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**PART V: ZONING  
TEXT CHANGES**

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## ZONING TEXT CHANGES

These are the proposed revisions to the text of the Shelby County zoning ordinance.

Substantial revisions are shown in larger bold font.

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# DEFINITIONS

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## ARTICLE II. LAND USE CONTROL STANDARDS

### §1. DEFINITIONS

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

#### *ACCESSORY BUILDING AND USE*

A. A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy.

B. Local public utility facilities, including electric current, sewer gas and water distribution wires, lines, and conduits, with their supports, poles, guy wires, transformers, wire, cables and other incidental equipment, and also including public telephone booths.

#### *AGRICULTURE*

**Crops, livestock and livestock and aquatic products include but are not limited to the following: legume, hay, grain, fruit, and truck or vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry, greenhouses and aquatic products as defined in the Aquaculture Development Act; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur and wildlife farms, farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners. Agricultural uses, as defined herein, require a minimum lot size of ten (10) acres.**

#### *ALLEY*

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

#### *BLOCK*

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

#### *BOARD*

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

#### *BUILDING, DETACHED*

A building having no structural connection with another building.

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*BUILDING, FRONT LINE OF*

The line of the face of the building nearest the front lot line.

*BUILDING, HEIGHT OF*

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

*BUILDING, TEMPORARY*

**A building that is not permanently affixed to the land**

*BUILDING, PRINCIPAL*

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

*BUILDING AREA*

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

*BUILDING LINE - BUILDING SET BACK LINE*

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

*BUSINESS (ALSO COMMERCIAL)*

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

*CAMP, PUBLIC*

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

*CEMETERY*

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

*CERTIFICATE OF OCCUPANCY*

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

*CLINIC OR MEDICAL HEALTH CENTER*

An establishment where patients are admitted for special study and treatment by two or more licensed physicians and/or dentists and their professional associates.

*COMMISSION*

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

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*COMPREHENSIVE PLAN*

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

*CONTINGENT USE*

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

*COUNTY*

The County of Shelby, Illinois.

*COUNTY BOARD*

The County Board of Shelby County, Illinois.

*DEVELOPMENT PLAN*

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

*DISTRICT*

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

*DWELLING*

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

*DWELLING UNIT*

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

*EFFECTIVE DATE*

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

*FAMILY*

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

*GARAGE, PRIVATE*

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

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*GARAGE, PUBLIC*

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

*GROUND FLOOR AREA*

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

*HOME OCCUPATION*

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

*HOTEL OR MOTEL*

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

*IMPROVEMENT LOCATION PERMIT*

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

*JUNK YARD*

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

*JURISDICTIONAL AREA*

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

*KENNEL*

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

*LOADING AND UNLOADING BERTH,*

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

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*LOT*

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

*LOT, CORNER*

A lot at the junction of and abutting two or more intersecting streets.

*LOT, INTERIOR*

A lot other than a Corner Lot or Through Lot.

*LOT, THROUGH*

A lot having frontage on two parallel or approximately parallel streets.

*LOT COVERAGE*

The percentage of the lot area covered by the building area.

*LOT GROUND LEVEL*

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

*LOT LINE, FRONT*

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

*LOT LINE, REAR*

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

*LOT LINE, SIDE*

Any lot boundary line not a front lot line or a rear lot line.

*LOT WIDTH*

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

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*MANUFACTURED HOME / MOBILE HOME*

**Any vehicle, including the equipment sold as part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets or highways by either self-propelled means or not self-propelled means which is designed, constructed, or added to by means of an enclosed addition or room in such manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons, which is both used and occupied as a dwelling or sleeping place with or without a permanent foundation when connected to the required utilities in which unit shall have the official red metal label affixed to the rear of each towable unit indicating compliance with the standards of the National Manufactured Home Construction and Safety Standards.**

*MODULAR HOME*

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

*MOBILE HOME PARK*

An area of land upon which two or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes, and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park. For the purposes of this ordinance, manufactured homes and mobile homes as defined herein are permitted in all mobile home parks.

*PARKING AREA, PUBLIC*

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

*PARKING SPACE*

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

*PERSON*

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

*PLACE*

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

*PLAT*

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

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*PRIVATE SCHOOL*

Private preprimary, primary, grade, high or preparatory school or academy.

*PROFESSIONAL OFFICE*

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

*RECREATIONAL VEHICLE (RV)*

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

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

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

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

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

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

*SIGN*

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

*SPECIAL EXCEPTION*

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

*STREET*

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

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*STRUCTURE*

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

*STRUCTURAL ALTERATION*

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

*TOURIST HOME / BED & BREAKFAST*

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

*TRADE OR BUSINESS SCHOOL*

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

*USE*

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

*USE, NONCONFORMING*

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

*USE, OPEN*

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

*VARIANCE*

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

*VISION CLEARANCE ON CORNER LOTS*

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

*YARD*

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

*YARD, FRONT*

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

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*YARD, REAR*

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

*YARD, SIDE*

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

*ZONING ADMINISTRATOR*

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

*ZONE MAP*

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

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# DETERMINATION OF BOUNDARIES

## §2. DETERMINATION AND INTERPRETATION OF DISTRICT BOUNDARIES

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

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# DISTRICT DEFINITIONS

## §9. ESTABLISHMENT AND DEFINITION OF DISTRICTS

The following definitions are consolidated from the original eleven Districts as defined in the 1964 Comprehensive Plan and zoning ordinance.

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

District Designation	Primary Use
A	Agriculture
R1	Residential
RR	Rural Residential
GB	General Business
I1	Industrial
FPO	Flood Plain Overlay

**B. The Zone Map that accompanies this ordinance is hereby declared to a part of these regulations. The map shows the boundaries of and the area covered by each district. Notations, references, indications and other matters shown on the Zone Map are as much a part hereof as if they were fully described herein.**

**C. The Districts identified above are described as follows:**

- 1. A This District is intended for agricultural cultivation and associated uses as defined in §1. It includes that part of the Jurisdictional Area which at present is rural in character. The minimum size of lots is greater than that of other Districts.**
- 2. R1 This District will be used primarily for single-family dwellings. Two-family and multifamily buildings may be permitted on a density of use basis. The minimum lot and building areas required in this district recognize current desirable residential construction practices for medium-density residential development. The minimum lot size will increase for each additional dwelling unit included in a multifamily building. Specific requirements for residential use are shown in §11 Figure 1. Certain non-residential contingent uses and special exceptions may be permitted in the District with the approval of the Board as seen in §15 Figure 5.**
- 3. RR This District is established to provide larger acreage home sites as a buffer area between agricultural zones and higher density urban areas. The District shall be permitted in any portion of the Jurisdictional Area that is suitable for low density residential development. The minimum lot size is five (5) acres, and two-family / multifamily housing is not permitted.**

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**4. GB** This District is established to meet the specific requirements of business uses, as defined in §12, needed to give adequate service throughout the Jurisdictional Area as related to present and future development. The District provides for all types of business and service uses including retail shopping, warehouse and storage facilities, as well as some light industrial operations as defined in §13. The specific requirements for business uses are given in §12 Figure 2; contingent uses and special exceptions are shown in §15 Figure 5.

**5. I1** The District is provided for industrial operations utilizing enclosed space for storage, fabricating, and manufacturing, as well as planned industrial parks developed on tracts of twenty (20) or more acres. Both light and general industrial uses as defined in §13 shall be permitted in the I1 District. Residential uses are excluded from the I1 District. Where permitted, business uses will conform to the requirements set forth for them in §13 Figure 3. The specific requirements for industrial uses are given in §13 Figure 3; contingent uses and special exceptions are shown in §15 Figure 5.

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

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# AGRICULTURAL USES

## §10. AGRICULTURAL USES AND REQUIREMENTS

A. The uses defined below are permitted in the Agricultural District, subject to the provisions of Subsection B, herein.

1. Agricultural Use - The art or science of cultivating the ground, the production of crops and the production of livestock, and for the purpose of these regulations shall include such operations as forestry; the growing of crops; pasturage; the production of livestock and poultry; the growing of trees, shrubs and plants; and other recognized agricultural pursuits.

2. Farm - A tract of land comprising an area of at least ten (10) acres, which is devoted to agricultural operations including accessory structures essential to the operation of the farm.

3. Manufactured and Modular Homes - Homes of these types, as defined in §1, shall be permitted in Agricultural Districts subject to the use requirements hereinafter designated in paragraph B5. Notwithstanding any other regulations regarding placement of mobile homes, all existing manufactured and modular homes in the Jurisdictional Area as of July 9, 1997, may not be replaced with units of less than a minimum ground floor area of 900 square feet.

B. Other provisions for Agricultural Use and Farms are as follows:

1. Accessory Structures may include farm residences for the owner, operator or farm assistants; fences; barns; structures for the storage of equipment and sheltering of animals; roadside structures for the sale of products produced on the farm.

2. Signs displaying subject matter related directly to the name and products of the farm are permitted uses.

3. Building setbacks shall be maintained for all structures along the public rights-of-way as follows:

Abutting: Major Street ..... 40 feet

Collector Street.....30 feet

Local Street.....25 feet

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

5. Manufactured/modular home use requirements:

A. Minimum Lot Size: One (1) acre

B. Minimum Lot Width: Eighty (80) feet

C. Maximum Building Height: Twenty-five (25) feet

D. Minimum Front Yard: Major Street.....40 feet

Collector Street.....30 feet

Local Street.....25 feet

E. Minimum Side Yard: Fifteen (15) feet

F. Minimum Rear Yard: Twenty (20) feet

G. Minimum Square Feet: Nine Hundred (900) feet

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

# RESIDENTIAL USES

## §11. RESIDENTIAL USES AND REQUIREMENTS

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

<b>Figure 1. Residential Uses and Requirements</b>				
<b>Requirements</b>	<b>in A</b>	<b>in R1</b>	<b>in RR</b>	<b>in GB</b>
Minimum front yard when lot abuts (feet):				
Major street	40	40	40	40
Collector street	30	30	30	30
Local street	25	25	25	25
Minimum side yard (one) (feet)	15	6	20	5
Minimum side yard (both or two) (feet)	30	12	40	10
Minimum rear yard (feet)	20	20	40	20
Maximum building height (feet)	35	35	35	75
Maximum height for accessory building at the top of the side walls (feet)	35	25	25	35
Minimum lot width (feet)	100	60	300	50
Minimum ground floor building size (square feet)	900	900	900	900
Minimum lot size per dwelling unit with community sewage disposal system (square feet)	2,178,000 (10 acres)	7,200	217,800 (5 acres)	6,000
Additional lot area per dwelling unit required with individual sewage disposal system (square feet)	not required	5,000	not required	5,000
Minimum number of vehicle parking spaces	2	2	2	2
Maximum lot coverage as percentage of lot	n/a	25	n/a	25

A. The residential uses defined below, including accessory buildings and uses, are permitted as indicated in Figure 1, when complying with the requirements listed therein, subject to the provisions of paragraph B herein.

1. A single-family dwelling is a detached building designed for or occupied by one family exclusively.
2. A two-family dwelling is a detached building designed for or occupied by two families. A duplex dwelling has one family unit above the other and a double dwelling has one family unit beside the other.
3. A multifamily dwelling is a building designed for or occupied by three or more families, exclusively for dwelling purposes.
4. Manufactured/modular homes, as defined in §1, with a minimum ground floor area of 900

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square feet shall be permitted in agricultural and residential districts subject to the use requirements designated in §10 Subsection B5.

5. A two-family dwelling, or duplex, may be constructed with a zero lot line setback as to that side yard boundary line separating the two-family dwelling or duplex into two living units. A separate variance request shall not be required. However, if the two-family dwelling, or duplex, is to be constructed on a single lot, the lot shall be subdivided pursuant to this ordinance, as amended from time to time, and the Illinois Plat Act.

**6. Recreational Vehicles (RVs), as defined in §1, shall not be used as dwelling units. They shall be parked within a building or behind the nearest portion of the building to the street. They may not be parked on empty residential lots. They may not be used for living, sleeping, or housekeeping, except in locations lawfully established for such use.**

B. Other Provisions for Residential Uses are as follows:

1. Area and Width - A single-family dwelling may be located on any lot in any District in which single family dwellings are permitted if the lot was in single ownership or included in a subdivision which was of record in the office of the County Recorder prior to the original effective date of these regulations (September 8, 1964) even though the lot does not have the minimum lot width or the minimum lot area specified for the District; provided, however, that no dwelling structure may be located on any lot having a width of less than fifty (50) feet, or is within the 100-year flood plain, as defined in the Comprehensive Plan.

2. Rear Yard - One-half of an alley abutting the rear lot may be included in the required rear yard.

3. Accessory Buildings are not permitted prior to the erection of principal building. No accessory building shall be located closer to a side lot line than 3 feet nor exceed 18 feet in height and, if detached from the principal building, shall be set back of the front line of the principal building on the lot.

4. Accessory Uses such as public utility local distribution facilities, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard. Fences, latticework screens, hedges or walls, not more than 7 feet in height, may be located in the required side or rear yard, and a hedge, maintained so as not to exceed 3 feet in height may be located in any front yard. Trees, shrubs, flowers, or plants are permitted in any required front, side or rear yard.

5. Front Yard - Where 25% or more of the lots in the block are occupied by buildings on the effective date of these regulations, the average setback of such buildings determines the dimensions of the front yard in the block; however, front yard lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in such subdivisions, except when such building setback lines may be less restrictive than as provided in these regulations. On through lots a front yard is required on each street.

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6. Projections into Yards

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

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

7. Tapered Yard on Corner Lot - Where the rear lot line of a corner lot abuts the side lot line of an interior lot, or abuts an alley separating the corner lot from the interior lot, an accessory building to be located on the rear lot line of the corner lot shall set back from the street upon which the interior lot fronts as far as the building line on the interior lot. For each foot that such accessory building is to be placed from the rear lot line toward the front lot line of the corner lot, the accessory building may be placed four (4) inches closer to the side street line, but in no case closer than ten (10) feet.

8. Height - In the Districts limiting height to 35 feet, a multifamily dwelling may be increased in height not to exceed 35 feet; provided, the required side yards are- increased an additional 2 feet for each foot such structure exceeds 25 feet in height.

**9. Vision Clearance is required to be provided on all corner lots. The distance from the corner to a straight line base of a triangle shall be a minimum of 25 feet, where the sides of the triangle are equal lengths along the two streets or road right of way lines.**

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

**(A) To provide larger acreage home sites which will be a buffer area between farmland and higher density urban areas, reducing the conflicts between residential use and usual and normal farming practices.**

**(B) To meet the needs of a segment of the population for non-urban, non-farm home sites.**

**(C) To provide for the above, yet not adversely affect fish and wildlife resources and habitat areas, natural areas, and scenic areas.**

**To provide for the effectiveness of the RR zone, all lots shall have a minimum size of five (5) acres.**

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

(A) Single-family dwelling excluding manufactured/mobile homes, as defined in §1;

(B) Agricultural Use;

(C) Public parks, playgrounds;

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(D) Accessory uses and structures:

- (1) Customary residential accessory building for private use, such as pergola, greenhouse, hothouse, hobby house, summer house, patios, enclosed or covered patios, woodshed, quarters for domestic animals maintained as pets;
- (2) Fences;
- (3) Garages and parking areas for the storage and protection of the automobiles of the residents of the dwelling, including a private garage for each single-family dwelling on the same lot with or within the dwelling to which it is an accessory and in which no business or industry is conducted;
- (4) Storage for a commercial vehicle, maximum of one per dwelling;
- (5) Sleeping quarters in a garage for domestic employees of the main building to which the garage is attached;
- (6) Guest houses and guest quarters not in the main building are permitted if such quarters are, and remain, dependent upon the main building for either or both kitchen and bathroom facilities and the guest facilities are not used for residential purposes;
- (7) Swimming pools for private use (requires building permit); and
- (8) Outbuildings for stock animals, including but not limited to horses, cows, goats and sheep.**

(E) Home occupation as defined in Article I, §5 B;

(F) The taking of boarders or leasing of rooms by a resident family providing the total number of boarders and roomers does not exceed two in a single-family dwelling nor more than four (4) in any legally established two-family dwelling;

(G) The use of a manufactured home during construction, excluding residential use;

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

#### D. SPECIAL EXCEPTIONS - RURAL RESIDENTIAL

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

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

- (1) feed mixing and storage facilities;
- (2) agricultural produce storage, i.e., grain elevators and similar facilities;

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(3) feed lots;

(4) any other similar processing and allied farm commercial activities (includes roadside stand for selling of produce).

(B) Kennels;

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

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

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

# BUSINESS USES

## §12. BUSINESS USES AND REQUIREMENTS

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

Requirements	in GB	in I1
Minimum front yard when lot abuts (feet):		
Major street	40	40
Collector street	30	30
Local street	25	25
Minimum side yard in blocks not including a residential district (feet)	0	0
Minimum side yard along the side street line of a corner lot where block is adjoined by a residential district (feet)	5	5
Minimum side yard where a commercial district adjoins a residential district within a block (feet)	10	10
Minimum rear yard (feet)	15	15
Maximum building height (feet)	75	75
Vision clearance on corner lots required	yes	yes
Number of loading berths with gross floor area of business use of (square feet):		
Retail Stores with 3,000 to 15,000	1	1
Department Stores or Wholesale with 15,001 to 40,000	2	2
Office Buildings with 100,000 or less	1	1
with 100,001 to 336,000	1	1
each 200,000 additional	2	2
All other establishments and storage uses	2	2
each 25,000 additional	1	1

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

1. Retail Uses: facilities for the sale of durable goods, including but not limited to the following:
  - a. Automobile/Vehicle Sales
  - b. Department Store / Shopping Center
  - c. Discount Retail Store
  - d. Electronic/Computer Store
  - e. Hardware/Home Improvement Store
  - f. Drug Store
  - g. Office Supply Store

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- h. Bookstore
  - i. Boutique
  - j. Specialty Shop, such as toy store, flower shop, sporting goods store, etc.

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Private Club or Lodge

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

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

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

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

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

1. Plans for the erection or structural alteration of a Gasoline Service Station and Public Parking Area shall be approved by the Commission. The Commission may require such changes therein with respect to yards, location of driveways, pumps and buildings as it may deem best suited to insure safety, minimize traffic hazards and safeguard adjacent properties.

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2. Parking spaces shall be provided on the lot, or within 300 feet thereof in the District and on a site approved by the Board, as indicated in Figure 3.
  3. Parking Space Requirements shall not apply in a block where 50% or more of the area was occupied by business or industrial structures prior to the effective date of these regulations unless the area is to be cleared and new structures erected.
  4. Groups of uses requiring Parking Space may join in establishing group Public Parking Area, together with parking spaces for employees, with capacity aggregating that required for each participating use.
  5. Gasoline Service Station driveways and similar use areas subject to vehicular traffic shall be paved with a dustproof or hard surface.
  6. One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.
  7. Loading and unloading berths shall not be required for Business Uses which demonstrably do not receive or transmit goods or wares in quantity by truck delivery.
  8. Where 25% or more of the lots in a block are occupied by buildings, the setback of such buildings shall determine the dimension of the front yard in the block.
  9. The maximum building height requirement in Figure 2 may be increased if buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum building height requirement.
  10. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by state laws or city ordinances.
  11. No business operation or activity shall discharge, or cause to be discharged, liquid or solid wastes into public waters unless in conformance with the provisions of the regulations promulgated by the Department of Public Health. Plans and specifications for proposed sewage and other waste treatment and disposal facilities shall be submitted to and approval obtained from the Department of Public Health.
  12. Any exterior Accessory Sign displayed shall pertain only to a use conducted on the premises, shall not include flashing light or animated fixtures, advertising banners, pennants, spangles or similar devices, may not extend over any street line, and shall be located 50 feet or more from an R District boundary line. In no case shall a sign project above the roof line, or exceed 3 square feet in area for each front foot of the building displaying such sign, or exceed 360 square feet in overall size.

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

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

<b>Figure 3. Business Uses Parking Space Standards</b>	
<b>Type of General Business Use</b>	<b>Parking Spaces Required</b>
Business Service	one for each 500 square feet of floor area
Clothing Service, Equipment Service, Food Service, Personal Service, Retail Service, excepting:	one for each 125 square feet of floor area
Department Store	one for each 200 square feet of floor area
Indoor Theater	one for each 6 seats
Bowling Alley	three for each lane, plus one for each 6 spectator seats
Private Club or Lounge	space to accommodate 50% of the active membership at one space per each 3 members
Automobile or Trailer Sales Area	one for each 1000 square feet of the premises used for retail purposes
Automobile and Truck Repair	one for each 200 square feet of floor area
Hotel or Motel	one for each 2 employees, plus one for each two sleeping rooms
Storage Warehouse, Wholesale Establishment, and Newspaper Publishing	one for each 3 employees or occupants, based on the maximum number of employees or occupants
Motor Bus or Railroad passenger station	one for each 3 employees, plus one for each 10 seats in the waiting room. Other associated retail uses shall provide one space for each 2 employees
Veterinary Hospital or Kennel	one space for each 3 animals to be confined in pens or cages
Accessory Buildings	as determined by the Board
Advertising Sign	As per Section 13

# INDUSTRIAL USES

## §13. INDUSTRIAL USES AND REQUIREMENTS

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

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

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

A. Requirements for establishing an Industrial Zone:

- 1. The site shall have adequate water and sewer services, as defined by the Comprehensive Plan;**
- 2. The site shall be located on a county road or above, with service levels high enough to handle additional traffic created by the industrial use placed on the site. Industrial uses shall not be allowed on township roads;**
3. Each industrial use shall provide a minimum of one Parking Space for each 3 employees thereof located on the same lot as the use or within 300 feet in the District and on a site approved by the Board. The number of spaces to be provided shall be calculated for the largest working shift; and
4. Each industrial use shall provide loading and unloading berths located on the same lot as the use, as specified in Figure 4.

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B. Exceptions and Procedures:

(A) Vehicle parking requirements may be waived by the Board where 50 per cent or more of the area in a block was occupied by business or industrial structures prior to the effective date of these regulations.

(B) Groups of uses requiring Parking Space may join in establishing group parking areas with capacity aggregating that required for each participating use.

(C) Open parking area and loading and unloading berths shall be paved with a dustproof or hard surface.

(D) One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.

(E) The maximum height requirement in Figure 4 may be increased if the buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum height requirements.

(F) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

**(G) The restrictions of this section shall not apply in the following circumstances:**

**A. The activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line; the operation of motor vehicles or other facilities for the transportation of personnel, materials or products.**

**B. Conditions beyond the control of the user such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies; safety or emergency warning signals or alarms necessary for the protection of life, limb or property.**

**(H) Fertilizer storage areas and facilities must be surrounded by a fence of not less than five (5) feet. The fence must be a distance of at least four (4) feet from the fertilizer storage area or facility. The entire area within the fence must be externally lit at all a times.**

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

*DECIBEL*

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

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*RINGELMANN NUMBER*

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

*SMOKE*

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

*SMOKE UNIT*

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

*VIBRATION*

Oscillatory motion transmitted through the ground.

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

- (1) Smoke. No smoke is emitted of a density greater than No. I according to the Ringelmann's Scale, except that smoke of a density not in excess of No. 2 of Ringelmann's Scale shall be permitted for a period not in excess of six minutes in any hour.
- (2) Fly Ash. No particles from any flue or smokestack shall exceed 0.2 grains per cubic foot of flue gas at a stock temperature of 500° Fahrenheit.
- (3) Dust. No dust of any kind produced by the industrial operations shall be permitted to escape beyond the confines of the building in which it is produced.
- (4) Odor. No noxious odor of any kind shall be permitted to extend beyond the lot lines.
- (5) Gases and Fumes. No gases or fumes, toxic to persons or injurious to property shall be permitted to escape beyond the building in which they occur.
- (6) Glare. No glare shall be seen from any street or any residential area.
- (7) Vibration. No intense earth shaking vibration shall be created or maintained by any industry beyond the boundary lines of the tract on which it is located.
- (8) Noise and Sound. A maximum of 70 decibels at the property line is permitted. Noise is required

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to be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Sound may equal but not exceed street traffic noise in the vicinity during a normal day shift work period.

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

- (1) Smoke. No smoke is emitted of a density greater than No. 2 according to the Ringelmann's Scale, except that smoke of a greater density shall be permitted for a period of not in excess of six minutes in any one hour.
- (2) Fly Ash. No particles from any flue or smokestack shall exceed 0.3 grains per cubic foot of flue gas at a stack temperature of 500° Fahrenheit.
- (3) Dust. No dust of any kind produced by the industrial operations shall be permitted to escape beyond the limits of the property being used.
- (4) Odor. No noxious odor of any kind shall be permitted to extend beyond the lot lines.
- (5) Gases and Fumes. No gases or Fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which it occurs.
- (6) Glare. No glare shall be seen from any street or any residential area.
- (7) Vibration. No intense earth shaking vibration shall be created or maintained by any industry beyond the boundary line of the tract on which it is located.
- (8) Noise and Sound. A maximum of 70 decibels at the property line is permitted. Noise is required to be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Sound may equal but not exceed street traffic noise in the vicinity during a normal day shift work period.

#### **F. Hazardous Materials**

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

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# FLOOD PLAIN OVERLAY

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## **§14. FLOOD PLAIN OVERLAY**

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

A. Permitted uses include all the following, so long as the use does not require the erection of a structure intended for year-round occupancy. All uses other than those permitted herein are prohibited.

- (1) General Agricultural Operations, including crop or tree farming and truck gardening;
- (2) Forestry;
- (3) Public Parks, Playgrounds, Recreational Areas, and Private Recreational Developments, subject to requirements of Figure 5 - So long as a structure intended for regular occupancy is not erected.
- (4) Public Utilities, subject to requirements of Figure 5.
- (5) Other Uses: In the event that the owner of land which is located in the Flood Plain District, shall demonstrate to the Board that such land is, or may be, adequately drained and that the water table elevation will permit successful utilization of the land, the Board may grant a permit for a use other than the uses enumerated above in this Section, and only under all of the following conditions:

(A) The use shall be compatible with the District adjoining the Flood Plain District and nearest to the location for which a permit is sought;

(B) Adequate drainage and structures, when needed, shall be installed prior to occupancy of the land;

(C) The use and structures related thereto shall be installed in accordance with the regulations of the District adjoining the Flood Plain District; and nearest to the location for which a permit is sought;

(D) If needed, adequate, safe and year round access can be had through the Flood Plain to the land;

(E) There shall be no present or probable danger to the health and safety of persons and property occupying the land or to the public by reason of intermittent, periodic or frequent high water levels; and

**(F) Any changes to land within the flood plain should have an insignificant effect on the flood storage volume of the flood plain.**

# CONTINGENT USES AND SPECIAL EXCEPTIONS

## §15. CONTINGENT USES, SPECIAL EXCEPTIONS AND REQUIREMENTS

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

**Figure 5. Contingent Uses and Special Exceptions**

Use	in A	in R1	in RR	in GB	in I1	in FPO
Agriculture, excluding keeping of livestock or the erection and operation of stands for sale of commodities raised on premises	R	C	C	C	C	R
Airport or heliport	S			S	S	
Boarding or lodging house	S	C	S	C		
Bulk oil or bottled gas storage above ground, petroleum tank farm, and fertilizer storage and distribution	S			S	S	
Cemetery or crematory	S			S		
Church or temple	C	C	C	C		
Clinic or medical health center	S	S		R		
Conversion of single-family dwelling to two-family dwelling	R	S		S		
County club	S		S	S		
Fraternity, sorority and student cooperatives		C		C		
Golf course	S		S	S		
Golf driving range / practice field	S			S		
Greenhouse, commercial	S					
Home occupation	R	S	S	S		
Housing for tenant and seasonal workers engaged in agricultural operations	C	R		R	C	
Industrial park					R	
Industry, general					R	
Industry, light				R	R	
Junk yard	S				S	
Kindergarten or day nursery	S	S	S	R		
Lake, artificial, 3 or more acres	S	S	S	S	S	S
Landing site, hospital or ambulance helicopter	S			S		

<b>Figure 5. Contingent Uses and Special Exceptions (continued)</b>						
<b>Use</b>	<b>in A</b>	<b>in R1</b>	<b>in RR</b>	<b>in GB</b>	<b>in I1</b>	<b>in FPO</b>
Mineral extraction, burrow pit, top soil removal and storage area	S				S	
Mobile home park	S	R		S		
Mortuary				C		
Municipal or government building		C		C		
Nursing home or homes for the aged		R		C		
Outdoor commercial recreational enterprise	S			S		
Parking, public or employee	S	S	S	R	S	
Penal or correctional institution	S					
Plant nursery	C	C	C	C	C	
Produce terminal, wholesale				R	S	
Public library or museum	C	C		C		
Public park or public recreational facility	C	C	C	C	C	C
Radio or television tower	S	S	S	R	S	S
Railroad right of way / operational use	S	S	S	S	S	S
Residential development, planned		R				
Sanitary fill or refuse dump, public or commercial	S				S	
School, public or private	C	C		C		
Sewage disposal plant, public or private	S			S	S	
Shopping center				R		
Stadium or coliseum				S		
Theater, indoor				R		
Theater, outdoor	S			S		
Truck or freight terminal				R	S	
Utility substation or exchange, not including distribution facilities	S	S	S	S	S	S

**KEY to FIGURE 5**

C = Contingent use as defined below

R = Matter of right (always permitted)

S = Special Exception as defined below

Blank = Never permitted

Figure 6 on the following two pages references the requirements as detailed on pages 46-47 of the 2004 zoning ordinance. Uses with no requirements listed are considered contingent.

<b>Figure 6. Special Exception Requirements</b>	
<b>Use</b>	<b>Requirements</b>
Agriculture, excluding keeping of livestock or the erection and operation of stands for sale of commodities raised on premises	
Airport or heliport	<b>b6 (airport), b12 (heliport), g, h2, i1 (airport), i2 (heliport), ji, ki, l2, n2, p, r1, s, t, u, v, w, y</b>
Boarding or lodging house	
Bulk oil or bottled gas storage above ground, petroleum tank farm, and fertilizer storage and distribution	<b>c12*, e, h1</b> <b>*a set back of not less than 400 feet from any schools hospitals or other existing places of public or private assembly</b>
Cemetary or crematory	<b>b6, c2, i1, p, r1, v, w, y</b>
Church or temple	
Clinic or medical health center	<b>b11, c3, h4, j1, k3, l1, r1, v, w, y</b>
Conversion of single-family dwelling to two-family dwelling	<b>b14, c1, f5, h1, k27, p, y</b>
Country club	<b>c1, d3, j1, k5, l1, p, r1, v, w, y</b>
Fraternity, sorority and student cooperatives	
Golf course	<b>c6, i7, j3, k16, l2, r1, v, y</b>
Golf driving range / practice field	<b>c6, i7, j3, k16, l2, r1, v, y</b>
Greenhouse, commercial	<b>b4, c6, f2, h1, k7, m4, n1, r1, v, w, y</b>
Home occupation	<b>b1, c1, f1, h1, k8, v, y</b>
Housing for tenant and seasonal workers engaged in agricultural operations	
Industrial park	<b>a1, b10, c7, d3, g, h3, j2, k10, l2, m6, n2, a, p, q, r1, s, t, v, w, y</b>
Industry, general	
Industry, light	
Junk yard	<b>c1, e, h1, i4, k11, l5, m2, n3, r1, u1, v, w, y</b>
Kindergarten or day nursery	<b>b3, c8, f3, h1, i3, j1, k12, p, r1, v, y</b>
Lake, artificial, 3 or more acres	<b>c1, i1, j1, k2, p, r1</b>
Landing site, hospital or ambulance helicopter	<b>b7, c6, g, h5, j1, k9, l2, m5, n1, p, s, t, v, y</b>
Mineral extraction, burrow pit, top soil removal and storage area	<b>c9, e, h1, i5, j1, n3, r1, s, t, u3, v, w, y</b>
Mobile home park	<b>b8, c6, d2, g, h1, j1, k13, l2, o, p, q, r1, s, u1, v, w, y</b>
Mortuary	
Municipal or government building	<b>b1, c1, h1, j1, k6, l1, s, y</b>
Nursing home or homes for the aged	
Outdoor commercial recreational enterprise	<b>c4, d1, h1, i1, j3, k14, l2, n1, p, r2, s, t, w, y</b>
Parking, public or employee	<b>b2, p, r1, s, t, v, x, y, z</b>
Penal or correctional institution	<b>b13, c10, e, g, k15, l5, n3, p, r1, y</b>
Plant nursery	
Produce terminal, wholesale	<b>b10, c7, d3, e, h1, i8, j1, k11, l4, m3, n2, p, r1, s, t, w, y</b>
Public library or museum	
Public park or public recreational facility	

<b>Figure 6. Special Exception Requirements (continued)</b>	
<b>Use</b>	<b>Requirements</b>
Radio or television tower	<b>k19, r1, v</b>
Railroad right of way / operational use	<b>h1, k20, r1, v</b>
Residential development, planned	
Sanitary fill or refuse dump, public or commercial	<b>b11, c11, e, i9, j5, r1, u1, v, w</b>
School, public or private	
Sewage disposal plant, public or private	<b>c11, e, k19, r1, u1, v, w</b>
Shopping center	<b>a2, b9, g, j1, k23, l2, m3, n1, o, p, s, t, u1, v, y</b>
Stadium or coliseum	<b>b7, c2, j1, k24, l2, m2, n1, p, r2, s, t, v, y</b>
Theater, indoor	
Theater, outdoor	<b>c6, i6, k11, p, r1, s, t, v, w, y</b>
Truck or freight terminal	<b>c1, e, j1, k25, l4, n2, p, r1, s, t, v, w, y</b>
Utility substation or exchange, not including distribution facilities	<b>c1, g, j4, k18, r1, v, y</b>

1. Contingent Uses, Requirements and Procedure

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

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

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

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

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

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

1. The maximum building height requirement in subsection D above may be increased if buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum building height requirement.

2. In all Districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, sceneral lofts, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

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3. A church or temple requiring public parking areas at times when nearby uses do not need their parking facilities may, by agreement approved by the ZBA, utilize such facilities in lieu of providing their own parking facilities.

## 2. Special Exceptions, Requirements and Procedure

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

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

B. Upon receipt of an application for an Improvement Location Permit for a Special Exception by the Zoning Administrator, it shall be referred to the Plan Commission for investigation as to the manner in which the proposed location and character of the Special Exception will affect the Comprehensive Plan. The Commission shall then approve or deny the permit within forty-five days following receipt of the application. Approved applications shall be referred to the County Board for action. Denied applications may be appealed to the County Board for review. The rules of procedure provided above in Article I §4B shall apply in all Special Exception hearings.

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

The notice shall contain:

- (1) the particular location of the real estate for which the Special Exception is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection;
- (2) whether or not the petitioner or applicant is acting for himself or herself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual or true principal;
- (3) whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation;

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(4) whether the petitions of applicant, or his principal is other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity;

(5) whether the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members, or members of the unincorporated voluntary association; and

(6) a brief statement of the proposed Special Exception.

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

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

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

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

C. An Existing Use which is listed herein as a Special Exception, and which is located in a District in which such Special Exception may be permitted, is a conforming use. Any expansion of such Special Exception involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this section.