each frontage.
 - c. Hours of illumination shall be limited between 6:00 a.m. and 11:00 p.m. daily except that public safety facilities may be illuminated twenty-four (24) hours a day. Churches shall also be exempt for this provision on those days of the year when special services or events are held for the observance of religious holidays.
 - d. In general, these types of signs should be internally illuminated and lighting should be diffused or indirect and shall not have any direct rays reflecting onto any adjoining road right-of-way or any lot on the perimeter on which the signs are located. Externally illuminated signs shall be permitted, provided the light source is attached to the sign and is focused in a downward direction and is shielded so as to prevent the light from shining on to adjoining properties or road rights-of-way. Externally illuminated signs shall not be permitted to utilize exposed light bulbs, flood lights, neon tubing, flashing, blinking, traveling, and similar forms of illumination, including illuminated canopies.
- (3) *Changeable copy signs.* Changeable copy signs are permitted as a part of wall or freestanding signs for places of worship and schools uses, subject to the following standards:
- a. The size of the changeable copy sign shall be counted towards the total sign area permitted for each sign type.
 - b. Anything displayed on the changeable copy sign shall remain illuminated and visible for a time period stated in the special use permit.
 - c. The message shall not flash or pulsate. Any message that remains visible for less than two (2) seconds shall be considered flashing.
 - d. Changeable copy signs are prohibited within one hundred (100) feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure.
 - e. The hours of illumination shall be limited to between 6:00 a.m. and 11:00 p.m. for signs located less than five hundred (500) feet from any principal residence except on those days of the year when special services or events are held for the observance of religious holidays.
 - f. When adjacent to residential properties, light levels shall not exceed five-hundredths (0.05) footcandle as measured along the residential property line.
 - g. All content shall only be permitted for the place of worship and school use and their events and functions only.
 - h. The changeable copy sign shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location.
 - i. The location of the changeable copy sign shall be in accordance with Section 36-1053.

(b) *Location and height.* Location and height regulations for signs located in a residential district shall be as follows:

- (1) Location shall be in accordance with Section 36-1053.
- (2) Signs for the sale of multiple parcels of property within an approved subdivision or for a single parcel of more than forty (40) acres shall not exceed twenty (20) feet from grade.
- (3) Subdivision identification signs and public/semipublic building signs shall not project higher than eight (8) feet above grade.
- (4) No sign attached to the wall of a building or other structure shall extend above the roofline of that building or structure.

(Ord. No. 2020-17, exh. M, § 12:09, 9-15-2020)

Sec. 36-1057. Business districts.

(a) *Permitted signs.* Signs relating only to the name and use of buildings or premises upon which they are placed shall be permitted. Advertising signs and outdoor billboards advertising products or matters not related to the occupancy and use of the premises shall not be permitted. The following signs shall be permitted and governed as follows:

- (1) *Wall signs.* One (1) wall sign not exceeding five (5) percent of the total square footage of the building facade upon which it is placed.
- (2) *Canopy, marquee or awning signs.* The surface area of a canopy, marquee or awning sign shall not exceed ten (10) square feet, or thirty (30) percent of the exterior surface area of the canopy, marquee or awning attached to the building front, whichever is greater. Such signs shall be harmonious in scale and proportion with the building they are mounted to and with the architectural elements of the building.
- (3) *Freestanding signs.* One ground-mounted sign or pole sign per lot not exceeding fifty (50) square feet per face.
- (4) *Directories.* For buildings with multiple tenants, a directory sign may be substituted in lieu of the allowable freestanding sign subject to review and approval by the PBZ Department as to height and overall square footage.
- (5) *Public or semipublic buildings or public park identification sign.* Public or semipublic buildings or public parks shall have not more than one (1) identification sign per street frontage not exceeding thirty-two (32) square feet in size per face, inclusive of any logo.
- (6) *Nameplates.* One (1) attached, non-illuminated nameplate sign not exceeding two (2) square feet in size displaying the name, occupation, and/or service located upon the premises, and the address.
- (7) *Temporary signs.* Temporary signs shall be permitted as described in Section 36-1061.

(b) *Location and height.* Location and height regulations for signs located in a business district shall be as follows:

- (1) *Wall signs.* Wall signs shall be face mounted on the building wall, projecting not more than twelve (12) inches from the facade of the building. Such signs shall not project above the parapet wall, mansard, or other roofline and shall be recessed where involving a pitched roof location.
- (2) *Canopy, marquee or awning signs.* Copy, marquee or awning signs shall be completely within the borderline of an outer edge of the marquee or canopy and shall in no instance be lower than eight (8) feet above the ground surface over which the marquee or canopy is constructed.
- (3) *Ground-mounted signs.* Ground-mounted signs shall not exceed eight (8) feet in height from grade to the highest point on the sign.
- (4) *Pole signs.* Pole signs shall not exceed twenty (20) feet in height. The bottom of the sign shall be at least ten (10) feet above surrounding grade.
- (5) *Location.* Location of signs shall be in accordance with Section 36-1053.

(c) *Other requirements.*

- (1) *Number of signs.* Each building or property shall be allowed a maximum of two (2) signs, which may be either an attached sign, a ground-mounted sign, a pole sign, a canopy sign, a wall sign, or an awning sign. Window signs and nameplates are excluded from this maximum of two (2) signs.
- (2) *Buildings with multiple occupancy.* For buildings and/or property containing more than one (1) business or tenant, each business or tenant may have one (1) wall sign conforming to the requirements of this section. Each sign must be attached to the lease unit containing the business tenant identified.
- (3) *Additional signs.* Each building or property may have one (1) additional attached sign on walls containing a main entrance which faces customer parking areas and is not visible from either a public or private street. For this exception to apply, the signs must be attached to the same wall as their respective entrances and both the signs and the entrances must be upon the same plane of the building.
- (4) *Painted wall signs.* No sign may be painted, or similarly posted, directly on the surface of any wall. Nor shall any sign be permitted to be placed on any wall, fence, or standard, facing the side of any adjoining lot located in any residential district.
- (5) *Integrated shopping centers.* For integrated shopping centers containing five (5) or more stores or shops, one (1) additional sign may be erected not exceeding one hundred (100) square feet in area advertising only the name and the location of the integrated shopping center. Such sign shall be placed not less than ten (10) feet from the front property lines of the premises upon which the sign is located and the bottom edge of such signs shall be at least eight (8) feet above the surrounding ground. The overall height shall not exceed twenty (20) feet above grade.
- (6) *Flashing signs.* No illuminated sign shall be of the flashing or intermittent type. Signs which may be in conflict with public traffic signals shall not be permitted.

- (7) *Changeable copy signs.* Changeable copy signs are permitted as a part of wall or freestanding signs. The size of the changeable copy sign shall be counted towards the total sign area permitted for each sign type.
- (8) *Electronic message board display.* Electronic message board displays are permitted in all business and manufacturing districts, subject to the following standards:
- a. The electronic message board must be located along an arterial or major collector roadway.
 - b. Any individual letter scrolling or otherwise displayed on the electronic message board shall remain illuminated and visible for at least two (2) seconds.
 - c. The message shall not flash or pulsate. Any message that remains visible for less than two (2) seconds shall be considered flashing.
 - d. Electronic message board signs are prohibited within one hundred (100) feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure.
 - e. The hours of illumination shall be limited to between 6:00 a.m. and 11:00 p.m. for signs located less than five hundred (500) feet from any principal residence.
 - f. When adjacent to residential properties, light levels shall not exceed five-hundredths (0.05) footcandle as measured along the residential property line.
 - g. All advertising content shall only be permitted for tenants of the subject property and community events.
 - h. The electronic message board shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location.
 - i. Location of the sign shall be in accordance with Section 36-1053.
- (9) *Off-premises signs.* Off-premises signs shall only be allowed subject to the conditions and restrictions as set forth in Section 36-1059 with the following exception:
- a. 1. The Zoning Administrator may grant a conditional use for an off-premises identification sign provided one (1) or more of the following conditions exist:
 - (i) When the building or parcel of land on which the business is located is a land-locked or partially land-locked parcel of land that does not have frontage onto any adjoining roadway and is not part of an integrated shopping center or an outlot within an integrated shopping center.
 - (ii) When the building or parcel of land on which the business is located obtains its primary access onto an adjoining roadway by means of a private drive or shared ingress/egress easement.
 - (iii) The building or parcel on which the business is located is set back more than two hundred (200) feet from the road to which the private drive or ingress/egress easement provides access.

2. Such signs may be placed within the private drive or ingress/egress easement providing access to the property or on a lease parcel of an adjoining property subject to the approval of the Zoning Administrator. Such signs shall further comply with the size, height, visibility and setback requirements of Subsections (a) and (b) of this section and shall be so located as not to obstruct vehicular movement.
3. At the Administrator's discretion, the Zoning Administrator may refer such requests to the Zoning Board of Appeals for input prior to making a final determination on whether to grant or deny such request. In the event the request is denied by the Zoning Administrator, the applicant may pursue an appeal of the decision in accordance with the provisions as stated in Section 36-41.

(Ord. No. 2020-17, exh. M, § 12:10, 9-15-2020)

Sec. 36-1058. Manufacturing districts.

(a) *Permitted signs.* The following signs shall be permitted in the manufacturing districts and governed as follows:

- (1) All signs permitted in the business districts.
- (2) Outdoor advertising structures, advertising signs, and poster panels, provided the total area of all such outdoor advertising structures, advertising signs, and poster panels does not exceed one hundred (100) square feet, and provided that no commercial messages are displayed on said signs. Outdoor advertising structures which display a commercial message are prohibited.

(b) *Location and height.* Location and height regulations for signs located in a manufacturing district shall be as follows:

- (1) No sign shall project higher than forty-five (45) feet above grade.
- (2) No advertising sign or structure shall be located within five hundred (500) feet of any public park, forest preserve, school, or any freeways, expressways and toll roads designated as such in the records of the governing authorities.
- (3) No advertising sign shall be located within five hundred (500) feet of any property located in a residential district.
- (4) This section shall govern unless pre-empted by the laws of the State.
- (5) Location shall be in accordance with Section 36-1053.

(Ord. No. 2020-17, exh. M, § 12:11, 9-15-2020)

Sec. 36-1059. Special use signs.

Outdoor advertising structures which advertise off-premises commercial messages may not be permitted by this article except where otherwise provided within Sections 36-1053 and 36-1057. Commercial off-premises advertising structures may be permitted via a special use only in the M-2 Heavy Industrial District and M-3 Aggregate Materials Extraction, Processing and Site Reclamation District.

(Ord. No. 2020-17, exh. M, § 12:12, 9-15-2020)

Sec. 36-1060. Permitted extra signs for gas stations.

In addition to the signs permitted by other sections of this chapter, the following signs are permitted uniquely to gasoline stations:

- (1) Two (2) signs per pump island which designate the function of the island as self-service or full service. Such signs may be illuminated and shall not have more than two (2) faces and shall not exceed three (3) square feet per face.
 - (2) One (1) sign per type of fuel sold which designates the price of that fuel. Such signs may be illuminated and shall not have more than two (2) faces and shall not exceed six (6) square feet per face. The sign area for more than one (1) type of fuel should generally be combined into one (1) sign.
 - (3) One (1) non-illuminated sign identifying the service performed in each service bay may be placed over the opening to each bay. Such signs shall have one (1) face and shall not exceed three (3) square feet each.
 - (4) One (1) non-illuminated nameplate identifying the owner or operator is permitted adjacent to the doorway of the station. Such nameplate shall have one (1) face and shall not exceed two (2) square feet in area.
 - (5) Temporary signs advertising batteries, tires, oil or other products directly related to motor vehicles, if the signs are located directly adjacent to a display of the products described. Such signs may have two (2) faces; however, their total area shall not exceed eight (8) square feet.
 - (6) One (1) sign over each pump stand not to exceed eighteen (18) inches in height with length governed by the length of the pump itself.
 - (7) One (1) wall sign on a detached car wash building, provided that it conforms to all other provisions for wall signs as stated in this article.
 - (8) Any signs required by the State or Federal government.
- (Ord. No. 2020-17, exh. M, § 12:13, 9-15-2020)

Sec. 36-1061. Temporary signs.

(a) *General provisions.* Unless otherwise specified elsewhere in this article, the following general provisions shall apply to all temporary signs:

- (1) *Location.* All temporary signs shall be erected only on the property of the permitted use and shall be set back a minimum of five (5) feet from any public right-of-way.
 - (2) *Illumination.* No temporary sign shall be illuminated.
 - (3) *Number.* Unless a specific number of signs is listed for a particular temporary sign type, only one (1) temporary sign shall be permitted per zoning lot or business.
- (b) *Temporary sign types.* Temporary signs shall be limited in use to the following types of signs:
- (1) *Freestanding signs.* Freestanding signs shall be permitted, subject to the following provisions:
 - a. *Height.* Freestanding signs shall not exceed eight (8) feet in height from grade.

- b. *Duration.* Freestanding temporary signs shall be displayed for no more than sixty (60) days in one (1) calendar year.
 - c. *Material.* Freestanding signs shall be constructed of wood, metal, or other durable material and reasonably supported in or on the ground by adequate bracing. Banner signs are permitted.
 - d. *Surface area.* Freestanding signs shall not exceed thirty-two (32) square feet in surface area per face and may be single-faced or double-faced.
- (2) *Beacons or search lights.* Beacons or search lights may be permitted in connection with grand openings or special events provided:
- a. *Direction of illumination.* Lights must be oriented skyward not breaking an angle of forty-five (45) degrees from the ground.
 - b. *Duration.* The signs may be displayed for no more than fifteen (15) days. Upon expiration of said fifteen (15) days, the use of said sign shall be discontinued and no beacon or search light advertising the same business or establishment shall be reinstalled or re-erected for a period of six (6) months.
 - c. *Number.* Only one (1) beacon or search light shall be permitted per zoning lot.
- (3) *Inflatable signs.* Inflatable signs may be permitted in business districts in connection with grand openings or special events provided:
- a. *Duration.* The signs may be displayed for no more than fifteen (15) days. Upon expiration of said fifteen (15) days, the use of said inflatable sign shall be discontinued and no inflatable sign advertising the same business or establishment shall be reinstalled or re-erected for a period of six (6) months.
 - b. *Number.* Only one (1) inflatable sign shall be permitted per zoning lot.
- (4) *Special events signs.* Special events signs may only be permitted within the B-4 Commercial Recreation District and only in association with a special event occurring on the property on which the special event sign is located.
- a. *Duration.* The signs may be placed on a property no more than ninety (90) days during a calendar year.
 - b. *Material.* Special event signs shall be constructed of wood, metal, vinyl, or other durable material and reasonably supported by adequate bracing. Banner signs are permitted.
 - c. *Location.* Special event signs shall only be permitted along State highways and set back at least ten (10) feet from the edge of the right-of-way. Multiple special event signs shall maintain a distance of six (6) feet from one another. Signs shall be parallel to the right-of-way.
 - d. *Number.* No more than twenty-five (25) special event signs shall be permitted on a property.

- e. *Surface area.* Special event signs shall not exceed sixteen (16) square feet in surface area and shall only be single sided.

(Ord. No. 2020-17, exh. M, § 12:14, 9-15-2020)

Sec. 36-1062. Legal nonconforming signs.

(a) *Legal nonconforming signs criteria.* Any legal sign located within the County prior to the adoption of signage regulations, as amended, and which does not conform with the provisions for permitted signs of this article, is considered a "legal nonconforming" sign.

(b) *Loss of legal nonconforming status.* A sign loses its legal nonconforming status if one (1) or more of the following occurs. On the date of occurrence the owner shall have thirty (30) days to remove the sign or to secure a permit to bring the sign into compliance with this article.

- (1) *Sign altered.* The sign is altered in any way which tends to or makes the sign less in compliance with the requirements of this chapter than it was before alteration.
- (2) *Sign relocated.* The sign is relocated either on the premises or to another location.

(c) *Continuing obligation.* Nothing in this article shall relieve the owner or user of a legal nonconforming sign, or owner of the property on which the legal nonconforming sign is located, from the provisions of this chapter regarding safety, maintenance, and repair of signs; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure, sign face or message in such a way which makes the sign more nonconforming. (Ord. No. 2020-17, exh. M, § 12:15, 9-15-2020)

Sec. 36-1063. Signs in the public right-of-way.

No signs shall be allowed in the public right-of-way, except for the following:

- (1) *Permanent signs.* Permanent signs, including:
 - a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
 - b. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.
- (2) *Emergency signs.* Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

(Ord. No. 2020-17, exh. M, § 12:16, 9-15-2020)

Sec. 36-1064. Prohibited signs.

All signs not expressly permitted under this chapter or exempt from regulation under Section 36-1051, are prohibited in the County. Such signs include, but are not limited to:

- (1) Signs containing statements, words or pictures of an obscene or pornographic nature.

- (2) Any sign or advertising device painted or displayed on any vehicle or trailer parked on the public right-of-way, public property, or private property so as to be prominently visible from a public right-of-way and parked for the flagrant purpose of providing advertisement of products or directing people to a business or activity.
 - (3) Signs nailed, tacked or otherwise affixed to trees or other vegetation in such a way as to puncture bark.
 - (4) Handbills, posters, notices, or similar attention-gathering devices posted or affixed on traffic control boxes, signs, lamp poles, utility poles, or traffic control supports.
 - (5) Projecting signs.
 - (6) Pennants.
 - (7) Banner signs, unless permitted as a temporary or special event sign in Section 36-1061.
 - (8) Any sign attached to a chimney, on a fence or fence-type wall, unless permitted under Section 36-1061(b)(4), retaining wall, bench, fence post, refuse enclosure, utility box, storage shed, bus shelter, satellite dish, antenna, or other accessory structure.
 - (9) Any exterior string of lights, neon, or exposed light bulbs, except those that are temporarily displayed in conjunction with traditionally accepted civic, patriotic, or religious holidays for a duration not to exceed sixty (60) days.
 - (10) Any additional or subsequent sign painted on, attached, or otherwise affixed to poles or permitted signs.
 - (11) Outdoor advertising structures which display commercial messages, unless otherwise allowed by a special use permit.
- (Ord. No. 2020-17, exh. M, § 12:17, 9-15-2020)

Sec. 36-1065. Maintenance and operation.

(a) *Maintenance and repair.* Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting, cleaning and other acts required to maintain the sign, advertising structure, marquee, canopy or awning in its originally permitted and installed condition in accordance with the following criteria and with other applicable County regulations:

- (1) *Paint or treat.* To prevent rust, peeling, flaking, fading or rotting, the owner of any sign or advertising structure shall, as required, paint all parts and supports thereof unless the same are galvanized, stainless or otherwise treated.
- (2) *Repairs.* Broken panels, missing letters, defective illumination, torn fabric, flaking or peeling paint and other damage to a sign, advertising structure, marquee, awning, canopy or support structure shall be repaired.

- (3) *Clean and sanitary.* All signs or advertising structures and the area surrounding same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all debris, rubbish and obnoxious substances, and any related grassed area or landscaping shall be kept trimmed and in a healthy condition.

(b) *Obsolete or abandoned signs.* For any sign or advertising structure now or hereafter existing, which advertises a business, commodity, service, entertainment, activity, or event which has been discontinued, or is located on property which has been vacant and unoccupied, the PBZ Department shall give written notice requiring removal to the sign owner listed on the permit, or, if the permitted owner cannot be located, to the owner, agent or person having the beneficial use of the building or premises upon which it is found. If, after notification, the proper person fails to remove the sign or structure within sixty (60) days after such notice, the PBZ Department is hereby authorized to have such sign or advertising structure removed.

(c) *Unsafe and unlawful signs.* For any sign or advertising structure that is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is being maintained in violation of the provisions of this article, the PBZ Department shall give written notice to the sign owner as listed on the sign permit, or, if the permitted owner cannot be located, to the owner, agent or person having the beneficial use of the building or premises upon which it is found. If, after notification, the proper person fails to remove or alter the structure so as to comply with the standards of this article within thirty (30) days after such notice, the PBZ Department is hereby authorized to have such sign or advertising structure removed.

(d) *Safety hazard.* The PBZ Department may summarily, and without notice, have removed any sign or advertising structure which is an immediate safety hazard to persons or property.

(e) *Lien to recover costs.* In the event of failure by any party to reimburse the County within sixty (60) days for costs incurred for repair or removal ordered by the PBZ Department, the County Board shall certify the charges for repair or removal to the County's legal counsel, who will be then authorized to file a notice of lien in the office of the County Recorder of Deeds to foreclose this lien, and to sue the owner of the real estate, or sign permitted, or their agents, in a civil action to recover the money due for the foregoing services, plus all expenses and reasonable attorney's fees to be fixed by the court. Included in the expenses recoverable by the County are the costs of filing the notice of lien, foreclosing said lien, and all litigation costs, together with all office and legal expenses incurred in connection with the collection of the amount due.

(Ord. No. 2020-17, exh. M, § 12:18, 9-15-2020)

Sec. 36-1066. Violations.

Any of the following shall be a violation of this chapter and shall be subject to the procedures in case of violation and penalties found in Article II of this chapter as well as the remedies set forth in Article II of this chapter:

- (1) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located;

- (2) To install, create, erect, or maintain any sign requiring a permit without first securing such a permit;
 - (3) To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit has lapsed; or
 - (4) Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions of this chapter.
- (Ord. No. 2020-17, exh. M, § 12:19, 9-15-2020)

Secs. 36-1067—36-1085. Reserved.

ARTICLE VII. GUIDES AND SUMMARIES

Sec. 36-1086. Lot size guide—Agriculture and residential districts.

This is a guide only. For exact requirements, refer to provisions in this chapter which apply.

ZONING

§ 36-1086

| | A-1 | R-1 | R-2 | R-3 | R-4 | R-5 | R-6 | R-7 | RPD-1 | RPD-2 | RPD-3 |
|--|-------------|---------------|-----------|------------------|------------------|------------------|------------------|------------------|--------------------------|---------------------------|---------------------------|
| Minimum single-family residential lot size (sq. ft.) | 130,000* | 130,000 | 90,000 | 45,000 | 30,000 | 15,000 | 7,000 | 7,000 | 20,000 | 20,000 | 20,000 |
| Minimum lot width (ft.) | 200* | 200' | lot depth | 40% of lot depth | 40% of lot depth | 40% of lot depth | 40% of lot depth | 40% of lot depth | 100' | 100' | 100' |
| Maximum building height (ft.) | | | | | | | | | | | |
| Single-family residential | N/A | 40' | 40' | 40' | 40' | 40' | 40' | 40' | 40' | 40' | 40' |
| Churches | N/A | 45' | 45' | 45' | 45' | 45' | 45' | 24' | 45' | 45' | 45' |
| Other nonresidential uses | N/A | 45' | 45' | 45' | 45' | 45' | 45' | 24' | 45' | 45' | 45' |
| Front yard setback, minimum (ft.) | | | | | | | | | | | |
| Freeway and arterial roads | | | | | 40' | 40' | 40' | 50' | | | |
| Major and minor collector roads | **See Below | 150' or 50' | 50' | 50' | 30' | 30' | 30' | 40' | 30' | 30' | 30' |
| All other roads | | | | | 25' | 25' | 25' | 30' | | | |
| Side yard setback, minimum (ft.) | 50' | 50' | 25' | 10% of lot width | 10% of lot width | 10% of lot width | 10% of lot width | 10' | 10% of lot width | 10% of lot width | 10% of lot width |
| Side yard setback, corner lot, minimum (ft.) | 150' | 50' | 50' | 30' | 30' | 30' | 30' | 30' | 10% of lot width | 10% of lot width | 10% of lot width |
| Rear yard setback, minimum (ft.) | 50' | 50' | 50' | 50' | 30' | 30' | 30' | 30' | 50' | 50' | 50' |
| Public utilities required (W-Water; S-Sewer) | N/A | N/A | N/A | N/A | S | S | W, S | S | N/A | N/A | N/A. |
| Minimum nonresidential lot size (acres) | N/A | N/A | 5 | 5 | 5 | 5 | 5 | 5 | ***See below | ***See below | **See below |
| Lot coverage, maximum (%) | N/A | 10% | 12% | 20% | 20% | 40% | 40% | 40% | See ordinance | See ordinance | See ordinance |
| Density (number of units per acre) | N/A | N/A | N/A | 0.8 | 1.2 | 2.2 | 3.5 | 15 | 0.45(max) 0.33 (min.) | 0.65 (max) 0.45 (min.) | 1.0 (max.) 0.86 (min.) |
| Gross acres required | N/A | Not Specified | | | N/A | N/A | N/A | N/A | Not specified | Not specified | Not specified |

*Minimum listed is for existing and replacement homes or A-1 conditional home permits. See A-1 Agricultural District regulations for specifics.

**A-1 Front yard requirements: 100 feet from a dedicated road right-of-way or 150 feet from the centerline of all adjacent roads.

***Minimum RPD nonresidential lot sizes are specific to use. Please refer to the RPD regulations.

All "special use" lot sizes shall be specified in the special use permit.

(Ord. No. 2020-17, app. 1, 9-15-2020)

Sec. 36-1087. Lot size guide—Other districts.

This is a guide only. For exact requirements refer to provisions in this chapter which apply.

| | <i>B-1</i> | <i>B-2</i> | <i>B-3</i> | <i>B-4</i> | <i>B-5</i> | <i>B-6</i> | <i>M-1</i> | <i>M-2</i> | <i>M-3</i> |
|--|------------|------------|------------|------------|---------------------------------|------------|------------------------------|------------------------------|---------------|
| Minimum lot size (sq. ft.) | 10,000 | 10,000 | 10,000 | 20,000 | As approved by the County Board | 150,000 | Not specified | Not specified | Not specified |
| Minimum lot width (ft.) | 100' | 100' | 100' | 100' | As approved by the County Board | 250' | Not specified | Not specified | Not specified |
| Maximum building height (ft.) | 35' | 35' | 35' | 50' | As approved by the County Board | 75' | Not specified | Not specified | Not specified |
| Front yard (ft.) | | | | | | | | | |
| Arterial roadways | 50'* | 50'* | 50' | 50'* | As approved by the County Board | 75'* | 50' | 50' | |
| Major or minor collector roadways | 40'*** | 40'*** | 40'*** | 50'*** | | 50'*** | 40' | 40' | |
| All other streets | 30'**** | 30'**** | 30'**** | 40'**** | | 40'**** | 30' | 30' | N/A |
| Side yard, minimum (ft.) | 10'**** | 10'**** | 20'**** | 10'**** | As approved by the County Board | 30' | 10% of lot width (up to 20') | 10% of lot width (up to 20') | TBD by ZBA |
| Rear yard, minimum (ft.) | 20'**** | 20'**** | 20'**** | 10'**** | As approved by the County Board | 40'**** | 40' | 40' | TBD by ZBA |
| Lot coverage, maximum (%) | 75% | 70% | 70% | 75% | As approved by the County Board | 70% | 60% | 70% | Not specified |
| Floor area ratio, maximum | 0.5 | 0.5 | 0.5 | 0.2 | As approved by the County Board | 0.5 | N/A | N/A | Not specified |
| Distance from other zoning districts (ft.) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 200' |
| Distance from property lines (ft.) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 100' |
| Distance from any street or road (ft.) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 150' |
| Gross acres required | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 10 |

*Or 100 feet in B-1, B-2, B-3, B-4 or 125 feet in B-6 from the centerline of all adjacent roads, whichever is greater.

**Or 90 feet in B-1, B-2, and B-3 or 100 feet in B-4 and B-6 from the centerline of all adjacent roads, whichever is greater.

***Or 70 feet from the centerline of all adjacent roads, whichever is greater; 75 feet in the B-1 and B-3; 80 feet in the B-4; and 90 feet in B-6.

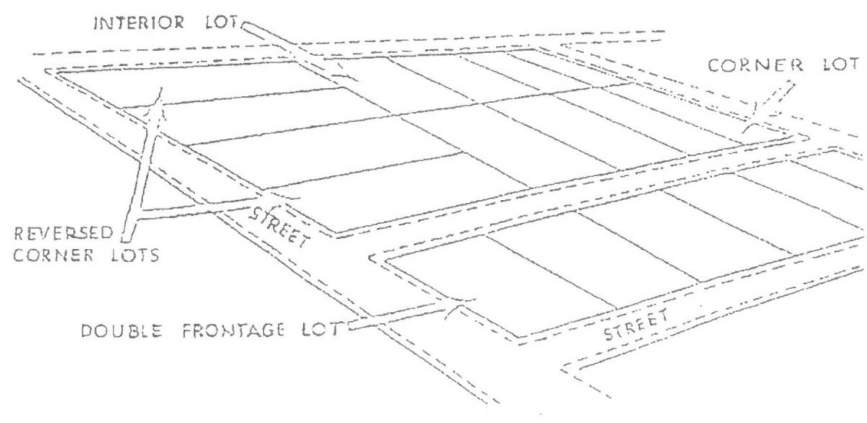
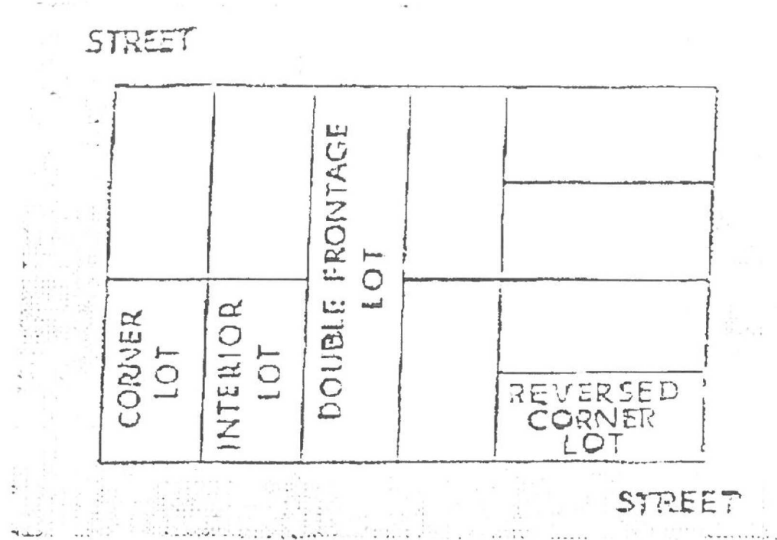
****When adjoining property in an A-1 or R district or a municipality, a side yard equal to that required on the adjacent property shall be provided, but in no event shall the setback be less than the minimum listed above.

*****No building within 300 feet of a residential district shall exceed 40 feet in height.

(Ord. No. 2020-17, app. 2, 9-15-2020)

Sec. 36-1088. Examples of lot types.

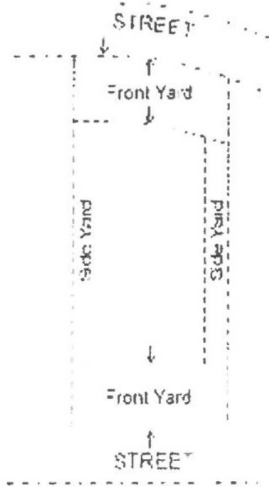
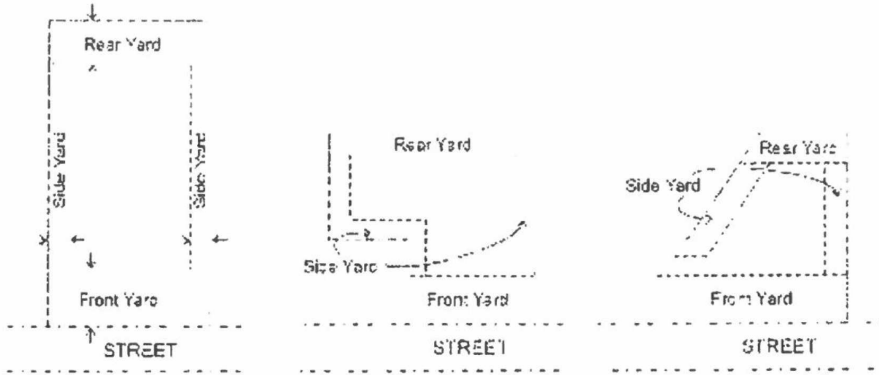
EXAMPLE OF LOT TYPES



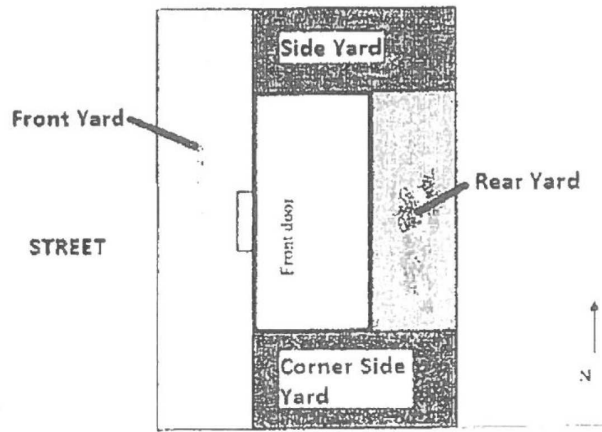
(Ord. No. 2020-17, app. A-3, 9-15-2020)

Sec. 36-1089. Required yards illustrated.

Interior Lots



THROUGH LOT

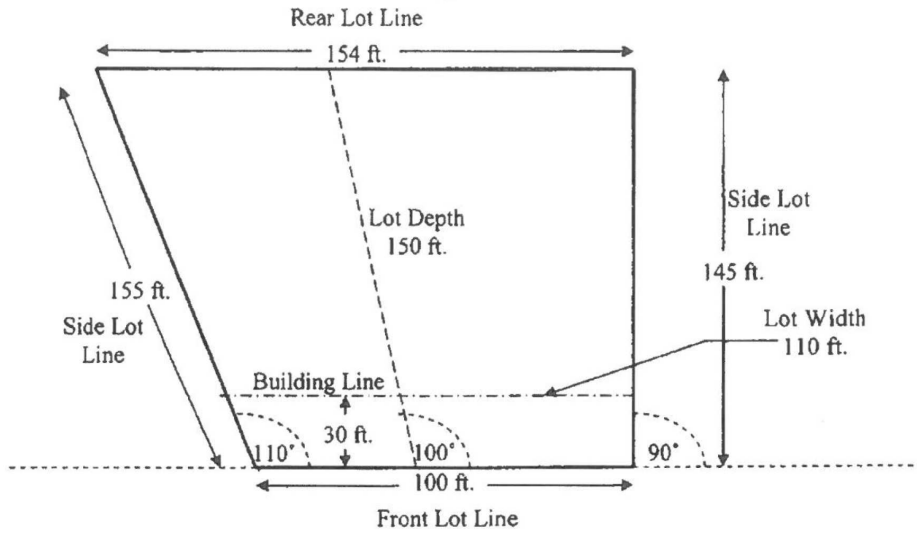


CORNER LOT

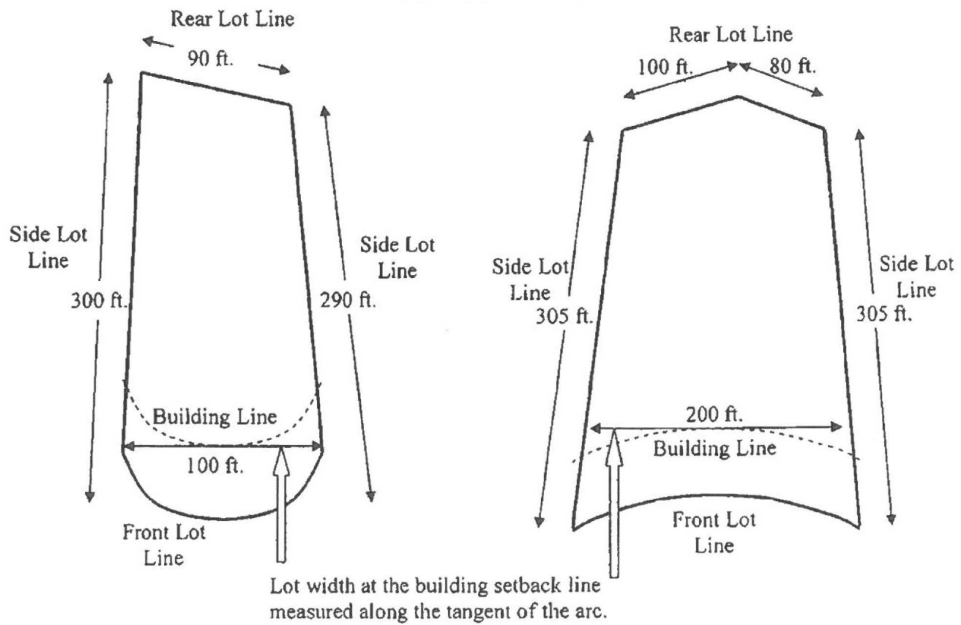
On a corner lot, the corner side yard is from the side of the house to the street, where the front of the houses faces is considered the front yard. (Ord. No. 2020-17, app. A-4, 9-15-2020)

Sec. 36-1090. Lot width and depth explained.

Rectangular Lots

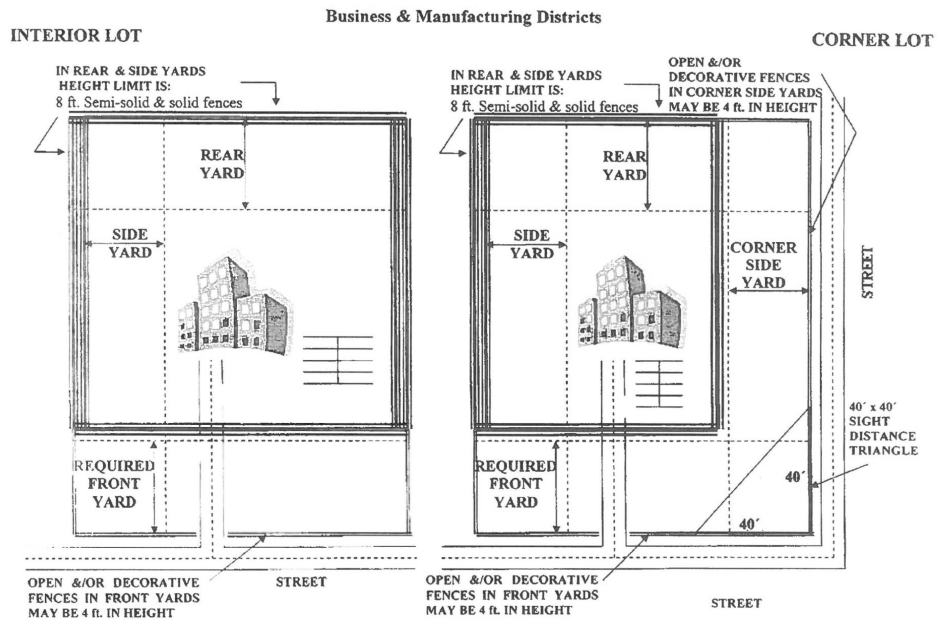
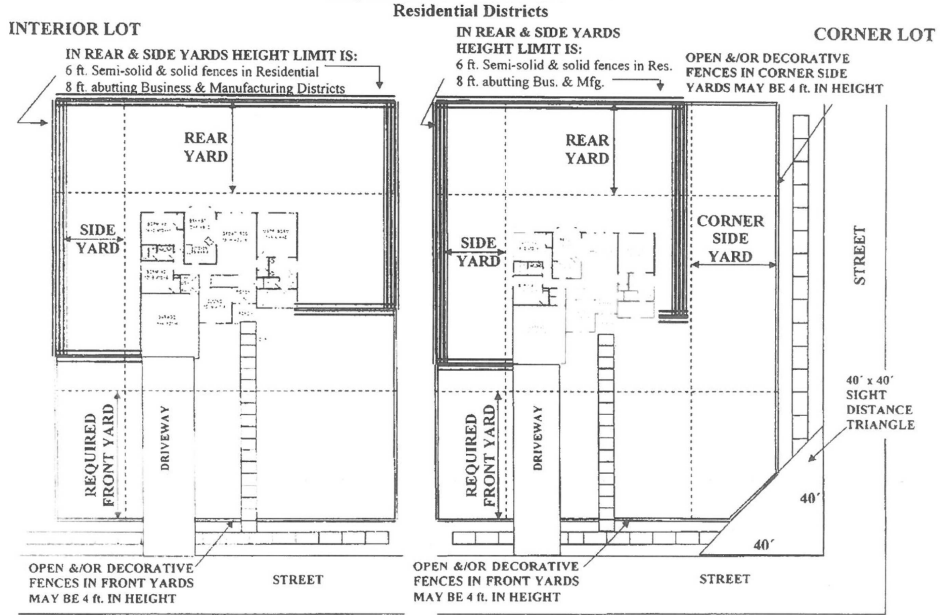


Curvilinear Lots



(Ord. No. 2020-17, app. A-5, 9-15-2020)

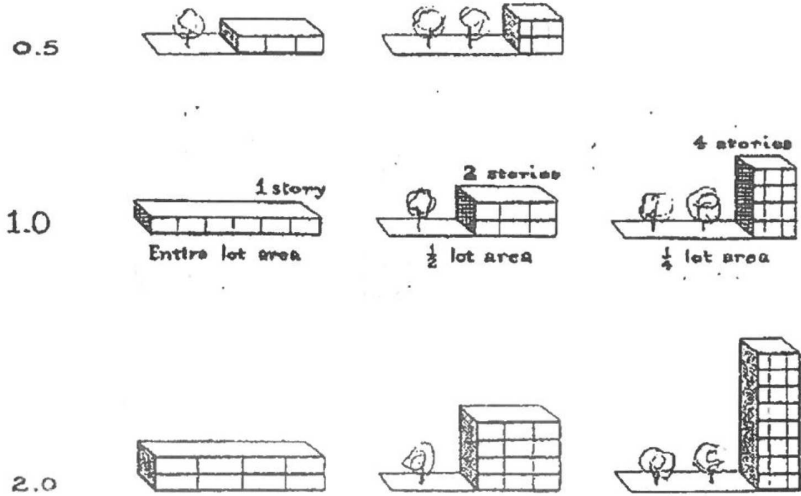
Sec. 36-1091. Permitted fences, locations in yards and height limits illustrated.



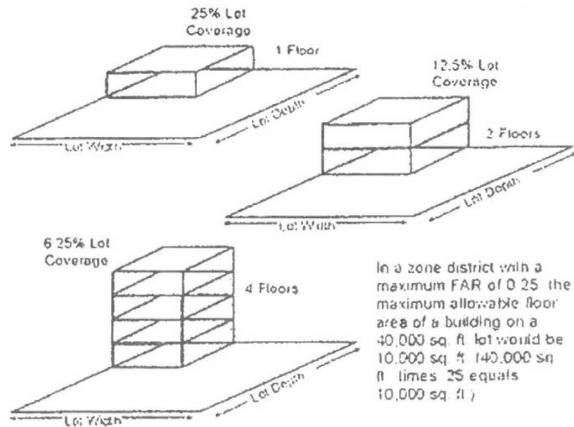
(Ord. No. 2020-17, apps. A-6, A-7, 9-15-2020)

Sec. 36-1092. How to calculate floor area measurements.

FLOOR AREA MEASUREMENTS (how to calculate)



Possible Building Configurations for 0.25 FAR



In a zone district with a maximum FAR of 0.25 the maximum allowable floor area of a building on a 40,000 sq. ft. lot would be 10,000 sq. ft. (40,000 sq. ft. times .25 equals 10,000 sq. ft.)

NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage.

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Building Area (All Floors)}}{\text{Lot Area}}$$

(Ord. No. 2020-17, app. A-8, 9-15-2020)

Sec. 36-1093. Table of permitted and special uses.

| | A-1 | R-1 | RPD-1, RPD-2 and RPD-3 | R-2 | R-3 | R-4, R-5 and R-6 | R-7 | B-1 | B-2 | B-3 | B-4 | B-5 | B-6 | M-1 | M-2 | M-3 | Conditions |
|---|--------------------|-----|---------------------------------|----------------------|-----|---------------------------|------------------|-----|-----|--|-----|-----|-----|-----|-----|-----|---------------|
| | P = Permitted use; | | | C = Conditional use; | | | S = Special use; | | | T = Temporary use; Blank = Not permitted | | | | | | | |
| Accessory agricultural services (includes blacksmith, sale of farm supplies by farmers as agents, or similar accessory use to a farm residence) | C | | | | | | | | | | | | | | | | See ordinance |
| Accessory uses | P | P | P | P | P | P | P | P | P | P | P | | P | P | P | | |
| Adult day care or respite care | S | | | | | | | | | | | | | | | | |
| Adult use/regulated uses (per Section 36-981) | | | | | | | | | | | | | | | | | |
| Adult-use cannabis craft grower | S | | | | | | | | | | | | | S | S | | See ordinance |
| Adult-use cannabis cultivation center | S | | | | | | | | | | | | | S | S | | See ordinance |
| Adult-use cannabis dispensing organization | | | | | | | | | | S | | | | S | S | | See ordinance |
| Adult-use cannabis infuser organization | | | | | | | | | | S | | | | S | S | | See ordinance |
| Adult-use cannabis processing organization | | | | | | | | | | S | | | | S | S | | See ordinance |
| Adult-use cannabis transporting organization | | | | | | | | | | | | | | S | S | | See ordinance |
| Agency-licensed family residential care homes, transitional halfway house | S | S | S | S | S | | | | | | | | | | | | See ordinance |
| Agency-licensed group residential care home, permanent | S | S | S | S | S | | | | | | | | | | | | See ordinance |
| Agricultural implement sales and service | S | | | | | | | | S | P | | | | | | | See ordinance |
| Agricultural labor housing or living quarters for groomsmen or employee watchman | C | | | | | | | | | | | | | | | | See ordinance |
| Airports and heliports, including airport hangers, tie downs and aircraft service and repair | S | S | S | S | S | | | | | | | | | S | S | | See ordinance |
| Airstrips or heliports (private) | S | S | S | S | S | | | | | | | | | S | S | | See ordinance |
| Ambulance service (private) | | | | | | | | | P | P | | | | P | P | | |
| Amphitheater | | | | | | | | | | | S | | | S | S | | See ordinance |
| Amusement park/establishment | | | | | | | | | | | S | | | S | S | | See ordinance |
| Animal feed preparation, grinding, mixing and storage | S | | | | | | | | | | | | | P | P | | |
| Animal hospital | | | | | | | | | | P | | | | | | | |
| Animal processing plant (small poultry and small animal processing plant) | S | | | | | | | | | | | | | | | | See ordinance |
| Antique shops | | | | | | | | | P | P | | | | | | | |
| Art galleries and studios | | | | | | | | P | P | P | | | | | | S | S |
| Art and school supply stores | | | | | | | | | P | P | | | | | | | |

ZONING

§ 36-1093

| | A-1 | R-1 | RPD-1, RPD-2 and RPD-3 | R-2 | R-3 | R-4, R-5 and R-6 | R-7 | B-1 | B-2 | B-3 | B-4 | B-5 | B-6 | M-1 | M-2 | M-3 | Conditions |
|--|--|-----|------------------------|-----|-----|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------|
| | <i>P = Permitted use; C = Conditional use; S = Special use; T = Temporary use; Blank = Not permitted</i> | | | | | | | | | | | | | | | | |
| Asphalt and/or concrete batch mixing plants with or without recycling facilities | | | | | | | | | | | | | | | | S | |
| Athletic fields | S | S | C | S | S | S | S | | | | S | | | S | S | | See ordinance |
| Attached single-family dwelling units | | | P | | | | P | | | | | | | | | | See ordinance |
| Auction facilities | S | | | | | | | P | P | P | P | | | P | P | | See ordinance |
| Bait shops | S | | | | | | | P | P | P | S | | | S | S | | See ordinance |
| Banks and financial institutions | | | | | | | | | P | P | | | P | | | | |
| Banquet halls | S | | | | | | | | P | P | P | | | P | P | | See ordinance |
| Barbershops, beauty parlors, massage or similar personal service shops | | | | | | | | P | P | P | | | | | | | |
| Bed and breakfast establishments | S | S | S | S | | | | | | | | | | | | | See ordinance |
| Beverages, non-alcoholic, bottling and distributing | | | | | | | | | | P | | | | P | P | | |
| Bicycle sales and repair | | | | | | | | P | P | P | | | | | | | |
| Boat launching ramp | | | | | | | | | | | P | | | | | | |
| Boat, trailer and RV sales or rental and service | | | | | | | | S | P | P | | | | | | | |
| Book and stationery stores | | | | | | | | S | P | P | | | S | | | | See ordinance |
| Building material sales (retail) | | | | | | | | | P | P | | | | | | | |
| Business or trade schools | | | | | | | | | | | | | P | P | P | | |
| Camera and photographic supply stores | | | | | | | | S | P | P | | | | | | | |
| Carpet and rug stores | | | | | | | | | | P | | | | P | P | | |
| Catering establishments | | | | | | | | | P | P | | | | | | | |
| Cemeteries, including crematoriums and mausoleums | S | S | S | S | S | | | | | | | | | | | | See ordinance |
| Chickens | P | P | S | P | P | | | | | | | | | | | | See ordinance |
| Child day care facilities | S | S | S | S | S | S | S | S | S | S | P | | S | S | S | | |
| Christmas tree sales | T | | | | | | | T | T | T | T | | T | | | | See ordinance |
| Clean up and restoration services | S | | | | | | | | | P | | | | P | P | | See ordinance |
| Clubs and lodges (non-profit) and fraternal or religious institutions | | | | | | | | S | S | S | | | | S | S | | |
| Colleges and universities (excluding business colleges or trade schools operated for profit) | | | S | | | | | | | | | | | P | P | P | See ordinance |
| Commercial off-premises advertising structure | | | | | | | | | | | | | | | | S | S |
| Commercial solar energy facility and test solar energy systems | S | S | S | | | | | | | | | | | S | S | S | S |

| | A-1 | R-1 | RPD-1, RPD-2 and RPD-3 | R-2 | R-3 | R-4, R-5 and R-6 | R-7 | B-1 | B-2 | B-3 | B-4 | B-5 | B-6 | M-1 | M-2 | M-3 | Conditions |
|---|--|-----|---------------------------------|-----|-----|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------|
| | <i>P = Permitted use; C = Conditional use; S = Special use; T = Temporary use; Blank = Not permitted</i> | | | | | | | | | | | | | | | | |
| Commercial wind energy facility and test wind towers | S | S | S | S | | | | | | | | | | S | S | S | |
| Communication use | S | S | | S | S | | | S | S | S | | | | S | S | | |
| Community centers | | | S | | | | | | | | | | | | | | See ordinance |
| Community centers/after school programs/educational centers | | | | | | | | | | S | | | | | | | |
| Composting of landscaping waste and food waste | S | | | | | | | | | | | | | | | | See ordinance |
| Concrete ready-mix or asphalt plant due to major construction | T | | | | | | | T | T | T | T | | | T | T | T | See ordinance |
| Construction equipment sales and service | | | | | | | | | | P | | | | P | P | | |
| Consumer credit payday loan office, financing or financial offices | | | | | | | | | | S | | | | P | S | S | |
| Contractor or construction services | | | | | | | | | C | C | | | | P | P | | See ordinance |
| Contractors' office and shops | | | | | | | | | C | C | | | | P | P | | See ordinance |
| Convenience stores | | | S | | | | | P | P | P | S | | | S | S | | See ordinance |
| Convention centers | | | | | | | | | S | | | | | S | S | | |
| Copying/reproduction stores and banner or sign supplies | | | | | | | | | P | P | | | | P | P | | |
| Correctional facilities | S | | | | | | | | | | | | | | | S | See ordinance |
| Crematories/funeral homes | | | | | | | | | S | P | | | | | | | |
| Crop and tree farming | P | | | | | | | | | | | | | | | | |
| Currency exchange | | | | | | | | S | S | P | | | | | | | |
| Custom dressmaking, millinery, tailoring or shoe repair shops | | | | | | | | P | P | P | | | | | | | |
| Dairy and livestock farming | P | | | | | | | | | | | | | | | | |
| Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages | | | | | | | | S | S | P | | | | | | | |
| Drug store | | | S | | | | | P | P | P | | | | | | | See ordinance |
| Dry cleaning and pressing establishments | | | | | | | | C | C | P | | | | | | | See ordinance |
| Duplexes or two-family detached | | | P | | | | | P | | | | | | | | | |
| Dwelling unit for watchmen and families, including a caretaker | P | | | | | | | S | S | S | P | | | S | P | P | |
| Elderly cottage housing (ECHO) | C | | | | | | | | | | | | | | | | See ordinance |
| Electrical appliance stores and repairs | | | | | | | | C | P | P | | | | | | | See ordinance |
| Explosives (including storage) | | | | | | | | | | | | | | | | S | P |
| Fairgrounds | | | | | | | | | | | P | | | | | | See ordinance |
| Farming | P | | P | | | | | | | | | | | | | | |

ZONING

§ 36-1093

| | A-1 | R-1 | RPD-1, RPD-2 and RPD-3 | R-2 | R-3 | R-4, R-5 and R-6 | R-7 | B-1 | B-2 | B-3 | B-4 | B-5 | B-6 | M-1 | M-2 | M-3 | Conditions |
|--|--|-----|---------------------------------|-----|-----|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------|
| | <i>P = Permitted use; C = Conditional use; S = Special use; T = Temporary use; Blank = Not permitted</i> | | | | | | | | | | | | | | | | |
| Farm-type animals | P | P | S | | | | | | | | | | | | | | See ordinance |
| Feed yards | C | | | | | | | | | | | | | | | | See ordinance |
| Fertilizer sales, including limited storage | | | | | | | | S | S | | | | | S | S | | |
| Fertilizer and seed sales (includes bulk storage and mixing) | S | | | | | | | | | | | | | | | | |
| Fire stations | | P | P | P | P | | | P | P | P | P | | P | P | P | | |
| Forest preserve | P | | P | | | | | | | | | | | | | | |
| Forestry | P | | | | | | | | | | | | | | | | |
| Funeral homes/crematories | | | | | | | | | S | P | | | | | | | |
| Furrier | | | | | | | | | P | P | | | | | | | |
| Game breeding | P | | | | | | | | | | | | | | | | |
| Gardening supplies and seed stores (retail sales only) | | | | | | | | P | P | P | | | | | | | |
| Glass cutting and glazing establishments | | | | | | | | | P | P | | | | | | | |
| Golf courses | | S | S | S | S | S | S | | | | P | | | P | P | | See ordinance |
| Golf courses, club houses, country clubs and membership riding clubs | S | | S | | | | | | | P | | | | | | | |
| Government buildings and facilities | S | | | | | | | P | P | P | P | | P | P | P | | |
| Grain storage | S | | | | | | | | | | | | | S | P | | See ordinance |
| Grazing and forage | P | | | | | | | | | | | | | | | | |
| Greenhouses and nurseries | P | | | | | | | | | P | | | | | | | |
| Grocery and food sales (under 10,000 sq. ft.) | | | | | | | | P | P | P | | | | | | | |
| Grocery and food sales (10,000 sq. ft. and over) | | | | | | | | | P | P | | | | | | | |
| Group homes (licensed or certified with 8 or less persons) | P | P | P | P | P | | | | | | | | | | | | See ordinance |
| Group homes (licensed or certified with 9 or more persons) | S | S | S | S | S | | | | | | | | | | | | See ordinance |
| Guest house w/ kitchen facilities | C | | | | | | | | | | | | | | | | See ordinance |
| Halfway house | S | S | | S | S | | | | | | | | | | | | See ordinance |
| Health clubs (public or private) | | | P | | | | | | | P | P | | S | | | | See ordinance |
| Home-based retail and/or wholesale food operation | C | C | C | C | C | C | C | | | | | | | | | | See ordinance |
| Home occupations | P | P | P | P | P | P | P | | | | | | | | | | See ordinance |
| Horse breeding and raising | P | | | | | | | | | | | | | | | | |
| Hospices | S | S | S | S | S | | | | | | | | | | | | |

| | A-1 | R-1 | RPD-1, RPD-2 and RPD-3 | R-2 | R-3 | R-4, R-5 and R-6 | R-7 | B-1 | B-2 | B-3 | B-4 | B-5 | B-6 | M-1 | M-2 | M-3 | Conditions |
|--|--|-----|---------------------------------|-----|-----|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------|
| | <i>P = Permitted use; C = Conditional use; S = Special use; T = Temporary use; Blank = Not permitted</i> | | | | | | | | | | | | | | | | |
| Hospitals | | | S | | | | | | S | S | | | P | S | S | | |
| Hotels and/or motels | | | | | | | | | P | P | S | | S | S | S | | |
| Indoor business sales and service (under 10,000 sq. ft.) | | | | | | | | | P | P | | | | | | | |
| Indoor business sales and service (in excess of 10,000 sq. ft.) | | | | | | | | | P | P | | | | | | | |
| Indoor entertainment and recreation | | | | | | | | | S | P | S | | | S | S | | |
| Indoor retail sales of goods (under 10,000 sq. ft.), includes repairs of goods sold on premises | | | | | | | | P | P | P | | | | | | | |
| Indoor retail sales of goods (10,000 sq. ft. and over), includes repairs of goods sold on premises | | | | | | | | | P | P | | | | | | | |
| Indoor target practice | S | | | | | | | | S | S | S | | S | S | S | | See ordinance |
| Junk yards and automobile wrecking yards | | | | | | | | | | | | | | | S | | See ordinance |
| Kendall County Sheriff's Office shooting range | | | | | | | | | | | | | | | | S | See ordinance |
| Kennels | S | | | | | | | | | S | S | | | S | S | | See ordinance |
| Laboratories (medical, dental, research, experimental, and testing) | | | | | | | | | C | P | | | P | P | P | | See ordinance |
| Land application of domestic septage | P | | | | | | | | | | | | | | | | See ordinance |
| Lands and buildings used for horticulture or farm purposes | | P | | | | | | | | | | | | | | | |
| Landscape business | S | | | | | | | | | S | | | | S | S | | See ordinance |
| Laundries, automatic self-service types | | | | | | | | | C | C | P | | | | | | See ordinance |
| Light manufacturing and assembly | | | | | | | | | | | | | S | P | P | | |
| Livestock sales and purchasing (does not include stockyard or slaughterhouse) | C | | | | | | | | | | | | | | | | See ordinance |
| Medical cannabis cultivation centers | S | | | | | | | | | | | | | S | S | | See ordinance |
| Medical cannabis dispensing organizations | | | | | | | | | | S | | | | S | S | | See ordinance |
| Meeting halls | | | | | | | | | S | S | | | | S | S | | |
| Micro/craft distilleries | S | | | | | | | | | S | | | | P | P | | See ordinance |
| Micro breweries, and/or wineries | | | | | | | | | | S | | | | S | S | | |
| Miniature golf courses | | | S | | | | | | | P | P | | | | | | See ordinance |
| Model homes | | C | C | C | C | | | | | | | | | | | | |
| Mobile home parks | | | | | | | S | | | | | | | | | | |
| Monument sales (excludes cutting or grinding of stones) | | | | | | | | | P | P | | | | | | | |
| Motor freight terminals | | | | | | | | | | | | | | S | S | | |

ZONING

§ 36-1093

| | A-1 | R-1 | RPD-1, RPD-2 and RPD-3 | R-2 | R-3 | R-4, R-5 and R-6 | R-7 | B-1 | B-2 | B-3 | B-4 | B-5 | B-6 | M-1 | M-2 | M-3 | Conditions |
|---|-----|-----|---------------------------------|-----|-----|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------|
| | | | | | | | | | | | | | | | | | |
| | | | | | | | | | P | P | | | | | | | |
| Motor vehicle accessory stores | | | | | | | | | S | P | | | | | | | See ordinance |
| Motor vehicle gas stations | | | | | | | | | S | P | | | | | | | See ordinance |
| Motor vehicle/motorcycle service stations | | | | | | | | | S | P | | | | | | | See ordinance |
| Motor vehicle/motorcycle sales | | | | | | | | | S | P | | | | | | | See ordinance |
| Motor vehicle washing | | | | | | | | | S | P | | | | | | | |
| Multifamily dwellings | | | P | | | | P | | | | | | | | | | |
| Musical instrument sales and repair (includes lessons) | | | | | | | | S | P | P | | | | | | | |
| Nano breweries | S | | | | | | | P | P | P | | | | P | P | | See ordinance |
| Offices (business and professional, including medical clinics) | | | | | | | | | | | | | | | | | |
| Offices of architects, brokers, engineers, etc. | S | | | | | | | | | | | | | | | | See ordinance |
| Outdoor commercial sporting activities | S | | | | | | | | | | | | | | | | See ordinance |
| Outdoor displays | | | | | | | | | C | C | | | | | | | |
| Outdoor storage | | | | | | | | | S | S | | | | | | | See ordinance |
| Outdoor target practice or shooting | S | | | | | | | | | | | | | | | S | See ordinance |
| Packaged liquor store or any sale of alcoholic beverages | | | | | | | | | P | P | | | | S | S | | See ordinance |
| Paintball facilities | S | | | | | | | | | | | | | | | | See ordinance |
| Parks | S | P | P | P | P | | | | | | | | | | | | |
| Parking garages | | | | | | | | | S | P | | | | P | P | | See ordinance |
| Pawn shops | | | | | | | | | | S | | | | S | S | | |
| Personal and business service shops (under 10,000 sq. ft.) | | | S | | | | | P | P | P | | | | | | | See ordinance |
| Personal and business service shops (in excess of 10,000 sq. ft.) | | | S | | | | | | P | P | | | | | | | |
| Pet shops, wholly within an enclosed building | | | | | | | | | P | P | | | | | | | |
| Performing arts center | S | | | | | | | | | S | P | | | S | S | | See ordinance |
| Philanthropic and eleemosynary institutions | S | S | | S | S | | | | | | P | | | | | | See ordinance |
| Photography studios | | | | | | | | P | P | P | | | | | | | |
| Places of worship | S | S | C/S | S | S | S | S | S | S | S | S | | | S | S | | See ordinance |
| Planned unit developments | | | P | | | | | S | S | | S | | | P | S | | See ordinance |
| Plumbing, heating, and roofing supply shops | | | | | | | | | P | P | | | | | | | |
| Police stations | | | P | | | | | P | P | P | P | | | P | P | | |

| | A-1 | R-1 | RPD-1, RPD-2 and RPD-3 | R-2 | R-3 | R-4, R-5 and R-6 | R-7 | B-1 | B-2 | B-3 | B-4 | B-5 | B-6 | M-1 | M-2 | M-3 | Conditions |
|--|--|-----|------------------------|-----|-----|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------|
| | <i>P = Permitted use; C = Conditional use; S = Special use; T = Temporary use; Blank = Not permitted</i> | | | | | | | | | | | | | | | | |
| Portable concrete crushing, screening, and stockpiling of dirt, crushed concrete and rap (incidental to a major construction project) | T | | | | | | | T | T | T | T | T | T | T | T | T | See ordinance |
| Postal substations | | | P | | | | | P | P | P | | | | | | | |
| Private clubs or lodges | S | | | | | | | | | | | | | S | S | | See ordinance |
| Private clubs (soccer, etc.) | | | | | | | | | | | | | S | S | S | | See ordinance |
| Processing or assembly | | | | | | | | C | C | | | | | P | P | | See ordinance |
| Production and sale of sweet cider, hard cider, wine, jams, etc. Also tasting and retail of items produced on site and ancillary items | S | | | | | | | | | S | S | | | S | S | | See ordinance |
| Production, processing, cleaning, testing, or repair services (limited uses) | | | | | | | | | | | | | | P | P | | See ordinance |
| Public or private utilities and service uses | S | S | S | S | S | S | S | S | S | S | | | S | P | P | | See ordinance |
| Public 911 safety towers | C | | | | | | | | | | | | | | | | See ordinance |
| Racetracks | | | | | | | | | | | S | | | S | S | | See ordinance |
| Railroad freight terminals, railroad switching and classification yards, repair shops and roundhouses | | | | | | | | | | | | | | | | S | |
| Recreational areas | | | P | | | | | | | P | | | | S | S | | See ordinance |
| Recreational camps or RV parks | S | | | | | | | | | | S | | | S | S | | See ordinance |
| Research laboratories, including testing | | | | | | | | | | | | | P | | | | See ordinance |
| Rest homes, nursing homes and sanitariums | | S | S | S | S | S | S | | | | | | | | | | |
| Restaurants, cafes, cafeterias, and like uses | | | | | | | | P | P | P | | | S | S | S | | See ordinance |
| Restaurants, including drive-in type of establishments | | | | | | | | | | P | | | | | | | See ordinance |
| Retail shops or office uses with conditions | | | | | S | | | | | | | | | | | | See ordinance |
| Retail or wholesale sales of pottery, art, or home decor products | S | | | | | | | | | | | | | | | | See ordinance |
| Retail or wholesale sales yards for agricultural products | S | | | | | | | | S | | | | | S | S | | See ordinance |
| Riding stables, including polo clubs, rodeo clubs and similar uses | C | | S | | | | | | | | S | | | S | S | | See ordinance |
| Roadside stands | | P | P | P | P | | | | | | | | | | | | See ordinance |
| Solar energy systems, private | | P | P | P | P | | | | | | | | | P | P | P | |
| Schools (elementary, junior high and high school) | S | S | C | S | S | S | S | | | | | | | | | | See ordinance |
| Schools (music, dance, business, commercial, or trade) | | | | | | | | P | P | P | | | P | S | S | | See ordinance |

| | A-1 | R-1 | RPD-1, RPD-2 and RPD-3 | R-2 | R-3 | R-4, R-5 and R-6 | R-7 | B-1 | B-2 | B-3 | B-4 | B-5 | B-6 | M-1 | M-2 | M-3 | Conditions |
|---|---|-----|---------------------------------|-----|-----|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------|
| | P = Permitted use; C = Conditional use; S = Special use; T = Temporary use; Blank = Not permitted | | | | | | | | | | | | | | | | |
| School bus garages | S | S | C | S | S | S | S | | | | | | | P | P | | See ordinance |
| Seasonal festivals | P | | | | | | | | | P | | | | | | | See ordinance |
| Secondary dwelling units | | | S | | | | | | | | | | | | | | See ordinance |
| Self-service storage facilities | | | | | | | | C | S | | | | S | S | S | | See ordinance |
| Seminaries, convents, monasteries (and like uses) | | S | S | S | S | S | S | | | S | | | | S | S | | See ordinance |
| Service or commercial uses for immediate convenience | | | | | | | | | | | | | S | | | | See ordinance |
| Service clubs | S | | | | | | | | | | | | | | | | |
| Single-family attached dwelling units | | | P | | | | P | | | | | | | | | | See ordinance |
| Single-family detached dwellings | | P | P | P | P | P | P | | | | | | | | | | |
| Single-family semi-detached dwellings | | | | | | | P | | | | | | | | | | |
| Single-family dwellings (130,000 square foot minimum and evidence that it is incompatible with agricultural uses) | C | | | | | | | | | | | | | | | | See ordinance |
| Single-family residential uses (40 acres, allocated, approved lot or replacement home) | P | | | | | | | | | | | | | | | | See ordinance |
| Slaughterhouses | | | | | | | | | | | | | | | | S | |
| Slaughtering of poultry or rabbits | | | | | | | | | | | | | | | P | P | |
| Small wind energy systems | P | P | P | P | P | | | P | P | P | P | P | P | P | P | P | See ordinance |
| Sod farms | P | | | | | | | | | | | | | | | | |
| Sports arenas and stadiums | | | | | | | | | | | S | | | S | S | | See ordinance |
| Storage facilities (for motor vehicles, boats, trailers and other recreational vehicles) | S | | | | | | | | | | | | | P | P | | See ordinance |
| Storage of manure, peat, topsoil, petroleum, and goods used in or produced by manufacturing activities | | | | | | | | | | | | | | S | P | | |
| Storage of products when accessory to the pursuit of agriculture | P | | | | | | | | | | | | | P | P | | |
| Surface and/or open pit mining, extraction and/or processing of aggregate materials | | | | | | | | | | | | | | | | P | See ordinance |
| Taverns | | | | | | | | S | P | | | | S | | | | |
| Telecommunications stations | S | | | | | | | S | S | S | S | S | S | P | P | | |
| Temporary buildings for construction offices or storage | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | |
| Temporary buildings, trailers, or yards for construction materials and/or equipment | T | | | | | | | | | | | | | | | | See ordinance |

| | A-1 | R-1 | RPD-1, RPD-2 and RPD-3 | R-2 | R-3 | R-4, R-5 and R-6 | R-7 | B-1 | B-2 | B-3 | B-4 | B-5 | B-6 | M-1 | M-2 | M-3 | Conditions |
|--|--------------------|-----|---------------------------------|----------------------|-----|---------------------------|------------------|-----|-----|--------------------|-----|-----|-----|-----|-----|-----------------------|---------------|
| | P = Permitted use; | | | C = Conditional use; | | | S = Special use; | | | T = Temporary use; | | | | | | Blank = Not permitted | |
| Temporary stockpiling of dirt on private property (incidental to a major construction project) | T | T | | T | T | | | | | | | | | | | | See ordinance |
| Theaters | | | | | | | | | | S | S | | | S | S | | See ordinance |
| Tobacco shops | | | | | | | P | P | P | | | | | | | | |
| Trailers or mobile homes for residential purposes during construction of new home | T | | | | | | | | | | | | | | | | See ordinance |
| Transfer stations | | | | | | | | | | | | | | S | S | | See ordinance |
| Truck and tractor amusement competition events | C | | | | | | | | | P | | | | | | | See ordinance |
| Truck farming | P | | | | | | | | | | | | | | | | |
| Truck driving schools | | | | | | | | | | S | | | | S | S | | |
| Truck sales | | | | | | | | | | | | | | P | P | | |
| Truck stops | | | | | | | | | | S | | | | S | S | | |
| Truck wash facilities | | | | | | | | | | | | | | S | S | | See ordinance |
| Vegetable gardens | P | P | | P | P | P | P | | | | | | | | | | |
| Veterinary establishments | S | | | | | | | S | P | P | | | | | | | See ordinance |
| Wholesales (not including storage or warehousing) | | | | | | | | | | | | P | | | | | See ordinance |
| Wholesaling and warehousing | | | | | | | | | | | | | | P | P | | |
| Other uses not specifically listed as permitted (conform to goals, purpose and objectives of district) | | S | | S | S | | | | | | S | S | S | S | S | | See ordinance |

For B-5 Business Planned Development (BPD) District, permitted uses shall be consistent with the purpose of this district, including a wide variety of retail, office, general commercial and light industry. A permitted use list shall be developed and approved with each zoning request in the B-5 BPD District.
 (Ord. No. 2020-17, app. A-9, 9-15-2020; Ord. No. 2022-01, art. V, 1-4-2022; Ord. No. 2022-03, art. IX, 1-18-2022; Ord. No. 2023-24, §§ XL—XLV, 5-16-2023)

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| Ord. No. 97-08 | 3-18-1997 | art. 1 | 16-451 |
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| | | art. 7 | 16-457 |
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| | | 3 | 16-1 |
| | | 4 | 16-1 |
| | | 5 | 16-1 |
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| | | 2 | 2-2 |
| | | 3 | 2-2 |
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| | | 2 | 26-1 |
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| Legislation | Date | Section | Section this Code |
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