

11/25/2025

# ZONING ORDINANCE OF MENARD COUNTY



*In harmony and good feeling, let us transact the business for which we have assembled and let no firebrands be cast amongst us to produce discord and dissensions ...*

*– A. Lincoln*



**MENARD COUNTY ZONING ORDINANCE**  
**Menard County, Illinois**

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Joseph Crowe, Zoning Administrator, chair  
Jeff Fore, Citizen member  
Ed Whitcomb, County Board member  
Dan Robertson, Zoning Board of Appeal member  
Steve Ozella, Zoning Board of Appeals member  
Jack Knuppel, Planning Commission member  
Mark Churchill, Planning Commission member  
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Julie Wankel	Donnie Fritz
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Mark Churchill	

**MENARD COUNTY STATES ATTORNEY**

Gwen Thomas

**COUNTY ADMINISTRATOR**

Dara Worthington

**COUNTY HIGHWAY ENGINEER**

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**MENARD COUNTY PLANNING, BUILDING AND ZONING**

**Zoning Administrator, Gwen Thomas**

**102 South Seventh Street  
Petersburg, Illinois 62675**

Enacted: November 27, 1973, Comprehensive Revision Resolution 13-98 Adopted: January 1, 1999; Revised: February 27, 2001; Revised: July 30, 2002; Revised: September 10, 2002; Revised: November 26, 2002; Revised: June 24, 2003; Revised: April 13, 2004; Revised: August 10, 2004; Revised: April 26, 2005; Revised: February 28, 2006; Revised: May 30, 2006; Revised: October 3, 2006; Revised: November 28, 2006; Revised: April 10, 2007; Revised: June 26, 2007; Revised: September 25, 2007; Revised: November 13, 2007; Revised: April 29, 2008; Revised: June 10, 2008; Revised: July 30, 2008; Revised: July 14, 2009; Revised: September 8, 2009; Revised: November 24, 2009; Revised: January 26, 2010; Revised: February 9, 2010; August 30, 2011; May 29, 2012; July 10, 2012; April 28, 2015; February 28, 2017; June 12, 2018; February 22, 2022; April 26, 2022; August 30, 2022; October 11 2022, Comprehensive Revision Resolution 34-25 Adopted: November 25, 2025

## An Overview

Menard County's regional/comprehensive plan is implemented by two ordinances; the zoning ordinance and the subdivision code. The two ordinances regulate different things.

The zoning ordinance regulates the "use" of land. The subdivision ordinance regulates the "division" of land.

The zoning code regulates location of buildings on lots. The subdivision code regulates the creation of lots.

The zoning code requires certain on-site features, like yards and parking areas, in connection with specified uses. The subdivision code enumerates what public streets, utilities and services must be provided to serve newly created lots.

The zoning ordinance divides the county into zoning districts, lists permitted and special uses authorized in each district and establishes bulk regulations that control setbacks, the location of buildings on lots, yards, building height and intensity of use. The subdivision code establishes minimum requirements for lot size, lot shape, block size, block shape, street right-of-way dedication requirements, standards for construction of streets, water supply and distribution systems, septic and sanitary sewer systems, storm sewers and storm water drainage systems, and storm water detention facilities. The code also establishes public land dedication requirements for parks, storm water detention facilities, and schools.

The zoning code recognizes that any use of land impacts the use of adjoining property. Subdivision regulations recognize that when any single piece of land is divided into two or more parts with separate ownership, there is a likelihood that the land will be used more intensively after the division than it was before the division. There will be two or more owners, two or more principal uses, and two or more times the activity associated with the parcel of land than there was prior to the division.

The County's zoning regulations provide a method for public involvement in determining appropriate locations for specific land uses. The County's subdivision regulations provide a method for public involvement when land is divided to ensure that the burdens imposed by the activity generated from the subdivision will be borne by the subdivider.

Zoning and subdivision codes regulate different things. Each plays an important part in guiding the growth and development of the County.

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## CHAPTER I

# SCOPE AND ADMINISTRATION

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### User note:

**About this chapter:** Chapter 1 establishes the limits of applicability of the code and describes how the code is to be applied and enforced. Chapter 1 is in two parts: Part 1—Scope and Application (Section 101) and Part 2—Administration and Enforcement (Sections 102–111).

*This code is intended to be adopted as a legally enforceable document and it cannot be effective without adequate provisions for its administration and enforcement. The provisions of Chapter 1 establish the authority and duties of the code officials appointed by the authority having jurisdiction and establish the rights and privileges of the design professional, contractor, and property owner in unincorporated Menard County.*

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## PART 1—SCOPE AND APPLICATION

### SECTION 101 GENERAL

**101.01 TITLE** This ordinance is the zoning ordinance of Menard County. References in this document to “the zoning code,” “the zoning ordinance,” “this code,” or “this ordinance” shall be deemed to be references to the zoning ordinance of Menard County as amended.

**101.02 SOURCE OF AUTHORITY** This code is adopted pursuant to legislative authorization codified at 55 ILCS 5/5-12001 et.seq. and other applicable statutory provisions.

This code has been adopted as a comprehensive amendment to a previously existing zoning ordinance (originally adopted on November 27, 1973). This is not an initial or original zoning ordinance as described in 55 ILCS 5/5-12007, but is an amendment to such an ordinance.

**101.03 EFFECTIVE DATE** This code is effective November 25, 2025.

**101.04 STYLE** The substantive provisions are set forth in the text of this ordinance. Background, explanatory, and illustrative material is set forth in text and drawings that are shaded.

**101.05 PURPOSES** This code is adopted for the following purposes:

- 1) To implement the County’s comprehensive/regional plan;
- 2) To exercise statutory zoning authority;
- 3) To protect and promote the public health, safety, morals, comfort, and general welfare;

- 4) To protect and promote the “public interest”.

**101.06 INTERPRETATION.** In the interpretation and application of the provisions of this code, it shall be held to be the minimum requirements deemed necessary for the promotion of the public health, safety, and general welfare.

- A. This code is not intended to abrogate any easement, covenant, or other private agreement but if the requirements of this code are more restrictive than such easements, covenants, or private agreements, the requirements of the code shall govern.
- B. The County of Menard does not enforce private deed restrictions, covenants, or agreements through its zoning code.
- C. To the extent that a building, structure, or use not lawfully existing at the time of the adoption of this code conflicts with the requirements of the code, that building, structure, or use shall remain unlawful subject to Part 2 102.01.
- D. Where conditions imposed by any provision of this code are either more or less restrictive than conditions imposed by any other provisions of any other law, ordinance, resolution, rule, or regulation applicable to property or to the use of property the regulation which is more restrictive or which imposes the higher standard or requirement shall govern.
- E. If any part or provision of this code or the application of this code to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder

of these regulations or the application of them to other persons or circumstances. The Menard County Commissioners hereby declare that they would have enacted the remainder of these regulations even without any such part, provisions, or application, which is judged to be invalid.

F. Any structure hereafter erected shall conform to the provisions of this ordinance and the provisions of the *International Building Code* and of any other ordinance or regulation within this jurisdiction.

#### 101.03 REGULATORY PROVISIONS.

It shall be unlawful for any person:

- 1) To use or develop or permit the use or development of any property except in compliance with this code;
- 2) To cause or permit any contiguous property (public roads, streets, and alleys shall act as a demarcation line for purposes of determining contiguity. - i.e., lots/parcels owned by an entity but located across a public road from a lot/parcel owned by the same entity shall be deemed to be separate and distinct lots/parcels) in common ownership or unified control to be devoted to more than one principal use provided, however:
- 3) Lawful nonconformities involving multiple or mixed principal uses may be continued but not expanded;
- 4) Any conforming platted lot may be used or developed for a principal use separate from the principal use of the remaining contiguous property in common ownership or unified control;
- 5) Any combination of non-conforming platted lots which create a conforming parcel may be used or developed for a principal use separate from the principal use of the remaining contiguous property in common ownership or unified control;
- 6) To develop property without first obtaining a zoning permit;
- 7) To occupy newly developed property without first obtaining an occupancy permit;

- 8) To use any part of a lot, yard or other open space for off-street parking required in connection with one use for the purpose of causing or attempting to cause another use to comply with this code;
- 9) To violate or fail to meet any condition, requirement or prerequisite in the issuance or approval of any special use permit, or variation;
- 10) To knowingly submit false, inaccurate, or deceptive material in any complaint, or any application for a zoning permit, occupancy permit, special use permit, variation, appeal, text amendment or map amendment, or in any public hearing conducted pursuant to this code;
- 11) To violate any provision of this code.

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## **PART 2 – ADMINISTRATION AND ENFORCEMENT**

### **SECTION 102 EXISTING BUILDINGS AND USES**

#### 102.01 EXCEPTIONS AND TRANSITIONAL PROVISIONS.

Amnesty Provisions. Prior to the adoption of this code a variety of buildings, structures and uses have been established with the authorization and/or acquiescence of the County in ways that violated or arguably violated the provisions of prior zoning regulations. It is the intent of this code to henceforth consider all such buildings, structures, and uses that do not meet the requirements of this code to be lawful but non-conforming under the provisions of this code.

Buildings Under Construction. Where construction of a building has been lawfully commenced prior to the effective date of this code, and if construction is diligently pursued, the building may be completed and occupied as originally intended. Such buildings and uses shall be subject to the provisions of this Code pertaining to non-conformities if it is not in conformity with the provisions of this code.

Uses and Structures. The following uses are permitted in all districts in the public right-of-way by utility permitting from the Menard County Highway Department: light poles, traffic regulatory signs,

directional signs, street name signs, utility poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, railroad right-of-way containing railroad tracks, public rights-of way, gas regulator stations, sewage lift stations, water wells and pumping stations when located underground. On private property, easements must be established and permitting by special use will be through Menard County Zoning.

**Height Regulations.** The following uses and structure are exempted from the height regulations in this code: appurtenances usually required to be placed above the roof level and not intended for human occupancy such as: church spires, belfries, cupolas, antennas, water tanks, flag poles, public monuments, and ventilators.

## **SECTION 103 PLANNING COMMISSION**

**103.01 ESTABLISHMENT OF THE COMMISSION**  
The Menard County Planning Commission, which has been duly created by the Menard County Commissioners under Illinois State statute (55 ILCS 5/5-14001) is the Planning Commission referred to in this Code. The commission shall consist of the number of members as specified in state law. Additionally, one member of the Menard County Commissioners shall be permitted to be appointed as liaison to the commission. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on commission decisions.

**103.02 JURISDICTION.** To conduct legislative public hearings and submit reports and recommendations to the County Commissioners on zoning text and district amendments or any other matter referred to it in the manner required by Section 108 of this Code.

**103.03 TERMS FOR MEMBERS.** The terms of office for the members of the commission shall be as set forth in state law. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the Menard County Commissioners of the jurisdiction, if such a hearing is requested.

**103.04 SELECTION OF MEMBERS.** Members shall be appointed and approved by the Menard County Board. The terms of office for the commission members shall be staggered at intervals to provide continuity in policy and personnel. Members of the commission shall be residents of the jurisdiction

served. Compensation of members shall be set by the Menard County Board.

- A. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the Menard County Commissioners.

### **103.05 CHAIRPERSON ELECTION AND RULES**

**ADOPTION.** The commission shall elect from its membership a chairperson. It shall establish and adopt rules for its organization and transaction of business and shall keep a public record of its proceedings.

**103.06 COMMISSION SECRETARY.** A secretary to assist the commission shall be appointed by the Zoning Administrator. The secretary shall keep minutes of the commission meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall certify the records.

The secretary shall prepare and submit the minutes of commission meetings to the chairperson and the commission.

**103.07 DUTIES AND POWERS.** The duties and powers of the planning commission shall be in accordance with Sections 103.01 through 103.11.

**103.08 COMPREHENSIVE PLAN.** It shall be the duty of the commission, after holding public hearings, to create and recommend to the Menard County Commissioners a comprehensive plan for the physical development of the jurisdiction, which shall be permitted to include areas outside its boundaries that bear consideration to the planning of the jurisdiction.

The comprehensive plan shall include at least the following elements:

- 1) Official maps.
- 2) Growth and land use.
- 3) Commercial/industrial uses.
- 4) Transportation and utilities.
- 5) Community facilities.
- 6) Housing.
- 7) Environmental.
- 8) Geologic/natural hazards.

The commission shall be permitted to recommend amendments to the comprehensive plan regarding the administration or maintenance of this code.

**103.09 ZONING CODE.** It shall be the duty of the commission to develop and recommend to the Menard County Commissioners a zoning code or

ordinance, in accordance with the guidelines of the comprehensive plan, establishing zones within the jurisdiction.

Such a code or ordinance shall be made in regards to the character of each district and the most appropriate use of land within the jurisdiction. The commission shall make periodic reports and recommendations to the Menard County Commissioners.

**103.10 DIVISION OF LAND REGULATIONS.** It shall be the duty of the commission to develop and certify, regulations governing the division of land. Divisions of land shall be in accordance with the adopted regulations.

**103.11 OFFICIAL ZONING MAP.** The legislative body shall adopt an official zoning map for all areas included within the jurisdiction.

**103.12 APPEALS AND HEARINGS.** Any person with standing aggrieved by any decision of the commission shall have the right to make such appeals as shall be permitted to be provided by this code or state law. Such appeals shall be based on the record and made before the Menard County Board.

## **SECTION 104 DUTIES AND POWERS OF THE ZONING ADMINISTRATOR**

**104.01 ZONING ADMINISTRATOR** The Menard County Board of Commissioners shall designate the Zoning Administrator who shall administer and enforce this code.

**104.02 INTERPRETATION** The Zoning Administrator shall: interpret, construe, and apply the provisions of this Code;

**104.03 NOTIFICATION** Notify any person responsible for violating any of the provisions of this Code, indicating the nature of the violation and ordering the action necessary to correct the violation;

**104.04 ORDERS** Order discontinuance of uses of land, buildings, or structures; order removal of buildings or structures; order alteration or structural changes of buildings or structures; order discontinuance of work being done; enforce the provisions of all Special Use Permits and variations; and take any other action individually or in cooperation with the Menard County State's Attorney to ensure compliance with or to prevent violation of the provisions of this code;

**104.05 PERMITTING** Issue zoning and occupancy permits, and make and maintain records thereof;

**104.06 INSPECTION** Conduct inspections of building, structures, and use of land to determine compliance with this code;

**104.07 RECORDS** Maintain permanent and current records pertaining to this Code, including but not limited to: the Zoning Code and map, all amendments to the Code or map, all special uses, all variations, all appeals, records of all nonconformities; and building and development applications;

**104.08 COMMUNICATE** Provide and maintain public information relative to all matters arising out of this Code;

**104.09 AMENDMENTS** Initiate, direct and review, from time to time, a study of the provisions of this code, and make reports and recommendations to the County Commissioners;

**104.10 DEPUTIES** Supervise and direct such assistants, including the Zoning Officer, as may be authorized by the County Commissioners.

**104.11 INTERPRETATIONS.** The interpretation and application of the provisions of this code shall be by the Zoning Administrator or their designee. An appeal of an interpretation by the code official shall be submitted to the Board of Appeals, which, unless otherwise provided, is authorized to interpret the code and such interpretation shall be final. Uses are permitted within the various zones as described in this code and as otherwise provided herein. It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the zones described in this code. If the proposed use resembles identified uses in terms of intensity and character, and is consistent with the purpose of this code and the individual zone's classification, it shall be considered as a permitted/nonpermitted use within a general zone classification subject to the regulations for the use it most nearly resembles. If a use does not resemble other identified allowable uses within a zone, it may be permitted as determined by the hearing body in public hearing as an amendment to this code pursuant to Section 108.26.

**104.12 LIABILITY.** The code official, or designees, charged with the enforcement of this code, acting in

good faith and without malice in the discharge of the duties described in this code, shall not be personally civilly or criminally liable for any damage that may accrue to persons or property because of an act or by reason of an act or omission in the discharge of such duties.

**104.13. LEGAL DEFENSE.** A suit or criminal complaint brought against the code official or employee because of an act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code, or enforced by the enforcement agency, shall be defended by the jurisdiction until final termination of such proceedings. Any judgment resulting therefrom shall be assumed by the jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under this code.

**104.14 COOPERATION OF OTHER OFFICIALS AND OFFICERS.** The code official shall be authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

## **SECTION 105 COMPLIANCE WITH THE ORDINANCE**

**105.01 GENERAL.** Upon adoption of this code by the Menard County Board of Commissioners, no use, building or structure, whether publicly or privately owned, shall be constructed or authorized until the location and extent thereof conform to said plan.

## **SECTION 106 ZONING BOARD OF APPEALS**

**106.01 AUTHORITY** The Menard County Zoning Board of Appeals, which has been duly created by the Menard Board of County Commissioners, is the Zoning Board of Appeals or Board of Appeals referred to in this code.

**106.02 JURISDICTION** The Zoning Board of Appeals duties and responsibilities are, but are not limited to conduct administrative public hearings,

make findings of fact, and decide duly initiated appeals from any administrative order, requirement, decision, or determination made by the Zoning Administrator, Zoning Officer, or Assistants in the enforcement of this code in the manner provided in section 108.09 of this code;

**106.03 HEARINGS ON VARIATIONS** Conduct administrative public hearings, make findings of fact, and decide approval or disapproval of applications for variations;

**106.04 HEARINGS ON SPECIAL USE** Conduct administrative hearings, make findings of fact, and recommend to the County Commissioners approval or disapproval of applications for Special Use Permits;

**106.05 HEARINGS ON MAP AMENDMENTS** Conduct legislative public hearings and submit reports and recommendations to the County Commissioners on applications or proposals to amend the boundaries of the zoning districts created by this code;

**106.06 HEARINGS ON CODE AMENDMENTS** Conduct legislative public hearings and submit reports and recommendations to the County Commissioners on proposed amendments to the regulations imposed by this code;

**106.07 HEARINGS ON SUBDIVISIONS** Conduct legislative public hearings and recommend approval or disapproval of Preliminary Plans for subdivisions and, if directed by the County Commissioners, to report the Final Subdivision Plats in the manner provided in the County's Subdivision Regulations.

**106.08 REVERSAL OF ORDERS** The Zoning Board of Appeals may modify the Zoning Administrator's orders, requirements, determinations, interpretations, or applications of this Code, but shall do so only where the Zoning Administrator has either misinterpreted or erroneously applied the provisions of this Code or has misunderstood the factual situation giving rise to the appeal.

## **SECTION 107 HEARING OFFICER**

**107.01 APPOINTMENT** The Chairman of the Menard County Zoning Board of Appeals shall serve as Hearing Officer for the duration of their term. The Menard County Board may also appoint a Hearing Officer subject to state statute (55 ILCS 5/5-12015)

107.02 ALTERNATE The Hearing Officer may designate an alternate Hearing Officer. The alternate shall serve only in the absence of the regular Hearing Officer. The Hearing Officer, or in his absence the Alternate Hearing Officer may administer oaths and compel the attendance of witnesses. All testimony by any witness shall be given under oath.

107.03 REMOVAL The Menard County Board shall have the power to remove a Hearing Officer for cause, after public hearing, held after at least ten (10) days' notice to the member concerned, of the charges against him.

107.04 AT WILL Proceedings of the Hearing Officer shall be held at the call of the Hearing Officer and at such times and places within the County as the Hearing Officer may determine.

107.04 PUBLIC MEETINGS All meetings of the Hearing Officer shall be open to the public.

107.05 RULES The Hearing Officer shall adopt rules necessary to the conduct of its affairs and in keeping with the ZBA by-laws and with the provisions of this ordinance. Every rule, regulation, every amendment, or repeal thereof, and every order, requirement, decision, or determination of the Hearing Officer shall immediately be filed in the office of the Hearing Officer and shall be a public record.

107.06 MINUTES The minutes of the proceedings shall be kept in accordance with this ordinance. Hearing Officer or designee shall keep minutes of the proceedings, and shall also keep records of the examinations and other official actions.

107.07 EXPENSES In the performance of his duties the Hearing Officer may incur such expenditures as are authorized by the Menard County Board.

## **SECTION 108 HEARINGS, APPEALS AND AMENDMENTS**

108.01 INITIATION An appeal may be taken to the Zoning Board of Appeals by any person aggrieved by a decision of the Zoning Administrator.

108.02 APPLICATION An appeal shall be initiated by filing in the office of the Zoning Administrator in duplicate, a written statement of the order, requirements, determination, interpretation, or application appealed from and the factual situation giving rise to such action. Upon receipt of a completed application and required fee, one (1) copy

thereof will be forwarded to the Zoning Board of Appeals by the Zoning Administrator.

108.03 NOTIFICATION AND HEARING The Zoning Board of Appeals shall give notice and conduct an administrative public hearing on any appeal in the manner provided by section 108.10 of this code.

108.04 STANDARDS IN REVIEWING AN APPEAL The Zoning Board of Appeals shall prepare findings of fact from the evidence adduced at the administrative public hearing indicating the extent to which the following items are demonstrated:

- 1) That the Zoning Administrator misinterpreted or erroneously applied the provisions of the Code;
- 2) That the Zoning Administrator misunderstood the factual situation giving rise to the appeal.

The Zoning Board of Appeals may modify or reverse the action of the Zoning Administrator if either of the foregoing standards is demonstrated. If neither of the foregoing standards is demonstrated, the appeal shall be denied and the Zoning Administrator's action sustained. The Zoning Board of Appeals in hearing appeals shall not have the authority or power to change, modify, waive, or relax requirements or regulations of this code.

108.05 VOTE The concurring vote of four (4) members of the Zoning Board of Appeals or a quorum is necessary to reverse the Zoning Administrator.

108.06 DECISIONS All decisions of the Zoning Board of Appeals on appeals initiated hereunder shall be final and reviewable only in the courts in accordance with applicable Statutes of the State of Illinois.

108.07 STAY An appeal stays all proceedings in furtherance of the action appeal from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that by reasons of facts stated in the certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order issued by the Zoning Board of Appeals or by judicial action.

108.08 MEETINGS All meetings of the Zoning Board of Appeals shall be held at the call of the

Chairman and at such times and places as the Zoning Board of Appeals may determine.

**108.09 ADMINISTRATIVE PUBLIC HEARING.** All administrative public hearings shall be held at regularly scheduled or properly called meetings of the Zoning Board of Appeals.

**108.10 NOTICES** Legal notice of an administrative public hearing shall be given at least 15 days before the hearing by publication of notice of the date, time, and place of such hearing in a newspaper or general circulation published in the road district in which such property is located. If no newspaper is published in such road district, then such notice shall be published in a newspaper of general circulation published in the county and having circulation where such property is located. The notice shall contain: (1) the particular location of the real estate 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 in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual and 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; (4) whether the petitioner or applicant, or his principal if 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 ventures, syndicated members or member of the unincorporated voluntary association; and (6) a brief description of the matter being considered at the public hearing.

Courtesy notices may be given by the mailing of a notice of hearing to the owners of any land within 400 feet from the parcel on which action is proposed and/or by posting the property.

**108.11 ADMINISTRATIVE PUBLIC HEARING PARTIES** The applicant, Menard County, and person filing a written Entry of Appearance is a party to the administrative public hearing.

**108.12 APPEARANCE OF OTHERS.** Any person may appear and testify at an administrative public hearing, either in person or by a duly authorized

agent or attorney. Testimony shall be directly related to the subject of the appeal.

**108.13 OATHS OR AFFIRMATION** The Chairman may administer oaths or affirmations.

**108.14 COMPELLING THE ATTENDANCE OF WITNESSES** The Chairman may compel the attendance of witnesses by mailing to such persons at Notice compelling attendance not less than five (5) days before the Public Hearing. Failure of a person to appear in response to such Notice shall constitute a violation of this code.

**108.15 RECORD KEEPING** The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicated such fact.

**108.16 VERBATIM TRANSCRIPTS** The Zoning Board of Appeals shall make a sound recording of all administrative public hearings and shall retain such tape for not less than one (1) year following the closing of the hearing.

If any party desires a verbatim transcript of the administrative public hearing, a written request shall be filed with the Chairman of the Zoning Board of Appeals not less than three (3) weeks before such hearing date. Costs of taking such a transcript shall be paid by the requesting party. Any party desiring a transcript of the proceedings shall pay all transcription or copying costs.

**108.17 PREPARATION OF FINDING OF FACT** From the evidence presented to the Board during the administrative public hearing, the board shall prepare findings of fact responsive to the standards established by the code for the item under consideration and forward the Findings of Fact and any recommendation to the County Commissioners.

**108.18 NOTIFICATION OF DECISION** Copies of findings of fact and decisions or recommendations of the Board shall be served by mailing a copy thereof to all parties other than the County.

**108.19 LEGISLATIVE PUBLIC HEARINGS.** All legislative public hearing shall be regularly scheduled or properly called meetings of the Zoning Board of Appeals.

**108.20 NOTICES.** Legal notices of a legislative public hearing will follow the same procedure outlined in section 108.10 NOTICES.

#### 108.21 LEGISLATIVE PUBLIC HEARING

APPEARANCES Any person may appear and testify at a legislative public hearing, either in person or by duly authorized agent or attorney. Testimony shall be directly related to the subject of the appeal.

#### 108.22 OATHS OR AFFIRMATION FOR

LEGISLATIVE HEARING The Chairman, may administer oaths or affirmations.

108.22 COMPELLING THE APPEARANCE OF WITNESSES FOR LEGISLATIVE HEARING The Chairman may compel the attendance of witnesses by mailing to such persons a Notice compelling attendance, not less than five (5) days before the Public Hearing. Failure of a person to appear in response to such a Notice shall constitute a violation of this code.

108.23 LEGISLATIVE RECORD KEEPING Record keeping of a legislative public hearing will follow the same procedure outlined in section 108.15 RECORD KEEPING.

#### 108.24 PREPARATION OF

RECOMMENDATIONS Based on the evidence presented, the Board shall prepare a recommendation to the County Commissioners. The recommendation shall be consistent with the purpose and intent of the ordinance and responsive to any suggested guidelines established by this code for the matter under consideration.

#### 108.25 TRANSMITTAL OF RECOMMENDATIONS TO COUNTY

COMMISSIONERS A copy of the minutes and any reports or recommendations prepared by the Board after a legislative public hearing shall be filed with the County Commissioners prior to final action by the County Commissioners on item and shall become part of the public records of the County, provided however, the failure to file such minutes or report shall not invalidate any action of or by the County.

#### 108.26 INITIATION OF AMENDMENT

Amendments to the districts established hereby may be proposed by the County Commissioners, the Zoning Administrator at the direction of the County Commissioners, or by the owners of, or parties to a valid and enforceable purchase option contract applicable to the property proposed for rezoning.

Amendments to the regulations imposed hereby, that is, zoning text amendments, may be proposed by the County Commissioners or by the Zoning Administrator at the direction of the County Commissioners.

108.27 APPLICATION FOR AMENDMENT All requests for zoning amendments other than those submitted by or at the direction of the County Commissioners shall henceforth only be accepted when filed on proper application forms submitted to the Zoning Administrator and upon payment of the required fee. When such applications are required, the information requested on them is deemed to be a minimum and applicants may be requested to supply additional information prior to the hearings on their requests. Such forms shall be filed in duplicate as prerequisite to the commencement of any such action on the part of Menard County. The Zoning Administrator shall, upon receipt of the properly completed applications for zoning amendments, forward a copy of the application to the Zoning Board of Appeals and Planning Commission.

108.28 DISTRICT AMENDMENTS In making its recommendation on zoning district amendments, the Zoning Board of Appeals and Planning Commission shall be guided by those purposes for which this Code was adopted and in making its recommendation may consider the following:

- 1) The suitability of the subject property for uses authorized by the existing zoning;
- 2) The length of time the property has remained vacant as zoned considered in the context of land development in the area;
- 3) The suitability of the subject property for uses authorized by the proposed zoning;
- 4) The existing land uses of nearby property;
- 5) Existing zoning of nearby property;
- 6) Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application.
- 7) Consistency with the Comprehensive Plan.

The following guidelines, in addition to the above, are applicable to amendments involving specific zoning districts:

To or from the A-Agricultural District

- 1) The predominant soil type and/or productivity of the land

- 2) The shape and configuration of the parcel
- 3) The slope, grade and topography including the likelihood of erosion
- 4) The proximity to flood hazard boundary areas

To or from RR-Rural Residential

- 1) The predominant soil type and/or productivity of the land

Even marginal or unproductive land may not be suitable for rezoning to RR-Rural Residential if:

- 1) The slope, grade and topography create the likelihood of erosion,
- 2) Site is unsuited for private sewage disposal
- 3) The site is subject to flood hazard

To or from R-1 Single Family Residence District:

- 1) Proximity to the corporate limits or a municipality
- 2) Proximity to public water
- 3) Proximity to public sanitary sewer
- 4) Configuration, topography, suitability of soil, and other factors that might influence or effect private sewage disposal systems

Proximity to property zoned or used for commercial, industrial, or public lands purposes

- 1) Proximity to public police, fire, rescue, library, school, and park facilities

To or from R-3 Multiple Family Residence District

- 1) Proximity to the corporate limits of a municipality
- 2) Proximity to public water
- 3) Proximity to public sanitary sewer
- 4) Proximity to police, fire, rescue, library, school, and park facilities
- 5) Proximity to convenient shopping

Proximity to commercial, industrial, or public lands uses

- 1) Adequacy of adjacent public streets to handle traffic reasonably expected from multiple family development

To or from B-1 Downtown Business District

- 1) Proximity to other downtown commercial zoning and/or land uses
- 2) Proximity to public parking
- 3) Adequacy of adjacent public streets for traffic reasonably expected to be generated from commercial use
- 4) Proximity to residential zoning and/or land uses

To or from B-2 Highway Business District

- 1) Size and configuration of the parcel and suitability of the parcel to provide on-site parking and all other reasonably expected accessory uses on site without impact on neighboring properties
- 2) Proximity to other highway business uses
- 3) Adequacy of adjacent public streets
- 4) Proximity to residential development

To or from M-1 Manufacturing District

- 1) Size and configuration of all parcels and suitability of the parcel to accommodate all required parking and other reasonably expected accessory uses on site without impact on neighboring properties
- 2) Proximity to public water and sanitary sewer
- 3) Adequacy of adjacent public streets
- 4) Prevailing wind direction
- 5) Proximity to residential development

To or from PL Public Lands District

- 1) Identity of the public body owning, using, or developing the property

- 2) Adequacy of adjacent public streets
- 3) Proximity to public water and/or sanitary sewer
- 4) Proximity to residential zoning or land uses

#### 108.29 DECISIONS BY THE COUNTY

COMMISSIONERS. The County Commissioners upon receiving the report and recommendation of the Zoning Board of Appeals and Planning Commission, as an exercise of the legislative discretion vested in the Board of Commissioners of Menard County, may grant or deny the requested text or district amendment.

108.30 PARTIES Both proponents and opponents to pending zoning matters should present evidence and make arguments in the established public hearing process in accordance with Rules of Procedure adopted by the Board and not outside that process. In case of a written protest against any proposed district (map) amendment that is either: (A) signed by the owner or owners of at least 20% of the land to be rezoned, or (B) signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from at least 20% of the perimeter of the land to be rezoned, or in cases where the land affected lies within 1 ½ miles of the limits of a zoned municipality, or in the case of a proposed text amendment to the Zoning Ordinance, by resolution of the corporate authorities of the zoned municipality with corporate authorities of the zoned municipality with limits nearest adjacent, filed with the County Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of the County Commissioners. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

108.31 RULES AND PROCEDURES The Zoning Board of Appeals, may adopt its own rules and procedures, not in conflict with this code.

## **SECTION 109 VIOLATIONS**

109.01 COMPLAINTS AND PENALTIES FOR VIOLATIONS In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Code, or any other violation of this code, any person may file a written

complaint with the Zoning Administrator stating fully the causes and basis thereof. After investigation and if satisfied that a violation in fact exists, the Zoning Administrator, with the assistance of the Menard County States Attorney, may institute any appropriate action of proceeding to:

- 1) Prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use;
- 2) Prevent the occupancy of the building, structure, or land;
- 3) Prevent any illegal act, conduct, business, or use in or about the premises;
- 4) Restrain, correct, or abate the violation;
- 5) Allege a violation of this Code and seek the imposition of the penalties provided herein.

109.02 PENALTIES Any person found guilty of violating, disobeying, omitting, neglecting, or resisting or opposing the investigation or enforcement of any of the provisions of this Code, upon conviction thereof shall be guilty of a petty offense and shall be punished by a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$750.00) dollars. A separate and distinct offense shall be regarded as committed each day the violation remains uncorrected.

#### 109.03 ADMINISTRATIVE VIOLATION ENFORCEMENT.

##### 109.03.01 GENERAL PROVISIONS:

- 1) Any person may bring an action to enjoin the violation of this ordinance by suit filed in Menard County circuit court.
- 2) The Menard County Zoning Board of Appeals or the Menard County Zoning Administrator may require either:
  - a) the removal of a structure erected in violation of this ordinance; or
  - b) the removal of any use or condition created in violation of this ordinance.
- 3) A structure erected, raised, or connected, or real estate or premises used in violation of this ordinance or any regulation adopted thereunder, is hereby declared to be a common nuisance. The owner and/or possessor is then liable for maintaining a common nuisance.

- 4) Any owner and/or possessor of real estate who:
  - a) violates, or who permits a violation of any provision of this ordinance; or
  - b) who fails to comply with any requirements of this ordinance; or
  - c) who builds, reconstructs, or structurally alters a building or structure in violation of a detailed statement or plan for which an approval or grant is given under this ordinance shall be fined between **\$50** and **\$1500** for each determination of violation or failure to comply. Each day that the violation or failure to comply is permitted to exist will constitute a separate violation. In addition to the penalties provided herein, The Menard County Zoning Board of Appeals or the Menard County Zoning Administrator bringing this action may recover reasonable attorney's fees, court costs, and other expenses of litigation by appropriate suit at law against the owner and/or possessor of real estate found to have violated this ordinance or any orders or permits issued hereunder.
- 5) Any action permitted to be commenced under this section against any owner and/or possessor of real estate, may also be brought against the owner of any personal property who has furnished that property or permitted it to be placed on real estate in a manner which results in any violation of this ordinance.
- 6) No permit application or land use petition, other than one intended as a Corrective Action under Section 109.03.02 (2) of this Ordinance, may be submitted relative to any property which is the subject of an unresolved zoning violation.

**109.03.02 PROCEDURE:**

- 1) **Notice of Zoning Violation**
  - a) Upon determination of a zoning violation, a written Notice of Zoning Violation shall be delivered via certified mail to the Subject Property's legal owner(s) of record, as determined from the records of the County Assessor.
  - b) The Notice of Zoning Violation shall:
    - 1) identify the location of the zoning violation;
    - 2) detail the specific nature of the violation;
    - 3) cite the section(s) of the Ordinance violated;

- 4) provide options for remedying the violation;
- 5) establish a date, not less than fifteen calendar days following the mailing of the violation notice, by which resolution of the violation must occur, and;
- 6) indicate the fines and penalties that may accrue if the violation remains unresolved.
- c) If the certified letter containing the Notice of Zoning Violation is returned undelivered, additional written notice shall be posted in a conspicuous location at the Subject Property. No further notification shall be required.

**2) Corrective Action**

Upon receipt of a Notice of Zoning Violation, the owner of the Subject Property must, not later than the deadline date established in the Notice of Zoning Violation:

- a) bring the property into compliance with the Ordinance; or
- b) file for a variance, special exception, rezoning, or other land use petition as necessary to resolve the violation; or
- c) file a formal appeal of the Notice of Zoning Violation with the Menard County Zoning Board of Appeals, which shall be docketed for the next available regularly scheduled hearing of the Menard County Zoning Board of Appeals; or
- d) propose, and have accepted by the Menard County Zoning Administrator, an extended timeline, or other alternative means of achieving compliance.

**3) Failure to Remedy and Ongoing Enforcement**

- a) If at least ninety (90) days have elapsed from the mailing of the Notice of Zoning Violation and the violation remains unresolved, the Zoning Administrator may record with the County Treasurer a statement enumerating all outstanding fees and fines related to the Notice of Ordinance Violation, as provided by 55 ILCS 5/5-1121. Said list shall include the name of the owner(s) of the parcel(s) of real property on which fees are delinquent; the legal description of the Subject Property as shown on the records of the County Assessor; and the amount of the delinquent fees.

- b) The list shall then be certified by the County Treasurer and recorded with the County Recorder.
- c) A lien shall then be placed on the property owner's tax record. The total amount shall be collected in the same manner as delinquent taxes are collected and shall be distributed to the general fund.
- d) If the violation is not corrected within thirty (30) days following the imposition of a lien as noted above, a lawsuit may be commenced by the designated enforcement entity in a court of general jurisdiction in Menard County, Illinois, as prescribed in this Ordinance, in 55 ILCS 5/5-1121, and by other applicable laws and ordinances.

**4) Repeat Violations**

If a zoning violation is substantially similar to a zoning violation that occurred on the same property, and under the same ownership, as a violation that occurred not more than five years prior, the 15- day grace period described in Section 109.03.02 (1)(b) of this Ordinance will be removed, and fines will begin the day the Notice of Zoning Violation is mailed.

**109.03.03 ZONING ORDINANCE CITATION NOTIFICATION PROCESS.** For violations listed below in (a) and (b), the Zoning Administrator may choose to issue a citation notification as outlined in this Section, before taking further action under the General Provisions of this section. The purpose of this Section is to help protect the public health, safety, and general welfare of the community by allowing an alternative process to correct violations of this ordinance.

- A. Land use violations that are subject to the citation notification process include:
  - 1. Junk yards
  - 2. Child Care Home Child Care Center
  - 3. Home Businesses (not legal Home Occupations) such as but not limited to:
    - a) Lawn care
    - b) Vehicle repair
    - c) Building contractor
    - d) Small engine repair
  - 4. Billboard/outdoor advertising sign
  - 5. Transient guest house
  - 6. Agricultural rental hall
  - 7. Boarding kennel
  - 8. Breeding kennel
  - 9. Construction/demolition disposal site

- 10. Buildings in Floodplain zones
- 11. Amusement and recreation(outdoor)

B. Development standard violations that are subject to the citation notification process include:

- 1) Electronic signs/changeable copy signs changing more frequently than once per minute On-premise signage
- 2) Fill in the Flood Plain
- 3) Signs in public right-of-way home occupation limitations Clear vision triangle
- 4) Fences
- 5) Setbacks for porches, decks, and accessory buildings Event oriented signs

In the event of a violation under (A) or (B), the Zoning Administrator may issue a citation notification, either in person or by certified letter, to the owner and/or possessor who violates, or who permits a violation of any provision of this ordinance. The person shall then have 15 days from the date of notice to contact the Zoning Administrator and remedy the violation. If the violation is not corrected, or if no response is made within 15 days, the Zoning Administrator may issue notice of a fine in an amount not to exceed \$250. If the violation is not corrected and no response is made to the Zoning Administrator after 30 days, a second notice of fine may be issued in double the amount of the first fine. If the violation is not corrected and no response is made to the Administrative Officer after 45 days, a fine in triple the amount of the first fine may be issued, and the Zoning Administrator may take further action under the General provisions of this article. Nothing in this Section shall preclude or limit the Zoning Board of Appeals or the Zoning Administrator from seeking any remedy under the General provisions of this article.

## **SECTION 110 PERMITS AND APPROVALS**

**110.01 PERMITTING** The issuance of a zoning permit by the Zoning Administrator is a pre-requisite to lawful development.

- 1) The issuance of an occupancy permit by the Zoning Administrator is a pre-requisite to the lawful use or occupancy of property.
- 2) No structure, mobile home, manufactured home, modular home, portable building, pole barn, garage, carport, shed, container

shall be constructed, moved or placed upon any lot, tract or parcel of land until a building permit has been obtained as provided for in this Ordinance.

- 3) No new permitting shall be required by the adoption of the code for the continuation of existing uses.
- 4) Permitting for land and buildings devoted to agricultural purposes shall be limited to determination of principal use and building and setback compliance.
- 5) No permits shall be required for fences when the principal use of a property is a farm and devoted to agricultural purposes.

110.02 INITIATION. Zoning and occupancy permits may be requested by the owner of the property involved or any person authorized by the owner.

110.03 APPLICATION FOR ZONING PERMIT An application for a zoning permit shall be initiated by

- 1) Property is appropriately zoned for the proposed use;
- 2) That any required special use permit or variation has been obtained;
- 3) That the proposed use conforms with all required bulk regulations;
- 4) That the proposed use complies with any conditions imposed by any approved special use permit, variation, or site plan;
- 5) That the proposed use is otherwise in compliance with this code;
- 6) Receipt of appropriate Health Department and appropriate road district or highway official signoff.

Occupancy permits shall be granted if the following standards are met and denied if one or more are not met:

- 1) That the use was built in conformance with the approved zoning permit;
- 2) That the use as built complies with the requirements of this code.

filing in duplicate a written permit application in the form required by the Zoning Administrator and the payment of the required fee. Upon receipt of a completed application and payment of the required fee, the Zoning Administrator shall process the request for a zoning permit.

110.04 OCCUPANCY PERMIT An application for an occupancy permit shall be initiated by filing with the Zoning Administrator in duplicate a Certificate of Completion and Conformance and the payment of the required fee. Upon submission of an application for an occupancy permit and the payment of the required fee, the Zoning Administrator shall process the application for an occupancy permit.

110.05 STANDARDS IN GRANTING OR DENYING PERMITS. The Zoning Administrator shall grant a zoning permit if the following standards are met and shall deny the permit if they are not:

110.06 DENIAL Permit applications not acted upon within 90 days from the date of their submission shall be deemed denied.

110.07 APPEALS Decisions by the Zoning Administrator in granting or denying permits are subject to appeal under the provisions of this Ordinance.

110.08 EXPIRATION Zoning Permits will expire 180 days after issuance unless work has progressed and is being pursued with diligence. A request for an occupancy permit must be made within one year from the issuance of a zoning permit. If not, the zoning permit expires.

110.09 PERMITTING AFTER CONSTRUCTION Permit applications received after construction has begun or has been completed will be charged double the original permitting fee and any additional fees or fines as is deemed necessary by the Zoning Administrator.

## SECTION III FEES

111.01 FEES. A fee for services shall be charged. Fees shall be set by the jurisdiction and schedules shall be available at the office of the Zoning Administrator.

## CHAPTER 2

# DEFINITIONS

### User note:

**About this chapter:** Codes, by their very nature, are technical documents. Every word, term, and punctuation mark can add to or change the meaning of a technical requirement. It is necessary to maintain a consensus on the specific meaning of each term contained in the code. Chapter 2 performs this function by stating clearly what specific terms mean for the purpose of the code.

## SECTION 201—GENERAL

**201.01 SCOPE** In the construction of this amended ordinance, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise.

**201.02 INTERCHANGIBILITY** Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular.

The word "shall" is mandatory and not discretionary. The word "may" is permissive.

The word "lot" shall include the words "plot, piece, and parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for, designed for, intended for", maintained for, and occupied for".

The following words and terms, wherever they occur in this amended ordinance shall be interpreted as herein defined.

**201.03 TERMS NOT DEFINED** Words and terms not defined shall have the meanings indicated by common dictionary definition.

## SECTION 202—GENERAL DEFINITIONS

**ABANDONED VEHICLE.** Any motor vehicle or other vehicle in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted. However, Abandoned Vehicles shall not include a motor vehicle that is kept within a building when not in use or vehicles on the premises of a place of business lawfully engaged in repair, wrecking or junking of motor vehicles.

**ACCESSORY BUILDINGS OR USE.** An "accessory building or use" is one which:

1. Is subordinate to the principal building or principal use served in terms of area and function; and
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.

**ACCESS:** A way or means of approach to provide physical entrance to a property.

**ACCESS PRIVATE LANE:** an un-named residential access for one Tract that is 20 ft. in width and has not been dedicated to the public, constructed in a manner typical of a gravel driveway, but may be further improved as desired.

**ACCESS SHARED-PRIVATE LANE:** an un-named residential access for the benefit of two Tracts that has not been dedicated to the public, constructed in a manner typical of a gravel driveway, but may be further improved as desired. Each tract must have 20 ft. direct abutment to a public or private road or street.

**PRIVATE ROAD OR STREET:** a named residential access 60 ft. in width, with the required turn around, if necessary, that has not been dedicated to the public, constructed in a manner typical of a gravel driveway, but may be further improved as desired. Must have a Road Maintenance agreement recorded during the subdivision process.

**ACCESSORY:** as applied to a building, structure, or use, one which is on the same lot with, incidental to and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

**ACCOMMODATION/LODGING:**

An area or structure designed to provide accommodation to the traveling or recreational public which includes bed & breakfast, hotel, motel, resort or tourist establishment, a rental cottage, cabin, campground, park, trailer site, or other similar structures.

**ACRE:** 43,560 square feet.

**ACREAGE.** Any tract or parcel of land having an area of one acre or more which has not been subdivided by metes and bounds or platted.

**ACTIVE RECREATION OPEN SPACE.** An appropriately-sized and usable open space area, a minimum of one hundred twenty-five (125) feet wide, capable of comfortably supporting one 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.** 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.

**ADJOINING LOT OR PARCEL:** A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land and which is not separated by a publicly dedicated right-of-way.

**ADULT BOOK STORE.** An establishment having most 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.** 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 theatre, or any other use as defined in 55 ILCS 5/5-1097.5. It shall include 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 55 ILCS 5/5-1097.7, in view of any patron, client, or customer of the business.

**ADULT MASSAGE PARLOR or SPA.** Any place or establishment where a massage is made available for the primary purpose of sexual stimulation or arousal. It 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 55 ILCS 5/5-1097.7, in view of any patron, client, or customer of the business.

**ADULT MOTION PICTURE THEATERS.** An enclosed building with a capacity of 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.** 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 on 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.** An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

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

**ADULT-USE CANNABIS CULTIVATION CENTER.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation

and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

#### **ADULT-USE CANNABIS DISPENSING**

**ORGANIZATION.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

#### **ADULT-USE CANNABIS INFUSER**

**ORGANIZATION OR INFUSER.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

#### **ADULT-USE CANNABIS PROCESSING**

**ORGANIZATION OR PROCESSOR.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

#### **ADULT-USE CANNABIS TRANSPORTING**

**ORGANIZATION OR TRANSPORTER.** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

**AGENCY LICENSED FAMILY RESIDENTIAL CARE HOME - TRANSITIONAL.** 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.** 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.** Agriculture includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, 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. 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. It includes grain storage, horse stables, nurseries, animal feed, commercial feeding, dairy and the like.

In interpreting the foregoing definition, it is the intent of this Ordinance to make the definition of agriculture as used herein identical to the definition of agriculture used in 55 ILCS 5/5-12001, as amended from time to time, exempting agriculture from the zoning authority of the County Board.

**AGRICULTURAL LABOR HOUSING.** 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.

**AGRICULTURAL PURPOSES.** The growing, harvesting and storing of corn, beans, grains, grasses (including legumes), vegetables, fruits, plants, and trees; the raising of livestock; the raising and breeding of game birds and game animals and associated product sales; the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seed but not the excavation of sand, gravel, or limestone.

**AGRICULTURALLY-RELATED BUSINESS:** A business activity related to agriculture that includes but is not limited to: anhydrous ammonia facilities;

fertilizer production, sales, storage, mixing and distribution; grain drying and storage, grain elevators, agricultural production and distribution of agricultural products, repair and sale of farm implements, and sale of feed or sod.

**AGRICULTURE RELATED SERVICES:**

The use of land, building or structures for the purposes of buying or selling commodities and services that support agriculture uses as defined in this ordinance. These shall include such sales and services as welding and machinery repairs, farm drainage and excavation, well drilling, contracting and trades related to farm buildings and structures, and custom spray, tillage, planting, harvesting services or other similar services or activities.

**AGRITOURISM.** Any agricultural related activity consistent with a working farm, livestock or poultry operation, horticultural operation, ranch, or working forest (herein referred to as "farm") that allows members of the general public to view or participate in for recreational, educational, or entertainment purposes. Such activity shall not be permitted on a parcel less than 5 acres. Such activities may generate income for the farm and may include, but may not be limited to, farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and natural attractions. Any activity not related to accessory uses to the primary farm operation does not qualify as agritourism. An activity is an agritourism activity whether or not the participant paid to participate in the activity. In no instance shall agritourism activities be interpreted as including camping, ATV or Dirt bike facilities, 4-wheeler or "Jeep", archery or gun clubs, or any other facilities that make commercial use of rural property that is unrelated to on-site agricultural production.

**AIRCRAFT.** Any equipment or object, now known or hereafter invented, for use or designed and built for navigation of or flight in the air.

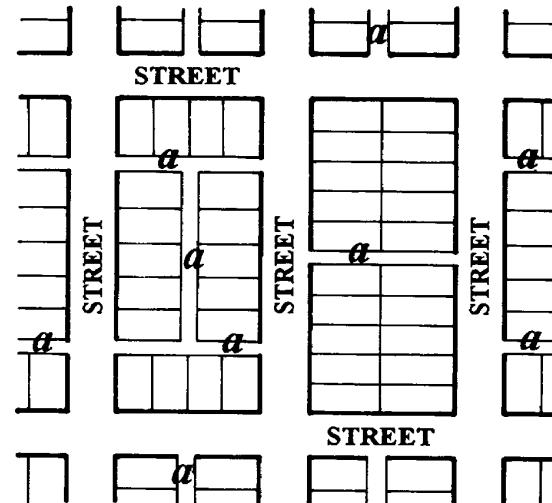
**AIRPORT.** Any area of land, water, or both, which is designed for the landing and takeoff of aircraft, whether facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way.

**AIRPORT OR AIRCRAFT LANDING FIELD.**

Any landing area, runway, or other facility (including heliports), designed, used, or intended to be used either publicly or privately by any person or persons for the landing or taking off aircraft, including all

necessary taxiways, aircraft storage and tie down areas, hangers, and other necessary buildings and open spaces.

**ALLEY.** A public way, not more than thirty feet wide, which affords only a secondary means of access to abutting property.



*Alley (a)*

**AMENDMENT, ZONING:** A change of the zoning district that is applied to a lot or parcel of land or change in the text of this Ordinance.

**ANIMALS, EXOTIC:** Animals not indigenous to this country.

**ANIMALS, FARM:** The species of fowl, ovine, caprine, bovine, porcine, and equine that have been domesticated for agricultural purposes.

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

**APARTMENT.** 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.

**AREA, LOT:** The total area within the lot lines.

**ASHES.** Shall mean the residue resulting from the burning of wood, coal, coke, or other combustible materials.

**AUTOMOBILE REPAIR, MAJOR.** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailer; collision service including body, frame or fender straightening, or repair and painting of vehicles.

**AUTOMOBILE WRECKING YARD.** Any place where two 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.** A roof like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

**AWNING SIGN:** 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.

**BACKFILL:** Materials used to refill a ditch or other excavation, or the process of doing so.

**BANNER SIGN:** 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 sides. National flags, state or municipal flags shall not be considered banners.

**BANQUET HALL.** 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.** The flood having a one 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.** The elevation in relation to Mean Sea Level of the crest of the base flood.

**BASEMENT.** A story partly or wholly underground. Where more than one-half 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.

**BATTERY ENERGY STORAGE SYSTEM -** “Battery Energy Storage System” or “BESS” means a system that stores energy from different sources using rechargeable batteries for later use. BESSs are often combined with renewable energy sources like solar and wind to accumulate energy during off-peak hours and release it when needed during peak demand or power outages.

**BED AND BREAKFAST ESTABLISHMENTS -** 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. Bed and breakfast establishments shall not include motels, hotels, boarding houses, 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/).

**BILLBOARD.** Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition 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.** A tract of land bounded by a street or, in lieu of a street or streets, by public parks, cemeteries, railroad right-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines or municipalities.

**BOARDING HOUSE.** A building other than a hotel or restaurant where meals are provided for compensation to four or more persons, but not more than twelve, who are not members of the keeper's family.

**BOOK AND STATIONARY STORE.** An establishment dealing in books, printed materials and stationary supplies which is not an Adult Book Store.

**BREW PUB.** 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.** 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 the floodway and floodway fringe within the 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 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).
5. Land with slopes exceeding 25%, or soils and subsurface geology subject to slumping shall also be subtracted from the total acreage when determining a properties 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.** The space remaining of a building lot after the minimum yard requirements of this Ordinance have been complied with.

**BUILDING.** 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.

**BUILDING, COMPLETELY ENCLOSED.** 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.

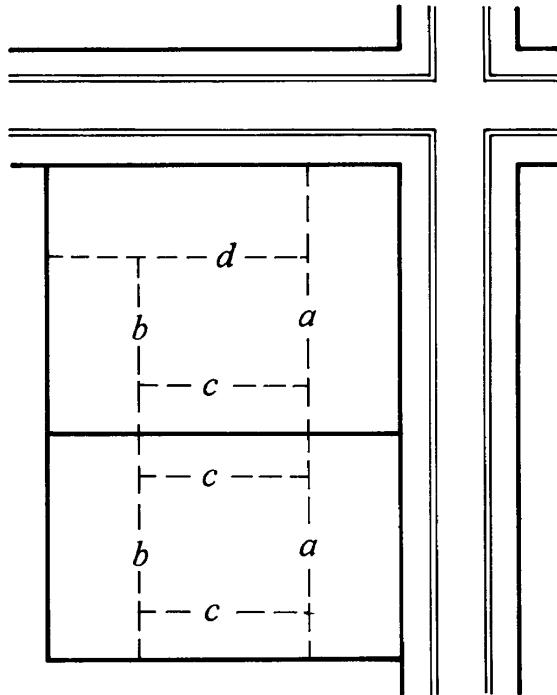
**BUILDING, DETACHED.** A building surrounded by open space on the same zoning lot.

**BUILDING HEIGHT.** The vertical distance measured at the front building elevation to the highest point of the structure, including the roof.

**BUILDING, NON-CONFORMING.** Any building which does not conform to the regulations of this Ordinance 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.** A non-accessory building in which the principal use of the zoning lot, on which it is located, is conducted.

**BUILDING SETBACK LINE.** A line parallel to the



### ***Building Lines (Setbacks)***

*Where a = Front Building Line*

*b = Rear Building Line*

*c = Side Building Line*

*d = Corner Side Building Line*

street line at a distance from it, regulated by the front yard requirements set up in this Ordinance.

**BUILDING, TEMPORARY.** Any building not designed to be permanently located in the place

where it is, or where it is intended to be placed or affixed.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS.** 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.

**BULK.** 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 plot lines, to the center lines of the streets, to other walls of the same buildings, and to other buildings or structures; and to all open spaces relating to the building or structures.

**BULK WASTE.** In-operative appliances, including but not limited to: washer, dryer, refrigerator, freezer, stove, television, water heater; or indoor furniture, including, but no limited to: bed springs, mattresses, carpet, couch, chairs, cushions, or other items exposed to the elements not designed for exterior use.

**BUSINESS.** 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.** A school or teaching unit organized by an industry or large company to provide trade training, apprentice education, and similar courses.

**CAMPER.** Any person or persons occupying a recreational vehicle and/or tent for recreational purposes.

**CAMPGROUND.** Where two or more campsites are located, established, or maintained for occupancy by camping units of the public as temporary living quarters for recreation, education, and vacation purposes.

**CAMPGROUND AND RECREATIONAL VEHICLE PARK COLLECTOR STREETS OR COLLECTOR ROADS.** Any park street which extends from a park entrance street and intersects with three or more other streets or any street which intersects with five or more streets or any street

which extends for more than one thousand two hundred feet (1200') feet.

**CAMPGROUND AND RECREATIONAL VEHICLE PARK MINOR STREETS.** Any park street which is not a collector street.

**CAMPGROUND AND RECREATIONAL VEHICLE PARK SANITARY STATION.** Facility used for removing and disposing of wastes from RV holding tanks.

**CAMPGROUND AND RECREATION VEHICLE PARK SERVICE BUILDINGS.** Those required in all parks or campground, including those which house sanitary facilities, shelters.

**CAMPING UNIT:** Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure constructed, erected, or maintained or operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

**CAR WASH.** A car wash is a building or portion thereof, containing facilities for washing motor vehicles, using automatic production-line methods with conveyors, blowers, steam cleaning, or other mechanical devices; or providing space, water, and equipment for the hand washing of autos, whether by the customer or the operator.

**CARPORT.** A carport is an automobile shelter, usually formed by extension of the roof from the side of a building and enclosed on not more than two (2) sides by a wall.

**CEMETERY:** A parcel of land, buildings, and/or structures used for the interring of human remains.

**CANOPY.** A rooflike 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.** A person who oversees the maintenance of a building, estate, etc.; superintendent.

**CHANGEABLE COPY SIGN:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged either manually or electronically.

**CHRONIC NUISANCE PROPERTY.** Any property upon which two (2) or more nuisance

activities or conditions, as defined in this Ordinance, have occurred during any three (3) year period may be deemed a Chronic Nuisance Property. Such chronic nuisance property status shall result either from (i) two (2) or more distinct types of nuisance conditions or activities on such property, even if arising from the same factual circumstances or investigation; or (ii) two (2) or more separate factual events that have been separately investigated by an enforcement officer involving the same nuisance condition or activity, or (iii) a combination of two (2) or more conditions, activities, or events as described in (i) and (ii).

**CHURCH:** A building and/or structure wherein persons regularly assemble for religious worship which is used only for such purposes and activities that are customarily associated therewith. Accessory uses may include: rectory, parsonage, Sunday School, Christian education.

**CLINIC OR MEDICAL HEALTH CENTER.** An establishment where patients are admitted for special study and treatment by two or more licensed physicians or dentists and their professional associates, practicing medicine together.

**CLUB OR LODGE.** 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 guest 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 or rooms, and provided that such sale of alcoholic beverages follows the applicable, local, Federal, and State laws, and County Ordinances.

**COMMERCIAL:** Any use having financial profit as an objective.

**COMMERCIAL EQUIPMENT:** Any machinery, materials, tools, fuels typically used or sold in conjunction with a business.

**COMMERCIAL MESSAGE:** 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 RETAIL ESTABLISHMENT:** A building, property, or activity the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to, clothing stores, grocers, caterers, pharmacies, book stores, florists, furniture stores, hardware stores, pet stores, toy stores, and variety stores but does not include restaurants or personal service establishment.

**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

**COMMERCIAL VEHICLE:** Vehicles associated with the specialized commercial use which includes but is not limited to, loaders, forklifts, tow trucks, truck trailers (semis), wreckers, back hoes, dump trucks, flatbed trucks and construction equipment and the trailers that haul these vehicles.

**COMMON DRIVEWAY.** A common driveway is a driveway serving two or more structures or off-street parking areas, which are located on individual lots.

**COMMON OPEN SPACE.** Common open space refers to 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 purposes of this ordinance, common open space must be a minimum of 50' wide. Common open space 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. 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. Common Open Space is further divided into two categories as follows:

1. Primary Open Space consists of wetlands and land within the 100-year flood plain.
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 FACILITY:** Any combination of buildings, equipment, and/or improvements including but not limited to; (1) one or more broadcast antennas, (2) any supporting structure and the hardware by which antennas are attached; (3) equipment housing; and (4) supplementary equipment such as signal transmission cables and miscellaneous hardware.

**COMMUNICATIONS USE.** 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.

**COMMUNITY CENTER:** A building used for recreational, social, educational, and cultural activities, usually owned, and operated by a public non-profit group or agency.

**COMPREHENSIVE PLAN (GENERAL PLAN, CITY PLAN, MASTER PLAN):** The adopted plan of Menard County and the adopted plans by any other local unit of government regarding the long-term development of that jurisdiction.

**COMPATIBLE USE.** A compatible use is a property, use, or service which is capable of direct association with certain other uses because it is complimentary, congruous, and otherwise not detrimental.

**CONFORMING.** A lot, building or use that meets or exceeds the minimum requirements of the applicable zoning district.

**CONFORMING BUILDING OR STRUCTURE.** A conforming building or structure is any building or structure which complies with all the regulations of this zoning code or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.

**CONFORMING USE.** A conforming use is a use which complies with all of the regulations of the zoning code or any amendment hereto for the zoning district in which such use is located.

**CONSTRUCTION SIGN:** A sign announcing the impending construction of a project, limited to displaying the name of the project, the developer, the financial institution providing the finance, the designer(s), the general contractor, a phone number

where more information may be obtained, and a date announcing the planned completion of the project.

**CONVENIENCE STORE.** A retail store with a floor area of less than 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.** A prison, or is a place in which people are physically confined and, usually, deprived of a range of personal freedoms.

**COUNTY:** Menard County, Illinois.

**COUNTY BOARD:** The County Board of Menard County, Illinois.

**COUNTY CLERK:** The Clerk of Menard County, Illinois.

**COUNTY HIGHWAY ENGINEER:** The appointed head of the Menard County Highway Department.

**COUNTY RECORDER:** The Recorder of Deeds of Menard County, Illinois.

**COUNTY, UNINCORPORATED LANDS:** All land within the County boundaries, but not located within a municipality or village.

**COVERAGE, LOT.** See "Lot Coverage".

**CROP IDENTIFICATION SIGNS:** A sign whose content includes the type, description, identification, and otherwise pertinent information of crops being grown on a plot of land.

**CURB LEVEL.** 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 street, the mean level of the land immediately adjacent to the building shall be considered the "curb level".

**CURRENCY EXCHANGE.** Trading US or other countries money for another based on the value of the money. May provide other services such as notaries, money orders, etc.

**DATA CENTER** - "Data Center" means a centralized repository for the storage, management, processing, conversion, and dissemination of data and information which may also house equipment that supports communications network infrastructure without being part of the physical network. A Data Center may house equipment that includes, but is not limited to, computers, servers, data storage devices, and related equipment. A Data Center may include, but shall not be limited to, accessory uses that include offices for Data Center staff and accessory structures that include water storage tanks, cooling towers, network systems, fuel storage tanks, guardhouses and security offices, storage, chillers, electrical transformers, and engine generators. Accessory uses shall not include retail sales, telephone call centers, or customer service operations. Typical uses include data processing centers and server farms.

**DATA CENTER PROJECT AREA** - "Data Center Project Area" means the entire parcel or parcels of land on which a Data Center will be constructed and operated.

**DAY CARE FACILITY.** Facilities that provide supervision and care of more than three (3) children unrelated to the operator of the facility for less than 24 hours per day. This definition shall include Day Care Centers and Day Care Homes as defined and regulated under the Illinois Child Care Act (225 ILCS 10).

**DEMOLITION.** Demolition means any act or process that destroys in part or in whole a building or structure.

**DENSITY:** The permitted number of dwelling units per gross acre of land to be developed.

**DERELICT VEHICLE.** Any inoperable, unregistered, discharged motor vehicle, regardless of title, have lost its character as a substantial property and left unattended without justification on the owner's land.

**DEVELOPMENT.** 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.** A section or part of the County for which the use regulations are uniform.

**DRIVEWAY:** Any surface providing direct ingress to and egress from a parking space, garage, dwelling or other structure.

**DWELLING.** A building or portion thereof, but not including a house trailer or mobile home, designed, or used exclusively for residential occupancy, including one family dwelling units, two-family dwelling units, and multiple family dwelling units, but not including hotels, motels, boarding, or lodging houses.

**DWELLING UNIT.** One or more rooms in a residential structure which are arranged, designed, used, or intended for use by one family, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

**DWELLING UNIT, SECONDARY.** A secondary residence on a single lot that contains one or more rooms which are arranged, designed, used, or intended for use by one family, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

**DWELLING, ONE-FAMILY.** A dwelling unit designed exclusively for use and occupancy by one family.

**DWELLING, TWO-FAMILY.** A building designed or altered to provide dwelling units for occupancy by two families.

**DWELLING, MULTIPLE-FAMILY.** A building or portion thereof, designed or altered for occupancy by three or more families living independently of each other.

**DWELLING, ATTACHED.** A dwelling joined to two other dwellings by party walls, or vertical cavity walls, and above ground physically unifying horizontal structural elements.

**DWELLING, DETACHED.** A dwelling which is surrounded by open space on the same lot.

**DWELLING, SEMI-DETACHED.** A dwelling joined to one other dwelling by party wall, or vertical cavity wall and above-ground physically unifying horizontal structural elements.

**EASEMENT:** A grant of one or more of the property rights by the owner to, or for the use by, the public, corporation, or another person or entity.

**ECHO HOUSING.** Elderly Cottage Housing Opportunities (ECHO Housing) is 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.

**EFFICIENCY UNIT.** An efficiency unit is a dwelling unit consisting of one principal room together with bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

**ELECTRONIC MESSAGE BOARD DISPLAY:**

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.** The act of placing or affixing a component of a structure upon the ground or upon another such component.

**ESTABLISHMENT, BUSINESS.** A separate place of business having the following three 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 of the aforesaid characteristics with respect to one another, they shall then be considered as a single "business establishment" for the purpose of this Ordinance.

**EXCAVATION.** An excavation is any breaking of ground, except common household gardening, ground care and agricultural use.

**EXCAVATING BUSINESS.** 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 Ordinance, an excavating business shall be considered a contractors' office or shop.

**EXEMPT ORGANIZATIONS:** Organizations which are exempt from this Ordinance per the Illinois Compiled Statutes, including State, Federal or local units of government.

**EXTERIOR STORAGE:** Means storage which occurs outside of a building.

**EXTERMINATION:** Shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places and removing or making inaccessible materials which may serve as their food, by poisoning, spraying, trapping or by any other recognized and legal method of pest control.

**EXTERNAL ILLUMINATION:** Illumination of a sign which is produced by an artificial source of light which is not contained within the sign itself.

**FAÇADE:** 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, a facility owner shall have the same meaning defined in 55 ILCS 5/5-12.

**FAMILY.** Two 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 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, exclusive of usual domestic servants.

**FAMILY MEMBER:** For the purposes of this Ordinance a family member shall include the following: son, daughter, stepchild, parent, or grandchild.

**FARM.** A parcel of land, or contiguous parcels of land under common ownership, used primarily for agriculture.

**FARM RESIDENCE.** A dwelling unit located on a farm.

**FEEDLOT:** Any tract of land or structure, pen, or corral, wherein cattle, horses, sheep, goats, and swine and other livestock are maintained in close quarters for the purpose of feeding or maintaining such livestock, excluding a livestock feeding operation.

**FENCE.** An artificial barrier constructed of any material or combination of materials erected to enclose or screen areas of land.

**FENCE, DECORATIVE:** A designed fence or wall with openings representing 50 percent or more of the total front face surface that meets all of the following: (a) it contributes to the identification and beauty of the principal use; (b) it is not erected to satisfy any other provision of this code; (c) it does not act as a retaining structure; (d) 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, HEIGHT.** 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, OPEN.** A designed fence or wall with openings representing more than 50 percent of the total front face surface that meets all of the following and it is made of materials typically found in security structures, such as chain link, wire mesh or similar materials.

**FENCE, SOLID.** A fence obscuring more than forty (40) percent of the view through the fence.

**FLASHING SIGN:** Any illuminated sign on which the artificial light is not always maintained stationary or constant in intensity and color when such sign is in use. For the purpose of this ordinance 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.** 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.** 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 center lines of walls separating two 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 Menard 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, petroleum tanks, shall also be included in the "floor area" and calculated as one floor for each ten 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.** "Floor Area" when prescribed as the basis of measurement of off-street parking spaces and off-street loading spaces for any use 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 and 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, USABLE.** Any floor area within 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.

**FLOOR AREA RATIO.** The numerical value obtained by dividing the floor area within a building or 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 building or buildings on the lot.

**FREE-STANDING SIGNS:** Any sign not attached to a building; primarily ground signs, pole signs, pylon signs, and portable signs.

**FRONTAGE:** The front or frontage is that side of a lot abutting on a road or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot. For further purposes of determining yard requirements on corner lots, all sides of a lot adjacent to roads shall be

considered frontage, and yards shall be provided as indicated under yards in this section.

**FUEL BULK STATION.** A place where crude petroleum, gasoline, naphtha, benzine, benzol, kerosene or other flammable liquid which has a flash point at or below two hundred 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 the ground, underground or in mobile tank cars or trucks.

**GARAGE, PRIVATE.** An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on; provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in the garage of one or two car capacity may be so rented. Such a garage shall not be used for more than one commercial vehicle and the load capacity of such vehicle shall not exceed five tons.

**GARAGE / YARD SALE SIGN:** Any sign used in residential zoning districts to advertise the sale of used, unwanted household goods.

**GARBAGE:** Shall mean all putrescible animal, vegetable or mineral waste products resulting from the handling, storage, preparation, cooking or consumption of any food or any matter that may decompose and become offensive or dangerous to health.

**GOLF COURSE.** 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 60 acres for each standard nine-hole course; and 25 acres for each nine hole "par 3" course.

**GRADE:** 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, grade shall be the established or finished elevation measured at the centerline of the adjacent street.

**GREENHOUSE AND/OR NURSERY CENTER:** An enterprise where plants grown on the site, as well

as accessory items directly related to the maintenance and care of plant life are sold.

**GREENHOUSE COMMERCIAL:** A greenhouse where flowers, shrubs and plants that are grown off-site are sold.

**GREENHOUSE NON-COMMERCIAL:** A greenhouse where flowers, shrubs, and plants are grown on-site for personal enjoyment, wholesale distribution, or sale off site. Non-commercial greenhouses are a form of agriculture.

**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:** 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.** 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 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.** 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 90 continuous days. Such quarters can have kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

**HALFWAY HOUSE.** 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. 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 while under the constraints of alternatives to imprisonment, including, but not limited to, prerelease, work release and probationary programs;
3. To help persons with family or school adjustment problems that require specialized attention and care to achieve personal independence; or
4. To provide temporary shelter for persons who are victims of domestic abuse.

**HARD SURFACE.** 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.** Total square footage of all hard surfaces on the property divided by the total square footage of the parcel multiplied by 100.

**HAZARDOUS:** Shall mean any condition, act or thing causing risk or danger to the public.

**HEALTH DEPARTMENT:** The Menard/Sangamon County Department of Public Health.

**HEIGHT:** The vertical distance from the average ground elevation to the highest point of the roof of a building or structure.

**HOME OCCUPATION.** 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.** 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 occupation".

**HOME OCCUPATION- RESIDENTIAL.** 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.** A temporary residential living arrangement for persons with a life-threatening illness that requires full-time support, therapy, and/or treatment.

**HOSPITAL OR SANITARIUM.** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care, for not less than twenty-four 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", as used in this ordinance 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" shall not be used for convalescent, nursing, shelter, or boarding homes.

**HOTEL, MOTEL, OR INN.** 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 retain uses provided access to such uses are from the exterior of the principal use. Short-term rentals of a maximum thirty (30) consecutive days in a dwelling, one family or dwelling, two family or accessory structures with residentially allowed occupancy permits shall not be considered hotels.

**HOUSEHOLDER.** The occupant of a dwelling unit who is either the owner or lessee thereof.

**ILCS:** Illinois Compiled Statutes.

**ILLEGAL SIGN:** A sign which contravenes this ordinance, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.

**ILLUMINATED SIGN:** Any sign which is lit by an artificial (usually electric) light source.

**INCOMPATIBLE USE:** A use which is not compatible with other uses permitted in a district because it is inconsistent therewith.

**INDOOR BUSINESS SALES AND SERVICE.** 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.** Uses which provide recreation or entertainment services entirely within an enclosed building. Examples may include: skating rink, arcades, billiards rooms/pool halls, 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.

**INDUSTRIAL PARK:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services.

**INDUSTRY, HEAVY:** The assembly, fabrication, manufacturing, storage or processing of goods and materials that ordinarily have significant impacts on the environment or on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety hazards, or that otherwise do not constitute light industry, such as food processing plants, resource extraction, recycling centers, sawmills, composting services, scrap or salvage operations, petroleum storage facilities, or

facilities handling or processing hazardous and/or toxic material.

**INDUSTRY, LIGHT:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25 percent of the floor area of all buildings on the lot. This includes, but is not limited to printing establishments, facilities for auto body work, welding, painting or major repair work, and sandblasting.

**INSTITUTIONS:** A building or premises used by an organized body, religious group or society for non-profit, non-commercial purpose. This definition may include a hospital, nursing home, library, college, university, school, government, convent, monastery or similar use.

**INFLATABLE SIGN:** 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. This definition shall include Balloons and Balloon Signs.

**INSTRUCTIONAL SIGN:** 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:** 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:** Includes, but is not limited to, old dilapidated scrap or abandoned metal, paper, cardboard, building and construction material and equipment (including, but not limited to wood, lumber, concrete, etc.), bottles, glass, tin cans, appliances, furniture, beds and bedding, rags, rubber, boats, tires, inoperable motor vehicles, machinery parts, and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned) where such object(s), due to its/their present condition and/or visibility, may reasonably be construed to be

unsightly, dangerous, or unsanitary. \*Unsightly is defined as "distasteful or unpleasant to look at as construed from a reasonable person standard".

**JUNK YARD.** 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 COMMERCIAL.** 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 are maintained for boarding, training, or similar purposes for a fee or compensation and meet the requirements of the Illinois Animal Welfare Act.

**KENNEL, PRIVATE:** Any lot or premises on which not more than four (4) adult dogs are kept inside or outside belonging to the owner of the principal use, kept for the purposes of raising, breeding or show.

**LABORATORY, COMMERCIAL.** A place devoted to experimental study such as testing and analyzing. Manufacturing assembly or packing or products is not included within this definition.

**LANDSCAPED (LANDSCAPING OR LANDSCAPED CONDITION).** Landscaped shall mean an area planted and maintained in grass, shrubs, bushes, trees, or flowers.

**LANDSCAPING BUSINESS.** 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.

#### **LAWN AND GARDEN EQUIPMENT**

**STORAGE SHED.** A 200 square foot or less structure often purchased pre-built or as a kit in pre-fabricated sections. It is not served by heat, electricity or plumbing and is not placed on a permanent foundation. The structure is intended to store lawn; garden and/or pool care equipment.

**LITTER.** Any discarded, used, or consumed substance or waste, including but not limited to garbage, trash, refuse, debris, rubbish, grass

clippings, or other lawn or garden waste, newspapers, magazines, glass, metal, plastic, or paper containers or other packaging construction material, furniture, or anything else of an unsightly or unsanitary nature which has been discarded, abandoned, or otherwise disposed of improperly.

**LIVESTOCK.** means cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry (including egg-producing poultry), llamas, alpacas, live fish, crawfish, and other animals that—  
(A) are part of a foundation herd (including producing dairy cattle) or offspring; or  
(B) are purchased as part of a normal operation.

**LIVESTOCK FEEDING OPERATION:** Any new or existing operation which stables or confines and feeds or maintains for a total of 45 days or more in any 12-month period a combination of at least 50 farm animals.

**LIVESTOCK FEEDING YARD.** An enclosure designed or used for the purpose of concentrated feeding or fattening of livestock for marketing.

**LIVESTOCK SALES YARD.** An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment, or other means.

**LOADING AND UNLOADING SPACE, OFF-STREET.** 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 feet in width, thirty-five feet in length, and fourteen feet in height, exclusive of access aisles and maneuvering space

**LODGING OR ROOMING HOUSE.** A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or overnight guests.

**LOT.** 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.

**LOT AREA, GROSS.** The area of a horizontal plane bounded by the center line of all adjacent public

streets and the lot lines where no public street is adjoining.

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

**LOT, CORNER.** The lot situated at the junction and abutting on two or more intersection street; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

**LOT COVERAGE.** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**LOT DEPTH.** The mean horizontal distance between the front and rear lot line of a lot measured within the lot boundaries.

**LOT, FLAG:** A lot or parcel with access to the bulk of the property by means of a narrow corridor.

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

**LOT LINE, CORNER SIDE.** 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 FRONTRAGE.** 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 lines as the front lot line.

**LOT, INTERIOR.** A lot other than a corner lot or reversed corner lot.

**LOT LINE, FRONT.** The front property line of a zoning lot.

**LOT LINE, INTERIOR.** A side lot line common with another lot.

**LOT LINE, REAR.** The rear lot line is the lot line or lot lines most nearly parallel to and remote from the front lot line.

**LOT OF RECORD.** 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, REVERSED CORNER.** A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

**LOT, THROUGH.** A lot having frontage on two 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 WIDTH.** The horizontal distance between the side lot lines as measured at the established front building setback line.

**LOT, ZONING.** See "Zoning Lot".

**MANUFACTURED HOME:** This definition shall include structures known as manufactured homes or mobile homes, manufactured after July 1, 1976. The construction of a manufactured/mobile type of single-family residence is regulated by the Federal Department of Housing and Urban Development (HUD) and must comply with the National Manufactured Home Construction and Safety Standards. Manufactured/mobile type homes may be used with or without a permanent foundation. These standards apply uniformly across the country and it is illegal for state or local unit of government to impose additional construction requirements.

Manufactured/mobile type units will have a red metal tag permanently affixed to the rear of each towable unit. Manufactured/mobile type units shall be treated as a single-family detached dwelling if a minimum of twenty-four feet in width and more than thirty-five feet in length, installed on a permanent foundation, and shall have brick, wood or cosmetically equivalent exterior siding and a pitched roof.

**MANUFACTURING:** The use of land, building or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article, thing, or service.

**MARINA.** A boat basin and recreational facility, located on water-frontage property, providing moorings for boats, and one or more of the following facilities: Boat launching ramps, boat livery, boat sales, maintenance shops, marine supply stores and fuel dock.

**MARQUEE OR CANOPY:** 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:** A sign that is mounted or painted on, or attached to, a canopy or marquee.

**MASSAGE or MASSAGE THERAPY.** 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 the Illinois Massage Licensing Act 225 ILCS 57/10, by a Massage Therapist for compensation, except those persons exempted under 225 ILCS 57/25.

**MASSAGE SCHOOL.** Any place or establishment or facility which provides instructions in the theory, method and practice of massage or massage therapy which meets the minimum standards for training and curriculum as determined by the Illinois Department of Professional Regulation.

**MASSAGE THERAPIST.** A person who is licensed by the Illinois Department of Professional Regulation, as defined in 225 ILCS 57/1 et.seq. and administers massage for compensation.

**MEDICAL CANNABIS CULTIVATION**

**CENTER or CULTIVATION CENTER.** A facility operated by an organization or business that is registered by the Illinois 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 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.** A facility operated by an organization or business that is registered by the Illinois 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 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:** The permanent part of a building which denotes the name of the

building, date of erection, historical significance, dedication, or other similar information.

**MICROBREWERY.** A person, including a brewery, who is a holder of a brewer license or non-resident dealer license who manufactures up to 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 the Illinois Liquor Control Act. Also referred to as a "Class 1 brewer" per 235 ILCS 5/1-3.38.

**MICRO DISTILLERY or CRAFT DISTILLERY.**

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 alcohols manufactured outside the facility are prohibited. If state law changes the quantities the definition should reflect those changes.

**MOBILE HOME.** A structure, transportable in one or more sections, which, in the travel mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein and manufactured prior to June 15, 1976 to the HUD construction standards.

**MODULAR HOME:** The construction of a modular type dwelling unit is regulated by the Illinois Department of Public Health. Unlike the mobile type homes, the local unit of government may require additional items other than the minimum state requirements to be incorporated into the construction of modular homes. Modular type homes shall be placed on a permanent foundation. An Illinois approved modular dwelling will have a yellow seal on the electrical panel box of the home. Modular type units manufactured at a factory in Indiana will not bear an Illinois seal but rather will contain the seal of approval from the State of Indiana. Modular type units shall be treated as a single-family detached dwelling.

**MANUFACTURED/MOBILE HOME PARK:** An area of land containing spaces with required improvements and utilities for the long-term placement of manufactured and mobile homes and

may include services and facilities for the residents, but not including recreational vehicle parks or camps.

**MOTOR FREIGHT TERMINAL.** 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.** A vehicle of less than 16,000 pounds which is self-propelled and is capable of being licensed for operation upon the streets and highways of the State of Illinois, including automobiles, motorcycles, and light trucks.

**MOTOR VEHICLE REPAIR, MAJOR.** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailer; collision service, including body, frame or fender straightening or repair and painting of vehicles.

**MUNICIPAL SOLID WASTE TRANSFER STATION.** 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.** 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.

**NANO BREWERY.** A brewery that produces less than 1,000 barrels (31,000 gallons) of beer per year with 100% of its beer sold off-site.

**NONCONFORMING LOT OR PARCEL:** A lot or parcel of record or recorded deed, the area, dimensions, or location of which was lawful prior to the effective date of this Ordinance, or subsequent amendment thereto, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NON-CONFORMING SIGN:** Any sign that does not conform to the requirements of this ordinance.

**NON-CONFORMING STRUCTURE.** Any building or structure lawfully established at the time of the adoption of this Ordinance or any amendments hereto that does not comply with the yard, height, bulk, or separation requirements contained the regulations of this Ordinance.

**NON-CONFORMING USE.** Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this Ordinance or amendments hereto with the regulations of this Ordinance.

**NONPARTICIPATING PROPERTY.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, a nonparticipating property 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, a nonparticipating residence shall have the same meaning as defined in 55 ILCS 5/5-12.

**NOXIOUS MATTER.** Material which can cause injury to living organisms by chemical reaction or can cause detrimental effects upon the psychological, social, or economic well-being of human beings.

**NURSING HOMES OR REST HOMES.** 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.** An institution providing care for three or more children under the age of seven years for periods of more than four hours but not exceeding twenty-four hours.

**NUISANCE:** Shall mean any act, condition or thing causing harm, danger, injury or resulting in the creation of a hazardous situation.

**OBSTRUCTION.** An obstacle, impediment or hindrance.

**OCCUPIED COMMUNITY BUILDING.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, an occupied community building shall have the same meaning as defined in 55 ILCS 5/5-12.

**OFF-GRID SOLAR ENERGY SYSTEM.** 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 PREMISE IDENTIFICATION SIGN:** 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.** 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.

**ORDINANCE.** Reference to "ordinance" herein shall be construed as the "Menard County Zoning Ordinance".

**OUTDOOR ADVERTISING STRUCTURE: (BILLBOARD).** 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.** The location where a game in which players on one team seek to eliminate those on an opposing team by marking them with a water-soluble dye shot in capsules from air guns.

**PARCEL:** A contiguous lot or tract of land owned and recorded by the same persons or persons.

**PARCEL DELIVERY STATION.** 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.** 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 or buildings for which the parking area is developed and is accessory.

**PARK:** An area open to the general public and reserved for recreational, educational or scenic purposes.

**PARKING AREA, PUBLIC.** 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 ton capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

**PARKING SPACE, AUTOMOBILE.** Space within a public or private parking area not less than one hundred and eighty square feet (nine by twenty), exclusive of access drives, or aisles, ramps, columns

or office and work areas, for the storage of one passenger automobile or commercial vehicle under one- and one-half ton capacity.

**PARTICIPATING PROPERTY.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, a participating property 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, a participating residence shall have the same meaning as defined in 55 ILCS 5/5-12.

**PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**PERSON:** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, legal entity, or their legal representative(s), agent(s), or assign(s).

**PERFORMANCE STANDARD.** 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 body or voice to convey artistic expression. Examples of performing arts may include: music, dance, fitness training, theatre arts, technical arts, online lessons, a performing arts preschool, etc.

**PERSONAL SERVICES.** Personal service uses are exclusively indoor land uses in which personal services are provided to individuals on a walk-in or on an appointment basis. Examples may include: barber shops, beauty shops, shoe repair/shoeshine shops, tailor/garment repair shops, small household appliance repair shops, travel office, and similar land uses. Adult and Regulated Uses are specifically excluded from this category.

**PHILANTHROPIC INSTITUTIONS.** A nonprofit 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 social useful services. Community foundations, endowments, hospitals, educational institution founded by charity and charitable trusts are types of philanthropic organizations.

**PICNICKER.** Any person or persons that visits the recreational vehicle park or campground, but does not stay overnight and is not employed by the recreational vehicle park or campground.

**PLACE OF WORSHIP.** A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building(s) and uses(s) are maintained and controlled by a religious body organized to sustain religious ceremonies and/or purposes.

**PLANNED UNIT DEVELOPMENT:** A parcel or tract of land having an area as herein required, initially under unified ownership or control, and which is intended to be the site for two or more principal uses, or one principal building for two or more principal uses, within which allowable exceptions in the district regulations are specified.

**PLANNED UNIT DEVELOPMENT, RESIDENTIAL:** A development comprised of attached and/or detached dwelling units that has coordinated common open space and service areas and is built in accordance with densities specified in the zoning district in which it is located.

**PLANNED UNIT DEVELOPMENT, NON-RESIDENTIAL:** A development comprised of attached and/or detached units containing, as its principal use, light industrial, industrial, or commercial uses only. The development should coordinate service areas and be built in accordance with densities specified in the zoning district in which it is located.

**PLANNED UNIT DEVELOPMENT PLAT:** A drawing or map made to a measurable scale upon which is presented a description and definition of the way in which the requirements of the Planned Unit Development and the Subdivision Ordinance are to be met and intended for recording with the County Recorder of Deeds.

**PLANNING COMMISSION:** The Menard County Planning Commission.

**PLAT:** A map, plan, or layout showing the subdivision of land into lots.

**POLE SIGN:** A sign mounted on one (1) or more freestanding pole(s) or pylons or another supporting base that is not as wide as the bottom of the sign.

**POLITICAL SIGN:** 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.** A roof over structure, projecting out from the wall or walls or a main structure and commonly open to the weather in part.

**PORTABLE SIGNS:** 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 free-standing sign and may or may not include movable lettering.

**PREMISES:** Shall mean public and/or private real property, either improved or vacant, inhabited, or uninhabited, including buildings and other structures, vehicles, water crafts, and/or parts thereof.

**PRIMARY OPEN SPACE.** 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 100-year floodplain, slopes exceeding 25% and soils subject to slumping. Primary open space areas are predetermined by the locations of these features.

**PRIME FARMLAND:** Specific Prime Farmland soils are as defined by name in the Current Soil Survey of Menard County, Illinois.

**PRINCIPAL BUILDING OR STRUCTURE:** The primary building or structure upon a lot or parcel, or the building or structure which houses the principal use of the premises.

**PRINCIPAL USE.** The main use of land or buildings as distinguished from a subordinate or accessory use.

**PRIVATE AIRSTRIP.** A private aircraft landing strip open to residents and invitees or open to ultralight or short take-off and landing vehicles only.

**PRIVATE CLUBS OR LODGES.** 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, proved 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 are following all applicable federal, state, county, and local laws and ordinances.

**PROJECTING SIGNS:** 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.

**PROPERTY:** A lot, parcel, or tract of land, together with any improvements and/or structures erected, constructed, or contained thereon.

**PROPERTY LINE:** The lines bounding a lot of record, a mete and bounds parcel, or a zoning lot, as defined herein.

**PROTECTED LANDS.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, protected lands shall have the same meaning as defined in 55 ILCS 5/5-12.

**PUBLIC ENTERTAINMENT:** A building, structure or land used for the purpose of offering entertainment to the general public. Such entertainment may include fairs, carnival, museum, festival, bar, tavern, golf course, marina, theater, amusement park, aquarium, stadium, arena, zoo, or other similar entertainment.

**PUBLIC SERVICE FACILITIES.** A needed use in a large format to be used by the public including: Filtration plant, pumping station, and water reservoir, Gas regulator stations, Sewage treatment plant, Telecommunications hub, Electric substation, generators and booster stations and Non-exempt governmental uses.

**PUBLIC UTILITY.** Any person, firm corporation, or municipal department duly authorized to furnish under public regulation to the public, electricity, gas steam, telephone, sewers, transportation, or water defined in 220 ILCS 5/3-105.

**RAILROAD RIGHT-OF-WAY.** 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:** A sign used to advertise the sale or lease of an individual home, apartment office, or retail development.

**RECREATIONAL AREAS.** Parks and open space devoted primarily to the pursuit of outdoor recreational activities such as golf courses, fishing lakes, playgrounds, trails, and nature preserves; does not include outdoor commercial sporting activities. In cases of recreational vehicle parks and campgrounds, areas 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:** shall mean any vehicle or boat originally designed for living quarters, recreation, or human habitation and not used as a commercial vehicle, including, but not limited to, the following: (i) Boats -- meaning any vessel used for water travel, a boat mounted on a trailer shall be considered one vehicle; (ii) Camping Trailers -- meaning a folding or collapsible vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreation or vacation use; (iii) Motor Homes -- meaning a temporary dwelling designed and constructed for travel, camping, recreational or vacation use as an integral part of a self-propelled vehicle; (iv) Off-Road Vehicles -- meaning vehicles intended primarily for recreational use off of roads where state vehicle licenses are required, e.g. dune buggy, go-cart, snow mobile; (v) Racing Car/Cycles -- meaning vehicles intended to be used in racing competition, such as a race car or racing cycle, a racing car/cycle mounted on a trailer shall be considered one vehicle; (vi) Travel Trailers -- meaning vehicles without its own motive power, designed to be used as a temporary dwelling for travel, camping, recreational or vacation uses; (vii) Truck Campers -- meaning a structure designed primarily to be mounted on a pick-up truck or truck chassis and designed to be used as a temporary dwelling for travel, camping, recreational or vacation uses, when mounted on a truck, such structure shall be considered one vehicle; (viii) Vans -- meaning noncommercial motor vehicles licensed by the State of Illinois as a Recreational Vehicle; and (ix) Vehicle Trailers -- meaning a vehicle without its own motive power that is designed to transport another vehicle, such as a boat, motorcycle or snowmobile for recreational or vacation use and that is eligible to be licensed or registered and insured for highway use, a vehicle trailer with a vehicle mounted on it shall be considered one vehicle.

**RECREATIONAL VEHICLE PARK OR CAMPGROUND.** 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 owner(s) or operator(s), nor can any such vehicle be inhabited as a permanent place of abode as defined in Section 1516.02 of this ordinance.

**RECYCLING CENTER:** Means a site or facility that accepts only segregated, non-hazardous, non-special, homogeneous, non-putrescible materials such as dry paper, glass, cans, or plastic, for short term storage for the subsequent use in the secondary materials market. This shall not include a facility which handles, collects, or otherwise stores or processes automobile bodies or parts.

**RECYCLING DROP-OFF POINT:** A collection point for small refuse items, such as bottles and newspapers, located within a container or small structure.

**REFUSE:** Shall mean all putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, street cleaning, tree wastes, dead animals, abandoned automobiles, discarded household appliances and junk.

**REGISTER.** In cases of recreational vehicle parks and campgrounds, a listing of the names, 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 which lot(s) the person camped.

**RENDERING.** 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. Rendering can refer to 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.** 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.** The act or condition of residing or dwelling in a place.

**RESIDENTIAL CARE HOME:** A dwelling in which staff persons provide care, education, and participation in community activities for a group of unrelated individuals who have long-term mental, intellectual, developmental or physical disabilities or handicaps, and who are unable to live independently but are capable of community living if provided with an appropriate level of supervision, assistance and support services, but who do not require on-site medical or nursing facilities, with the primary good of developing or exercising basic skills for daily living. This does not include dwellings for persons whose primary reason for placement in the dwelling is the abuse of alcohol or controlled substances, or the need for continuous nursing or medical care, or of persons who have recently been released from incarceration, or dwellings which serve as an alternative to incarceration for persons convicted of criminal offenses or declared criminally insane or dangerous.

**RESIDENTIAL CARE HOME, SMALL:** A residential care home with five (5) or less residents.

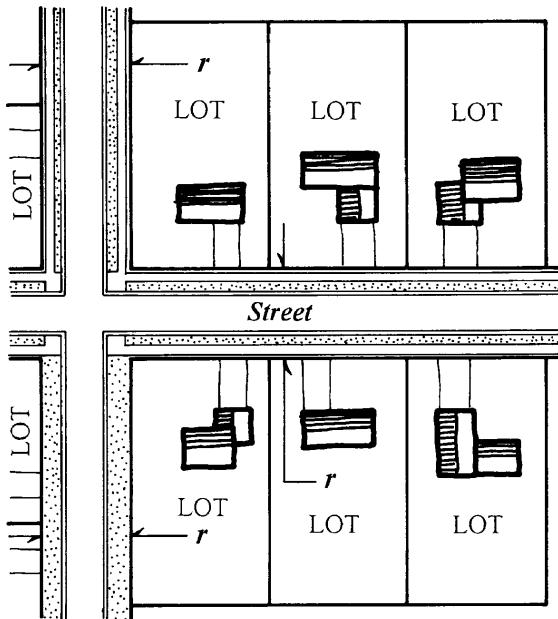
**RESIDENTIAL CARE HOME, LARGE:** A residential care home with more than five (5) residents.

**RESPITE CARE.** Usually planned residential care for dependent, elderly, or handicapped people, to provide relief for their permanent care givers.

**RESTAURANT.** Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunch room, 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".

**RIGHT-OF-WAY:** An area or strip of land, either public or private, on which irrevocable right-of-



***Right-of-Way (ROW) (r)***

passage has been recorded for the use of vehicles or pedestrians or both.

**ROADWAY RIGHT-OF-WAY LINE.** The edge of the public roadway right-of-way as dedicated or as shown as a prescriptive easement on a certified plat of survey. The edge of a private roadway right-of-way as dedicated as a common easement or commonly owned parcel. The width of land required by the Menard County Ordinance. The Zoning Administrator shall determine the actual line to be used for determining zoning setback requirements.

**ROAD:** A thoroughfare within the right-of-way which affords the principal means of access to abutting property. A road may be designated as an avenue, a boulevard, drive, highway, land, parkway, place, road, thoroughfare, or other appropriate name. Roads are identified as follows:

Subdivision standard: A road which is located within the planning jurisdiction of an incorporated municipality with an adopted comprehensive plan subject to the municipality's approval.

Arterial Road (Highway): A road maintained by and under the jurisdiction of the State of Illinois Department of Transportation.

Collector Road (Major): A road maintained by and under the jurisdiction of the Menard County Highway Department.

Minor Road (Minor): A road maintained by and under the jurisdiction of the various Menard County Township Road Commissioners except those roads classified as direct access roads.

Private Road (Minor): A road which has not been dedicated to the public and serves a limited number of properties or uses.

Direct Access Road: A road which is unrestricted in its access to properties or uses.

**ROADSIDE MARKET.** A roadside market is a structure for the display and sale of agricultural products grown on the site only, with no space for customers within the structure itself.

**RODENTS:** Shall mean rats and mice.

**ROOF MOUNT SOLAR ENERGY SYSTEM.** A solar energy system that is mounted on a rack that is fastened onto a building roof.

**ROOF SIGN:** A sign mounted on the roof of a building.

**RUBBISH:** Shall mean non-putrescible solid waste consisting of both combustible and noncombustible wastes such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

**RUNWAY.** 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 LAND FILL.** A method of disposing of refuse by spreading and covering with earth to a depth of two feet on the top surface and one foot on the sides of the bank.

**SCAVENGER:** Shall mean any person, company, or corporation who is engaged in the business either public or private, or collecting and disposing of garbage, refuse, and ashes, etc.

**SCHOOL:** A publicly or privately owned kindergarten, pre-school, elementary school, middle school, junior school, or high school which does not provide lodging for students. This shall not include any dwelling which receives less than five (5) students.

**SCREENING:** A method of visually shielding or obscuring structures or uses from abutting or nearby properties with fences, walls, berms, or densely planted vegetation.

**SEASONAL FESTIVAL.** 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.** All buildable acreage protected as open space. Secondary open spaces shall include, at a minimum, a 150-foot-deep greenway buffer along all water bodies and watercourses, and a 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 Comprehensive 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 Menard County Soil Survey, significant wildlife habitats, sites listed by the Critical Trends Assessment Program of the Illinois Department of Natural Resources, prime farmland, historic or traditional rural architecture reminiscent of Menard County's agricultural heritage, and scenic views into the property from existing public roads.

**SELF-SERVICE STORAGE FACILITY.** 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** 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.** 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.** 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:** The required minimum horizontal distance between the BUILDABLE area and the related front, side, or rear property lines.

**SETBACK LINE, BUILDING.** See "Building Setback Line".

**SHOOTING RANGE, INDOOR:** A Recreational Facility designed or used for shooting at targets with rifles, pistols, shotguns, or archery equipment, and which is completely enclosed within a building or structure.

**SHOOTING RANGE, OUTDOOR:** A Recreational Facility designed or used for shooting at targets with rifles, pistols, shotguns, or archery equipment, and which is not completely enclosed within a building or structure.

**SHORT-TERM RENTAL.** A dwelling, one family or dwelling, two family or accessory structures with residentially allowed occupancy permits that are rented for a maximum thirty (30) days.

**SHOPPING CENTER:** A commercial development which is designed, developed, operated, and controlled as a unit with off-road parking placed on the site to serve jointly all establishments in the center.

**SIGN.** 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, persons, institutions, organization, or business. However, a sign shall not include the flag, emblem or insignia of a nation, political unit, school, or religious group. A sign shall not include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be a sign.

**SIGN, BUSINESS.** A sign which directs attention to a business or profession conducted, or to 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.** 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 CONTRACTOR:** 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, FLASHING.** Any illuminated sign on which the artificial light is not always maintained stationary or constant in intensity and color when such sign is in use. For the purpose of this ordinance any revolving, illuminated sign shall be considered as a flashing sign.

**SIGN, GROSS SURFACE AREA OF.** A sign shall be 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.** 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.

**SIGN – OFF PREMISES.** A sign, the content of which pertains to a product, service, place, activity, person, institution, business, or solicitation located on the property other than the property in which the sign is located.

**SIGN – ON PREMISES.** A sign, the content of which pertains to a product, service, place, activity, person, institution, business, or solicitation located on the same property on which the sign is located.

**SIGN STRUCTURE:** The sign and all parts associated with its mounting.

**SIGN SUPPORTS:** All structural features by which a sign is held up, including, for example, poles, braces, guys, and anchors.

**SITE COVERAGE:** The area of a Planned Development site which is covered by buildings, parking areas, roads, drives and loading areas.

**SITE PLAN:** A plan prepared showing dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

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

**SOIL PRODUCTIVITY INDEX:** Productivity indexes provide a single scale on which soils may be rated according to their suitability for several major crops under specified levels of management.

**SPECIAL CONDITION:** A condition for the establishment of a special use.

**SLAUGHTERHOUSE.** An establishment where animals are butchered for food.

**SMALL POULTRY AND SMALL ANIMAL PROCESSING PLANT.** 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 month old), small game birds such as quail, pheasant, and partridge.

**SOLAR COLLECTOR.** 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.** 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).** All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

**SOLAR ENERGY SYSTEM, PRIVATE.** A collection of one (1) or more solar collectors designed for use by the occupant(s) 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.** 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 re-circulating conditioned building air.

**SOLAR HOT WATER SYSTEM.** A system (also referred to as Solar Thermal) 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:** 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 1608.2.3 of this Ordinance. Such signs must be related to the special event occurring on the property.

**SPECIAL USE.** Any use of land or buildings, or both, described and permitted herein, subject to the provisions of Section 1801 of this ordinance.

**SPECIAL USE TRANSFER:** Any change in the controlling interest of the special use regardless of whether the controlling party is an individual, business, (examples are: sole proprietorship, corporation, LLC) or other entity and specifically includes the transfer of shares which would change the controlling interest of a business holding the special use.

**STABLE, LIVERY.** 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.** 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).** 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.** 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.** A structure for the display and sale of only agricultural products which are produced on the premises.

**STORAGE SITE:** Shall mean public and/or private real property, either improved or vacant, including the buildings or structures thereon, vehicles, water crafts, or parts thereof, upon or in which refuse is stored for collection prior to final disposal.

**STORY.** 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 feet in height shall be considered as an additional story for each fourteen feet or fraction thereof.

**STORY, HALF.** A half story is that portion of a building under a gable, hip, or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than four and one-half feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this ordinance. In the case of multiple family dwellings three or more stories in height, a half story shall be counted as a story.

**STREET.** A way other than an alley, which affords a primary means of access to abutting property.

**STREET LINE.** A line separating an abutting lot, piece, or parcel from a street.

**STRUCTURE.** Anything constructed, erected, or portable, the use of which requires a location on a parcel of land, including a gas or liquid storage tank that is principally above ground, as well as a mobile home and a prefabricated building. This includes a fixed or movable building which can be used either temporarily or permanently. Structure shall include,

but not limited to, buildings, swimming pools, fences, billboards, signs, towers.

**STRUCTURAL ALTERATIONS.** 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.

**SUBDIVISION:** Any division, development, or resub division of any lot, area, or tract of land by the owner or agent, either by lots or by metes and bounds, into lots two or more in number for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant roads, alleys, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or owners within the tract subdivided. The division of land for agricultural purposes not involving any new road, alley, or other means of access, shall not be deemed a subdivision. This definition applies except where applicable exceptions are made in the Woodford County Subdivision Code.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceed fifty percent (50%) 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 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 assure safe living conditions, or any alteration of a structure or site documented as deserving preservation by the Illinois 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, supporting facilities shall have the same meaning as defined in 55 ILCS 5/5-12.

**SWIMMING POOL:** A man-made rigid or semi-rigid structure for water, whether intended for indoor or outdoor use, having a depth at any point greater than two (2) feet and with a water surface area exceeding 125 square feet, which is used or intended to be used for swimming, wading, bathing, immersion, or partial immersion of human beings and which is constructed, installed, and maintained in or above ground.

**TAVERN OR LOUNGE.** 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.** 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.** For a duration of time no longer than 7 days including weekends.

**TEMPORARY SIGN:** 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.** A structure, enclosure, umbrella structure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

**TERRACE, OPEN.** A level and rather narrow place or platform which, for the purpose of this Ordinance, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet in height above the average level of the adjoining ground.

**THEATER.** An establishment used to observe films and other visual material.

**THOROUGHFARES.** Primary, secondary and collector, as defined by the Official Menard County Comprehensive Plan.

**TOXIC MATERIALS.** A substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

**TRACT.** A parcel of land legally described or subdivided as a distinct portion or piece of land to be separately owned, used or developed, may consist of multiple Parcel Identification Numbers (PIN) for tax purposes.

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

**TRAILER, RECREATIONAL.** 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.** Any premises occupied by or designed to accommodate two or more automobile house trailers or mobile homes, or the parking of two or more trailers for business or storage purposes.

**TRAILER, OFFICE, OR STORAGE.** Any trailer designed for temporary use for an office or storage and not used as living quarters, temporary or permanent.

**TRANSPORTATION.** The use of land, buildings, or structure for airports, private or commercial, restricted landing areas, heliports, trucking, bus terminals, railroad stations and other similar means of transport.

**TRUCK PARKING AREA OR YARD.** Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicle, while not loading or unloading, and which exceeds one and one-half tons in capacity.

**TRUCK STOP.** A facility that provides a much broader range 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 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.

**UNFIT STRUCTURE.** Any structure which is so damaged, decayed, dilapidated, unsanitary, unsafe, vermin-infested, or used for illegal purposes that it creates a hazard to the safety or welfare of residents, occupants, or the public.

**USE.** Any purpose for which a building or other structure, or a lot or parcel may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a lot or parcel.

**USE, PERMITTED:** Any use which is or may be lawfully established in a particular district or districts, provided it conform with all requirements of these regulations for the district in which such use is located.

**USE, PRINCIPAL:** The primary purpose or function that a lot serves or is proposed to serve, distinguished from an accessory use. A principal use may either be permitted or special.

**USED CAR LOT.** A zoning lot on which used cars or new cars, trailer, or trucks are displayed in the open for sale or trade.

**UTILITIES.** Any above-ground structures or facilities, other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities, owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of electricity, water, sewage, gas, oil, or electronic signals.

**VARIANCE.** A deviation from the regulations or standards adopted by this ordinance which the ZBA or Hearing Officer is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property, lot, structure, or premises for which the variance is sought.

**VERMIN:** Shall mean roaches, bad bugs, fleas, lice, or similar noxious animals of small size.

**VIEWING DEVICE.** 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 projector or other light projection device, 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.** 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.

**WAREHOUSE, DISTRIBUTION:** A use engaged in storage, wholesale, and distribution of goods or materials to another location for the purpose of resale or use at the place distributed to.

**WAREHOUSING, MINI STORAGE:** An establishment whose primary purpose is to provide space to the general public that may be used for the storage of goods and/or materials and made up of groups of individual units contained within one (1) or more structures.

**WATCHMAN.** A person who maintains security on a piece of land and/or its structures to protect it from fire, vandals, or thieves.

**WATERCOURSE.** Any flowing body of water including rivers, creeks, streams, or waterways; not to include small swales, impressions, or areas that puddle.

**WEEDS:** Shall mean any naturally-occurring, non-cultivated growth of wild vegetation, whether or not such constitute "noxious weeds" as defined by County Ordinance or State statute, exclusive of trees and other wood-stemmed plants, which harbor rodents, reptiles, and/or vermin to an extent which causes risk to the public health.

**WETLANDS.** Areas inundated or saturated by surface water or ground water at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

**WIND ENERGY SYSTEM, SMALL.** 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 onsite 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, a wind tower shall have the same meaning as defined in 55 ILCS 5/5-12.

**WINDOW:** An opening in an exterior wall of a building, other than a door, which provides all or part of the natural light or ventilation or both, to an interior space.

**WINDOW AREA:** Any transparent area on a facade through which the interior of a premises may be viewed from outside.

**WINDOW SIGN:** 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.

**WRECKING YARD.** Any place where two 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.** 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 ordinance, 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.** 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.** 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.** 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.** The area between the road right-of-way and/or the property line and the minimum distance established for the appropriate setback for either front, side, or rear yard.

**YARD, SIDE.** 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 BOARD.** The Menard County Zoning Board of Appeals (ZBA).

**ZONING ADMINISTRATOR.** Wherever in this Ordinance the term Zoning Administrator is used, it shall mean 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 his duty to administer and enforce the orders as are necessary therefore, and requiring such plats, plans, and other descriptive materials in connection with application for permits as are necessary for him to judge compliance with this Ordinance.

**ZONING DISTRICT:** An area or areas within the unincorporated portions of Menard County, Illinois, that have been designated as set forth on the Zoning District Map.

**ZONING MAPS.** The map or maps incorporated into this Ordinance as a part hereof, designating Zoning Districts.

**ZONING LOTS.** A single property, parcel, unit, tract, plot, or otherwise designated portion of land, having metes and bounds, which is designated by its owner or developer as a property, parcel, unit, tract, plot, or otherwise designated portion of land which is to be used, developed, or built upon as a unit under single ownership or control, and which is occupied or capable of being occupied by one (1) or more structures and the accessory structures. A zoning lot may or may not coincide with a lot of record.

## CHAPTER 3

# GENERAL PROVISIONS

### User note:

**About this chapter:** Chapter 3 contains general zoning provisions along with requirements for parking stall dimensions, driveway width requirements, allowable projections into required yard spaces, landscaping, and loading space size requirements. This chapter also establishes the minimum number of off-street parking spaces, fence height requirements, accessory buildings, maximum allowable projection encroachments, and landscaping requirements for new buildings and additions. This chapter also provides for the jurisdiction to review and approve the availability of essential services such as sewer, potable water, street lighting, and fire hydrants for all new projects.

## SECTION 301 SUPPLEMENTARY REGULATIONS AND STANDARDS

**301.01 ZONING PERMITS REQUIRED.** Except as provided by this Code and except after obtaining a zoning permit from the Zoning Administrator, it shall be unlawful within the County and the County's zoned municipalities to:

1. Establish any use of a building, structure, or land, either by itself or in addition to another use.
2. Expand, change, or re-establish any nonconforming use.
3. Erect a new building or structure or part thereof.
4. Rebuild, structurally alter, add to, or relocate any building or structure or part thereof.
5. Reduce the open space or plot area required for a building or structure, or to include any part of such open space or plot area as that required for any adjoining building or structure.

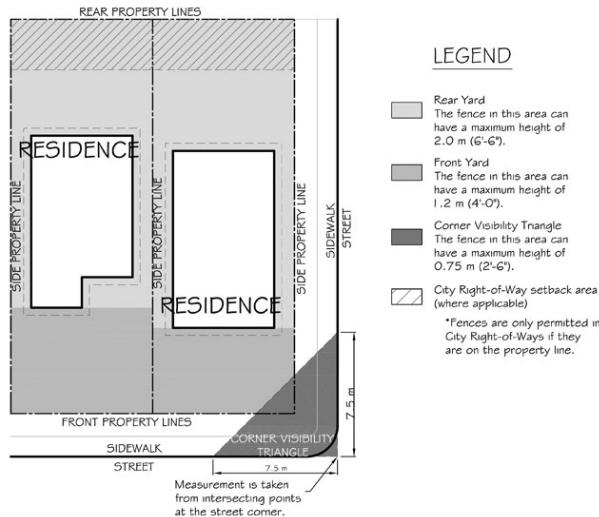
Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Code, and provided that construction is begun within **six (6) months** of the effective date and diligently prosecuted to completion, said building or structure may be completed 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 the use for which originally designated – subject thereafter, if applicable, to the provisions herein for Nonconforming Buildings, Structures, and Uses.

## SECTION 302 LOTS AND YARDS

**302.01 LOTS AND YARDS.** General Lot and Yard Requirements. Except as specifically provided

otherwise herein (the important exceptions being multiple-family complexes, manufactured home parks, and residences in agricultural districts occupied by persons engaged in agricultural activities and E.C.H.O. housing), only **one (1) dwelling** may be situated on any lot or lot of record. Thus, for example, it shall generally be unlawful to place a mobile home on any lot on which there is an existing dwelling. The following lot and yard regulations shall apply to all lots or tracts of land on which a structure is located.

1. The minimum yard space required for one structure for use shall not be considered as the yard of any other, including an adjoining structure or use.
2. Required yards shall be located on the same lot as the principal building or use.
3. No lot shall be divided, into two or more lots and no part of a lot shall be sold unless resultant lots conform to all yard or setback requirements in the district where the lots are to be located. Legal non-conforming structures, located on lots to be divided, shall not be required to conform to yard or setback requirements when property boundaries cannot accommodate said yard or setback requirements. This provision shall only be applicable when seeking a division of land.
4. At least two-thirds (2/3) of the area of a required front yard or corner side yard shall be landscaped except in the A-Agriculture District.
5. On corner lots in all districts, nothing shall be erected, placed, planted, or allowed to grow in the following described triangle area in such a manner as to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline of grade of the intersecting streets. The



triangle area is measured as follows: At the corner intersection property pin, measure back a distance of fifteen (15) feet, parallel with both street rights of way to form the legs of a triangle then complete the triangle with a line connecting the end point of each leg.

**301.02 ACCESSORY USES.** Accessory buildings, structures, and uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, except the Zoning Administrator may issue a temporary zoning permit for the residential use by one family of any accessory building during the period greater than the date of first occupancy of the principal building or eighteen (18) months after issuance of permit, whichever is the earlier date. One building may be established on a lot prior to the establishment of the principal use provided that such building is used only for the storage of machinery and equipment necessary to maintain such otherwise vacant lot and provided that such building be no larger than necessary for storing such machinery and equipment.

Any accessory use (see Sec. 202, "Definitions") shall be deemed permitted in a particular zoning district if such accessory use is:

- A. Accessory to a principal structure or use that is allowed in that zoning district as of right (permitted) or by virtue of the fact that a special use permit has been granted.
- B. In compliance with the restriction set forth in Section 301.01.
- C. Constructed after or at the same time as the principal structure (exception – agricultural districts).
- D. In residential zoning districts (R1-R2-R3) accessory structures shall be subordinate in

area, extent, or purpose to the principal building or use.

- E. Incidental to the principal use established on the same lot, and shall serve no other principal use or purpose.
- F. Determined to contribute to the comfort, convenience, or necessity of users of the principal use.

## SECTION 303 OBSTRUCTIONS OR PROJECTIONS

**303.01 PERMITTED OBSTRUCTIONS.** No obstructions shall be allowed in any yard required by this code. However, the following shall not be obstructions when located in required yards specified subject to the requirements to maintain visibility at intersections contained in Sections 1519.03 and 1604.04 of this code.

**303.02 IN ALL REQUIRED YARDS.** Sills, cornices, and other architectural features extending eighteen (18) inches or less into the yard; free-standing night lights of not more than one-half (1/2) foot candle power; awnings or canopies projecting into a yard not more than twenty-five (25) percent of the required yard depth; steps, landings, and fire escapes necessary for access to buildings or lots; chimneys projecting two (2) feet or less into the yard; arbors and trellises, flag poles, trees, and shrubs;

**303.03 IN REQUIRED FRONT YARDS OR CORNER SIDE YARDS.** Bay windows projecting three (3) feet or less into the yard; unroofed terraces, decks or balconies not projecting over ten (10) feet into the yard; eaves and gutters; fuel, air, and water pumps in conjunction with automobile service stations, provided they shall be set back at least thirteen (13) feet back from the front property line; canopy over fuel pumps; advertising signs, devices, and nameplates.

**303.04 IN REQUIRED SIDE YARDS.** Eaves and gutters projecting two (2) feet or less; off street parking spaces in commercial districts; air conditioning equipment; refuse storage areas (dumpsters and garbage cans).

**303.05 IN REQUIRED REAR YARDS OF LOTS AND PARCELS, FIVE (5) ACRES OR LESS IN LOT SIZE.** Off street parking spaces; swimming pools; tennis courts, and other similar recreational facilities; accessory buildings (e.g., detached residential garages or carports or storage buildings); covered decks or screened porches; central air

conditioning equipment; refuse storage areas (dumpsters and garbage cans); terraces and decks; bay windows projecting three (3) feet or less into the yard; eaves and gutters, provided that eaves and gutters of accessory building are not closer than two (2) feet from a lot line.

## **SECTION 304 OUTDOOR LIGHTING**

**304.01 OUTDOOR LIGHTING.** All outdoor lights used to illuminate any lot shall be so shielded and directed to protect adjacent residentially zoned lots from direct or reflected glare.

## **SECTION 305 DUMPSTERS**

**305.01 DUMPSTERS.** Dumpsters providing refuse storage in the R-1, R-3 and B-1 zoning districts shall be screened with a wood or masonry fence on all sides except that area which must remain unobstructed to allow garbage pick-up. Individual garbage cans need not be screened.

## **SECTION 306 PARKING REGULATIONS**

**306.01 OFF-STREET PARKING REGULATIONS.** The following regulations are established to increase safety and lessen congestion in the public streets, to prevent the deficiency of automobile parking spaces associated with the development of land and increase automobile usage, to set standards for the requirement of off-street parking and loading unique to the particular needs of the district in which the use is located according to the anticipated amount of traffic generated by such uses, and to eliminate the on-street storage of vehicles. In connection with any building hereafter erected or substantially altered or enlarged, or any parking lot hereafter installed, there shall be provided off-street parking and loading areas meeting all the minimum requirements of this section.

**306.02 PERMISSIVE PARKING AND LOADING FACILITIES.** Nothing in this section shall be deemed to prevent the voluntary establishment of off-street parking and loading facilities beyond those required by this code to serve any new or existing uses of land or buildings, provided that there is adherence to all regulations herein governing the location, design, and operation of such facilities.

**306.03 DAMAGE OR DESTRUCTION.** When any building, structure or use which is in existence on the

effective date of this ordinance is restored and continued in operation after being damaged or destroyed by fire, collapse, explosion, or other cause, to the extent that the cost of restoration does not exceed fifty percent (50%) of the fair cash market value, there shall be required only off-street parking and loading facilities equivalent to any maintained at the time of such damage or destruction. However, in no case shall it be necessary to restore or maintain off-street parking or loading facilities more than those required by this code.

**306.04 EXISTING USES.** Whenever the existing use of a building or structure erected prior to the effective date of this code shall hereafter be changed to a new use, additional off-street parking or loading facilities shall be required for such use only in the event the floor area, number of dwelling units or other factor affecting off-street parking requirements is increased and then only to the extent required by the additional floor area, number of dwelling units, or other factor affecting the parking requirements.

**306.05 PARKING AND LOADING AREA PLAN.** No application for a zoning permit for a new, enlarged, or altered structure or improvement shall be issued, unless there is included within the application a plan showing the location, layout, and critical dimensions of all off-street parking and loading facilities. Such plan shall be drawn to scale and show vehicular access and circulation patterns.

**306.06 DESIGN AND USE REQUIREMENTS.** Required off-street parking spaces accessory to uses listed in this Section shall be solely for the parking of motor vehicles of less than one (1) ton capacity of occupants, patrons, or employees or vehicles used in a permitted home occupation. Each required space shall be always kept available for the parking of one motor vehicle.

**306.07 STORAGE OF MAJOR RECREATIONAL EQUIPMENT.** Any owner of major recreational equipment may park or store such equipment in a residence district subject to the following conditions: At no time shall such parked or stored equipment be occupied or used for dining, sleeping or housekeeping purposes while parked or stored in a residence district except that it shall be permissible for a bona fide guest of a householder to park, eat, and sleep in a mobile home, travel trailer, pick-up coach, motor-home or camping trailer in the rear yard of any dwelling house for a period not to exceed fourteen (14) days in one calendar year. If the major recreational equipment is parked or stored outside of a garage, it shall be parked or stored

to the rear of the front building line of the principal structure on the lot and outside the required side yard setback. Such equipment need not be stored on a hard surface.

**306.08 LOCATION.** Required off-street parking spaces in residential districts shall be located on the same lot as the use served.

Parking spaces required in other districts for all other uses shall be located on the same lot or on an adjoining lot, provided however that where ten (10) or more parking spaces are required:

1. Such parking spaces may be provided on a lot located no more than five hundred (500) feet as one walks from the lot requiring said parking.
2. Such lot shall be owned by the owner of the use requiring the parking or controlled by a five- (5) year lease on such lot.
3. No parking spaces permitted by above shall be located in a residential district.

**306.08 ACCESSORY LOCATION.** Accessory off-street parking spaces shall not be in the following locations:

1. In the R-1 Single Family and R-3 Multiple Family districts in the front yard(s) or corner side yard, except on a driveway or on a parking pad constructed of gravel, asphalt, or concrete, which parking pad is adjacent to an existing single car driveway and no closer than three (3) feet from the property line as follows:
  - a) In no case shall a parking pad be adjacent to a street side lot line. In any event, a driveway shall lead directly to the off-street parking space, while maintaining at least two-thirds (2/3) of the required front or required corner side yard in a landscaped condition.
  - b) In all other districts in the required front yard or corner side yard unless otherwise authorized in this code;

**306.09 VIOLATION.** It shall be unlawful for any person to park a motor vehicle or for the owner of a lot to permit such vehicle to remain parked at a location where off-street parking spaces would be prohibited by this section. When any vehicle shall be parked in violation of any provision of this section,

the person in whose name the vehicle is registered shall be *prima facie* responsible for such violation and subject to the penalties therefor. Defenses to the *prima facie* case shall be limited to a showing that the vehicle was not parked illegally or that the individual was not the registered owner at the time of the alleged violation.

**306.09 COMPUTATION.** When computation of the required number of off-street parking spaces results in a requirement of a fractional space, a fraction of less than one-half (1/2) shall be disregarded and a fraction of one-half (1/2) or more shall be counted as one space.

**306.09 COLLECTIVE PROVISION.** Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the number of parking spaces provided shall not be less than the sum of the separate requirements for each such building or use.

## **SECTION 307 PARKING DESIGN, CONSTRUCTION AND MAINTENANCE STANDARDS**

**307.01 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.** There shall be provided for each building, structure, and use hereafter erected, structurally altered, or enlarged, the minimum of off-street parking spaces in accordance with the requirement specified in the applicable district regulation.

**307.02 OPEN AND ENCLOSED SPACES.** Accessory off-street parking spaces may be open to the sky or enclosed or partially enclosed in a structure.

**307.03 SURFACING.** Parking areas and driveways may be gravel provided dust control methods are in place.

**307.04 DRAINAGE.** All parking areas shall be pitched and drained to prevent the flow of water from such area directly onto adjoining property.

**307.05 SIZE AND ACCESS.** All off-street parking facilities shall be provided with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. Each required parking space shall open directly upon an aisle, a driveway, or a public-way of such width and design as to always provide safe and efficient means of vehicular access and egress to such parking

space. Each off-street parking space proposed for a commercial or industrial establishment in the B-1, B-2 or M-1 zoning districts are required to delineate its exact location. In no case shall the dimensions of such parking space area be less than eighteen (18) feet by nine (9) feet.

## SECTION 308 DRIVEWAY

**308.01 COMMON DRIVES.** New common driveways in R-1 and R-3 districts are prohibited; Common driveways in the A agricultural, RR Rural Residential, and B-2 highway business districts are encouraged.

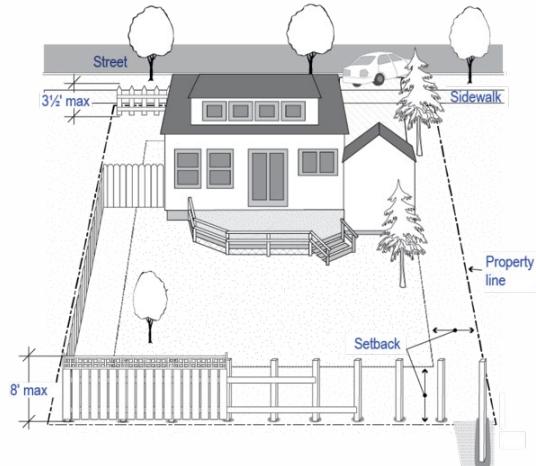
**308.02 DRIVEWAY WIDTH RESTRICTION.** No new driveway shall be less than ten (10) feet in width.

**308.03 DRIVE SETBACK DISTANCE.** No part of a new driveway other than a common driveway shall be located within three (3) feet of the side property line.

## SECTION 309 FENCE STANDARDS

**303.01 PURPOSE.** The purpose of this section is to ensure that all fencing erected within the county's jurisdiction is appropriate and not injurious or detrimental to public well-being.

**303.3 FENCE REGULATIONS.** Fences and walls, not exceeding six (6) feet in height when the principal use of a property is residential and eight (8) feet for all other principal uses except farms which shall have no maximum fence height restrictions. The



maximum fence height shall be measured from the established grade of the property.

**303.02 FENCE CONSTRUCTION.** Fences that are open or solid are allowed in all districts with the following conditions, unless otherwise regulated herein:

1. Only open fences, which do not exceed four (4) feet in height, are allowed along the front property line to the building setback line.
2. Fences which do not exceed six (6) feet in height are allowed to the side and rear of the principal structure. All solid fences shall be constructed with the finished side out in the Residential Districts.
3. Fences may be placed up to a property line provided that fences shall not encroach into rights-of-ways.
4. Fences may be placed on a corner lot beginning at the building setback line along the side and rear property line not to exceed six (6) feet in height.
5. Fences that are constructed in a non-residential district may be either open or solid fences and shall not exceed eight (8) feet in height.
6. Barbed wire fence and electric fences shall not be located in any residential district including R-1, R-3, and B-1.

## SECTION 310 SETBACK

**310.01 REGULATION.** To regulate and restrict the location and use of buildings and structures and restrict the intensity of such uses; and to establish building or setback lines outside the limits of incorporated cities, villages, and towns

**310.02 MEASUREMENT.** All setback requirements shall be measured from the overhang of the proposed structure.

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

## **SECTION 311 SANITARY AND PRIVATE SEWERS**

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

- A. Whenever the public sanitary sewerage system is reasonably available (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed six hundred (600) feet), all sewage shall be discharged into such system, whether or not a private sewer system is more convenient.
- B. Whenever the public sewer system is not reasonably available, a private sewer system (whether central or individual) shall be installed and used. All private sewer systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:
  1. Illinois Private Sewage Disposal Licensing Act, (225 ILCS 225/1 - 225/23), as amended from time to time; and
  2. Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time; and
  3. Pertinent, current regulations issued by the Illinois Environmental Protection Agency; and
  4. Applicable County or local codes and ordinances, particularly the County Subdivision Code.

## **SECTION 312 AGRICULTURAL EXEMPTION**

**312.01 AGRICULTURAL EXEMPTION.** The provisions of this Code shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes (as defined herein), or with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or to be used for agricultural purposes upon such land; except that said structures are required to meet building setback requirements applicable in the district in which the structure is to be built. No fee shall be charged to the applicant for a building permit for agricultural purposes in agricultural district. Should said land or structure cease to be used solely for agricultural purposes then, and only then, shall the other provisions of this Code apply.

## CHAPTER 4

# ESTABLISHMENT OF DISTRICTS

### User note:

**About this chapter:** Chapter 3 establishes classifications for zoning districts and provides for the application to regulate and restrict the uses and locations of buildings and to regulate the minimum required areas for yards, courts, and open spaces.

This chapter also establishes requirements for jurisdictional zoning maps and minimum requirements for special-use areas, which include considerations as to their location to established or intended uses, or to the planned growth of the community.

## SECTION 401 DISTRICT CLASSIFICATIONS

**401.01 CLASSIFICATION.** To classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas; and to regulate and determine the areas of yards, courts, and other open spaces within or surrounding such buildings. Property is hereby classified into districts as prescribed in this chapter.

## SECTION 402 DISTRICTS

### 402.01 ESTABLISHMENT OF DISTRICTS.

Menard County is divided into the following zoning districts:

#### Agricultural Districts

A Agriculture 30 Acres

#### Residence Districts

RR	Rural Residential	3 Acres
R-1	Single Family	7500 square feet
R-3	Multiple Family	see specific application

#### Business Districts

B-1	Downtown Business	1800 square feet
B-2	Highway Business	1 Acre

#### Manufacturing Districts

M-1 Manufacturing 1 Acre

#### Public Lands Districts

P-L Public Lands none

## SECTION 403 ZONING MAP

**403.01 ZONING MAP.** The location and boundaries of the districts are hereby established as shown on the Official Zoning Map of Menard County.

Amendments to such map shall be by ordinance duly adopted by the County Commissioners. Periodically, the Zoning Administrator shall cause the zoning map to be updated and published in pamphlet form indicating to the extent practicable all changes made since the last revision. The Official Zoning Map of Menard County or after the publication and effective date of a revised zoning map of Menard County shall establish the zoning status of land, building, or other land uses within the County as of said date. Changes shall be solely and exclusively by the provision or ordinances duly adopted by the County Commissioners after the effective date of the Zoning Map of Menard County or the effective date of any revision thereto.

## SECTION 404 RULES FOR INTERPRETATION

**404.01 RULES FOR INTERPRETATION.** Where uncertainty exists with respect to the boundaries shown on the Zoning Map of Menard County, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines or existing ownership lines shall be construed as following such lines;
3. Boundaries indicated as approximately following governmental boundary lines shall be construed as following such lines;

4. Boundaries indicated as following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;
5. Boundaries indicated as approximately following the center line of streams, canals, creeks, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or following an extension of features in (1) through (5) above shall be so construed.
7. Where a district boundary divides property in single ownership or unified control at the time of the passage of this code, the Zoning Administrator, upon request of such property owner submitted within thirty (30) days of the adoption of this code, may extend the least restrictive zoning district applicable to any portion to such lot to the entire parcel and shall revise the official zoning map accordingly at the next regular update.

Where, due to the scale, lack of detail, illegibility, or where physical features existing on the ground are at variance with those shown on the Zoning Map and there exists any uncertainty, contradiction, or conflict as to the intended location of any boundary as shown thereon, the Zoning Administrator make an interpretation of said map upon request of any person. Any person aggrieved by such interpretation may appeal such interpretation to the Zoning Board of Appeals.

## SECTION 405 SPECIAL USES

**405.01 GENERAL.** The principal objective of this zoning code is to provide for an orderly arrangement of compatible buildings and land uses, and for the property location of all types of uses required for the social and economic welfare of the community. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various use districts established by this code. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses that it may be necessary to allow because of the unusual characteristics of the service they provide the public. These conditional uses require considerations as to their proper location to adjacent, established or intended uses, or to the planned growth of the community. The conditions

controlling the locations and operation of such special uses are established by the applicable sections of this code.

## SECTION 406 CONSTRUCTION

### 406.1 APPLICATION OF DISTRICT

**REGULATIONS AND STANDARDS.** The regulations and standards set by this ordinance within each district shall be minimum regulations and standards and shall apply uniformly to each class, kind, or type of structure, use, or land except as hereinafter provided.

**406.02 CONSTRUCTION.** No structure or land shall hereafter be used or occupied and no structure or part thereof shall hereafter be constructed, erected, altered, remodeled, extended, or moved unless in conformity with all the regulations and standards herein specified for the district in which it shall be located.

### 406.03 BUILDING CONSTRUCTION

**STANDARDS AND CODE.** The International Code Council establishes minimum requirements for codes and ordinances. This section recognizes and establishes Menard Counties compatibility with all of the International Codes (I-Codes) published by the International Code Council (ICC), including the International Building Code, International Energy Conservation Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Green Construction Code, International Mechanical Code, Illinois Plumbing Code, International Property Maintenance Code, International Residential Code, and the International Swimming Pool and Spa Code.

This section is intended to establish provisions that adequately protect public health, safety, and welfare that do not unnecessarily increase construction costs; that do not restrict the use of new materials, products, or methods of construction; and that do not give preferential treatment to particular types or classes of materials, products, or methods of construction.

**406.04 HEIGHT AND LOT RESTRICTIONS.** No structure shall hereafter be constructed, erected, altered, remodeled, extended, or moved to exceed the height, or to occupy or house a greater number of families, or to occupy a greater percentage of the lot area, or to exceed the floor area ratio, or to have smaller or less habitable floor area per dwelling unit or lodging unit, or to exceed the maximum floor area than hereinafter required or in any manner contrary to

**1. SITE COVERAGE**  
Principal building not to cover more than 35% of lot area. Attached structures (e.g., porches, decks) not to cover more than 10% of lot area.

**2. FLOOR SPACE RATIO (FSR)**  
FSR not to exceed 50% of lot area. FSR means the ratio between the total square footage of all floors of the house (floor space) to the lot size.

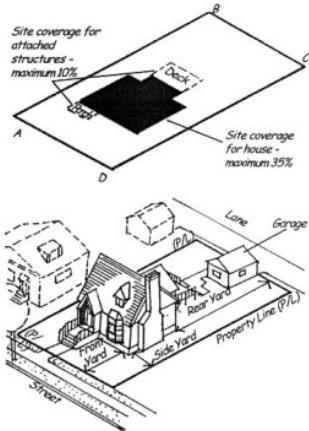
Example:  $\frac{3,000 \text{ square foot house}}{6,000 \text{ square foot lot size}} = 50\% \text{ FSR}$

**3. YARDS**

Front Yard: not less than 20% of the site depth but need not exceed 25 feet or the average setback of the two adjacent houses on either side.

Rear Yard: not less than 20% of the site depth but need not exceed 25 feet.

Side Yard: for lots with a frontage of 40 feet or more, side yards of not less than 10%, with any side yard not exceeding 5 feet. For lots less than 40 feet, 4 foot minimum side yards are required.



the regulations and standards of the district in which it is located.

Except in the following situations only, there shall be only one (1) main or principal structure, or main or principle use or combination of a main or principal structure and main or principal use on one (1) lot:

1. Planned unit developments.
2. Where the main or principal use of a lot is agriculture, farm dwellings, as main or principal structures, may be permitted provided each such dwelling meets the performance standards for dwellings specified for the district in which located.
3. If a new home (principal structure and use) is being constructed on a parcel where an existing home or mobile home already exists, the existing home or mobile home shall be removed from the parcel or demolished and all debris removed within 6 (six) months of occupancy of the new home.
4. E.C.H.O. - Elderly Cottage Housing Opportunities (ECHO Housing) is 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.

**406.05 ACCESSORY USE.** No accessory use shall be established prior to the establishment of the main or principal use; and no accessory structure shall be constructed, erected, altered, remodeled, extended, or moved prior to the establishment or construction of the main or principal structure except as follows:

1. In any district an accessory use or structure of a temporary nature required for the establishment

of the main or principal use, or for the construction of the main or principal structure.

2. The conversion of a trailer coach, travel trailer, camper vehicle, manufactured/mobile home, semi-trailer container, semi-trailer, storage trailer, storage container, shipping container, or enclosed box trailer into an accessory use, building or structure shall be prohibited. Contractors may temporarily place storage containers or storage trailers in any zoning district for the purpose of storing construction materials and/or equipment when associated with a valid building permit. Any storage container or storage trailer placed by a contractor must be removed within 14 calendar days of the conclusion of a construction project.
3. In the Agriculture, Conservation and Residential Districts on a lot of at least two (2) acres, an accessory use or structure not exceeding 1800 square feet in floor area, may be established to house equipment to maintain the lot, provided such accessory use or structure is not prohibited by any recorded covenants.

**406.06 ROAD FRONTAGE.** No structure shall be constructed or erected on a lot or tract of land or moved to a lot or tract of land which does not abut a Public or Private Road. Each Tract shall have a minimum of 200 ft. direct abutment of access to a Public or Private Road.

**406.07 LAWFUL CONSTRUCTION.** Nothing in this ordinance shall be deemed to require any change in plans, construction, or designated use of any structure existing or upon which construction was lawfully begun prior to the effective date of this ordinance provided that such structure shall be completed within one (1) calendar year from the effective date of this ordinance.

The performance standards, regulations, rules, requirements, provisions, and restrictions set by this ordinance shall apply to all structures, uses, lots, and tracts of land created or established after the effective date of this ordinance and shall not be deemed to require any change in the structures, uses, lots, and/or tracts of land lawfully existing on the effective date of this ordinance except as expressly specified hereinafter.

**406.08 DISTRICT USES.** The uses permitted in one (1) district shall not be permitted in any other district unless specifically stated in this ordinance. Special Uses permitted in one (1) district shall not be

permitted in any other district unless specifically stated.

**406.09 FLOODPLAIN DEVELOPMENT.** All new development proposals in the special flood hazard areas shall adhere to the Menard County Floodplain Ordinance and be reviewed and approved by the Zoning Administrator to ensure the following:

1. New development will not change the flow of flood or other surface drainage waters so that other properties become more susceptible to damage.
2. New developments will not create special hazards or nuisances when flooded.
3. New buildings and major improvements to existing buildings will not be subject to damage by the base flood.

**406.10 OPEN SPACES.** No yard, buffer strip, or other open space, off-road parking space or loading berth, or lot existing on the effective date of this ordinance shall be reduced in dimension or area below the requirements set forth hereinafter.

**406.11 DISCONNECTED TERRITORY.** All territory which may hereafter be disconnected from any incorporated area within the County shall be zoned in the same manner as the territory contiguous with such disconnected territory. Where such disconnected territory is contiguous with two (2) or more districts, it shall be zoned in the same manner as the district which has the largest contacting boundary to such disconnected territory until otherwise classified.

**406.12 MINIMUM FLOOR AREA.** The minimum habitable floor area shall be 400 square feet per dwelling unit.

## **SECTION 407 BUILDING CODE**

**407.01 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. International Building Code.
2. International Residential Code (including appendix A, B, C, E, F, G, H, J, O, Q).
3. National Electrical Code.
4. Illinois Plumbing Code.
5. International Mechanical Code.

6. International Fuel Gas Code.
7. International Existing Building Code.
8. Illinois Energy Conservation Code.
9. Illinois Accessibility Code.
10. International Swimming Pool and Spa Code.
11. NFPA 101 Life Safety Code
12. NFPA 855 Standard for the Installation of Stationary Energy Storage Systems

**407.02 SCOPE.** The Menard 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 Menard County.

**407.03 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.

**407.04 VIOLATION, PENALTIES.** 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.

- a. 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).
- b. 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.

**407.05 MEANS OF APPEAL.** An appeal may be taken to the Menard County Zoning Board of Appeals by any person aggrieved, from any order, requirement, decision, or determination made by the Code Official in the Officials' 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 Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Board of Appeals 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 Menard County Zoning Board of Appeals 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.

A concurring vote of the majority of the Zoning Board of Appeals members shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions, or determinations of the Code Official.

The Menard County Zoning Board of Appeals shall keep minutes of its proceedings hereunder showing the vote of each member upon every question, or if absent or failing to vote, indication of such fact, and shall also keep records of its examinations and other official actions.

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

#### **407.06 INTERNATIONAL BUILDING CODE.**

Amendments to the International Building Code are as follows:

1. Sec. 101.1. "Title" insert "Menard County."
2. Sec. 101.4.3. "Plumbing" deletes 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. 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 Zoning Board of Appeals 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.

5. Sec. 113. "Board of Appeals" shall be replaced in its entirety with the following: An appeal may be taken to the Zoning Board of Appeals 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 Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Board of Appeals 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 Zoning Board of Appeals 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 Zoning Board of Appeals members shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions, or determinations of the Code Official. The Zoning Board of Appeals shall keep minutes of its proceedings hereunder, showing the vote of each member upon every question, or, if absent or failing to vote, indication of such fact, and shall also keep records of its examinations and other official actions.

All decisions of the Zoning Board of Appeals 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.

6. 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.

7. 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).
8. 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.

**407.07 INTERNATIONAL RESIDENTIAL CODE.**  
Amendments to the International Residential Code are as follows:

1. Sec. R101.1. "Title" insert "Menard 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 Zoning Board of Appeals 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" shall be replaced in its entirety with the following:

An appeal may be taken to the Zoning Board of Appeals 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 Zoning Board of Appeals a notice of appeal, specifying the grounds thereof. The Zoning Board of Appeals 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 Zoning Board of Appeals 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 Zoning Board of Appeals members shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions or determinations of the Code Official. The Zoning Board of Appeals 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 Zoning Board of Appeals 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.

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:
  - a. Ground snow load: 20 lbs./sq. ft.
  - b. Wind design (speed): 115 mph
  - c. Wind design (topographic effects): No
  - d. Seismic design category: B
  - e. Subject to damage from (weathering): Severe
  - f. Subject to damage from (frost line depth): 42" below grade
  - g. Subject to damage from (termite): Moderate to heavy
  - h. Winter design temperature: 5 degrees Fahrenheit
  - i. Ice barrier underlayment required: Yes
  - j. 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.

#### 407.08 NATIONAL ELECTRICAL CODE.

There are no amendments, deletions, or insertions to the National Electrical Code.

407.09 ILLINOIS PLUMBING CODE. The Illinois Plumbing Code (Part 890), as amended, published by the State Department of Public Health, (Administrative Code Title 77: Public Health, Chapter 1: Department of Public Health, Subchapter r: Water and Sewage, Part 890 Illinois Plumbing Code), 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.

407.10 INTERNATIONAL MECHANICAL CODE. Amendments to the International Mechanical Code are as follows:

1. Sec. 101.1. "Title" insert "Menard County."

2. Sec. 106.4.3. "Expiration" replaces 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 Zoning Board of Appeals 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 Zoning Board of Appeals 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 Zoning Board of Appeals a notice of appeal, specifying the grounds thereof. The Zoning Board of Appeals 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 Zoning Board of Appeals 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 Zoning Board of Appeals members shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions or determinations of the Code Official. The Zoning Board of Appeals 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 Zoning Board of Appeals 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.

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.

#### 407.11 INTERNATIONAL FUEL GAS CODE.

Amendments to the International Fuel Gas Code are as follows:

1. Sec. 101.1. "Title" insert "Menard County."
2. Sec. 106.5.3. "Expiration" replaces with the following:
3. 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 Zoning Board of Appeals 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. 106.6. "Fees" delete.
5. Sec. 109. "Means of Appeal" replace with the following:

An appeal may be taken to the Zoning Board of Appeals 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 Zoning Board of Appeals a notice of appeal, specifying the grounds thereof. The Zoning Board of Appeals 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 Zoning Board of Appeals 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 Zoning Board of Appeals members shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions or determinations of the Code Official. The Zoning Board of Appeals 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 Zoning Board of Appeals 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.

1. 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.

#### 407.12 INTERNATIONAL EXISTING BUILDING CODE.

Amendments to the International Existing Building Code are as follows:

1. Sec. 101.1. "Title" insert "Menard County."
2. Sec. 105.5. "Expiration" replaces with the following:
3. 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 Zoning Board of Appeals 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.

4. Sec. 112. "Board of Appeals" see amended Section 113 of 2018 International Building Code.

#### 407.13 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 "Menard 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.

407.14 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.

407.15 INSPECTIONS. The inspections listed in Sections 407.16 through 407.27 are a list of the customary inspections for new construction and are generally required, unless otherwise noted and discussed in advance. 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 owner should be present.

407.16 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.

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

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

407.19 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.

407.20 ELECTRICAL SERVICE INSPECTION. This inspection is scheduled prior to power being provided by supplier.

407.21 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.

407.22 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. (Inspection to be completed by State Plumbing inspector)

407.23 ROUGH PLUMBING. This inspection is done when all plumbing is installed and before insulation and drywall is in place. (Inspection to be completed by State Plumbing inspector).

407.24 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.

**407.25 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.

**407.26 FINAL PLUMBING INSPECTION BEFORE OCCUPANCY.** This inspection is done during the final occupancy inspection. All plumbing must be complete and operable.

**407.27 FINAL OR OCCUPANCY PERMIT INSPECTION.** Before calling the zoning 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.

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

**407.29 ADDRESS REQUIRED.** Each parcel shall be assigned a new address upon application conforming to the NENA standards and NG911 protocols. The fee for assigning an address to a parcel shall be fifty dollars (\$50.00).

**407.29(a) ENTRANCE PERMIT REQUIRED.** An entrance permit will be required to a newly assigned addressed parcel, by the Road District or Menard County Highway Department having authority with the entrance location to be set by the addressing assigned.

**407.30 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.

**407.31 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.

**407.32 WAIVERS AND REFUNDS.** No waiver and no refund shall be made for any fee paid pursuant to this chapter without the approval of the Zoning Administrator, Menard County Board of Appeals or the Menard County Board, except, all fees for actions or activities by the County 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 Menard County Zoning office 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.

**407.33 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.

**407.34 PIERS.** 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.

- a. 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.

**407.35 PATIOS.** Construction of new patios or expansions of existing patios which increase hard surface coverage in the R-R, R-1, and R-3 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.

**407.36 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.

**407.37 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.

**407.38 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.

**407.39 ELEVATORS.** 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. The following shall be certified as conforming to all applicable Codes:

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

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.

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

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

**407.40 AGRICULTURE AND FARM RESIDENCE EXEMPTIONS.** 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.

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.

**407.41 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.

**407.42 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.

**407.43 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.

**407.44 SITE PLANS.** Where development 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.

- a. 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.
- b. 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.

## CHAPTER 5

# A - AGRICULTURE

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### User note:

**About this chapter:** Menard County has a wide variety of land uses located in rural area outside its cities, villages, and towns. Some are clearly "residential", i.e. principally homes for families whose livelihood comes from sources other than the property on which they reside. The fact that they maintain a large garden, own a tractor, send their kids to rural schools, and think of themselves as "landed gentry" or "farmers" does not change their home into a farm or convert the principal use of their property from residential to agricultural.

At the other extreme, there are some rural land uses that are clearly commercial in nature. While they may involve endeavors that support or complement the farming community, they are first and foremost service or production facilities, not farms. Illustrative examples include commercial grain elevators, agricultural equipment sales and service centers, seed dealers, chemical dealers, processing plants, slaughterhouses, agricultural produce sale or distributorships.

Between these two extremes is the type of "farming operation" that Menard County seeks to encourage and preserve through its agricultural zoning regulations. The typical farm in Menard County is both a home and a livelihood; a place of residence, and a place of business.

There are certain things that are commonly associated with, or accessory to, a farm. There are certain things that are not.

Single-family residences for families engaged in farming operations are expected. Strip development of 5+ acre homesites along a road on the perimeter of a farm is not.

Buildings for the storage, maintenance, and repair of farm equipment is expected. Commercial, automobile and truck service and repair shops are not.

Inside and outside storage of farm equipment is expected. Fields of rusting or rotting junk, automobile salvage yards and sales lots are not.

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## SECTION 501 PURPOSE AND INTENT

**501.01 PURPOSE.** The purpose of the Agricultural district, as identified in the Comprehensive Plan of Menard County, is: First, to protect and maintain agriculture as a long-term use of land; Second, to protect and maintain the future development of farm operations by protecting existing operations from incompatible uses; Third, to protect and expand the agricultural economic base; and, Fourth, to maintain and improve the quality of the agricultural soil resource.

## SECTION 502 PRINCIPAL USE

**502.01 PRINCIPAL USES.** The following principal uses are permitted in the Agricultural District:

1. Farms which may include the following accessory structures and land uses:
  - a. Single family dwelling (s), mobile home dwelling units as defined in Sections 202 and or 1302 (Mobile & Manufactured Home Regulations) or modular dwelling units intended at the time of original occupancy for family members or tenants engaged in the

farming operation, or other agricultural housing for seasonal workers including the following accessory uses: Accessory buildings, e.g., storage buildings and garages; Recreational amenities including gardens, in-ground swimming pools, above-ground swimming pools, playhouses and playground equipment; yard encroachments including t.v. antennas, satellite dishes; home occupations

- b. Buildings for the storage, maintenance and repair of machinery and equipment used in the farming operation
- c. Buildings providing shelter for livestock raised in the farming operation
- d. Buildings for the storage of agricultural products and supplies raised or used on the farm
- e. Fields for growing crops
- f. Pastures
- g. Fenced animal confinement areas
- h. Outside open storage of equipment and supplies used in agricultural productions
- i. Farm drainage and irrigation systems
- j. Private riding stables

- k. Dance/Fitness Center (no adult entertainment as defined will occur)
- l. Other structures or uses customarily incidental to agricultural activities
- m. Bed and Breakfast Establishment
- a. Bed & Breakfast establishments
- b. Day Care Homes
- c. Public Schools
- d. Churches and other places of public worship
- e. Cemeteries
- f. Public Parks
- g. Sod Farms & Tree Farms including Christmas Tree Farms

#### 502.02 RESIDENCE AND DWELLING USE.

Converted farm residences, single family dwellings, mobile home dwelling units or modular dwelling units which were initially intended and which were used for occupancy by family members or tenants engaged in the farming operation but are no longer used and occupied by persons engaged in such operations. The applicant must provide evidence showing the residential structure has been used as part of a farming operation and that the structure meets the above definition of a converted farm residence.

### **SECTION 503 ACCESSORY USE**

503.01 ACCESSORY USES. The following accessory uses shall be allowed:

- a. Accessory buildings, e.g., storage buildings and garages.
- b. Recreational amenities including gardens, in-ground swimming pools, above-ground swimming pools, playhouses, and playground equipment; yard encroachments including t.v. antennas, satellite dishes; and home occupations.
- c. Permitted accessory buildings and land uses authorized in the Agricultural District for farms with the exception of Section 503.02 which shall not be applicable.

503.02 DWELLINGS. Single family dwellings, mobile home dwelling units as defined in Sections 202 and or 1302 (Mobile & Manufactured Home Regulations) or modular dwellings on tracts containing thirty (30) acres or more.

#### 503.03 RECREATIONAL AMENITIES.

Recreational amenities including gardens, in-ground swimming pools, above-ground swimming pools, playhouses and playground equipment; yard encroachments including t.v. antennas, satellite dishes; and home occupations.

#### 503.04 ADDITIONAL PUBLIC ACCESSORY

CATEGORIES. The following additional accessory uses shall be allowed:

#### 503.05 ADDITIONAL PUBLIC ACCESSORY

AMENITIES. The following public accessory amenities may be provided in connection with the foregoing uses:

- a. off street automobile parking for employees and customers.
- b. dumpsters for collection and refuse generated on site.
- c. on premises advertising signs meeting the requirements of Section 1604.
- d. incidental seasonal sales from Christmas Tree Farms
- e. freestanding solar grids meeting the setback requirements of Section 505.04

### **SECTION 504 USES BY SPECIAL USE PERMITTING**

504.01 PRINCIPAL USES. The following principal uses are authorized by special use permit:

- 1. Agri-business, including but not limited to any of the following:
  - a. greenhouse/nursery
  - b. roadside produce stand
  - c. farm supply storage and sale
  - d. feed storage and sales
  - e. grain elevator/storage
  - f. livestock sales
  - g. farm equipment/implement sales and repair
  - h. agricultural research and development
  - i. public riding stable
  - j. veterinary hospitals or clinics
  - k. kennel
  - l. hunting facilities
  - m. fertilizer plants & storage tanks
  - n. winery
  - o. deer processing facility/meat market
  - p. automobile body shop

- q. lawn & landscaping services (may include greenhouse(s), nursery & other associated uses)
- r. Event venue to host reunion, proms, graduation and other similar events, weddings and weddings receptions, fundraisers, celebrations of life and similar gatherings.
- 2. Data Centers (see SECTION 1532 for additional regulations)
- 3. Battery Energy Storage Systems (see APPENDIX H for additional regulations)

**504.02 RESTRICTIONS.** Special Use permitting restrictions for Agri-business, including, but not limited to any of the following:

- a. Must be home-based from primary residence
- b. No larger than 1,200 square feet
- c. Must have documented Tax ID
- d. Ample parking per county ordinance
- e. No pod/trailer type structures

**504.03 PUBLIC AND QUASI-PUBLIC USE.** Public and quasi-public uses by special use permit.

- a. Hospitals/public medical facilities
- b. Public utility installation other than poles, towers, wires cables, laterals, vaults, conduits, and other similar distributing equipment of a public utility as defined in the Illinois Public Utilities Act or used for and in right-of-way of railroads but including towers, substations, exchanges, maintenance shops and yards and pumping stations, water filtration with associated treatment plants and elevated and underground storage tanks
- c. Arenas/stadiums
- d. Agricultural and horticultural fairs, displays, shows and exhibits
- e. Airport/heliport
- f. Public golf course
- g. Public highway & road district facilities
- h. Commercial/large scale solar farms meeting the requirements of the Menard County Solar Ordinance

**504.04 RURAL AND HIGH IMPACT USE.** Rural/High Impact Uses by special use permit.

- a. Mining and extraction of minerals
- b. Concrete batch plant/asphalt batch plant
- c. Prisons
- d. Sanitary landfills

**504.05 ANIMAL CREMATORIAL SERVICES BY SPECIAL USE.** Companion Animal Crematory Services: A companion animal crematory service is an onsite service that is accomplished with a proprietary self-contained appliance installed as an appurtenance to a parcel and which is compliant with the Illinois Environmental Protection Agency's ROSS (Register of Smaller Sources, 35 Ill Adm Code 201.175) and whereby the service is performed by the owner of said parcel. The service will be an accessory special use to the principal agricultural use of the parcel or the principal use of a farm in which a residential dwelling is located and meets the following standards:

- a. Companion, domesticated, and non-commercially raised or produced animals will be allowed;
- b. Per the IEPA ROSS requirements, the crematory service is allowed up to 5 tons (10,000 lbs.) of material per year and a secondary particulate burner is also installed and utilized to meet NESHPA 40 CFR Parts 61 and 63, to ensure that no smoke or smell from the actual combustion is noticeable, and verification of such compliance shall be made to the County prior to any activity under this clause;
- c. Additional traffic does not create local roadway safety hazards to the property or neighboring property owners, off street parking shall be made available to limited on site visitors for the purpose of this service;
- d. Positioning of the appliance shall not be visible to neighbors and proper screening and/or any necessary measures to limit or prevent visible activity for said service to adjoining properties will be minimized to the best ability of the property owner;

This definition and provision shall in no way be intended or construed to allow the mass incineration or destruction of any commercially raised livestock.

**504.06 SIGNS BY SPECIAL USE.** Off premises advertising signs. Additional off-premises signs are not allowed as an accessory use when the principal use is an off-premise sign

**504.07 AMENITIES RELATED TO SPECIAL USE.** The following amenities may be provided in connection with the forgoing special uses:

- a. Off street automobile parking for employees and customers;
- b. Dumpsters for collection and refuse generated on site;
- c. On premises advertising signs (except where the principal use is an off-premises advertising sign) meeting the requirements of Section 1604
- d. Freestanding solar grids meeting the setback requirements of Section 505.04
- e. Private Wind Energy Conversion System

## SECTION 505 BULK REGULATIONS

**505.01 AGRICULTURAL DISTRICT BULK REGULATIONS.** The following regulations apply across the entirety of the Agricultural District.

**505.02 MINIMUM LOT SIZE.** Minimum lot area:

- A. Farms – No minimum lot area except for the following farm accessory structures and land uses which shall have a minimum lot area requirement of 30 acres: Single family dwelling (s), mobile home dwelling units, as defined in Sections 202 and or 1302 (Mobile & Manufactured Home Regulations), or modular dwelling units, intended at the time of original occupancy for family members or tenants engaged in the farming operation, or other agricultural housing for seasonal workers including the following accessory uses: Accessory buildings, e.g., storage buildings and garages; Recreational amenities including gardens, in-ground swimming pools, above-ground swimming pools, playhouses and playground equipment; yard encroachments including t.v. antennas, satellite dishes; home occupations.
- B. Converted farm residences – One (1) acre. Principal structure must be at least 10 years old to qualify.
- C. Non-farm residential use
  - 1. One (1) dwelling unit per thirty (30) acres on soils with a predominant soil productivity index of more than 110; or
  - 2. One (1) dwelling unit upon three (3) acres or more, on soils with a predominant soil productivity index of 110 and lower.
    - a) Soil productivity is determined by the “Average Crop, Pasture, and Forestry Productivity Ratings for

Illinois Soils” bulletin 810 or current publication, which is managed by the University of Illinois. Soil classifications will be determined by the current approved USDA/NRCS Menard County Soil Survey.

- D. Public schools – 5 acres
- E. Churches, other places of public worship and day care homes – 1 acre
- F. Cemeteries – 1 acre
- G. Public parks – 1 acre
- H. Agri-business uses – 1 acre except roadside produce stands where there shall be no minimum
- I. Other public or quasi-public uses – 1 acre
- J. Rural/high impact uses – 5 acres

**505.03 MINIMUM LOT WIDTH.** Minimum lot width: Minimum lot width shall be – 200’ extending to a distance equal to any front setback requirement with 200’ of frontage on a public road measured at the front setback line. Roadside produce stands shall have no minimum lot width

**505.04 MINIMUM SETBACK.** Minimum setbacks shall be:

- a. For principal and accessory buildings, structures and outside storage areas – front shall be one-half the distance of the necessary right of way of the applicable road, measured from the center of the road, and an additional 50’ (If existing right of way is greater than the necessary right of way, the front setback requirement of 50’ shall be measured from the existing right of way line); side 10’ except outdoor storage areas which shall have a 30’ minimum; rear 10’
- b. For converted farm residences and allowable accessory buildings, structures and outside storage areas – front shall be one-half the distance of the necessary right of way of the applicable road, measured from the center of the road, and an additional 50’ (If existing right of way is greater than the necessary

right of way, the front setback requirement of 50' shall be measured from the existing right of way line); side 10' except outdoor storage areas which shall have a 30' minimum; rear 10'

- c. Minimum setback for parking areas – front shall be one-half the distance of the necessary right of way of the applicable road, measured from the center of the road, and an additional 25' (If existing right of way is greater than the necessary right of way, the front setback requirement of 25' shall be measured from the existing right of way line); side 10'; rear 10'
- d. Pasture, fields and fences – no setback requirements
- e. Minimum structure setback from Illinois Route 97, Illinois Route 123 and Illinois Route 29 or any road designed as a principal arterial in the Menard County Comprehensive Plan shall be one-half the distance of the necessary right of way of the applicable road, measured from the center of the road, and an additional 75' of which 50% shall be landscaped or maintained in a natural state (If existing right of way is greater than the necessary right of way, the front setback requirement of 75' shall be measured from the existing right of way line).
- f. Private Wind Energy Conversion Systems shall be setback not less than 1.1 times the tower height from the necessary road right of way of a public road (as measured from the center of the public road pavement), overhead utility transmission lines, communication towers and adjacent property lines.

**505.05 MINIMUM STRUCTURE HEIGHT.**

Building or structure height - No maximum building or structure height, unless otherwise specified

**505.06 MINIMUM PARKING.** Minimum Parking

- a. For farms – 2 spaces per dwelling unit plus 1 space for every 2 full time equivalent employees.
- b. For single family residential including converted farm residence – 2 spaces per dwelling unit
- c. Other – 1 space per 300 square feet of floor area except floor area devoted solely to storage

## CHAPTER 6

# RR - RURAL RESIDENTIAL

### User note:

**About this chapter:** People enjoy the beauty of rivers, lakes, streams, forest, and rolling topography and often seek to live in a rural setting outside the county's incorporated areas. Families appreciate rural values; they want to be able to "work a little ground", keep an animal or two, and have space between them and their neighbors.

Since not all land is suitable for productive agricultural use, some can appropriately be used for residential purpose. Soil quality, slope, configuration, and drainage patterns influence productivity and are factors that should be devoted to other purposes. Just as all land is not suitable for agricultural purposes, all land is not suitable for residential use. Some land should be retained privately in its natural state; some should be acquired and preserved for the enjoyment of the public generally. Rivers and streams flood, forest require integrity and continuity to provide natural habitat, slopes erode and human occupancy, especially unregulated and irresponsible human occupancy, tends to blight and pollute. What was once pristine, natural, beautiful, and attractive becomes marred, artificial, ugly, and undesirable. That is not what the County wants to encourage.

Menard County has experienced and expects to experience increased pressure for residential development. While the County's comprehensive plan encourages that development to occur primarily in or near the County's incorporated areas (where the logical extension of municipal services seems more likely), the rural residential zoning district recognizes that not all residential development will occur in cities, villages, and towns and that the careful use of unproductive or less productive rural areas for residential purposes is appropriate.

## SECTION 601 PURPOSE AND INTENT

**601.01 PURPOSE.** The purpose of the rural residential district is to provide for residential uses at low densities in predominantly agricultural areas on soils that because of their size, shape, slope, fertility, or land cover are poorly suited to agricultural use but well suited to residential use. In and about such districts, it is recognized that agriculture remains the preferred land use and that residents therein should expect to encounter the noise, heat, dust, odors, late night/early morning operations, fertilization, and pest management practices that are common in modern farm operations.

## SECTION 602 PRINCIPAL USE

**602.01 PRINCIPAL USES.** The following principal uses are permitted:

1. Farms including permitted accessory buildings and land uses authorized in the Agricultural District for farms subject to the following additional regulations:
  - a. Only one single family dwelling shall be allowed on lots of less than twenty (20) acres. On lots of twenty (20) acres or more, additional dwelling units intended at the time of original occupancy for family members or tenants engaged in the farming

operation, or other agricultural housing for seasonal workers shall be allowed.

2. Single family dwelling, mobile home dwelling unit as defined in Sections 202 and or 1302 (Mobile & Manufactured Home Regulations) or modular dwelling unit with no farm uses or agricultural purposes.

## SECTION 603 ACCESSORY USE

**603.01 ACCESSORY USES.** The following accessory uses shall be allowed.

- a. Accessory buildings, e.g., storage buildings and garages.

**603.02 RECREATIONAL AMENITIES.** Recreational amenities including gardens, in-ground swimming pools, above-ground swimming pools, playhouses, and playground equipment; yard encroachments including t.v. antennas, satellite dishes; and home occupations.

**603.03 ADDITIONAL PUBLIC ACCESSORY CATEGORIES.** The following additional accessory uses shall be allowed:

- a. Bed and Breakfast Establishment
- b. Day care homes
- c. Cemeteries
- d. Churches or other places of public worship
- e. Public parks

#### 603.04 ADDITIONAL PUBLIC ACCESSORY

**AMENITIES.** The following public amenities may be provided in connection with the foregoing permitted uses except for single family dwellings, mobile home dwelling units (as defined in Sections 202 and or 1302, Mobile & Manufactured Home Regulations) or modular dwelling units that are determined to be a principal use of property which shall not be allowed the following permitted accessory uses unless otherwise specified:

- a. Off street automobile parking for employees and customers.
- b. Dumpsters for collection and refuse generated on site. Dumpsters shall not be allowed on lots of less than twenty (20) acres where the principal use of a property is a farm or a single-family dwelling, mobile home dwelling or modular dwelling.
- c. On premises advertising signs meeting the requirements of Section 6.12. On premises signs shall not be allowed on lots of less than twenty (20) acres where the principal use of a property is a farm or single-family dwelling, mobile home dwelling or modular dwelling.
- d. Freestanding solar grids meeting the setback requirements of Section 605.04.

### **SECTION 604 USES BY SPECIAL USE PERMITTING**

**604.01 PRINCIPAL USES.** The following principal uses are authorized by Special Use permit:

- a. Day Care Centers
- b. Water Towers
- c. Public Golf Course
- d. Municipal well pump-houses to be operated in the public interest
- e. Ultra-light Aircraft Landing Strip
- f. Off premises advertising signs
- g. Public Highway & Road District Facilities
- h. Public Potable Water Treatment Plants
- i. Nursing and retirement homes
- j. Lawn & landscaping services (may include greenhouse(s), nursery & other associated uses)
- k. Commercial/large scale solar farms meeting the requirements of the Menard County Solar Ordinance

**604.02 ACCESSORY USES.** The following accessory uses may be provided in connection with the foregoing special uses:

- a. Freestanding solar grids meeting the setback requirements of Section 605.04
- b. Off-premises advertising signs. Additional off-premises signs are not allowed as an accessory use when the principal use is an off-premise sign
- c. Private Wind Energy Conversion System
- d. Photography Studios
- e. Event venue to allow activities such as, but not limited to; weddings, bridal showers, reunions.

#### 604.03 AMENITIES RELATED TO SPECIAL USE.

The following amenities may be provided in connection with the forgoing special uses:

- a. Off street automobile parking for employees and customers.
- b. Dumpsters for collection and refuse generated on site
- c. On premises advertising signs (except where the principal use is an off- premise advertising sign) meeting the requirements of Section 1604

### **SECTION 605 BULK REGULATIONS**

**605.01 RURAL RESIDENTIAL DISTRICT BULK REGULATIONS.** The following regulations apply across the entirety of the Rural Residential District.

**605.02 MINIMUM LOT SIZE.** Minimum lot area:

- a. All uses unless otherwise specified below – three (3) acres
- b. Bed and Breakfast establishments – 1 acre
- c. Day Care Homes and Centers – 1 acre
- d. Water Towers – 1 acre
- e. Public Highway & Road District Facilities – 1 acre
- f. Farms with no residential dwellings - no minimum lot area
- g. Nursing and retirement homes – 1 acre
- h. Lawn & landscaping services – 1 acre

**605.03 MINIMUM LOT WIDTH.** Minimum lot width: 200' extending to a distance equal to any front setback requirement with 200' of frontage on a public road measured at the front setback line. Roadside produce stands shall have no minimum lot width

**605.04 MINIMUM LOT SETBACK.** Minimum setbacks shall be:

- a. Minimum setbacks for principal and accessory buildings, structures and outside storage areas unless otherwise stated - front shall be one-half the distance of the necessary right of way of the applicable road, measured from the center of the road, and an additional 50' (If existing right of way is greater than the necessary right of way, the front setback requirement of 50' shall be measured from the existing right of way line); side 10' except outdoor storage areas which shall have a 30' minimum; rear 10'
- b. Minimum setback for parking areas – front shall be one-half the distance of the necessary right of way of the applicable road, measured from the center of the road, and an additional 25' (If existing right of way is greater than the necessary right of way, the front setback requirement of 25' shall be measured from the existing right of way line); side 10'; rear 10'
- c. Minimum structure setback from Illinois Route 97, Illinois Route 123 and Illinois Route 29 or any road designed as a principal arterial in the Menard County Comprehensive Plan shall be one-half the distance of the necessary right of way of the applicable road, measured from the center of the road, and an additional 75' of which 50% shall be landscaped or maintained in a natural state (If existing right of way is greater than the necessary right of way, the front setback requirement of 75' shall be measured from the existing right of way line)

- d. Private Wind Energy Conversion Systems shall be setback not less than 1.1 times the tower height from the necessary road right of way of a public road (as measured from the center of the public road pavement), overhead utility transmission lines, communication towers and adjacent property lines.

**605.05 MAXIMUM STRUCTURE HEIGHT.**

Building or structure height - No maximum building or structure height, unless otherwise specified

**605.06 MINIMUM PARKING.** Minimum parking

- a. Residential use 2 spaces per dwelling unit
- b. Other – 1 space per 300 square feet of floor area
- c. Parking for event venue: adequate off-street parking space to support the maximum occupancy level.

## CHAPTER 7

# R-1 SINGLE FAMILY RESIDENTIAL

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### User note:

**About this chapter:** The Menard County comprehensive plan suggests that residential development is most appropriate in or near the County's incorporated cities, villages, and towns where the extension of municipal services seems most likely. The R-1 zoning district is the district that is intended to accommodate that type of residential development.

Permissible densities in the R-1 district are higher than in the Rural Residential District because public utilities are in place and immediately available or more likely to become available as development occurs.

Increased density puts people in closer day to day contact with one another. The activities on one owner's property are more likely to generate an impact and effect the use and enjoyment of a neighbor's property. For that reason, the R-1 district contains more stringent land use regulations. Everyone gives up a little "freedom" to live harmoniously in closer proximity.

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## SECTION 701 PURPOSE AND INTENT

701.01 PURPOSE. The purpose of the R-1 Single Family District is to: First, provide for high quality residential development in well-defined neighborhoods; Second, encourage the provision of housing suitable to a variety of family sizes and income levels; Third, promote quality in housing design; Fourth, encourage residential development in already developing areas to facilitate the logical extension of public utilities and services; Fifth, to improve the quality of existing residential areas; and Sixth, to maintain the small town character of Menard County.

## SECTION 702 PRINCIPAL USE

702.01 PRINCIPAL USES. The following principal uses are permitted:

1. Single family residential use which may include the following structures and land uses:
  - a. One single family dwelling or one modular dwelling unit (not mobile home dwelling unit)
  - b. Attached or detached garage(s), carports, and storage building(s)
  - c. A driveway and off-street automobile parking area containing not less than two nor more than four spaces
  - d. Fences not more than 6' in height (no barbed wire)
  - e. Recreational amenities including gardens, in-ground swimming pools,

- f. above -ground swimming pools, playhouses, and playground equipment
- f. Yard encroachments including t.v. antennas, satellite dishes
- g. Home occupations
- 3. Bed and Breakfast establishments
- 4. Day Care Homes
- 5. Cemeteries
- 6. Churches or other places of public worship
- 7. Public parks

## SECTION 703 ACCESSORY USE

703.01 ACCESSORY USES. The following accessory uses may be provided in connection with the foregoing permitted uses (other than single family residential uses):

- a. off street automobile parking for employees and customers
- b. dumpsters for collection and refuse generated on site
- c. on premises advertising signs meeting the requirements of Section 6.12
- d. freestanding solar grids meeting the setback requirements for a of Section 705.04

## **SECTION 704 USES BY SPECIAL USE PERMITTING**

704.01 PRINCIPAL USES. The following principal uses are authorized by Special Use Permit:

- a. Day Care Centers
- b. Not-for Profit Museums
- c. Water Towers
- d. Public Golf Course
- e. Public Potable Water Treatment Plants

704.02 AMENITIES RELATED TO SPECIAL USE.

The following amenities may be provided in connection with the forgoing special uses:

- a. Off street automobile parking for employees and customers
- b. Dumpsters for collection and refuse generated on site
- c. On premises advertising signs meeting the requirements of Section 1604
- d. Freestanding solar grids meeting the bulk regulations for setback requirements of Section 705.04

## **SECTION 705 BULK REGULATIONS**

705.01 SINGLE FAMILY RESIDENTIAL DISTRICT BULK REGULATIONS. The following regulations apply across the entirety of the Single-Family Residential District.

705.02 MINIMUM LOT SIZE. Minimum lot area:

- a. Residential Use – 7,500 square feet
- b. Bed and Breakfast establishments – 7,500 square feet
- c. Churches or other place of public worship, Cemeteries, Public Parks – 1 acre
- d. Day Care Homes and Centers –  $\frac{1}{2}$  acre
- e. Water Towers – 1 acre

705.03 MINIMUM LOT WIDTH. Minimum lot width:

- a. Residential use – 60' with 60' of frontage on a public road measured at the front setback line; 200' with 200' of frontage measured at the front setback line when a lot is to be accessed directly from any State of Illinois or Menard County Highway Department road or highway.
- b. Bed and Breakfast establishments – 60'
- c. Churches and other places of public worship, Cemeteries, Public Parks – 200'
- d. Day Care Centers – 100'

705.04 MINIMUM LOT SETBACK. Minimum setbacks shall be for buildings, structures, outdoor storage areas and parking areas:

- a. Front shall be one-half the distance of the necessary right of way of the applicable road, measured from the center of the road, and an additional 30' (If existing right of way is greater than the necessary right of way, the front setback requirement of 30' shall be measured from the existing right of way line)
- b. Side – 5'
- c. Rear – 10'
- d. Lots created prior to January 1, 1999 and located within 2,000 feet of the Sangamon River and 2,000 feet of Chautauqua Road and located within the R-1, single-family zoning district shall have no minimum setback requirements. Lots with shoreline along Lake Petersburg and located within the R-1, single-family zoning district shall have the following minimum setback requirements for buildings and structures (docks & boathouses are exempt from rear setback requirements but shall meet side setback requirements): Front – 8'; Side – 6'; Rear – The lake side of any building or structure shall be no closer to the shoreline than 30 percent (30%) of the distance from the shoreline to the front lot line

**705.05 MAXIMUM STRUCTURE HEIGHT.**

Building or structure height - Building or structure height – 30' measured from the top of the foundation level

**705.06 MINIMUM PARKING.** Minimum parking

- a. Residential Use – 2 spaces per dwelling unit
- b. Other Use – 1 space per 300 square feet of floor area

## CHAPTER 8

# R3 – MULTIPLE FAMILY RESIDENTIAL

### User note:

**About this chapter:** Many people live in residential settings other than in single family detached homes. Some rent, some own. The R-3 Residence District is intended to permit attached housing and at densities higher than permitted in the single-family residence district. Recognizing that people in the R-3 District living in closer proximity to one another than is customary in the single-family districts, the R-3 District authorizes some office and commercial uses by special use permit. The R-3 District often serves as a transition district between single family and commercial or manufacturing uses or zoning districts.

## SECTION 801 PURPOSE AND INTENT

**801.01 PURPOSE.** The purpose of the R-3 Multiple Family district is to: First, provide for a higher density residential development in well-defined neighborhoods; Second, encourage the provision of housing suitable to a variety of family sizes and income levels; Third, promote quality in housing design; Fourth, encourage residential development in already developing areas to facilitate the logical extension of public utilities and services; Fifth, to improve the quality of existing residential areas; and Sixth, to maintain the small town character of Menard County.

## SECTION 802 PRINCIPAL USE

**802.01 PRINCIPAL USES.** The following principal uses are permitted:

- a. Single family dwelling or modular dwelling units (but not mobile home dwelling units) including accessory uses permitted in the R-1 Residential District
- b. Two family and multiple family dwellings.
- c. Day Care homes
- d. Bed and Breakfast establishments
- e. Cemeteries
- f. Churches and other places of public worship

## SECTION 803 ACCESSORY USE

**803.01 ACCESSORY USES.** The following accessory uses may be provided in connection with the foregoing permitted uses:

- a. Attached or one detached garage (s) per dwelling unit containing a total of not more than 600 square feet per unit, but not both
- b. A driveway and off-street automobile parking area containing not less than two nor more than four spaces per dwelling unit
- c. Fences not more than 6' in height (no barbed wire)
- d. Recreational amenities including gardens, in-ground swimming pools, above-ground swimming pools, playhouses, playground equipment
- e. Yard encroachments including t.v. antennas, satellite dishes
- f. Home occupations
- g. Inside storage of yard and garden equipment including one storage building per dwelling unit containing not more than 120 square feet of floor area
- h. Outside storage in one or more defined fenced or screened area containing not more than 200 square feet per dwelling unit or 10% of the lot area (in the aggregate) whichever is less

### 803.02 ADDITIONAL PUBLIC ACCESSORY

**AMENITIES.** The following accessory amenities may be provided in connection with the permitted uses (other than single, two or multiple family uses):

- a. Off street automobile parking for employees and customers;
- b. Dumpsters for collection and refuse generated on site

- c. On premises advertising signs meeting the requirements of Section 1604

## **SECTION 804 USES BY SPECIAL USE PERMITTING**

804.01 PRINCIPAL USES. The following principal uses are authorized by Special Use Permit:

- a. Offices
- b. Convenience Stores
- c. Day Care Centers
- d. Mobile Home Parks
- e. Water Towers
- f. Public Golf Course

804.02 AMENITIES RELATED TO SPECIAL USE.

The following amenities may be provided in connection with the forgoing special uses:

- a. Off street automobile parking for employees and customers
- b. Dumpsters for collection and refuse generated on site;
- c. On premises advertising signs meeting the requirements of Section 1604

## **SECTION 805 BULK REGULATIONS**

805.01 MULTIPLE FAMILY RESIDENTIAL DISTRICT BULK REGULATIONS. The following regulations apply across the entirety of the Multiple-Family Residential District.

805.02 MINIMUM LOT SIZE. Minimum lot area:

- a. Single family – 7500 square feet
- b. Two family – 5000 square feet per dwelling unit

- c. Multiple family – 2500 per dwelling unit but not less than 10,000 square feet
- d. Churches, other places of public worship, Day Care Homes, and Day Care Centers –  $\frac{1}{2}$  acre
- e. Bed and Breakfast establishments – 7500 square feet
- f. Cemeteries – one acre
- g. Offices – 10,000 square feet
- h. Convenience store – 10,000 square feet
- i. Mobile home parks – 2 acres
- j. Water Towers – 1 acre

805.03 MINIMUM LOT WIDTH. Minimum lot width:

- a. Mobile home parks – 200'
- b. All other uses: 60' of frontage on a public right-of-way measured at the front setback line

805.04 MINIMUM LOT SETBACK. Minimum setbacks shall be for buildings, structures, outdoor storage areas and parking areas:

- a. Front – 30'
- b. Side – 10'
- c. Rear – 30'

805.05 MAXIMUM STRUCTURE HEIGHT. Building or structure height – 30'

805.06 MINIMUM PARKING. Minimum parking

- a. Residential – 2 spaces per dwelling unit
- b. Other – 1 space per 300 square feet of floor area

## CHAPTER 9

# B1 – DOWNTOWN BUSINESS

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### User note:

**About this chapter:** The Menard County comprehensive plan suggests that general commercial activity be encouraged to locate in or near the County's incorporated cities, villages, and towns or along certain highways which facilitate the safe and efficient movement of traffic. The B-1 Downtown Business-zoning district is intended to accommodate commercial development in the county's incorporated areas.

In the B-1 Downtown Business zoning district, businesses are located close to other businesses often sharing party walls and common parking lots. The perimeter of the downtown's business zoning district often abuts or is in close proximity to residential land uses. Given this proximity, the noise, smell, lights, and activity generated by one use may spill over and impact adjoining and nearby properties. Minimizing the potential for such conflict is a goal of the district regulations applicable in the B-1 Downtown Business Zoning District.

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## SECTION 901 PURPOSE AND INTENT

**901.01 PURPOSE.** The purpose of the B-1 Downtown Business district is to: First, increase the level of retail activity in Menard County so as to provide necessary retail services to county residents; Second, to locate all commercial activity so that it is economically feasible to operate a business and to provide goods and services in a convenient, safe, and attractive manner; and, Third, to encourage commercial and industrial activity consistent with Menard County as a center of Lincoln's Illinois.

## SECTION 902 PRINCIPAL USE

**902.01 PRINCIPAL USES.** The following principal uses are permitted:

1. Accounting/Bookkeeping
2. Advertising services
3. Agri-business, including any of the following:
  - a. greenhouse/nursery
  - b. roadside produce stand
  - c. farm supply storage and sale
  - d. feed storage and sales
  - e. grain elevator/storage
  - f. farm equipment/implement sales and repair
  - g. agricultural research and development
  - h. veterinary hospitals or clinics
  - i. fertilizer plants & storage tanks
  - j. winery
  - k. deer processing facility/meat market
  - l. automobile body shop
4. Ambulance service
5. Amusement center/parks

6. Antique stores
7. Appliance repair shop
8. Appliance store
9. Art & school supply store
10. Art gallery, museum
11. Athletic club, indoor
12. Auction house
13. Automobile service station
14. Automobile, truck rental
15. Bakery and donut shops (retail sales only)
16. Ballroom, dance hall
17. Bank
18. Barber, beauty shop
19. Bed and breakfast
20. Blue print/copy shop
21. Book, stationery store
22. Bowling, billiard center
23. Bus passenger terminal
24. Business school
25. Candle shops
26. Candy & ice cream shops
27. Car wash
28. Cemeteries/columbarium
29. Churches and other places of public worship
30. Cleaning services, home/business
31. Clinics
32. Clothing store
33. Clubs, private
34. Collection services
35. Community center
36. Computer data-processing center
37. Convenience stores
38. Diary store
39. Dance studio
40. Day care centers
41. Delicatessen
42. Dental offices
43. Department store
44. Diaper store
45. Drive-in restaurants

- 46. Drug store
- 47. Dry cleaners
- 48. Dry goods store
- 49. Dwelling units when located above the first story
- 50. Exterminating pest control
- 51. Florist shop
- 52. Funeral parlor/mortuary
- 53. Fur store/sales
- 54. Furniture store
- 55. Garden supply shop
- 56. Gift shop
- 57. Greenhouse
- 58. Greeting card shop
- 59. Gun store
- 60. Gymnasium
- 61. Hardware store
- 62. Health club/spas/reducing salons
- 63. Hobby, toy store
- 64. Indoor tennis club
- 65. Jewelry store
- 66. Laundry/coin/retail
- 67. Lawn & landscaping services (may include greenhouse(s), nursery & other associated uses)
- 68. Leather goods shop
- 69. Liquor store
- 70. Lumberyard, building materials storage
- 71. Mail order store
- 72. Market, grocery store
- 73. Masseurs, masseuse services
- 74. Mobile home, recreational vehicle rental and sales
- 75. Motel, hotel
- 76. Motion picture theater
- 77. Motor vehicle parts & accessory sales
- 78. Motor vehicle repairs, paint shop
- 79. Motor vehicle sales
- 80. Motor vehicle storage
- 81. Music store/records/CD's
- 82. News stand
- 83. Night club/bar/tavern
- 84. Nursery school
- 85. Nursing and retirement homes
- 86. Office use
- 87. Optical goods sales
- 88. Park
- 89. Parking lot
- 90. Pet store
- 91. Photographic studios
- 92. Photographic supply sales
- 93. Police station
- 94. Postal services/shipping/mailing
- 95. Print shop
- 96. Public highway & road district facilities
- 97. Radio, radar site
- 98. Radio, TV station
- 99. Real estate services
- 100. Recreational vehicle sales
- 101. Restaurants
- 102. Retail lumber sales
- 103. Rug, floor-covering store
- 104. Shoe repair shop
- 105. Shoe store
- 106. Single family residential use which may include the following structures and land uses:
  - a. one single family dwelling, or one modular dwelling unit, or one mobile home dwelling unit as defined in §6.13 (Mobile & Manufactured Home Regulations)
  - b. attached or detached garage(s), carport(s) and storage building(s)
  - c. a driveway and off-street automobile parking area containing not less than two nor more than four spaces
  - d. fences not more than 6' in height (no barbed wire)
  - e. recreational amenities including gardens, in-ground swimming pools, above-ground swimming pools, playhouses, and playground equipment
  - f. yard encroachments including t.v. antennas, satellite dishes
- 107. home occupations
- 108. Specialty food store
- 109. Sporting goods sales
- 110. Storage; canned or bottled beverages
- 111. Storage; fiber products
- 112. Storage; flour, starch, sugar
- 113. Storage; loose or bagged agricultural products
- 114. Storage; loose or bagged processed food
- 115. Storage; metal, metal products
- 116. Storage; non-hazardous chemicals or plastic products
- 117. Storage; packaged foodstuff
- 118. Storage; packaged mineral products
- 119. Storage, packaged tobacco products
- 120. Storage; paper, paper products
- 121. Storage; rolled paper
- 122. Storage; seeds, beans nuts & silage
- 123. Storage, wood products, furniture
- 124. Supper club
- 125. Tailor, dress making shop
- 126. Theater
- 127. Tobacco shop
- 128. Travel bureau
- 129. Two family and multiple family dwellings including the following accessory uses:

- a. attached or one detached garage(s) per dwelling unit
- b. a driveway and off-street automobile parking area containing not less than two nor more than four spaces per dwelling unit
- c. fences not more than 6' in height (no barbed wire)
- d. recreational amenities including gardens, in-ground swimming pools, above-ground swimming pools, playhouses, and playground equipment
- e. yard encroachments including t.v. antennas, satellite dishes
- f. home occupations

- 130. Variety store
- 131. Veterinary hospitals
- 132. Video rental/sales
- 133. Wallpaper; paint store
- 134. Warehouse; general
- 135. Warehouse; mini (with or without dwelling unit for superintendent)
- 136. Welfare agency

## SECTION 903 ACCESSORY USE

**903.01 ACCESSORY USES.** The following accessory uses may be provided in connection with the foregoing principal uses:

- a. Off street automobile parking for employees and customers
- b. Dumpsters for collection and refuse generated on site
- c. On premises advertising signs meeting the requirements of Section 1604
- d. Freestanding solar grids

## SECTION 904 USES BY SPECIAL USE PERMITTING

**904.01 PRINCIPAL USES.** The following principal uses are authorized by Special Use Permit in the B-1 Downtown Zoning District:

- a. Off premises advertising signs (allowable accessory use for all principal uses except residential uses)

- b. Water Towers & accompanying accessory uses as listed in Section 6.07(C)
- c. Recycling Facilities & accompanying accessory uses as listed in Section 202

## SECTION 905 BULK REGULATIONS

**905.01 DOWNTOWN BUSINESS DISTRICT BULK REGULATIONS.** The following regulations apply across the entirety of the Downtown Business District.

**905.02 MINIMUM LOT SIZE.** Minimum lot area:

- a. Minimum lot area – 1800 square feet
- b. 5000 square feet for single family dwelling units;
- c. 2500 square feet per dwelling unit for two and
- d. multiple family dwelling units
- e. 1 acre for Water Towers

**905.03 MINIMUM LOT WIDTH.** Minimum lot width:

- a. Minimum lot width – 30'

**905.04 MINIMUM LOT SETBACK.** Minimum setbacks shall be for buildings, structures, outdoor storage areas and parking areas:

- a. Setback – front 0; side 0; rear 0
- b. Residential – front 10'; side 5'; rear 10'

**905.05 MAXIMUM STRUCTURE HEIGHT.**

Maximum height – 45' for all structures except grain elevators which shall have no maximum height

**905.06 MINIMUM PARKING.** Required parking

- a. Residential: 2 per dwelling unit
- b. Other: none

## CHAPTER 10

# B2 – HIGHWAY BUSINESS

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### User note:

**About this chapter:** Highways provide the principal transportation network for the people of Menard County. The County's comprehensive plan recognizes the need to preserve the County's principal highways as traffic carriers and to discourage land uses on abutting property that create traffic congestion, and hazards to the motoring public. The plan also acknowledges that commercial development, particularly commercial development that serves the motoring public and/or requires delivery or distribution of goods and services by motor vehicle, is most appropriately located on the County's highway network. The B-2 highway business-zoning district is intended to accommodate that commercial need.

*In the B-2 highway business district, development is ordinarily on a lot-by-lot basis. Land uses are generally separated from other land uses with each providing its own driveway entrance, parking areas and signage. The district zoning regulations in the B-2 highway business district focus on required setbacks, off-street parking, the visual impact land uses have on adjoining property, and the general public and traffic safety.*

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## SECTION 1001 PURPOSE AND INTENT

**1001.01 PURPOSE.** The purpose of the B-2 Highway Business District is to: First, increase the level of retail activity near major interchanges; Second, to discourage strip commercial development or spot commercial development along streets and highways so as to minimize traffic hazards to people and property and to avoid conflicts with adjoining uses; Third, to locate all commercial activity so that it is economically feasible to operate a business and to provide goods and services in a convenient, safe, and attractive manner; and, Fourth, to encourage commercial and industrial activity consistent with Menard County as a center of Lincoln's Illinois.

## SECTION 1002 PRINCIPAL USE

**1002.01 PRINCIPAL USES.** The following principal uses are permitted:

1. Accounting/bookkeeping
2. Advertising sales
3. Agricultural implement, sales & repair
4. Agricultural supply store
5. Ambulance service
6. Amusement center/parks
7. Antique stores
8. Appliance repair shop
9. Appliance store
10. Art & school supply store
11. Art gallery, museum
12. Athletic club, indoor
13. Auction house
14. Automobile service station
15. Automobile, truck rental
16. Automobile, truck sales
17. Bakery & donut shops
18. Ballroom, dance hall
19. Bank
20. Barber, beauty shop
21. Blue print/copy shop
22. Boat sales
23. Book, stationery store
24. Bowling, billiard center
25. Bus passenger terminal
26. Business school
27. Campground
28. Candle shops
29. Candy & ice cream shops
30. Car wash
31. Cemeteries/columbarium
32. Churches and other places of public worship
33. Cleaning services, home/ business
34. Clinics
35. Clothing store
36. Clubs, private
37. Collection services
38. Computer data-processing center
39. Convenience stores
40. Dairy store
41. Dance studio
42. Day care centers
43. Delicatessen
44. Dental offices
45. Department store
46. Diaper service
47. Drive-in theaters
48. Drive-in restaurants
49. Drug store
50. Dry cleaners
51. Dry goods store
52. Dwelling units when located above the first story
53. Exterminating pest control

- 54. Florist shop
- 55. Funeral parlor/mortuary
- 56. Fur store/sales
- 57. Furniture store
- 58. Garden supply store
- 59. Gift shop
- 60. Go cart tracts
- 61. Golf driving ranges
- 62. Grain elevator
- 63. Greenhouse
- 64. Greeting card shop
- 65. Gun store
- 66. Gymnasium
- 67. Hardware store
- 68. Health club/spas/reducing salons
- 69. Hobby, toy store
- 70. Household goods, sales & repair
- 71. Indoor or outdoor tennis club
- 72. Jewelry store
- 73. Laundry/coin/rental
- 74. Lawn & landscaping services (may include greenhouse(s), nursery & other associated uses)
- 75. Leather goods shop
- 76. Liquor store
- 77. Lumberyard, building materials storage
- 78. Mail order store
- 79. Market, grocery store
- 80. Miniature golf course
- 81. Mobile home, recreational vehicle rental and sales
- 82. Motel, hotel
- 83. Motion picture theater
- 84. Motor vehicle parts & accessory sales
- 85. Motor vehicle repairs, paint shop
- 86. Motor vehicle sales
- 87. Motor vehicle storage
- 88. Music store/records/CD's
- 89. Night club/bar/tavern
- 90. Nurseries & greenhouses
- 91. Nursery school
- 92. Nursing & retirement homes
- 93. Office use
- 94. Optical goods sales
- 95. Park
- 96. Parking lot
- 97. Pet store
- 98. Photographic studios
- 99. Photographic supply sales
- 100. Police station
- 101. Postal services/shipping/mailing
- 102. Print shop
- 103. Public highway & road district facilities
- 104. Radio, radar site
- 105. Radio, TV station
- 106. Real estate services
- 107. Recreational vehicle sales
- 108. Restaurants
- 109. Retail lumber sales
- 110. Roller rink
- 111. Rug, floor-covering store
- 112. Shoe repair shop
- 113. Shoe store
- 114. Specialty food store
- 115. Sporting goods sales
- 116. Storage; canned or bottled beverages
- 117. Storage; petroleum products
- 118. Storage; fiber products
- 119. Storage; flour, starch & sugar
- 120. Storage; heavy machinery & equipment
- 121. Storage; ice
- 122. Storage; loose or bagged agricultural products
- 123. Storage; loose or bagged processed food
- 124. Storage; metal, metal products
- 125. Storage; non-hazardous chemicals or plastic products
- 126. Storage; packaged foodstuff
- 127. Storage; packaged mineral products
- 128. Storage; package tobacco products
- 129. Storage; paper, paper products
- 130. Storage; rolled paper
- 131. Storage; seeds, beans, nuts & silage
- 132. Storage; wood products, furniture
- 133. Supper club
- 134. Tailor, dress making shop
- 135. Theater
- 136. Tobacco shop
- 137. Towing services
- 138. Trailer rental and sales
- 139. Travel bureau
- 140. Truck stop
- 141. Variety store
- 142. Veterinary hospitals
- 143. Video rental/sales
- 144. Wallpaper; paint store
- 145. Warehouse; general
- 146. Warehouse; mini (with or without dwelling unit for superintendent)
- 147. Welding service
- 148. Wholesale distributors

## **SECTION 1003 ACCESSORY USE**

**1003.01 ACCESSORY USES.** The following accessory uses may be provided in connection with the foregoing principal uses:

- a. Off-street automobile parking for employees and customers

- b. Off-street parking for delivery or other vehicles used in the trade or business;
- c. Dumpsters for collection of refuse generated on site
- d. On-premises advertising signs meeting the requirements of Section 1604
- e. Freestanding solar grids meeting the setback requirements of Section 1005.04.

## **SECTION 1004 USES BY SPECIAL USE PERMITTING**

**1004.01 PRINCIPAL USES.** The following principal uses are authorized by Special Use Permit in the B-2 Highway Business District:

- a. Arena, stadium
- b. Race track/motor vehicle
- c. Rifle/pistol ranges, gun clubs
- d. Off premises advertising signs
- e. Water Towers
- f. Single, Two and Multiple Family Dwellings, Modular Homes, and Mobile Homes as defined in Sections 202 and or 1302 (Mobile & Manufactured Home Regulations).
- g. With accessory uses as authorized for permitted uses in this district. Single, two and multiple family dwellings, modular homes, and mobile homes as defined in §6.13 (Mobile & Manufactured Home Regulations) shall not be allowed these accessory uses but shall be allowed those accessory uses allowed for such principal uses in the R-1 and R-3 districts

**1004.02 ACCESSORY USES.** The following accessory uses may be provided in connection with the foregoing special uses:

- a. Off premises advertising signs

## **SECTION 1005 BULK REGULATIONS**

**1005.01 HIGHWAY BUSINESS DISTRICT BULK REGULATIONS.** The following regulations apply across the entirety of the Downtown Business District.

**1005.02 MINIMUM LOT SIZE.** Minimum lot area:

- a. One acre; When the principal use of the property is determined to be a campground, the minimum lot area shall be one acre. However, individually-owned lots within a campground shall have no minimum lot area

**1005.03 MINIMUM LOT WIDTH.** Minimum lot width:

- a. 150' extending to a distance equal to any front setback requirement with 150' of frontage on a public road measured at the front setback line

**1005.04 MINIMUM LOT SETBACK.** Minimum setbacks shall be for buildings, structures, outdoor storage areas and parking areas:

- a. Front shall be one-half the distance of the necessary right of way of the applicable road, measured from the center of the road, and an additional 50' (If existing right of way is greater than the necessary right of way, the front setback requirement of 50' shall be measured from the existing right of way line)
- b. Side – 10'
- c. Rear – 10'
- d. Minimum structure setback from Illinois Route 97, Illinois Route 123 and Illinois Route 29 or any road designed as a principal arterial in the Menard County Comprehensive Plan shall be one-half the distance of the necessary right of way of the applicable road, measured from the center of the road, and an additional 75' of which 50% shall be landscaped or maintained in a natural state (If existing right of way is greater than the necessary right of way, the front setback requirement of 75' shall be measured from the existing right of way line).

1005.05 MAXIMUM STRUCTURE HEIGHT.

- a. Maximum height: Two story, 30'

1005.06 MINIMUM PARKING. Required parking:

- a. One space/300 square feet of gross floor area
- b. Two for each dwelling unit

## CHAPTER 11

# M1 - MANUFACTURING

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### User note:

**About this chapter:** Menard County does not have a large number of manufacturing or industrial land uses and does not expect much activity of that type. To the extent that businesses do engage in manufacturing activities, the activities tend to be on small, scattered sites throughout the County.

The Comprehensive Plan recognizes the large manufacturing or industrial uses providing an economic benefit through the creation of jobs and the generation of tax revenues also have a significant impact on surrounding land uses than do most other commercial activities of a retail or service nature. The M-1 Manufacturing district is the zoning district intended to accommodate industrial and/or manufacturing uses to the extent that such development occurs.

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## SECTION 1101 PURPOSE AND INTENT

**1101.01 PURPOSE.** The purpose of the M-1 Manufacturing District is to: First, promote the development of light, non-polluting industry; Second, to foster the promotion and development of locally owned and operated industry; Third, to minimize strip industrial development or spot industrial zoning in the County; Fourth, to locate new industrial areas where direct access can be provided to railroads or major arterials and where such areas are separated from nearby residential and educational uses; and Fifth, to recognize and to promote the development of agriculture as Menard County's oldest and historically most stable, industry.

## SECTION 1102 PRINCIPAL USE

**1102.01 PRINCIPAL USES.** The following principal uses are permitted in the M-1 Manufacturing District:

1. Agricultural implement manufacture, assembly, sales & repair
2. Agricultural supply store
3. Aircraft manufacture & assembly
4. Ambulance service
5. Animal breeding services
6. Appliance repair shop
7. Auction house
8. Bagged mineral production
9. Bakery/wholesale
10. Bicycle manufacture
11. Boat manufacture
12. Cemeteries/columbarium
13. Chemical production
14. Churches & other places of public worship
15. Cleaning services, home/business
16. Coal storage
17. Contractor's shop

18. Cordage, rope, twine & net manufacture
19. Cotton, spinning & weaving
20. Dairy products manufacture
21. Diaper service
22. Distilling, rectifying, blending spirits
23. Drugs, pharmaceutical manufacture
24. Electrical & electronic machinery manufacture
25. Electrical appliance manufacture
26. Exterminating pest control
27. Extraction, loading, storage, washing & hauling of sand, gravel & topsoil
28. Fish hatcheries
29. Food locker plants
30. Footwear manufacture
31. Furniture repair/woodworking
32. Furniture, fixture, bedding manufacture
33. Gas company plants & facilities
34. Glass manufacture
35. Grain elevator
36. Greenhouse
37. Heating, physical plant
38. Indoor/outdoor tennis club
39. Instrument manufacture
40. Jewelry manufacture
41. Laboratory
42. Laundry/coin/retail
43. Laundry/commercial
44. Leather goods shop
45. Linen supply house
46. Liquor store
47. Lumberyard, building materials storage
48. Machinery manufacture
49. Manufacture of grain mill products
50. Manufacture of products from cork or wood
51. Manufacture of products from plastic
52. Manufacture of products from processed fur

- 53. Manufacture of products from processed leather
- 54. Manufacture of transport equipment, component parts only
- 55. Metal products manufacture
- 56. Motel, hotel
- 57. Motor vehicle manufacture & assembly
- 58. Motor vehicle repairs, paint shop
- 59. Motor vehicle storage
- 60. Musical instrument manufacture
- 61. Newspaper, magazine printing and publishing
- 62. Nurseries & greenhouses
- 63. Photographic, optical goods manufacture
- 64. Plastic & plastic products manufacture
- 65. Postal services/shipping/mailing
- 66. Pottery, China, earthenware manufacture
- 67. Print shop
- 68. Radio, radar site
- 69. Radio, TV station
- 70. Rail terminal
- 71. Recreational vehicle sales
- 72. Restaurant supplies & services manufacture and sales
- 73. Restaurants
- 74. Retail lumber sales
- 75. Rubber, rubber products manufacture
- 76. Shoe repair shop
- 77. Shoe store
- 78. Snack food manufacture
- 79. Soft drink, carbonated water industry
- 80. Sporting goods manufacture
- 81. Storage; canned or bottled beverages
- 82. Storage; petroleum products
- 83. Storage; fiber products
- 84. Storage; flour, starch & sugar
- 85. Storage; heavy machinery & equipment
- 86. Storage; ice
- 87. Storage; loose or bagged agricultural products
- 88. Storage; loose or bagged processed food
- 89. Storage; metal, metal products
- 90. Storage; non-hazardous chemicals or plastic products
- 91. Storage; packaged foodstuff
- 92. Storage; packaged mineral products
- 93. Storage; packaged tobacco products
- 94. Storage; paper, paper products
- 95. Storage; rolled paper
- 96. Storage; seeds, beans, nuts & silage
- 97. Storage; wood products, furniture
- 98. Supper club
- 99. Tailor, dress making shop
- 100. Textile manufacture; absent of any dye process
- 101. Toys, sporting goods manufacture
- 102. Trailer/mobile home/recreational vehicle rental and sales
- 103. Truck freight terminal
- 104. Truck stop
- 105. Truck terminal
- 106. Warehouse; general
- 107. Warehouse; mini (with or without dwelling unit for superintendent)
- 108. Watch, clock manufacture
- 109. Wearing apparel manufacture
- 110. Welding service
- 111. Well drilling
- 112. Wholesale distributors
- 113. Wooden, cone containers manufacture
- 114. Wool, worsted; spinning & weaving

## **SECTION 1103 ACCESSORY USE**

**1103.01 ACCESSORY USES.** The following accessory uses may be provided in connection with the foregoing principal uses:

- a. Off street automobile parking for employees and customers
- b. Off street parking for delivery or other vehicles used in the trade or business
- c. Dumpsters for collection of refuse generated on site
- d. Open outside storage in fenced or screened areas containing not more than 25% of the lot area
- e. Incidental sales of goods manufactured or assembled on site
- f. On premise advertising signs meeting the requirements of Section 1604

## **SECTION 1104 USES BY SPECIAL USE PERMITTING**

**1104.01 PRINCIPAL USES.** The following principal uses are authorized by Special Use Permit in the M-1 Manufacturing District:

- a. Airport, heliport
- b. Arena, stadium
- c. Asphalt batch plant
- d. Automobile salvage yard

- e. Concrete batch plant
- f. Junk yards
- g. Rifle/pistol ranges/gun clubs
- h. Sanitary landfill
- i. Off premises advertising signs
- j. Water Towers
- k. Data Centers (see SECTION 1532 for additional regulations)
- l. Battery Energy Storage Systems (see APPENDIX H for additional regulations)

**1104.02 ACCESSORY USES.** With accessory uses as authorized for special permitted uses in the district provided, however, no on premises signs shall be permitted as an accessory use to an off-premises advertising sign.

## **SECTION 1105 BULK REGULATIONS**

**1105.01 HIGHWAY BUSINESS DISTRICT BULK REGULATIONS.** The following regulations apply across the entirety of the Highway Business District.

**1105.02 MINIMUM LOT SIZE.** Minimum lot area:

- a. Minimum lot area: 1 acre

**1105.03 MINIMUM LOT WIDTH.** Minimum lot width:

- a. Minimum lot frontage – on a public street measured at the front setback line 200'

**1105.04 MINIMUM LOT SETBACK.** Minimum setbacks shall be for buildings, structures, outdoor storage areas and parking areas:

- a. Front 50'
- b. Side 50'
- c. Rear 50'
- d. Minimum structure at setback from any road designated as a principal arterial in the Menard County Comprehensive Plan – 75' of which 50% shall be landscaped

**1105.05 MAXIMUM STRUCTURE HEIGHT.**

- a. Maximum height – Three story – 45'

**1105.06 MINIMUM PARKING.** Required parking:

- a. Minimum parking – One space/300 square feet of floor area

## CHAPTER 12

# PL – PUBLIC LANDS

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### User note :

**About this chapter:** Menard County recognizes that it is not the only government responsible to the people of the County. A number of other governmental and quasi-governmental organizations exist that own and use property in Menard County. The State owns substantial areas, school districts own and operate facilities, road districts, cemetery associations, and other areas of local government have, and use, land in the County.

*While the County retains an appropriate role in setting such facilities, the County recognizes that the Owner, rather than the County, should be principally responsible for the operational aspects of the development that occurs on site. The public lands zoning district is designed to accommodate such public or quasi-public land uses.*

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## SECTION 1201 PURPOSE AND INTENT

**1201.01 PURPOSE.** The purpose of the P-L Public Lands district is to promote the development of those land uses, which serve the general public as recreational, religious, educational, or psychological resources, while protecting existing public lands from incompatible developments.

## SECTION 1202 PRINCIPAL USE

**1202.01 PRINCIPAL USES.** The following principal uses are permitted:

1. Amusement Center/Parks
2. Arena/stadium
3. Auditorium/amphitheaters
4. Business schools
5. Camp grounds
6. Churches and other place of public worship
7. College, university
8. Convention center
9. Country clubs & private golf courses
10. Courthouse
11. Dormitory residence hall
12. Electric power plants & substations
13. Fairgrounds
14. Fieldhouse
15. Fire station
16. Golf course, public
17. Gymnasium
18. Hospital
19. Junior college classroom building
20. Mental health facilities
21. Municipal building
22. Planetarium
23. Postal services/shipping/mailing
24. Race track/motor vehicle

25. Recreation center
26. School administrative offices
27. School bus garages and/or repair shops, public transit garages
28. Telephone exchange
29. Vocational school
30. Water filtration/treatment plants & elevated & underground storage tanks
31. Welfare agency
32. Zoo

The following accessory uses may be provided in connection with the foregoing principal uses:

- a. Off street automobile parking for employees and customers
- b. Off street parking for delivery or other vehicles used in the trade or business
- c. Dumpsters for collection of refuse generated on site
- d. Open outside storage in fenced or screened areas containing not more than 25% of the lot area
- e. On premises advertising signs meeting the requirement of Section 1604

## SECTION 1203 ACCESSORY USE

**1203.01 ACCESSORY USES.** The following accessory uses may be provided in connection with the foregoing principal uses:

- a. Private Wind Energy Conversion System

## **SECTION 1204 USES BY SPECIAL USE PERMITTING**

1204.01 PRINCIPAL USES. The following principal uses are authorized by Special Use Permit:

- a. Correctional institutions, detention centers & rehabilitation centers
- b. Sanitary landfills

## **SECTION 1205 BULK REGULATIONS**

1205.01 PUBLIC LANDS DISTRICT BULK REGULATIONS. The following regulations apply across the entirety of the Public Lands District:

1205.02 MINIMUM LOT SIZE. Minimum lot area:

- a. Minimum lot area: none

1205.03 MINIMUM LOT WIDTH. Minimum lot width:

- a. Minimum lot width: none

1205.04 MINIMUM LOT SETBACK. Minimum setbacks shall be for buildings, structures, outdoor storage areas and parking areas:

- a. Setbacks: none except Private Wind Energy Conversion Systems shall be setback not less than 1.1 times the tower height from the necessary road right away of a public road (as measured from the center of the public road pavement), overhead utility transmission lines, communications towers, and adjacent property lines.

1205.05 MAXIMUM STRUCTURE HEIGHT.

- a. Maximum height: none

1205.06 MINIMUM PARKING. Required parking:

- a. Required parking: none

## CHAPTER 13

# MOBILE / MANUFACTURED HOMES

### User note:

**About this chapter:** The purpose of this section is to establish the requirement and procedures for the management of mobile homes, manufactured homes structures, and pre-owned manufactured homes and similar vehicular equipment designed for use as a storage, living, or business quarters that have been allowed to deteriorate to the point of constituting a safety and health condition.

## SECTION 1301 RESPONSIBILITY FOR ENFORCEMENT

**1301.01 ENFORCEMENT.** The responsibility for enforcement of this Ordinance is hereby assigned to the Menard County Zoning Administrator who is hereby authorized and directed to conduct and or delegate such inspections in the manner permitted by the laws of the state as are necessary to ascertain compliance or violation of this ordinance. The Zoning Administrator shall have the authority to appoint a designee, at his/her discretion, to assist in the enforcement of the Ordinance. Nothing in this section is or shall be construed to limit the authority of any other official of the County, including without limitation the County Board of Menard County to observe and report violations of this Ordinance during the course of conduct and within the scope of official duties.

## SECTION 1302 CONDITIONS

**1302.01 GENERAL.** It is unlawful for any person to rent, sell, or offer for sale within this State any mobile home manufactured **after July 1, 1974**, or any manufactured housing unit (double-wide) manufactured **after July 1, 1976, unless such mobile home or manufactured housing unit bears a seal issued by the Department and a certification by the manufacturer or dealer, that the mobile home manufactured housing unit complies with applicable safety code.** 430 ILCS 115/3

**1302.02 PRE HUD.** No person shall sell, install, or bring into unincorporated Menard County mobile homes pre-dated of July 1, 1974 (IL mobile structure) or a manufactured unit pre-dated dated June 15, 1976 (pre-Hud) for occupancy, business, or storage purposes.

**1302.03 TITLE, CODE COMPLIANT, 15 YEAR RESTRICTION.** No Dependent mobile home, manufactured home, mobile home, or modular home may be sold, installed, or brought into

unincorporated Menard County without a title, Code Compliant Certificate, and serial number. No pre-owned manufactured or mobile home older than twelve (12) years from the current date shall be brought into unincorporated Menard County.

**1302.04 MOBILE HOMES ON INDIVIDUAL LOTS IN PERMITTED AREAS.** No person shall place any manufactured home on an individual lot (as opposed to a manufactured home park) except in conformity with the Manufactured Housing Code.

**1302.05 MANUFACTURED HOME PARKS.** After the effective date of this Code, no manufactured home park shall be established except in conformity with the Manufactured Home Code.

**1302.06 PERMANENT LOT SIZE.** No manufactured home or pre-owned mobile home shall be placed for permanent habitation on an area containing less than 7,200 square feet, provided that if zoning regulations are subsequently adopted, such area or lot size shall conform to the related minimum lot size prescribed for the zoning district in which the manufactured home is located.

**1302.07 TEMOPRARY LOT SIZE.** No manufactured home or pre-owned mobile home for temporary habitation shall be placed on an area containing not less than 3,000 square feet.

**1302.08 DEAD STORAGE.** Mobile homes or pre-existing mobile homes used for "dead storage" shall still be required to meet the minimum health and safety standards as defined in Section 1(g).

**1302.09 TIE DOWN ACT.** The Illinois Mobile Home Tiedown Act [210 ILCS 120] requires all manufactured homes that are moved or set up on site after January 1, 1980 to be tied down in accordance with rules promulgated by the Illinois Department of Public Health. It is the homeowner's responsibility to ensure that the home is tied down within 30 days after the home is installed.

**1302.10 INSTALLATION.** All manufactured homes or mobile homes installed after December 31, 2001 shall be installed by a Illinois licensed manufactured home installer. Nothing in this Ordinance shall be construed to require a person who installs a new or used manufactured home on his or her own property outside of a mobile home park as defined in the Mobile Home Park Act [210 ILCS 115] to acquire an installer's license. Such individual also waives any rights under the Act as a result of not using a licensed installer.

## **SECTION 1303 MINIMUM HEALTH AND SAFETY STANDARDS**

**1303.01 GENERAL.** No person shall occupy for the purpose of living within a home which does not comply with the following requirements before being issued a certificate of occupancy by the Code Official and:

**1303.02 HUD CODE.** Every new manufactured and pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 and shall not have been altered in such a way that the home no longer meets the code.

**1303.03 STATE STATUTE COMPLIANCE.** Every new manufactured and pre-owned manufactured home located in the jurisdiction shall be in compliance and enforced with the Illinois Department of Public Health and the State of Illinois requirements as listed below:

1. Manufactured Home Quality Assurance Act [430 ILCS 117]
2. Illinois Mobile Home Tiedown Act [210 ILCS 120]
3. Illinois Manufactured Housing and Mobile Home Safety Act [430 ILCS 115]
4. Abandoned Mobile Home Act [210 ILCS 117]
5. Mobile Home Park Act [210 ILCS 115]

**1303.04 STRUCTURAL CONDITIONS.** Pre-owned interior condition. Every floor, interior wall, and ceiling shall be in sound condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration. Doors and windows shall be operable, watertight and in good working condition.

1. The exterior of all new manufactured homes

and pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.

2. Sanitary facilities. Every plumbing fixture, water, and waste pipe of a new manufactured home and pre-owned manufactured home shall be in sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.
3. Primary Heating systems. Heating shall be safe and in working condition.
4. Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panes shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. (2014 NEC, Article 550). Each new manufactured and pre-owned manufactured home shall contain a water heater in safe and working order. No aluminum wire allowed. (2014 NEC 550.15)
5. Hot water supply. Each home shall contain a water heater in safe and working condition.
6. Egress windows. Each bedroom of a manufactured home shall have at least one (1) operable window of sufficient size to allow egress.
7. Ventilation. The kitchen in the home shall have at least one operating window or other ventilation device. There shall be adequate ventilation in all bathrooms.
8. Smoke detectors. Each new and pre-owned manufactured home shall contain one

operable battery- operated smoke detector in each bedroom and in the kitchen, which must be installed in accordance to the manufacturer's instructions.

9. Steps and landings. Steps and landings are required for all new or pre-owned manufactured homes at an egress door. Loose or/and stacked steps are strictly prohibited. If the landing is over thirty (30") inches from the ground then handrails and guardrails are required.
10. Skirting. Installation of skirting shall be required. Permanent placement installations will require a block or masonry foundation. Installation shall be in accordance with the manufacturer's instructions. Temporary placement requires acceptable materials such as masonry, stone, fiberglass, simulated brick or stone, vinyl, or other materials for the purpose of skirting.

## **SECTION 1304 MANUFACTURED HOME PARKS**

Proposed manufactured home parks/communities shall be in strict compliance with the Illinois Mobile Home Park Act [210 ILCS 115/1] *et seq.* Section 7. Dependent mobile homes, portable sheds, pole barns, sheds, railroad cars, and containers

## **SECTION 1305 REGISTRATION AND MOVING**

**1305.01 REPORTING AND PERMITTING.** Every person, firm, corporation, or other entity holding title to or possessing a new manufactured home and pre-owned manufactured home which is placed or located within the jurisdiction of Menard County shall report the location of the home to the Supervisor of Assessments. When moving, selling, or renting a previously permitted manufactured home under this Ordinance, regardless if the destination is within or outside of Menard County, applicant shall obtain a permit from the Zoning Administrator prior to moving.

**1305.02 TIE-DOWN REQUIREMENT.** The Illinois Mobile Home Tiedown Act [210 ILCS 120] requires all manufactured homes that are moved or set up on site after January 1, 1980 to be tied down in accordance with rules promulgated by the Illinois Department of Public Health. It is the homeowner's responsibility to ensure that the home

is tied down within 30 days after the home is installed. There are no mandatory requirements for the installers of anchoring equipment but the Zoning Office recommends that a certified manufactured home installer be used. Homeowners may do their own installation. Anyone that installs tie-down equipment must comply with the requirements of the Manufactured Home Tiedown code.

## **SECTION 1306 TEMPORARY HABITATIONS OF MORE THAN TWO MONTHS**

**1306.01 GENERAL.** Each manufactured home, new or pre-owned for permanent habitation, two (2) months or more, must be an independent manufactured home and immobilized as provided in Section 1305.02. It must also have a means of disposal of waste water as provided for in Section 1306.02.

**1306.02 IMMOBILIZATION AND WASTE REMOVAL.** Each manufactured home, new or pre-owned either dependent or independent for temporary habitation, less than two (2) months, need not be immobilized as provided in Article I, Section 1 but must have a means of disposal of wastes which creates neither a nuisance nor a menace to health. The relocation of less than one-eighth (1/8) of a mile of a manufactured home for temporary habitation by the same occupant from its original location shall not be considered a new location for the purpose of determining the limitation of less than two (2) months.

**1306.03 PERMITS.** Permits are required for mobile homes that are to be occupied with the exception of those situations permitted under Section 1306.05.

**1306.04 COMPLIANCE.** Occupied mobile homes subject to permit requirements must show evidence of compliance with federal HUD regulations or applicable State law.

**1306.05 CRITERIA FOR APPROVAL.** Permits and annual renewals may be approved by the Zoning Administrator and or the Zoning Board of Appeals as a Special Use Permit with criteria as follows:

1. Medical care or assistance: Permits may be renewed annually provided a doctor's certification is provided indicating assistance is still required

2. New home construction or repair: Special Use permitting may be issued for a period of up to one (1) year, and may be extended by the Menard County Zoning Administrator by six (6) months if the applicant shows adequate progress in construction
3. Permits may be rescinded by the Menard County Zoning Administrator for failure to conform to this ordinance
4. 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
5. Permits for a temporary mobile home must be renewed annually or as stated above. The Menard County Zoning Administrator may extend permits beyond the one (1) year and six (6) month limit as stated in Section 1306.05. 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
6. Fees:
  - 1) Permit application form must be accompanied by a fee set by the Menard County Board, not refundable
  - 2) An annual fee set by the Menard County Board will be required on or before the renewable date stated on the approved permit

**1516.06 AFFIDAVIT REQUIREMENT.** That all applications for a permit 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

Statement that a change in usage, name or number of occupants, location, will be reported to the Zoning Office immediately.

## **SECTION 1307 PERMITTING, INSPECTIONS, CERTIFICATE OF OCCUPANCY AND FEES**

**1307.01 PERMITTING.** To obtain a permit, applicants shall provide the Zoning Administrator with the following:

1. Permit or letter issued by the Sangamon County Health Department that application was made for a waste disposal system or

- documentation of the existing system to be in working order.
2. An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards as defined in Section 1516.06.
3. A drawing of the lot, showing the lot size, and planned location of the structure.
4. 9-1-1 address is required for the location of the manufactured home.
5. A copy of original sales invoice or title to the manufactured home. (The invoice or title must show the year, make and/or model, square footage, and serial number of home).
6. Proof the structure meets the standards established under the National Manufacturing Housing Construction and Safety Act, 42 U.S.C. 5401-5445 (HUD Code).
7. Description of foundation and Tiedown in accordance with section 1303.04 requirements.
8. Copy of the mobile home title or bill of sale from manufacturer.
9. Fee. A permit fee shall be charged to the applicant to cover the cost to the County to process the permit applicant and subsequent inspections.
10. Inspections. Upon receipt of a permit, applicants may relocate the manufactured home on a residential site for the purposes of inspection. Applicant shall arrange for all required inspections. It is the responsibility of the property owner to call the Zoning Administrator office to schedule the mandatory inspections.
11. Certificate of Occupancy. A Certificate of Occupancy shall be issued to the applicant at such time that the Code Official certifies that the requirements of the Ordinance have been met. No structure may be occupied until a Certificate of Occupancy is issued.
12. Expiration. Permits issued are active for **180 days**, after the expiration date a new permit will be required.

## **SECTION 1308 PLACEMENT OF MOBILE AND MANUFACTURED HOMES**

**1308.01 PLACEMENT.** When placing a mobile home dwelling unit in Menard County, the following requirements and standards must be met:

Double-wide Mobile & Manufactured Home:

- 1) Minimum of a double-wide (multi-sectional) in the Rural Residential, B-1 Downtown Business District, and B-2 Highway Business District.
- 2) Constructed and/or manufactured within 15 years prior to the application for zoning permit
- 3) Pitched roof
- 4) Tongue, hitch, and wheels removed
- 5) Skirting in place, with no visible holes or gaps between grade and mobile/manufactured home
- 6) Occupied mobile homes must be placed on piers having depth below the frost line
- 7) Any stairs, decks, or other “add-ons” must comply with Menard County building regulations
- 8) Mobile/Manufactured home shall be tied/anchored down
- 9) Have a minimum 500 square feet of inside living area exclusive of any decks and porches and be suitable for occupancy for one or more persons
- 10) Comply with the applicable ordinances within the municipality in which the mobile home is to be located which regulate or otherwise provide for conditions regarding placement of a mobile home and/or trailer coach dwelling unit within the corporate limits of such municipality

Single-wide Mobile & Manufactured Home:

- 1) Constructed and/or manufactured within 15 years prior to the application for zoning permit
- 2) Tongue, hitch, and wheels removed
- 3) Skirting in place, with no visible holes or gaps between grade and mobile/manufactured home

- 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 Menard County building regulations
- 6) Mobile/Manufactured home shall be tied/anchored down
- 7) Have a minimum 450 square feet of inside living area exclusive of any decks and porches and be suitable for occupancy for one or more persons
- 8) Comply with the applicable ordinances within the municipality in which the mobile home is to be located which regulate or otherwise provide for conditions regarding placement of a mobile home and/or trailer coach dwelling unit within the corporate limits of such municipality

**1308.02 REPLACEMENT.** The following regulations apply when replacing an existing mobile home in Menard County:

- 1) An existing single-wide, in any zoning district, may be replaced with a single-wide of equal or larger size and must meet the applicable regulations of section 1308.01
- 2) Single-wide's replaced with double-wide's must meet the applicable regulations of section 1308.01
- 3) An existing double-wide may be replaced with a double-wide of equal or larger size and must meet the applicable regulations of section 1308.01
- 4) Setback standards shall not be required to be met if the replacement mobile home is being relocated where existing utilities have been previously established, e.g., septic, and well systems
- 5) Complete any forms as required by this code and submit any required fees

**1308.03 SETBACK.** No mobile home, manufactured home, modular home, or other structure shall be constructed, established, or maintained which does not conform to the following setbacks:

- a. No structure shall be located closer than thirty-five feet (35') from the road-right-of-way of any street or public road.
- b. No structure shall be located closer than fifteen feet (15') from the property line in

the rear and sides of the lot, tract, or parcel of land for residential use.

## **SECTION 1309 DISPOSITION OF NON-HABITABLE OR ABANDONED HOMES**

**1309.01 NON-HABITABILITY.** Effective as of the date of this Ordinance, any owner of a pre-dated mobile home or manufactured home or property owner that signs an *Affidavit of Non-Habitability* with the Supervisor of Assessments must remove the structure from Menard County or otherwise be disposed of in a legal manner within ninety (90) days of the date of the signed Affidavit.

**1309.02 ABATEMENT.** Any pre-dated mobile home or manufactured home determined to be lawfully removed pursuant to [210 ILCS 117/] of the *Illinois Safety Act, Abandoned Mobile Home Act*, or pursuant to Illinois Counties Code 55 ILCS 5/5-1121, or under an Order of Abatement issued by a court of competent jurisdiction may be disposed of by the County or the County authorized person or entity having custody of the mobile home or other structures pertaining to this Ordinance. Disposition of such mobile home/structures may be carried out in compliance with any applicable recycling program and/or ordinances, and shall not occur until at least thirty (30) calendar days following the probable cause hearing.

**1309.03 DEMOLITION PERMIT.** It shall be unlawful for the registered owner or person entitled to possession of a mobile or manufactured home and for the owner, lessee, or occupant of the real property upon which the home is located to demolish, burn, deconstruct, or scrap in a non-legal manner. Before a mobile or manufactured home may be demolished, scrapped, deconstructed, or recycled, the registered owner or person entitled to possession of a mobile or manufactured home and for the owner, lessee, or occupant of the real property upon which the home is located first must obtain the proper permits from the Menard County Code Administrator.

## **SECTION 1310 VIOLATION-PENALTY AND ENFORCEMENT**

**1310.01 FINES.** Any person, firm, or corporation, who violates, disobeys, or willfully fails to comply with any of the provisions of this Ordinance shall be subject to a fine of no less than \$50.00 up to \$750.00

for each violation. Each day that such violation exists shall constitute a separate offense.

**1310.02 FAILURE TO REMOVE.** Failure to remove a pre-owned manufactured home or any other structure from the jurisdiction upon failure to receive a Certificate of Occupancy or have been cited as a nuisance shall be fined \$500.00. Each day that such violation exists shall be considered a separate offense.

**1310.03 COUNTY BOARD AUTHORITY.** The Board of Menard County may exercise their powers to recover the cost incurred of the demolition, repair, enclosure, or removal of dangerous and unsafe structures or uncompleted and abandoned mobile homes, manufactured homes, and other structures in the Ordinance; by placing a lien on the real estate. Court costs shall be included in the lien and said lien shall be recorded with the Menard County Recorder of Deeds.

## **SECTION 1311 EXCEPTIONS.**

**1311.01 GENERAL.** The provisions of this Ordinance shall not apply to mobile homes that are actively being used for residential purposes; provided that the mobile home has been properly permitted and is being operated in a lawful manner, including but not limited to, operation so as not to constitute a public nuisance.

**1311.02 APPLICATION.** The restrictions as provided in this Ordinance shall not apply to any mobile, manufactured, or modular home in existence on the effective date of this Ordinance; provided, however, that such nonconformance shall continue to exist only during the life of such existing mobile home, manufactured home, residential pole barn or modular home. Nothing in this section shall be construed to permit or authorize any existing mobile homes, manufactured home, residential pole barn or modular homes to be maintained in violation of any housing or fire protection codes or statutes now existing or hereinafter enacted by the County of Menard, State or Federal government.

**1311.03 EXEMPTIONS.** All existing mobile, manufactured, residential pole barn or modular home shall be exempt from compliance with this Ordinance so long as they remain in their existing locations. If such mobile, manufactured, modular homes or portable buildings are removed from their existing locations, replacement units may be so installed only if in compliance with this Ordinance, State statutes, and Federal regulations.

**1311.04 RESTRICTIONS.** Occupied mobile homes utilized for the following purposes may be located in agricultural and Rural residential districts subject to the following restrictions:

- A. Medical Care Assistance: - Special Use Permit req.
  - 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 130,000 sq. ft. for each dwelling unit, and
  - 3) Shall comply with all zoning and special use permit requirements and fees of the county.
- B. Temporary Housing: - Special Use Permit req.
  - 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 re-construction 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 district.
- C. Ag Labor Housing:
  - 1) 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 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 130,000 sq. ft. for each dwelling unit

- D. ECHO Housing: - Special Use Permit req.
  - A. One manufactured home is permitted on a separate ground area of not less than five 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 nonelderly 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 E.C.H.O. 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

**1311.05 E.C.H.O. PERMIT REQUIREMENTS.** A temporary use permit must meet the following requirements for Temporary E.C.H.O. or Elderly Cottage Housing Opportunities:

- 1) There can only be one (1) E.C.H.O. housing unit located on each parcel
- 2) The E.C.H.O. housing unit must comply with all setbacks within the respective zoning districts
- 3) The E.C.H.O. 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 E.C.H.O. housing unit must be compatible with the surrounding area
- 5) The E.C.H.O. housing unit must be an attached or detached pre-manufactured home with a removable foundation or a mobile home
- 6) Each E.C.H.O. housing unit may have one (1) parking space

- 7) The owner of the principal residence and at least one occupant of the E.C.H.O. unit must be related by blood, marriage, or adoption.
- 8) The owner(s) of the principal residence and lot must live in one of the dwelling units on the lot. No more than two occupants shall reside in an E.C.H.O. unit
- 9) In order to be eligible for E.C.H.O. housing, at least one of the occupants of the E.C.H.O. unit must be over sixty-two (62), 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 resident(s). Once the unit is no longer occupied by the eligible resident(s), 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 Menard County Zoning Department may remove the structure. The principal owner of the property will be held financially liable for the cost
- 11) If the principal owner has not cleared debts within thirty (30) days of notification, a lien may be placed against the property

## **SECTION 1312 MEANS OF APPEALS**

**1312.01 APPEALS.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. If a written appeal is not received within the specified period, the actions of the County Code Administrator regarding the Notice of Violation shall stand.

## CHAPTER 14

# PLANNED UNIT DEVELOPMENT

### User note:

**About this chapter:** The Planned Development concept is intended to afford both the developer and the County considerable flexibility in formulating development proposals. A Planned Development is a parcel or tract of land having an area as herein required, initially under unified ownership or control, and which is intended to be the site for two or more principal uses, or one principal building for two or more principal uses, within which allowable exceptions in the district regulations are specified.

## SECTION 1401 PLANNED UNIT DEVELOPMENT

### 1401.01 PLANNED DEVELOPMENT DEFINED.

As used in this Article, the term —planned development or —PD means a development wherein, in accordance with an approved development plan:

1. Common open space is reserved;
2. Various housing types and other structures and uses may be mixed and/or limit.
3. Overall average density does not exceed the usual zoning district

1401.02 OBJECTIVES. This Article authorizes development of Planned Developments and establishes procedures in order to achieve the objectives enumerated in Section 1-1-2 and the following objectives:

1. To provide a regulatory mechanism whereby the County can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the issuance of the necessary zoning and subdivision permits
2. To permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project
3. To preserve the natural topography, scenic features, mature trees, and historic structures existing on sites proposed for development
4. To encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
5. To ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein
6. To facilitate the economical installation of standard streets, sewers, utilities, and other improvements

### 1401.03 COMPLIANCE WITH REGULATIONS

GENERALLY REQUIRED. Except as specifically provided otherwise in this Code, planned

developments—including all structures and uses therein—shall, at a minimum, be built in conformity with all applicable codes and ordinances, including the Zoning Code and the Subdivision Code.

1401.04 DISTRICTS WHERE ALLOWED. Planned Developments may be built in any Zoning District, but only upon the issuance of a special-use permit by the County Board after a hearing before the Board of Appeals. (See Section 1801)

### 1401.05 PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS.

The Planned Development concept is intended to afford both the developer and the County considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this section, Planned Developments may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

- A. **Mixed Uses.** Planned Developments may include all types of residential structures and any other uses approved by the Board of Appeals, provided that in approving such mixed uses, the Board of Appeals may attach any conditions necessary to protect the public welfare
- B. **Lot and Structure Requirements.** In Planned Developments, the Board of Appeals may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PD are appropriately interrelated and property abutting the PD is adequately protected from any potential adverse impacts of the development. —Lot and structure requirements mean minimum individual lot area, width, and depth; minimum setbacks; and maximum structure height
- C. **Accessory Uses.** In PDs the Board of Appeals may allow the developer to disregard the usual restrictions on accessory

uses other than the prohibition against using an accessory structure as a dwelling.

D. Location of Parking/Loading Spaces. By permission of the Board of Appeals, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per Section 306 of this Code

## SECTION 1402 PROCEDURAL REQUIREMENTS

1402.01 PROCEDURES FOR PLANNED DEVELOPMENTS. Every applicant for Planned Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

1. Filing development plan with the Zoning Administrator
2. Review of plans by Plan Commission, if any
3. Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations
4. Recommendation by Plan Commission; if any
5. Public hearing by the Board of Appeals as per the requirements of Article X
6. Recommendation of the Board of Appeals regarding approval/ rejection of the development plan
7. Recording of development plan with the County Recorder of Deeds
8. Approval of County Board

## SECTION 1403 APPLICATION SUBMISSION

1403.01 APPLICATION; INFORMATION REQUIRED. Every applicant for approval of a development plan shall submit to the Zoning Administrator, in narrative and/or graphic form, the items of information listed below:

A. Written Documents.

1. Legal description of the total site proposed for development
2. Names and addresses of all owners of property within or adjacent to the proposed Planned Development
3. Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the

character of the proposed development, the rationale behind the assumptions and choices made by the applicant

4. Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed
5. Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.
6. Data indicating:
  - a) Total number and type of proposed dwelling units
  - b) Gross and net acreage of parcel
  - c) Acreage of gross and usable open space
  - d) Area of any commercial uses
- B. Graphic Materials.
  1. Existing site conditions, including contours at **ten (10) foot** intervals and locations of watercourses, flood plains, unique natural features, and wooded areas
  2. Proposed lot lines and plot designs
  3. Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non- residential) and other structures and facilities
  4. Location and size in acres or square feet or all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses
  5. Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate)
  6. Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict
  7. Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas and telephone lines
  8. General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips

9. Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas
10. Any additional information required by the County to evaluate the character and impact of the proposed PD
11. Appropriate seals of the licensed surveyor, engineer, or architect

## **SECTION 1404 CRITERIA CONSIDERED AND RECOMMENDATION**

**1404.01 CRITERIA CONSIDERED.** The Board of Appeals shall compile a written report which either accepts or rejects the Development Plan. In making their recommendation, the Board of Appeals shall consider the following criteria:

- A. The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances
- B. The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any, of said deviations
- C. Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth
- D. The compatibility of the proposed PD with adjacent properties and surrounding area; and
- E. Any other reasonable criteria that the Board of Appeals may devise

**1404.02 RECOMMENDATION BY BOARD OF APPEALS.** The Board of Appeals shall not recommend any PD unless:

- A. The developer has posted a performance bond or deposited funds in escrow in the amount the County Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and

- B. The State's Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
- C. The proposed PD, as evidenced by the Development Plan, complies with all applicable codes, regulations, and ordinances. (Deviations to the extent permitted under Section 1-4-5 shall not be deemed as non-complying.)

## **SECTION 1405 CHANGES IN APPROVED PLANS**

**1405.01 CHANGES IN APPROVED PLANS.** No changes shall be made to any approved PD Development Plan, except as follows:

- A. Minor changes, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- B. All other changes shall require a public hearing before the Board of Appeals.
- C. No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the Development Plan.

## **SECTION 1406 FAILURE TO BEGIN**

**1406.01 FAILURE TO BEGIN DEVELOPMENT.** If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in his discretion and for good cause, the Zoning Administrator may extend for a reasonable time the period for the beginning of construction. If a final Development Plan lapses as per this Section, the following shall be applicable:

- A. The special-use permit shall be automatically revoked; and
- B. Any zoning permits shall automatically become null and void; and
- C. All regulations applicable before the PD was approved shall automatically be in full effect

## **SECTION 1407 COUNTY EXEMPTION**

**1407.01 COUNTY EXEMPTION.** In conjunction with any existing or proposed development, the County shall be exempt from all the provisions of this Section.

## CHAPTER 15

# SPECIAL REGULATIONS

### User note:

**About this chapter:** Chapter 15 establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted; but if more stringent regulations are applicable in any district, such regulations shall prevail.

## SECTION 1501 RIGHT-OF-WAY

1501.01 NECESSARY RIGHT-OF-WAY will be as follows unless county highway or road district rules supersede.

### 1501.02 - 100' RIGHT-OF-WAY FOR THE FOLLOWING ROADS:

Illinois Route 97  
Illinois Route 123  
Illinois Route 29  
Middletown Blacktop Avenue (C.H. 1)  
Athens Blacktop Road (C.H. 2)  
Gudgel Avenue (C.H. 4)  
Five Points Street (C.H. 5)  
Newmansville Avenue (C.H. 6)  
East Oxford Avenue (C.H. 7)  
Fairgrounds Street (C.H. 7)  
Sweetwater Avenue (C.H. 10)  
Peoria Street (C.H. 10)  
Fancy Prairie Avenue (C. H. 11)  
Kincaid Street Avenue (C.H. 11)  
Quarry Avenue (C.H. 11)  
Engel Street (C.H. 11)  
Winterbauer Avenue (C.H. 11)  
Culver Street (C.H. 11)  
West Oxford Avenue (C.H. 12)  
Atterberry Street (C.H. 13)  
Post Street (C.H. 14)  
Curtis Blacktop Road (C.H. 16)  
Altig Bridge Avenue (C.H. 17)  
Rahman Street (RD7) (TR 16)  
Lower Salt Creek Street (TR 120)  
Hubly Street (RD10) (TR 116)  
Levee Street (RD10) (FAS 571)

And any other road designated as a “principal arterial” or “major” street or highway in Menard County’s Comprehensive Plan.

### 1501.03 - 80' RIGHT-OF-WAY FOR THE FOLLOWING ROADS:

Logan County Line Road (C.H. 3)  
Rock Creek Avenue (C.H. 5)  
Oakland Cemetery Street (RD5) (TR 200)

Sunny Acres Road (C.H. 15)  
Chautauqua Road (C.H. 15)  
Golf Course Avenue (TR 103)  
Reimer Avenue (TR 119)  
State Park Road (TR 119)  
Peoria Street (TR 186) (South of Sweetwater Avenue)  
Harrison Avenue (TR 85)  
Kelly Street (TR 66) (South of Illinois Route 97)

And any other road designated as a “minor arterial” or collector street, or highway, in Menard County’s Comprehensive Plan.

### 1501.03 - 60' RIGHT-OF-WAY FOR ANY OTHER STREET OR ROAD IN THE COUNTY which Right-of-way in each case, shall be centered on the centerline of the abutting roadway or, if none, the property line.

## SECTION 1502 TELECOMMUNICATION FACILITIES – CELL TOWERS

1502.01 PURPOSE AND INTENT: The purpose and intent of the Telecommunications Facility section per (55 ILCS 5/5-12001.1) is to accommodate the communication needs of Menard County residents and businesses while protecting the public health, safety, and general welfare of the community. Co-location on a single tower of antenna and other equipment by multiple wireless phone companies is encouraged. Co-location of similar communication equipment by local utility companies and emergency services is also encouraged. The requirements of this section shall apply to communications facilities in all zoning districts.

1502.02 NEW TELECOMMUNICATION FACILITIES. New Telecommunication Facilities are permitted in Menard County, subject to the following:

1502.03 PERMITTING. A facility is permitted if its supporting structure is a qualifying structure (as

defined in 55 ILCS 5/5-12001.1) or if both of the following conditions are met:

- a) The height of the facility shall not exceed 350 feet; and
- b) The horizontal separation distance, as measured from the center of the base of the facility to the nearest vertical wall of a principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal residential building shall be at least 100 feet or 80% of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as to the time that an application for a Zoning Permit for the facility is submitted. If the supporting structure is not an antenna tower, this paragraph is satisfied

**1502.04 SITING.** The following placement factors shall be considered:

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

**1502.05 COMPLIANCE.** The extent to which the design of the proposed facility reflects compliance with the following:

- a) No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line. Except as provided for in this section, no other yard or setback requirements shall be required.
- b) Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility

- c) No facility should encroach onto an existing septic field or recorded easement
- d) Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands
- e) Existing trees more than 3 inches in diameter should be preserved if reasonably feasible during construction. If any tree more than 3 inches in diameter is removed during construction a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point 3 feet above ground level
- f) If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility
- g) 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
- i) A facility may be located on the same zoning lot as one or more other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot
- j) No minimum lot area, width, or depth shall be required for a facility, and unless the facility is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the facility. No loading facilities are required
- k) 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

**1502.06 EXCEPTIONS.** Unless a facility is permitted under paragraph (1) of this subsection (1502.02 NEW TELECOMMUNICATION

FACILITIES), a facility can be established only after the county board gives its approval following consideration of the provisions of paragraph (1502.07 CONSIDERATION FOR PERMITTING) of this subsection. The county board may give its approval after one public hearing on the proposal, but only by the favorable vote of a majority of the members present at a meeting held no later than 75 days after submission of a complete application by the telecommunications carrier. If the county board fails to act on the application within 75 days after its submission, the application shall be deemed to have been approved. No more than one public hearing shall be required.

#### 1502.07 CONSIDERATION FOR PERMITTING.

For purposes of (1502.06 EXCEPTIONS) of this subsection, the following site considerations, but no other matter, shall be considered by the county board or any other body conducting the public hearing:

- a) the criteria in paragraph (1502.04 SITING) of this subsection
- b) 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
- c) 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
- d) the existing uses on adjacent and nearby properties
- e) the extent to which the design of the proposed facility reflects compliance with paragraph (1502.05 COMPLIANCE) of this subsection

## **SECTION 1503 HOME OCCUPATION**

**1503.01 HOME OCCUPATION.** A home occupation is an occupation or profession practiced by a member of the family residing in the dwelling unit and which occupation is clearly an accessory use to the principal residential use of the dwelling unit or the principal use of a farm in which a residential dwelling is located and meets the following standards:

- a. Such home occupation shall be conducted entirely within a dwelling unit or otherwise authorized accessory buildings
- b. The total floor area devoted to such use shall not exceed twenty-five (25) percent of the gross floor area of the dwelling unit and no more than twenty-five (25) percent of the gross floor area of any story shall be devoted to such use. Any authorized accessory building in which home occupation activities are conducted shall not exceed 2,500 square feet
- c. There is no sign, other than a nameplate not more than one (1) square foot in area, no other display and no activity that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than residential or accessory building purposes
- d. There are no commodities sold or services rendered that require receipt and delivery of merchandise, goods, or equipment by other than personal motor vehicle, ordinary mail, UPS, Federal Express or comparable commercial carrier utilizing panel truck delivery vehicles
- e. There is no person other than members of the family residing in the dwelling unit employed or otherwise engaged in such home occupations;
- f. A professional person may use his dwelling for consultation or performance of religious rites
- g. An instructor of piano lessons in the home shall be permitted to instruct up to, but not more than five (5) pupils at a time, using not more than two pianos, and instructors of other musical instruments and dance shall be limited to one (1) pupil per lesson in the home. All other home occupations shall be restricted to no more than twenty (20) customers in the home or allowable accessory building. A photographer for hire shall be allowed to photograph customers outdoors, provided the activity is conducted on property in which the photographer owns and resides, and meets other home occupation standards set forth herein
- h. A person may use his dwelling or accessory building for sales to the public if such sales activity is conducted in the home or allowable accessory building and meets the other regulations set forth herein for home occupations
- i. Garage sales may be conducted as a home occupation, provided no more than three (3) sales are held per year at any one residence, and such sales last no more than twelve (12) days per year

j. Home occupations located on lots containing twenty (20) acres or more shall be allowed to provide a maximum of five (5) parking spaces for customers/clients

1503.02 LIMITATIONS ON USE. A home occupation shall be considered a special-use in any residence district, provided the home occupation is subject to the following limitations.

1503.03 EMPLOYEES. The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there.

1503.04 DWELLING ALTERATIONS. In any residential district, a principal residential building shall not be altered—to accommodate a home occupation—in such a way as to materially change the residential character of the building.

1503.05 FLOOR SPACE. The total area used for the home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling, or **three hundred (300) square feet**, whichever is less.

1503.06 SIGN RESTRICTIONS. There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed **three (3) square feet** in area and shall not be illuminated.

1503.07 EXTERIOR STORAGE. There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.

1503.08 UNLAWFUL STORAGE. There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.

1503.09 PARKING REQUIREMENTS. A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation as prescribed in Section 306 PARKING REGULATIONS.

1503.10 COVENANTS. The use must be in conformance with all valid covenants and agreements recorded with the County Recorder of Deeds, covering the land underlying the dwelling.

1503.11 PERMIT REQUIRED. A home occupation permit may be issued for any use allowed by the

Zoning Code, providing all other criteria for issuance of a home occupation permit are met. A home occupation shall not be permitted without a special-use permit being recommended by the Board of Appeals and approved by the County Board, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

1503.12 ACTIVITIES NOT COVERED. A home occupation permit shall not be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this Section, —telecommuting means working in the home by using a computer terminal connected to a central office or central computer.

## SECTION 1504 HOSPITALS AND NURSING HOMES

1504.01 HOSPITAL LOT SIZE. The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of two hundred (200) feet, and a minimum area of five (5) acres.

1504.02 NURSING HOMES LOT SIZE. The lot on which any nursing home is situated shall have a minimum width and depth of two hundred (200) feet, and a minimum area of two (2) acres.

1504.02 SETBACK. The principal building of any hospital, sanitarium, or nursing home shall be located at least twenty-five (25) feet from all lot lines.

## SECTION 1505 JUNKYARDS

1505.01 JUNK YARDS. No part of any junk yard (see definition in Section 202 GENERAL DEFINITIONS) shall be located closer than **five-hundred (500) feet** to the boundary of any Residential District and shall be considered a Special Use in all districts. All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least **ten (10) feet** high and of sufficient density to block the view from adjacent property.

## SECTION 1506 STORAGE SHEDS

1506.01 GENERAL. Permits are required for storage sheds, portable buildings, shipping containers and like structures, that are utilized as an accessory structure adjacent to the primary structure and utilized for storage only.

1506.01 SCREENING COMPLIANCE. Menard County requires that accessory structures in this category conform to the surrounding neighborhood and be aesthetically pleasing. Structures should be color matched to blend in with surrounding structures and or be screened with fence or landscaping to further blend with existing surroundings.

1506.01 TIE-DOWN COMPLIANCE. Menard County requires that accessory structures be affixed to the ground and it shall be the homeowner's responsibility to ensure that the accessory structure is tied down within 30 days after it is installed.

1506.01 EXEMPTION. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided that the floor area is not greater than 120 square feet”

## SECTION 1507 LANDFILLS

1507.01 SANITARY LANDFILLS. Any person who intends to establish or conduct a sanitary landfill within Menard County shall secure a special use permit from the County and shall obtain a permit from the Illinois Environmental Protection Agency indicating that the sanitary landfill fully complies with the regulations promulgated by the Illinois Environmental Protection Agency pursuant to the authority granted by State law.

## SECTION 1508 SURFACE MINING

1508.01 SURFACE MINING PERMIT REQUIRED. It shall be unlawful for any operator to engage in surface mining in Menard County until a permit has been properly obtained from the Illinois Department of Mines and Minerals and has posted a performance bond in accordance with the provisions of applicable State Statutes (225ILCS 725/26) and State regulations.

It shall be the policy of the County to take any lawful measure to prevent the issuance of a permit for any proposed surface mining operation involving: agricultural land; or land located within **one thousand (1,000) feet** of any significant existing development, especially residential development.

1508.02 RECLAMATION PLANS. As set forth in State law, whenever any land in the County is proposed to be surface-mined, the prospective mine operator shall file a reclamation plan for public inspection at the County Courthouse not less than **sixty (60) days** prior to any action on said plan by the Department of Mines and Minerals. Within **forty-five (45) days** of receiving said plan, the County Board may: Request that a public hearing be conducted in the County by the Department of Mines and Minerals; and proposes the uses for which surface-mined land is to be reclaimed.

## SECTION 1509 UNDERGROUND MINING

1509.01 UNDERGROUND MINING – SPECIFIC REQUIREMENTS. It shall be unlawful for any operator to engage in underground mining in Menard County until a permit has been properly obtained from the Illinois Department of Mines and Minerals. The following requirements must be met as a condition for obtaining a **special use permit** for underground mining activities: No open pit or shaft shall be less than **five hundred (500) feet** from an existing residence or Residential District established by this Code; and all buildings or structures for screening, crushing, washing, mixing, or storage shall be located not less than **one thousand (1,000) feet** from an existing residence or any Residential District established by this Code.

1509.02 LONG WALL COAL MINING. Shall not be allowed anywhere in Menard County.

## SECTION 1510 OIL OR GAS DRILLING, INJECTION WELLS OR CONVERSION WELLS.

1510.01 OIL OR GAS DRILLING AND INJECTION WELLS OR CONVERSION. No oil or gas well drilling or injection wells in connection therewith; are permitted within the County in any District unless granted under a Special Use Permit. Production well means a well drilled for the production of oil or gas, or well drilled for a water supply for use in connection with an enhanced oil or gas recovery project.

**1510.02 CERTIFICATES.** Certificates shall be issued by Special Use. An application for Special Use Exception along with a filing fee must be submitted to the Zoning Administrator. The application must include a copy of the drilling permit previously obtained from the State of Illinois, Department of Mines and Minerals, or other agency of the State of Illinois empowered to issue the required permits, copy of lease, copy of deed, and **three (3) photos of site.**

**1510.03 DOCUMENTATION.** To be included for submission to the Zoning Administrator, **two (2) copies** of a survey map (aerial photo and topographic to include a distance of **one thousand (1,000) feet** radius from the well head) showing the following information with a scale of no smaller than **one (1) inch** to equal **four hundred (400) feet**:

- a. Location of proposed production well, to include name of well, and any other production wells. General location of pipelines, public roads in surrounding areas as they relate to the production well. Furthermore, showing the location of any storage tanks, utilities, power lines both above and below ground level, and buildings located upon the real estate including residences, outbuildings, or other structures. The surrounding area relates to immediate **one thousand (1,000) foot** radius and neighboring property owners within **two thousand (2,000) foot** radius
- b. The location of any natural water sources including lakes, wetlands, ponds, creeks, rivers, and/or any other natural openings in the ground such as a natural geological phenomenon known as —sink holes or karst areas
- c. The location of all man-made water sources such as wells or cisterns, and any water conduit devices, such as public water supply mains
- d. As accorded within Illinois State Statutes and the Illinois Revenue Code, all oil or gas well purchasers and investors who produced oil in Menard County will send to the Menard County Tax Assessor's office a listing of those producers within Menard County's jurisdiction. Failure to file or satisfy a tax lien on the oil or gas production will result in well certificate forfeiture. Any new owners, operators, or permittee will be informed by the applicant on the State Permit of this requirement and must contact

the Assessor's Office and Zoning Office at the time of the sale

**1510.04 SIGNATORIES.** The Property Owner and Illinois State Permittee will both be required to sign for the Special Use Permit. However, the signature by owner does not constitute responsibility or the approval of the state permittee. If the owner or permittee is an individual, the application shall be signed by the individual. If the owner or permittee is a partnership, the application shall be signed by a general partner. If the owner or permittee is a corporation, the application shall be signed by an officer of the corporation.

**1510.05 HEALTH, SAFETY AND CLEANUP.** The state permittee of the oil or gas well site will be required to obey all local health, safety, aesthetic, and environmental regulations. All cleanup will be performed by the state permittee or forfeiture of state bond will result to enhance cleanup effort. Any additional cost to the County due to permittee's negligence shall be paid by said permittee. If any activities conducted by the state permittee result in violation of any state or county ordinances or regulations, subsequent prosecution will be conducted by the Menard County State's Attorney.

**1510.06 FEES.** Well Certificate fee refer to fee schedule.

**1510.07 SECURITY BONDING.** The operator will present the Zoning Office a photo copy of any State security deposit or bond and an annual report of the monies paid to the Illinois Plugging and Restoration Fund. Any new owner/operator will be informed of this requirement, and must contact Zoning Office at the time of sale.

**1510.08 EXTREME IN TOPOGRAPHY.** The application shall furthermore include an explanation of any extremes in topography such as location of bluffs, sinkholes, ravines, or other extreme topographical variances within the real estate.

**1510.09 MINIMUM DISTANCE REQUIREMENT.** The drilling of an oil well shall not occur within **three hundred thirty (330) feet** from the nearest external boundary lines of the drilling unit, within **one hundred five (105) feet** of a public road right-of-way, within **two hundred (200) feet** of any residence located on the property, within **one hundred (100) feet** of any other building located on the specified site or property. Provided, however, that the owner of the real estate can ask for a variance to waive the minimum distance requirement for

residences or other buildings set forth under this paragraph by notifying the Zoning Administrator.

**1510.10 DISCONTINUANCE.** If a well or tank site is not used for more than **two (2) years**, it will be considered abandoned and if in violation of Mines and Minerals regulations (Ill. Oil & Gas Act Sec. 240.1130) or County regulations, it shall be plugged and/or cleaned up. If failure to follow any of the regulations, penalties would apply and the tank permit and/or well certificate will be revoked.

**1510.11 DANGER TO PUBLIC HEALTH AND WELFARE OR PROPERTY DAMAGE.** Upon the inspection of the oil or gas wells and/or oil or gas storage site referred to herein in an A-1 or I-1 zoned district of Menard County if the Zoning Administrator or other officer designated by the County Board shall, after inspection of the site, determine that there is an imminent threat to public health and welfare or that there is imminent threat of property damage due to the topographical condition, then the regulatory penalties as dictated by the State's Attorney would apply with possible revoking of the permit and/or well certificate.

**1510.12 FLOOD PLAIN REGULATIONS.** If oil or gas site is located in a flood plain, refer to Section 1512.09.

## **SECTION 1511 OIL OR GAS STORAGE TANK SITES**

**1511.01 OIL OR GAS STORAGE SITE PERMITS.** Oil or Gas Storage Tank Site Permits in the County of Menard will only be issued through a Special Use Permit.

**1511.02 APPLICATION FOR PERMITTING.** There shall be submitted with all applications for a building permit for purposes of erecting oil or gas storage tanks and accompanying apparatus, **three (3) photos** of site, list of landowners and landowners' addresses, copy of deed or lease of property, and **two (2) copies** of a layout or site plan, with a scale of **one (1) inch** to equal **four hundred (400) feet**, showing the following:

- a. General location of the oil or gas tanks, pipelines, and public roads in the surrounding areas as they relate to the oil well which was drilled pursuant to the permit set forth in **Section 1511.01**

b. In addition, the site plan shall show the location of any storage tanks, power lines and buildings located upon the real estate which is set forth in the well certificate including the residence, outbuildings, or other buildings upon the property, if any. Surrounding area related to immediate **one thousand (1,000) foot** radius, and neighboring property owners within **two thousand (2,000) foot** radius with a scale of **one (1) inch** to equal **four hundred (400) feet**

- c. The location of any natural water sources on the real estate set forth in the Well Certificate, including lakes, wetlands, ponds, creeks, rivers, and/or any other natural openings in the ground such as a natural geological phenomenon known as —sinkholes, or karst areas
- d. The location of all man-made water sources such as wells or cisterns, and any water conduit devices, such as public water supply mains
- e. The location of any power lines or other utility lines within the site or within **one hundred (100) feet** from the site; **Three (3) photos** of the location of the proposed site from **three (3) different angles**
- f. Size/Volume of storage tanks to be erected; oil spill confinement area (SF); and height of earthen dike/berm. (This plan will represent a relationship of the three variable Vol/Area/Height required to meet size requirements of **Section 1511.04**

**1511.03 EXTREME IN TOPOGRAPHY.** The application shall furthermore include an explanation of any extremes in topography such as location of bluffs, ravines, sinkholes, or other extreme topographical variances within the real estate which is set forth in the well certificate.

**1511.04 DISTANCE AND SIZE REQUIREMENTS.** The application shall provide that a properly constructed earthen dike around the oil tank storage site shall be sufficient to retain the maximum amount of oil, water or other liquid equal to **one and one-half (1 ½) times** the storage capacity of the largest tank it contains, and be bermed at least **eighteen (18) inches** above the ground surface. The dike shall be continually maintained and reservoir within shall be kept free from vegetation, water, or oil. (Refer to

specifications of Illinois Oil & Gas Act [225 ILCS 725] for minimum requirements.)

**1511.05 SETBACK FROM POWER SOURCES.**

The oil or gas tank storage site shall be a minimum of **sixty (60) feet** from any power line or power source located upon the premises or adjacent to the site which is not used as an onsite power source.

**1511.06 BURIAL OF LINES** All water lines and oil lines or other transmission lines listed upon or used on the site shall be buried at a distance of at least **thirty-six (36) inches** below the surface of the ground.

**1511.07 GENERAL SETBACKS** The oil or gas tank storage site shall be a minimum of **five hundred (500) feet** from any residence, church, school, or other regular gathering place, and a minimum of **two hundred (200) feet** from any other building, excluding a tank storage shed, and a minimum of **two hundred (200) feet** from any County, State or Federal maintained road, and a minimum of **three hundred (300) feet** from surrounding property owners boundary lines. The owner of the real estate can ask for a variance to waive the minimum distance requirements for residences or other buildings set forth under this paragraph by notifying the Zoning Administrator.

**1511.08 SCREENING** A fence or wall will be constructed **six (6) feet** in height and placed around the storage site with a posted sign. (DANGER), (KEEP OUT), (NO TRESPASSING). A sign will be posted to show current name of lessee and owner/or operator and section, township, and range of storage site. All fenced areas will be locked.

**1511.09 SITE MAINTENANCE.** The site shall be maintained, area mowed, clean of debris, unused equipment, and all abandoned and unused tanks will be removed and properly disposed of. Tanks must be free from rust and painted a solid color with exterior paint. Any abandoned equipment or abandoned vehicles used in the drilling or production process must be removed or stored in an appropriate outbuilding. All well and tank locations shall be kept free of dead grass, brush, weeds, and other flammable material, and so maintained at all times.

**1511.10 COST.** The operator shall pay a fee for the building permit under this Section see **fee schedule** per tank.

**1511.11 DANGER TO PUBLIC HEALTH AND WELFARE OR PROPERTY DAMAGE.**

Same as Section (1510.05 HEALTH, SAFETY AND CLEANUP).

**1511.12 DISCONTINUANCE.** Same as Section (1510.10 DISCONTINUANCE).

**1511.13 FLOOD PLAIN.** If site is located in a flood plain, applicant must also follow Section 1512.09.

**SECTION 1512 OIL OR GAS DRILLING AND TANK SITES IN FLOOD PLAIN**

**1512.01 COMPLIANCE.** Oil or Gas drilling, injection wells or conversion wells and tank site facilities in a flood plain area must comply with **Sections 1510 and 1511** and regulations listed below:

**1512.02 FLOOD CERTIFICATE.** Require a Flood proof Certificate

**1512.03 ELEVATED PLATFORM.** The well head can stay at grade level provided that it is flood proof and pump-jack should be placed on a **fifteen (15) foot** platform or **one (1) foot** above FPE.

**1512.04 ADDITIONAL COST.** Any additional cost to the County due to the applicant or permittee cleanup that exceeds Illinois State deposit shall be paid by said permittee. This shall include oil or gas requirements stated in **Sections 1510 and 1511**.

**1512.05 DIKE CONSTRUCTION.** Oil or gas storage tank sites shall include said earthen dike, but constructed to withstand a typical wet floodplain environment or flood.

**1512.06 ELEVATED TANKS.** Oil or gas storage tanks must be elevated no less than **fifteen (15) feet** from grade or **one (1) foot** above the FPE by non-erodible methods to include a rock base berm or tanks need to be anchored to withstand any flood waters.

**1512.07 WELL CAP STORAGE.** Oil or gas well caps and mechanisms must be stored and secured on site for emergency use in times of flooding. Menard County reserves the option to conduct unscheduled inspections by Zoning Administrator. Any site found in violation may be fined not less than **Two Hundred Dollars (\$200.00)** or no more than **Five Hundred Dollars (\$500.00)** per week.

**1512.08 EVACUATION PLAN.** Oil or gas storage facilities should have a prepared oil evacuation plan in the event of possible evacuation by flood waters. A site ponding gauge should be installed on site and be visible from boundary fence. When ponding gauge shows **six (6) inches** from base, the oil or gas evacuation plan should be implemented.

**1512.09 FLOODPLAIN ORDINANCE.** All regulations under the model ordinance for the State of Illinois and Menard County regulating development in Special Flood Hazard Areas will also apply.

## SECTION 1513 SCREENING

**1513.01 SCREENING.** Any screening (See definition in Section 202), must conform to the front yard (any yard that abuts a street or road) setback requirements of the district in which it is located unless it is of a height and/or type that does not obstruct or physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct, or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

## SECTION 1514 SUBDIVISION SITING CRITERIA IN REGARD TO SETBACKS FOR LIVESTOCK MANAGEMENT OR LIVESTOCK WASTE HANDLING FACILITIES

**1514.01 SMALL FACILITY SITING CRITERIA.** Any new subdivision shall comply with the following setbacks:

- a. For purposes of determining setback distances, minimum distances shall be measured from the nearest corner of the subdivision or place of common assembly to the nearest corner of the earthen waste lagoon or livestock management facility, whichever is closer
- b. A subdivision or place of common assembly shall be exempt from setback distances when the livestock management facility or livestock waste handling facility serves less than **fifty (50)** animal units
- c. For a subdivision with less than **ten (10)** residential lot(s), the minimum setback distance shall be **one-fourth (1/4) mile** from the nearest livestock management facility or livestock handling facility serving **fifty (50)** or greater but less than **one thousand (1000)** animal units, and **one-half (1/2) mile** from a

subdivision with greater than **ten (10)** residential lots or a subdivision where at least **fifty (50) persons** frequent a common place of assembly or a non-farm business at least once a week

### 1514.02 MEDIUM FACILITY SITING CRITERIA.

For a subdivision with over **ten (10)** residential lots or where at least **fifty (50) persons** frequent a common place of assembly or a non-farm business at least once a week, the setback is as follows:

- a. For a livestock management or livestock waste handling facility serving **one thousand (1000)** or greater animal units but less than **seven thousand (7000)** animal units, the minimum setback shall be increased **four hundred forty (440) feet** over the minimum setback of **one-half (1/2) mile** for each additional **one thousand (1000)** animal units over **one thousand (1000)** animal units
- b. For any subdivision, the minimum setback shall be increased **two hundred twenty (220) feet** over the minimum setback of **one-fourth (1/4) mile** for each additional **one thousand (1000)** animal units over **one thousand (1000)** animal units

### 1514.03 LARGE FACILITY SITING CRITERIA.

For a subdivision with over **ten (10)** residential lots or where at least **fifty (50) persons** frequent a common place of assembly or a non-farm business at least once a week, the setback is as follows:

- a. For a livestock management or livestock waste handling facility serving **seven thousand (7000)** or greater animal units, the minimum setback shall be **one (1) mile**
- b. For any subdivision, the minimum setback shall be **one-half (1/2) mile**

**1514.04 SETBACK DETERMINATION.** Setback category shall be determined by the design capacity in animal units of the livestock management facility per state statutes [510 ILCS 77]. See also section 1525.02 for animal units.

## **SECTION 1515 ADULT ORIENTED BUSINESS AND SIGNAGE**

**1515.01 GENERAL.** Adult oriented business is prohibited from operating, location, or otherwise conducting business in any zoning district other than the Industrial District, as defined and described in the County Zoning Code, as amended from time to time.

**1515.02 LOCATION.** Adult oriented businesses are prohibited from operating, locating, or otherwise conducting business within **three thousand (3000) feet** of:

- a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities
- b. A public or private school or educational facility, including but not limited to child day care facilities, nursery school, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, continuation schools, special education schools, community colleges, and universities; school includes the school grounds
- c. The boundary of any residential district as defined in the Zoning Code, as amended from time to time
- d. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the County which is under the control, operation, or management of the County or park district
- e. The property line of a lot devoted to a residential use as defined in the Zoning Code, as amended from time to time
- f. Any premises licensed pursuant to the alcoholic liquor control regulations of the State of Illinois and the County of Christian, as amended from time to time
- g. Place of public accommodation or restaurant.

**1515.03 RELATION TO OTHER ADULT BUSINESS.** Adult oriented businesses are prohibited from operating, locating, or otherwise conducting business within **one thousand (1,000) feet** of another adult oriented business.

**1515.04 LIMITATIONS.** Adult oriented businesses are prohibited from operating, establishing, locating, or maintaining more than **one (1)** adult oriented business in the same building, structure, or portion thereof.

**1515.05 METHOD OF MEASUREMENT A.** For the purpose of subsection (1515.02 LOCATION) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where an adult oriented business is conducted, to the nearest property line of the premises of the use listed above. Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

**1515.06 METHOD OF MEASUREMENT B.** For the purposes of subsection (1515.03 RELATION TO OTHER ADULT BUSINESS) of this Section, the distance between any **two (2)** adult-oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

**1515.07 AMORTIZATION.** Any adult oriented business lawfully operating on **January 1, 1999** that is in violation of paragraph (A) through (F) of this Section shall be deemed a nonconforming use. Upon service of notice of nonconformance by the County upon the owner of the adult oriented business, the nonconforming use will be permitted to continue for a period not to exceed **one (1) year**, unless sooner terminated for any reason or voluntarily discontinued for a period of **thirty (30) days** or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that any use may be changed to a conforming use. Upon the written request of the owner of the nonconforming adult oriented business use, the said **one (1) year** period shall be extended by the County for an additional period of **six (6) months**.

An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult oriented business license, of a use listed in subsection (B) of this Section within **one thousand (1,000) feet** of the adult oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

1515.08 SIGN REQUIREMENTS. All adult oriented businesses shall comply with the following sign requirements:

- a. All signs shall be permanent, flat wall signs attached to the exterior walls of the premises only
- b. The amount of allowable sign area shall be **one (1) square foot** of sign per foot of lot frontage on the street fronting the premises
- c. No sign shall be equipped with lighting mechanisms capable of flashing
- d. No merchandise or pictures of the products or entertainment on the premises shall be displayed on any sign, or in any window areas or any area where they can be viewed from the sidewalk in front of the building. A **one (1) square foot** sign may be placed on the entrance to the premises stating the hours of operation of the adult oriented business and admittance to adults only

1515.09 ADULT ENTERTAINMENT FACILITY'S. Are as defined in State Statute 55ILCS 5/5-1097.7. Also see Section 202 of this ordinance.

1515.10 COUNTY ORDINANCES MAY PROHIBIT SALE OF OBSCENE MATERIAL.

Menard County would have injunctive power to close or prevent a facility in violation of Statute. A fine of \$1000.00 per day, with each day being a separate offense.

## SECTION 1516 CAMPGROUNDS

1516.01 RECREATIONAL VEHICLES.

Recreational vehicles, as defined herein, shall not be occupied for dwelling purposes except in lawfully established commercial campgrounds. The temporary use of a recreational vehicle for dwelling purposes may be permitted when an application for a permit has been recommended by the Board of Appeals and approved by the County Board and the following conditions must be considered.

- a. Construction. When the applicant desires to build a dwelling and said dwelling will not be occupied within a **twelve (12) month** period
- b. Recreation. When the applicant desires to use a recreational vehicle on private property strictly for recreational purposes and not for a permanent habitation, and the location of the recreational vehicle does not hinder the use, degrade, or affect the value and appearance of adjoining properties, and

adequate water supply and sewage disposal facilities are provided and approval from the Menard County Health Department, said use of a recreational vehicle may be permitted

1516.02 GENERAL All recreational vehicles must:

- a. Be licensed and titled as an RV or park model
- b. Have inflated wheels and be self-propelled or towable by light truck
- c. Have no attached deck, porch, shed
- d. In addition to the above, the following provisions apply to recreational vehicles in the floodplain
- e. Not be used as a permanent dwelling
- f. Be less than **four hundred (400) square feet**
- g. Have quick disconnect propane tank
- h. Have elevated, quick disconnect sewer service
- i. Have elevated electrical service and air conditioning unit

1516.03 PERMITS. Permits are required for recreational trailers that are to be occupied with the exception of those situations permitted under Section 1516.05.

1516.04 COMPLIANCE. Occupied recreational trailers subject to permit requirements must show evidence of compliance with federal HUD regulations or applicable State law.

1516.05 CRITERIA FOR APPROVAL. Permits and annual renewals and special use permits may be approved by the Zoning Administrator and or the Zoning Board of Appeals as follows:

1. Medical care or assistance: (Special Use Permit req.) Permits may be renewed annually provided a doctor's certification is provided indicating assistance is still required
2. New home construction or repair: (Special Use Permit req.) Permits may be issued for a period of up to one (1) year, and may be extended by the Zoning Administrator by six (6) months if the applicant shows adequate progress in construction
3. Permits may be rescinded by the Menard County Zoning Administrator for failure to conform to this ordinance
4. 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

5. Permits for a temporary mobile home (Special Use Permit req.), must be renewed annually or as stated above. The Menard County Zoning Administrator may extend permits beyond the one (1) year and six (6) month limit as stated in Section 1516.05 (2). 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
6. Fees:
  - 1) Permit application form must be accompanied by a fee set by the Menard County Board, not refundable
  - 2) An annual fee set by the Menard County Board will be required on or before the renewable date stated on the approved permit

**1516.06 AFFIDAVIT REQUIREMENT.** That all applications for a permit 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 Zoning Office immediately

**1516.07 CAMPGROUND ACCESSORY USE REQUIREMENTS.** Allowable accessory uses when the principal use of the property is a campground include: decks, detached storage, carport/canopy RV pad covering. A total of 400 square feet of total accessory building(s)/structure(s) excluding the carport/canopy RV pad covering. No bulk regulations, except for maximum building and structure height, shall apply to such accessory uses except if a campground lot is to have direct access to a public road whereas the minimum lot width requirements and front setback requirement of the B-2 zoning district shall apply. (See section 1531).

## SECTION 1517 PLANT NURSERIES AND GREENHOUSES

**1517.01 GENERAL.** In any district where a commercial tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

- a. No fertilizer, compost, manure or other odor or dust producing substance shall be stored within **fifty (50) feet** of any property line
- b. Greenhouse heating plants shall be in an enclosed building and shall not be less than **fifty (50) feet** from any property line
- c. Along any side or rear lot line, there shall be provided and maintained a planting or other appropriate screen of such size and density as to provide visual screening from adjacent residential properties

## SECTION 1518 BULK STORAGE (FLAMMABLE) FACILITIES

**1518.01 GENERAL.** The storage, use or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases, shall be permitted in accordance with regulations of the Office of the Illinois State Fire Marshal [Title 41 Illinois Administrative Code Part 160] and Illinois Environmental Protection Agency and NFPA 30 and NFPA 101.

All combustible material shall be stored in such a way as to include, where necessary, access drives to permit free access of firefighting equipment.

## SECTION 1519 BUFFER STRIPS, FENCES, WALLS, AND HEDGES

**1519.01 GENERAL.** Buffer strips, fences, walls, or hedges used for any purpose shall, in all districts, conform to the following:

Whenever a commercial, multi-family or industrial district abuts a residential district or is across a street, alley or similar obstacle from a residential district, a buffer strip of landscaping and/or other treatment shall be required. If a buffer strip is live landscaping, a temporary artificial screening shall be provided until such time as landscape screening reaches maturity.

Width shall be **twenty (20) feet**, except that between areas zoned —II and the designated zones, the width shall be **thirty (30) feet**.

Where an existing —R-1 abuts a district requiring a buffer, the minimum setback from the buffer in that district requiring a buffer shall be **ten (10) feet** providing that a street does not come between the districts.

**1519.02 DRAINAGE CODE.** No fence, wall or other obstruction shall be erected in violation of the **Illinois**

**Drainage Code. (See 70 ILCS Sec. 2-1 through 2-13)**

**1519.03 HEIGHT.** No fence, wall or other obstruction shall exceed **eight (8) feet** in height in any district except the Industrial District (I) where the maximum height shall not exceed **ten (10) feet**; exemption, planting screen, in addition, in areas near street intersections, special height restrictions shall be applicable to fences, walls, or other obstructions.

**1519.04 FRONT YARD SETBACK.** No fence, wall or other obstruction shall be erected in any front yard setback area, with the exception of landscape fences specifically approved by the Zoning Administrator.

No fence, wall or other obstruction which completely encloses a lot shall be erected without the provision of a gate or similar type of moveable barrier for accessibility.

**SECTION 1520 SERVICE STATIONS**

**1520.01 GENERAL SETBACKS.** All gasoline pumps and other service facilities shall be located at least **twenty-five (25) feet** from any street right-of-way line, side lot line, or rear lot line. Every access way shall be located at least **two hundred (200) feet** from the principal building of any fire station, school, public library, church, park, or playground, and at least **thirty (30) feet** from any intersection of public streets.

**1520.02 VENDING MACHINES.** Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.

**1520.03 SCREENING.** All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

**1520.04 DISCONTINUANCE.** Whenever the use of a service station has been discontinued for **twelve (12) consecutive months** or for **eighteen (18) months** during any **three (3) year** period, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire Chief of the Fire Protection District where it resides.

**1520.05 CURBING.** A permanent curb of at least **four (4) inches** in height shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length of the pump island.

**SECTION 1521 SCHOOLS**

**1521.01 SCHOOLS.** The lot on which any school is situated shall have the minimum area indicated below:

<b>Type of School</b>	<b>Minimum Lot Area</b>
Nursery, Day Care Center	<b>One hundred (100) square feet</b> of fenced outdoor play area per child.
Other (elementary, junior as required by State law (Ill. Comp. Stat., high, senior high) <b>Chap. 105, Sec. 5/35-8</b> ) -normally <b>four (4) acres</b> , plus <b>one (1)</b> additional acre for every <b>one hundred fifty (150) students</b> in excess of <b>two hundred (200)</b> .	

**1521.01 SETBACK.** The principal building of any school shall be located at least **twenty-five (25) feet** from all lot lines.

**SECTION 1522 SWIMMING POOLS**

**1522.01 FENCING.** Every in-ground swimming pool, whether public or private, shall be enclosed by a wall or fence at least **four (4) feet** in height and shall have a gate that shall be locked when the pool is not in use. An above-the-ground pool, **four (4) feet** or higher, need not have a fence with a gate, so long as the ladder is removed when not in use.

**1522.02 RESTRICTIONS.** No private swimming pool shall be located in any front yard or closer than **ten (10) feet** to any side or rear lot line.

**1522.03 LIGHTING.** All lights used to illuminate any swimming pool shall be arranged or shielded so as to confine direct light rays within the lot lines to the greatest extent possible.

**SECTION 1523 UTILITIES**

**1523.01 UTILITY SUBSTATIONS.** Every electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, water storage facility, or similar facility shall be deemed a "Special Use", and shall conform to the following regulations:

**1523.02 LOT AREA AND SETBACK.** Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least **twenty-five (25) feet**

from all lot lines, or shall meet the district setback requirements, whichever is greater. In any residential district, the structure housing any such facility shall be designed and constructed to be compatible with the residential character of the area.

**1523.02 SCREENING.** Every such facility shall be screened by close-planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least **eight (8) feet** in height be installed behind the planting screen.

**1522.04 INFRASTRUCTURE.** Transmission and distribution lines and pipelines of public utility companies listed with the Illinois Commerce Commission as a Public Utility, within existing public rights-of-way, shall not be deemed a special use by this ordinance and will revert to the Menard County Utility Permitting process. Outside of public rights-of-way, special use permitting will be necessary for those entities not listed with the Illinois Commerce Commission as a Public Utility and conformance to these regulations will be required.

## **SECTION 1524 KENNELS**

**1524.01 PERMITTING.** Kennels shall be permitted only in the AG District or RR District with a special use hearing.

**1524.02 SETBACK.** Every kennel shall be located at least **two hundred (200) feet** from the nearest dwelling, and at least **one hundred (100) feet** from any lot line.

**1524.03 MINIMUM LOT SIZE.** The lot on which any kennel is situated shall have a minimum area of **two (2) acres**.

## **SECTION 1525 AGRICULTURAL ACTIVITIES**

**1525.01 FARM ANIMALS.** shall be permitted across all districts in accordance with the following:

- a. On lots less than one (1) acre, no farm-type animals shall be permitted, except as outlined in this Section
- b. On lots at least one acre but less than three acres in size, a maximum of one horse and a maximum combined total of five ducks,

rabbits, chickens, or goats, with the following exception: The number of horses permitted on lots less than three acres in size created prior to 2025, shall be determined in accordance with the methodology as specified below (follow the formula)

- c. On lots three acres or more in size, one horse per acre shall be permitted provided that 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 Zoning Staff for review. In addition, for lots over 3 acres but less than 5 acres, maximum combined total of ten 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. Lots one (1) acre in size or smaller may keep up to six (6) chickens, provided the conditions contained in this section are met
- e. On lots of 5 acres or more, the following animals are permitted in any combination if there shall not be more than two-thirds 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 Zoning Administrator and shall as nearly as possible approximate one of the listed animals

### **1525.02 NUMBER OF TYPE OF ANIMAL UNITS' ANIMAL (OR SIMILAR) PER ANIMAL**

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 more than five acres in size shall be as follows:

(Acreage of the property x 0.66) = Total Number of Animal units allowed.

Example: 5.0 Acres x 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.

\*Gamebirds such as Quail and Pheasant will be considered on a case-by-case basis as an agricultural activity.

**1525.03 SPECIAL USES.** The following uses shall be allowed:

1. Beekeeping with the following conditions:
  - a. Beekeeping and the honey produced from beekeeping shall be for personal use only
  - b. Permit required with fee set by the County Board
  - c. Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies
  - d. No colony shall be permitted within a front yard setback
  - e. All colonies must be setback at least 30' from any rear or side yard lot line except when abutting a right of way of a street or railroad the colony must be a minimum of 5' from the rear or side yard lot line (as long as there is no sidewalk or pathway)
  - f. All colonies within 100' of an adjoining home shall require a flyway barrier with a 6' minimum height
  - g. All colonies shall require a minimum 4' 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 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 Zoning office. Any property owner who receives notification shall have 14 calendar days from the postmarked date to send written objection to the Zoning office. If any such objection is received, no colony shall be located within 100' of the adjoining home of 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 14 calendar days after receiving the resent notification, the applicant may locate a colony within 100' of the residence of the previously objecting property but shall maintain a distance of at least 30' from all property lines always unless abutting a right of way in which the colony can be placed with 5' 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 because of keeping bees on the subject property, the Zoning Administrator may, at his or her discretion, deny the renewal application
- l. Any decision made by the Zoning Administrator may be appealed in writing to the Zoning Board of Appeals
- m. A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the Menard County Zoning Department with the application
- n. Proof of Apiary Registration with the Illinois Department of Agriculture shall be submitted to the Zoning Office within 30 days of the application submittal
- o. All approved permits shall comply with the *Bees and Apiaries Act* of Illinois (510 ILCS 20)

2. Sawmills and harvesting of timber for public use shall only be allowed by special use in the A-Agricultural district as an Agricultural activity based on *Timber Buyers Licensing Act* (225 ILCS 735/1)

**1525.04 FARM STRUCTURES.** No barn, stable, shed, or other structure intended to shelter farm animals or Livestock shall be erected closer than **one hundred fifty (150) feet** to any existing dwelling, or closer than **one hundred (100) feet** to any lot line of residential property, whichever distance is greater.

**1525.05 FENCES.** Fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than **one hundred fifty (150) feet** to any existing dwelling or closer than **one hundred**

**(100) feet** to any lot line or residential property, whichever distance is greater.

**1525.06 FARM EQUIPMENT/COMMODITIES.** No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than **one hundred fifty (150) feet** to any existing dwelling or closer than **one hundred (100) feet** to any lot line of residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least **fifty (50) feet** from any lot line of residential property.

**1525.07 BARBED WIRE/ELECTRICAL FENCES.** There will be no Barbed Wire or Electrified fencing in the R-1, R-3 or B-1 districts.

**1525.08 AGRITOURISM.** Agritourism will be allowed as a Special Use in the Agriculture district and Rural Residential District only. Commercial Agritourism shall be defined in Menard County as:

Any agricultural related activity consistent with a working farm, livestock or poultry operation, horticultural operation, ranch, or working forest (herein referred to as "farm) that allows members of the general public to view or participate in for recreational, educational, or entertainment purposes. Such activity shall not be permitted on a parcel less than 5 acres. Such activities may generate income for the farm and may include, but may not be limited to, farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and natural attractions. Any activity not related to accessory uses to the primary farm operation does not qualify as agritourism. An activity is an agritourism activity whether or not the participant paid to participate in the activity. In no instance shall agritourism activities be interpreted as including camping, ATV or Dirt bike facilities, 4-wheeler or "Jeep", archery or gun clubs, or any other facilities that make commercial use of rural property that is unrelated to on-site agricultural production.

The following additional standards apply:

- a. **Parking Requirement:** Adequate off-street parking, approved as condition of Special Use permit. At least one handicap parking space shall be provided with the remainder

of non-handicap parking not required to be paved. If determined necessary by ordinance, additional handicap parking shall be provided

- b. Food sales/service, wastewater/sewage disposal and potable water supplies shall meet the requirements of the Menard County Health Department
- c. Such permit shall not be valid for more than (8) months (April 1 – December 1) out of each calendar year as a condition of the Special Use in effect
- d. Such Special Use, when granted, shall apply to only the original applicant
- e. The application for such permitting shall list the types of produce sold, or offered for sale, which are grown or are to be grown on said parcel and shall also list the types of produce to be imported for sale

Roadside produce stands are exempt from these requirements.

**1525.09 AGRICULTURAL EXPERIENCES.** Will be allowed as a secondary use in conjunction with the primary agricultural production on a farm operation. It shall be defined [505 ILCS 10/1-5] as a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, activities, or products only.

No Special Use permitting will be required in this specific instance.

## **SECTION 1526 LIGHTING**

**1526.01 LIGHTING CONTROLS.** Any light used for the illumination of signs, swimming pools, or for any other purpose shall be arranged so as to confine the direct light rays away from neighboring residential properties and away from the vision of passing motorist.

## **SECTION 1527 PUBLIC BUILDINGS**

**1527.01 SETBACK AND STORAGE.** In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

- a. In any residential or conservation district, all municipal or other publicly-owned buildings shall be located at least **twenty-five (25) feet** from all property lines

b. In any residential, conservation or business district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least **six (6) feet** in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least **twenty-five (25) feet** from any front or side property line

## **SECTION 1528 REFUSE, WASTE AND NUISANCE ABATEMENT**

1528.01 REFUSE STORAGE AND HANDLING. All refuse shall be disposed of at a site licensed and approved by the Illinois Environmental Protection Agency. The location and methods of operation for final disposal of refuse shall conform with the requirements of the Illinois Refuse Disposal Law and the Menard County Refuse Disposal Ordinance, copies of which shall be on file at the Menard County Clerk's Office. No person shall deposit or permit to remain in any waterway, drainage ditch, or confined waters within Menard County any garbage, rubbish, junk, ashes, refuse or similar matter that may attract or harbor flies, rodents, vermin, or mosquitoes; create offensive odors or unsightliness; or otherwise create a health hazard or results in the existence of a nuisance condition.

1528.02 REFUSE STORAGE. Garbage shall be drained and stored in durable, nonabsorbent water tight and easily cleanable containers, which shall have close fitting covers, including durable plastic garbage bags. Ashes shall be stored in durable, fire resistant containers with close fitting lids. Ashes containing hot embers shall not be placed in a container for collection. Rubbish shall be stored in durable containers with close fitting covers except that bulky rubbish such as trees, weeds and large cardboard boxes may be bundled as not to be scattered by winds.

1528.03 DANGEROUS AND HAZARDOUS MATERIALS. All dangerous and hazardous materials or substances such as poisons, acids, caustics, pesticides, infested materials, explosives, and solid wastes resulting from industrial processes shall not be mixed and/ or stored with or collected with refuse as defined in this Ordinance. Such dangerous and hazardous materials or substances shall be stored, collected, and disposed of in a manner prescribed by the applicable State Statute.

1528.04 VACATED PREMISES. Any person(s) occupying or controlling any lot, building or structure shall cause to be removed therefrom all garbage and refuse, before vacating the premises.

1528.05 NUISANCES. No person shall create or cause the continuance of a nuisance in Menard County, Illinois. All nuisances as defined hereafter, and as recognized by the common law and the statutes of the State of Illinois may be treated as such and proceeded against in accordance with the recognized remedies for abating and enjoining nuisances and/or in accordance with Section 1528.07 of this Ordinance.

1528.06 CHRONIC NUISANCES. Upon determination by the County Planning and Zoning staff that a property is a chronic nuisance as defined in this Ordinance, the staff member shall cause to be served upon the owner of such property a notice that the property has been found to be a chronic nuisance property. If the owner of such property cannot be located after reasonable efforts, the notice required by this provision may be served upon the occupant of the property or upon any person causing, permitting, or maintaining any then-existing nuisances on the property, including but not limited to a tenant on the property. The notice shall direct the recipient of the notice to abate or remove such nuisance within seventy-two (72) hours or such time as is deemed reasonable by the County Planning & Zoning staff, and shall state that if the nuisance is not abated or removed in such time, the County may take appropriate action to abate or remove such nuisance at the sole cost and expense of the recipient of the notice, provided the County may also take such additional remediation steps as provided by law. Such notice may be personally delivered to a person as described above, or may be mailed by certified United States mail, return receipt requested, to a person as described above. Such notice shall be considered effective upon any of the following (A) receipt of a hand delivered notice, (B) four (4) days after mailing the certified letter, or (C) upon receipt of a signed returned receipt, whichever occurs first.

1528.07 DECLARED NUISANCES PREJUDICIAL TO THE PUBLIC HEALTH. It is hereby declared that the following are nuisances, but are not inclusive of all conditions or acts which may give rise to the creation or continuance of a nuisance.

1. To allow the carcasses of dead animals or any part of decaying animal matter to remain not buried, destroyed, or collected, within 24 hours after death or dismemberment

- 2. To throw or deposit any offal, refuse, junk, or the carcass of any dead animal, in any water course, lake, pond, spring, well or common sewer, street or public roadway.
- 3. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond, or lake
- 4. To allow a diseased animal to run at large
- 5. To allow excessive amounts of manure, refuse, human or noxious or offensive waste to accumulate. This excludes the normal storage of manure on a farm
- 6. To allow any discharge of raw or insufficiently treated human waste or sewage onto the surface of the ground or into any water course, spring, lake, pond, or well through either direct or indirect means
- 7. To allow any waste from commercial or industrial facilities to accumulate or to become foul, offensive or to otherwise become a health hazard
- 8. To allow any wells or cisterns to remain open
- 9. To allow an abandoned refrigerator to remain on any premises that does not have the doors, lock, or latches removed
- 10. To allow any building, mobile home, shed, fence, or other manmade structure to exist which is dangerous to public health because of its condition, construction, or lack of proper repair and which may cause or aid in the spread of disease or injury to the health of the occupants and/or neighboring structures and occupants
- 11. To allow the spillage, scatter, or loss of refuse from any vehicle that is used to transport garbage or refuse
- 12. Any place harboring vermin and/or rodents
- 13. To cause or to allow any ashes, garbage, junk, refuse, rubbish, vermin, or weeds to be stored, handled, disposed, or to collect or accumulate upon any public or private property contrary to the provisions of this Ordinance, and to do or to cause or to allow the occurrence or continuance of any other act of things contrary to the provisions of this Ordinance
- 14. All other acts, practices, conduct, business, occupants, callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of Menard County, Illinois
- 15. The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete, or other similar materials for an unreasonable period, which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values
- 16. The keeping, storage, depositing or accumulating of bulk waste. The keeping of bulk waste shall not be permitted on open porches, carports, open garages, pavilions, or similar structures

**1528.08 INOPERABLE AND ABANDONED VEHICLES.** No owner shall store, accumulate, discharge, deposit, dump or place any abandoned or derelict vehicle or vehicles on any premises if the vehicle or vehicles meet any one of the following conditions:

- 1. There is an absence of an appropriate registration plate or, if there is an appropriate registration plate, if that plate does not display a current and valid registration sticker
- 2. Placement of the vehicle or parts thereof upon jacks, chains, or other supports
- 3. Absence of one or more parts of the vehicle necessary for the lawful operation upon the streets, roads, and highways
- 4. To be found in violation of this, such vehicles must exhibit at least one of the above-described conditions for not less than 180 consecutive days

In addition to any other penalties under the zoning regulations in the county, it shall be a violation of this chapter if a junkyard is created or maintained in areas other than those permitted by their zoning classification to contain junkyards.

Nothing in this Section shall apply to any motor vehicle that is kept within a building when not in use, to historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. (55 ILCS 5/5-12002) (from Ch. 34, par. 5-12002)

The storage of trucks, tractors, and related machinery for agricultural purposes, whether or not in functional operational condition, is exempt from the provisions of this chapter provided that the zoned lot on which such storage for agricultural purposes and said machinery of the like is used principally for agricultural purposes.

**1528.09 LITTERING.** No person shall litter from any motor vehicle or otherwise dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property or upon

or into any river, lake, pond, or other stream or body of water in the county, unless:

1. The property is duly licensed by the county as a refuse disposal area; or
2. The litter is placed into a receptacle or other container intended by the owner or tenant, in lawful possession of that property for the deposit of litter
3. The act is done by or under the personal direction of the owner or tenant in lawful possession of that property and does not create a public health or safety hazard, public nuisance, or fire hazard
4. The person is acting under the direction of proper public officials on a special clean-up day
5. The person is lawfully acting or re-acting to an emergency situation where health and safety is threatened and removes and properly disposes of such litter when the emergency no longer exists

A. No person shall transport by any means any refuse to and deposit such material in, around or on top of trash barrels or other receptacles placed along public highways or at roadside rest areas.

B. No person shall allow litter to accumulate upon real property owned by or in the control of that person as owner or tenant, in such manner that the litter may be blown or otherwise carried by the natural elements onto real property of the public or another person.

C. Whenever litter is thrown, deposited, dropped, or dumped from a motor vehicle not carrying passengers for hire, in violation of this chapter, the rebuttable presumption is created that the operator of the motor vehicle has violated this chapter by littering.

**1528.10 NOXIOUS WEEDS.** Shall be defined per the Illinois Department of Agricultural (505 ILCS100/1) — Illinois Noxious Weeds Law. Noxious weed nuisances will be enforced under provisions of this statute.

**1528.11 NOXIOUS SMELLS AND CONDITIONS.** No person shall deposit or dump or maintain, or cause or permit the same, on any land in the county, any refuse, garbage, or rubbish which creates a condition that is foul, odorous, subject to spontaneous combustion, creates a breeding ground for rodent infestation, or is otherwise detrimental to public health or safety or conducive to the spread of disease. No person shall keep any chicken coop, corral, animal pen, stable, grounds or premises in a foul, offensive, nauseous, or filthy condition.

All manure waste from animals must be removed from the premises and stored in a fly tight container or otherwise meet the Environmental Protection Agency (EPA) regulations regarding manure storage. No manure storage shall be closer than 75 feet from all property lines.

Farming operations such as cattle, hogs, sheep, or poultry, are exempt from this category.

**1528.12 UNFIT STRUCTURES AND PREMISES.**

No owner shall allow, permit, or suffer any structure or premises under his/her control to become unfit by reason of:

1. Structures and dwellings' instability and/or inadequacy, rendering any structure to be unfit for occupancy or use
2. Accumulation of garbage, rubbish, standing water, or other condition which is likely to become an area that promotes and harbors the breeding of rodents, vermin, mosquitoes, or other harmful insects
3. Promoting, permitting, or allowing any structure to be used for the unlawful purpose of illegal sale of controlled substance or for other illegal activity dangerous to the health or safety of residents of the neighborhood or to the public
4. Structures and dwellings instability and/ or in adequacy rendering any structure to be unfit for occupancy or use
5. Accumulation of garbage or rubbish or standing water or other condition which is likely to become an area that promotes and harbors the breeding of rodents, vermin, mosquitoes, or other harmful insects
6. Promoting, permitting, or allowing any such structure to be used for the unlawful purpose of illegal sale of controlled substance or for other illegal activity dangerous to the health or safety of residents of the neighborhood or to the public

**1528.13 ENFORCEMENT PROVISIONS.**

- A. **INSPECTION.** The Menard County Zoning Office is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. The authorized representative of the Menard County Zoning Office, after proper identification and statement of the reason(s) for the visit shall be permitted by the owner or occupants of the property to have access to the property at any reasonable time for the purpose of inspecting to determine compliance with the requirements of this Ordinance.

**B. ABATEMENT OF DECLARED NUISANCE.** When an authorized representative of the Zoning Office discovers any violation of Section 1528 of this Ordinance, the person, firm, or corporation causing or allowing such violation shall be notified by the Menard County Zoning Office by means of a written notice of inspection and request to abate the violation sent to the last known address. Such notice and request shall describe the specific conditions found, the correction necessary to bring about compliance, and a specific and reasonable period for such correction. Each condition specified in such notification shall constitute a separate violation of this Ordinance.

**C. FINES AND PENALTIES.** Any person, firm, or corporation who maintains a nuisance as defined herein, or who fails to comply with an order of the Zoning Office issued under the provisions hereof, or who violates any provision of this Ordinance shall be guilty of a misdemeanor, and shall be subject, upon conviction, to a fine of not less than \$25.00 and not more than \$500.00. Each day that such nuisance, condition, or violation occurs or continues shall be deemed to be a separate offense. A person found to have a chronic nuisance property shall be fined not less than \$500 nor more than \$1,000; furthermore, each day the violation is allowed to continue shall be a separate offense. In addition, such person, firm, or corporation may be enjoined from continuing such violation. The State's Attorney of Menard County, Illinois, shall prosecute all violations of this Ordinance.

**D. LIEN.** Charges for the cost incurred by the County for the abatement of a violation from any property pursuant to the Ordinance shall be a lien upon the premises with priority as provided in Illinois Compiled Statutes 1992 65 ILCS 5/11-20-13 as amended. At any time after a bill has been sent to the owner for abatement of the violation a lien may be filed with the Recorder of Deeds in the manner provided by paragraph 1 of 65 ILCS 5/11-20-13. The failure of the County to record such lien claimed or to mail notice or the failure of the owner to receive notice of such lien shall not affect the right to foreclose on the lien for such charges as provided in Illinois Compiled Statutes 1992 65 ILCD 5/11-20-13. For the purpose of this section, the County shall be deemed to incur the cost of the abatement. If the abatement is done by County personnel the cost transmitted by the Superintendent of the Department which performs the abatement to the Planning & Zoning Officer, a calculation of the number of hours required to do the abatement by those employees times the hourly wage of said employees (including cost of benefits of employment per hour); the fair market rental of all pieces of equipment necessary to perform the abatement plus the cost of disposal of all materials removed. If the abatement is done by private contractor the amount said contractor invoices the County for work plus disposal of materials removed.

**E.** The remedies provided for in the Ordinance to abate and prosecute nuisances and violations hereof shall not be deemed to be mutually exclusive, and election to pursue one remedy shall not bar the simultaneous pursuit of any other administrative remedy.

## **SECTION 1529 NOISE**

**1529.01 PURPOSE.** To prevent noise pollution in that excessive noise endangers physical and emotional health and well-being, interferes with legitimate business and recreational activities, depresses property values, offends the senses, creates public nuisances, and in other respects reduces the quality of our environment.

**1529.02 DEFINITIONS.** Whenever used in this Ordinance, unless otherwise clearly indicated, the following words and phrases shall have the following meaning:

**1529.03 NOISE DISTURBANCE.** Any sound which may do the following:

- a) causes annoyance or disturbs humans or which has any adverse psychological or physiological effects on humans
- b) endangers or injures the health or safety of humans or animals
- c) causes annoyance or disturbance to a reasonable person of normal sensitivities or
- d) endangers or injures personal or real property

**1529.04 REAL PROPERTY BOUNDARY.** A line along the ground surface and its vertical extension which separates the real property owned by one (1) person from that owned by another person.

**1529.05 RESIDENTIAL AREA.** An area of real property in which a residence is located and occupied.

**1529.06 HOLIDAYS.** For purposes of the application of this section, the following shall be considered holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

**1529.07 NOISE PROHIBITIONS:**

- a) It shall be declared a nuisance for any person to make, continue, or cause to be made or continued any loud, unreasonably loud, disturbing, unnecessary or excessive noise which unreasonably interferes with the comfort, health, or safety of others
- b) It shall be declared a nuisance for any person to permit any noise as described in paragraph (a) of this Section to be made in or upon any house or premises owned or possessed by them or under their management and/or control

**1529.08 SPECIAL VIOLATIONS.** The following shall be declared a nuisance:

- a) For a motor vehicle operator to operate or play any radio, musical instrument, or similar device from said motor vehicle in such a manner as to be plainly audible to any other person other than the player or operator of the device at a distance of twenty (20) feet
- b) For a pedestrian to operate or play any radio, musical instrument, or similar device in such a manner as to be plainly audible to any other person other than the player or operator of the device at a distance of thirty (30) feet
- c) For any person to operate or play any radio, television, musical instrument, or similar device or to produce live music, sound or noise in any manner which produces or reproduces sound or noise, whether from a business, residence, or any other premises, in such a manner as to be plainly audible outside of the real property boundary of such business, residence or other premises between the hours of 10:00 p.m. and 9:00 a.m., Central Standard Time (CST)
- d) For any person to operate or permit the operation of any tools or equipment used in construction, drilling, or demolition work in such a manner that the sound there from

creates a noise disturbance across a residential real property boundary. at any of the following times:

- 1. Between 10:00 p.m. and 6:00 a.m., Central Standard Time (CST) on any day of the week
- 2. At any time on any Sunday or holiday
- e) For any person to operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawn, or garden tool used outdoors in residential areas between the hours of 10:00 p.m. and 6:00 a.m., Central Standard Time (CST) so as to cause a noise disturbance across a residential real property boundary.
- f) For any person to operate a motor vehicle or any internal combustion engine, which is excessively loud, so as to disturb the quiet, comfort, or repose of persons across a residential real property boundary. This includes excessive noise levels as the result of a defective or modified exhaust system or as a result of any one or more of the following: unnecessary rapid acceleration, deceleration, engine revving or tire squealing.
- g) For any person to discharge firearms in any residential area where such discharge is likely to subject residents or passersby to the risk of injury. However, the ordinance shall not limit the right to discharge a firearm for the lawful defense of persons or property, or in the course of making a lawful arrest, when such use of force is justified under Article 7 of the Criminal Code of 2012. For the purposes of this Section, a "residential area" is any area within 300 yards of at least 3 single or multi-family residential structures. (55 ILCS 5/5-1117) (from Ch. 34, par. 5-1117).

Public service utilities are exempt from this provision. Further, no person shall be adjudicated guilty of this provision if he demonstrates the existence of a bona fide emergency that necessitated performance of the work during prohibited hours.

**1529.09 EXCEPTIONS.**

- a) Special performances by a band or orchestra after permits have been obtained from the County Sheriff
- b) Ringing of bells or chimes by churches

- c) Any noises or sounds produced by police, fire, rescue or other emergency vehicles or personnel
- d) Organized school-related programs, activities, and other events
- e) Organized public programs, activities, events, and parades or other public programs, activities or events authorized by county government
- f) Normal agricultural activities, including normal grain elevator operations

#### 1529.10 AUTHORITY OF THIS ORDINANCE.

This Ordinance shall take precedence over any neighborhood covenants.

#### 1529.11 PENALTY.

It shall be unlawful to violate any of the terms and provisions of this Ordinance. Any person, firm, or corporation violating any of the said terms and provisions of the Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by fines as follows:

- a) For the first offense, the minimum fine shall be \$50.00 and the maximum fine shall be \$500.00
- b) For any subsequent offense, the minimum fine shall be \$150.00 and the maximum fine shall be \$1000.00
- c) Community Service hours may be ordered by the Court in addition to the above mentioned fines and if ordered, said hours must be served within one (1) year of the date sentence is imposed by proper authorities
- d) The violation of this Ordinance or any part thereof on more than one (1) day shall constitute separate offenses

## **SECTION 1530 DEMOLITION PERMIT**

1530.01 PERMITTING. To obtain a demolition permit for deconstruction, recycling or scrapping of a manufactured, mobile home, pole, barn, portable building, accessory building, shed, railroad car or containers, the following documentation will be required:

1. Proof of ownership
2. No Tax Due letter from the County Treasurer

- 3. Agreement with Illinois licensed scrapper or landfill
- 4. Detailed information on the nature of demolition
- 5. Proof of disconnection of utility services

## **SECTION 1531 ACCESSORY STRUCTURE CONVERSION**

1531.01 GENERAL. Accessory mobile homes, portable sheds, pole barns, sheds, railroad cars, or containers shall not be used for permanent habitation or for business purposes.

1531.02 CONVERSION. Should permanent habitation conversion be pursued, Pole barns, railroad cars or containers must meet all State, Federal and County residential requirements concerning building construction and most recent building code requirements to be converted into a residential structure. The owner must follow the application procedure outlined in the *Code of Ordinances* and all adopted codes of the County to be issued a building permit and a Certificate of Occupancy.

1531.03 PERMITTING. A permit must be obtained for Accessory mobile homes, portable buildings, sheds, pole barns, carports, and containers **before** being placed or moved upon any lot or tract or parcel of land to ensure the structure is in compliance with Ordinances of Menard County and state statutes.

## **SECTION 1532 SHORT TERM RENTALS**

1532.01 PERMIT REQUIRED. No short-term rental shall be permitted in the unincorporated county without first having obtained a special use permit.

1532.02 DEFINITIONS. A "Short-Term Rental" shall be all or part of a residential dwelling or dwelling unit that is rented for transient occupancy by guests for a period shorter than 30 consecutive days. The term "short- term rental" does not include either hotels or motels. A short-term rental shall have all the attributes of a single-family dwelling unit including cooking, living, sanitary and sleeping facilities.

1532.03 NO PROPERTY RIGHTS CONFERRED. Short-term rental permits do not provide a vested interest or entitlement in the continued operation of a

short-term rental upon a change of property ownership. Short-term rental permits are revocable permits and shall not run with the land.

#### 1532.04 PERMIT APPLICATION

REQUIREMENTS; RENEWAL A property owner who seeks a short-term rental pursuant to this Article shall submit a written application to the County. Owners must renew their permit every year through submittal of a renewal application utilizing the City's online registration system. All applications must be submitted by the property owner. Permits shall not issue to any person not an owner of the property. Permits shall issue upon registration, subject to non-renewal, suspension, or revocation as set forth herein.

1532.05 INSPECTION. The Menard County Zoning Office and Local Fire Department reserves the right to inspect each short-term rental upon reasonable notice for compliance with all applicable building, fire, and property maintenance codes.

1532.06 RENTAL REGISTRY. No dwelling unit may be used for a short-term rental unless the owner has registered with the County of Menard rental registry and identified the unit as a short-term rental.

1532.07 GUEST REGISTRY BOOK. Every short-term rental owner shall keep a written or digital register in which shall be entered the name of every guest over the age of 18 and his/her arrival and departure dates. A digital register maintained by a short-term rental platform such as Airbnb or VRBO shall be sufficient to satisfy this requirement. The owner shall make said register accessible to any officer of the County's Police, Fire, Health, and/or Zoning and Economic Development Departments upon request.

1532.08 NOTICE TO NEIGHBORS. Prior to the first rental of a short-term rental in any calendar year, the owner of the dwelling unit must deliver written notice by mail or personal delivery to the owners of all parcels that abut the property on which the short-term rental will be located of the owner's intent to offer their dwelling unit as a short-term rental. The written notice must include the rental registration number of the property, as provided by the city, and contact information for the owner and manager of the short-term rental.

The notice shall also include the web address posted on the City's website (which shall be provided to the owner) with information regarding the rules and regulations contained in this ordinance.

1532.09 COMMERCIAL USE. Operation of a short-term rental is a commercial use of a residential property. The use shall be consistent with a residential dwelling and shall preserve the character of the neighborhood. It will be allowed across all zoning districts.

1532.10 MINIMUM RENTAL PERIOD. No short-term rental shall be or leased more than once within any consecutive twenty-four (24) hour period measured from the commencement of one rental to the commencement of the next.

#### 1532.11 ADVERTISING.

- A. No sign advertising or otherwise promoting a short-term rental may be installed or erected on the premises.
- B. No short term-rental shall advertise online on any platform an hourly rate or any other rate based on a rental period of fewer than twenty-four (24) hours.
- C. No short-term rental shall hold out on any online platform the short-term housing rental property as a venue for weddings, conferences, parties, or other events, regardless of the number of attendees.

#### 1532.12 MAXIMUM OCCUPANCY.

- A. Occupancy, for purposes of determining "maximum occupancy," is defined as two (2) people per bedroom unless additional per-bedroom occupants are the minor children of the renters.
- B. This occupancy limitation shall include invitees of the short-term rental tenants, and social guests
- C. In no event shall the occupancy of the short-term rental exceed 10 persons (including renters, renters' minor children, invitees, and social guests), regardless of the number of bedrooms.

#### 1532.13 PARKING REQUIREMENTS; LOADING AND UNLOADING OF COMMERCIAL BUSES PROHIBITED

- A. Overnight parking for persons renting a short-term rental must be provided on the same zoning lot as the short-term rental except as provided below and must be located on an improved hard surface.
- B. Street parking may not be used by persons renting a short-term rental. However, if a property does not have a

driveway or parking area that can accommodate four vehicles, street parking or public parking lots shall be allowed for up to two (2) vehicles where permitted.

- C. In no event shall more than four (4) vehicles be parked in the driveway or parking area of the short-term rental.
- D. Commercial buses shall not be parked either on the street or in the driveway of any short-term rental for the purpose of loading or unloading passengers, luggage, or other items using the short-term rental.

**1532.14 NO PARTIES/SPECIAL EVENTS/LARGE GATHERINGS.** The short-term rental premises shall not be used as a venue for gatherings such as weddings, conferences, parties, special events or other events regardless of the number of attendees.

**1532.15 POSTING OF ORDINANCE REQUIREMENTS AND PROHIBITIONS.** There shall be posted in every short-term rental the requirements and prohibitions contained in Sections 1532.12, 1532.13, and 1532.14.

**1532.16. HOTEL OPERATORS' OCCUPATION TAX.** Short term rentals that meet the definition of "re-renter" are subject to Hotel Operators' Occupation Tax. See 35 ILCS 145/2 as amended by Public Act 104-0006. Additionally, any local taxes levied by the county under this category shall be collected and remitted as set forth therein. The entire property or structure shall be considered a "hotel or motel room" for purposes of the applicable taxes.

**1532.17 LOCAL CONTACT PERSON REQUIRED.** The owner of the property containing the short-term rental shall either be available or appoint/hire a local contact person or a property management company that shall be available by telephone or in- person on a twenty four (24)-hour basis who resides within 50 miles of the property and can physically be present at the property within sixty (60) minutes to service a call by the occupants of the short-term rental or to respond to complaints issued by any law enforcement agency, building and/or fire departments. The owner or local contact person shall have the authority to assume management of the short-term rental in order to respond and remedy any occupant calls or complaints. The local contact person shall be empowered by the property owner to address physical conditions or circumstances that constitute an immediate threat to public health and safety, including ordering the removal of any occupants in

order to comply with the provisions of this ordinance. The name and all contact information of the owner or local contact person shall be provided to the occupants, clearly posted within the residence, and provided to the city and be always maintained with current information.

**1532.18 PROPERTY OWNER RESPONSIBLE FOR COMPLIANCE WITH CODES.** It is the responsibility of the property owner and the management company or local contact person responsible for the short-term rental to be in control of the short-term rental unit; to inspect and visit the property as needed to assure compliance with this code, and all applicable city building, zoning, and fire codes, to prevent nuisance behavior and maintain neighborhood peace, welfare, and safety.

**1532.19 NUISANCE PREVENTION & ABATEMENT.** The short-term rental shall not cause an adverse effect on the use, enjoyment, or property values of the immediate neighborhood. The owner of a short-term rental shall not cause or permit, by action or failure to act, the short-term rental or its use to suffer from or create any nuisance or criminal activity, which shall include but not be limited to excessive noise or violations of building, zoning, or fire codes. If a permittee knows or suspects that any criminal activity or public nuisance is taking place on or immediately adjacent to the property, the permittee shall immediately notify the city of such fact and cooperate with the Police Department in any investigation that may ensue.

**1532.20 NOTICE UPON CHANGE IN OWNERSHIP; TERMINATION OF PERMIT.** A short-term rental permit shall terminate immediately upon any change in ownership. Property owners must notify the Community and Economic Development upon change of ownership. Continued operation of a short-term rental upon change of ownership will result in a violation of this ordinance. Any new owner must apply for a short-term rental permit under this code.

**1532.21 PENALTY.** Any one violation of this chapter, or any rules or regulations promulgated under this chapter may result in fines, suspension or revocation of a permit, modification of the use (including but not limited to increasing the minimum rental period) or a combination thereof. A violation of any section of this chapter is subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each

offense. Each day that a violation continues shall constitute a separate and distinct offense.

**1532.22 NON-RENEWAL, SUSPENSION, AND/OR REVOCATION OF PERMIT.** A permit may be subject to non-renewal, suspension, or revocation upon a determination of one or more of the following:

- A. The short-term rental is a public nuisance;
- B. there exists outstanding and unresolved code violations at the property;
- C. the short-term rental permit was revoked within the previous 12-month period;
- D. the applicant has outstanding debts due and owing to the city;
- E. the property is condemned;
- F. the property is not eligible for a short-term rental under the provisions of this Article.
- G. Improvements or alterations have been made to the structure without proper permits and the property has not been brought into compliance after reasonable notice and an opportunity to correct the violations.
- H. the owner of the relevant short-term/vacation rental or his/her agent violates any of provisions of this Ordinance, building codes, zoning codes, or fire codes or any criminal code of the State of Illinois.
- I. the owner of the short-term/vacation rental or his/her agent is deemed to have maintained a nuisance premises.

**1532.23 HEARING REQUIRED.** No short-term rental permit shall be non-renewed, suspended, or revoked prior to a hearing as set forth herein.

**1532.24 NON-RENEWAL/SUSPENSION/REVOCATION HEARING PROCESS.** Not less than fourteen (14) business days prior to a hearing on non-renewal, suspension, or revocation of a permit issued pursuant to the terms of this Ordinance, the Zoning Administrator shall send, via First Class U.S. mail, a notice of the non-renewal, suspension, or revocation hearing to the owner and his/her authorized agent at the address provided on the most recent permit application. Notice shall be sufficient if sent to the address of the authorized agent indicated on the permit application. Said notice shall include the following:

1. Description of the short-term rental, sufficient for identification;
2. A statement that the permit is subject to non-renewal, suspension, or revocation; and

3. A succinct statement of factual allegations that identifies the basis for the potential non-renewal, suspension, or revocation.

If the Zoning Administrator has reason to believe that immediate suspension of the permit is necessary to prevent the threat of immediate harm to the county or the neighborhood, the Zoning administrator may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the permit suspended for not more than seven (7) days. The Zoning Administrator may extend the suspension during the pendency of a hearing upon a written determination that doing so is necessary to prevent the previously mentioned harm to the county or the neighborhood.

The Zoning Administrator shall request a hearing of the Zoning Board of Appeals in accordance with the procedures drafted by this ordinance in section 108 HEARINGS APPEALS AND AMENDMENTS.

Within ten (10) business days after the close of the hearing, the Zoning Administrator shall issue a written decision that shall constitute a final determination for purposes of judicial review pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101 et seq., as amended.

**1532.25 NO NEW PERMIT AFTER REVOCATION.** A permittee whose license has been revoked shall not be eligible to reapply for a new permit for one year.

## **SECTION 1533 DATA CENTERS**

**1533.01 PURPOSE AND INTENT.** The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and location of a Data Center. The intent of these regulations is to protect the public health, safety, and community welfare without unduly restricting the development of a Data Center.

**1533.02 SPECIAL REQUIREMENTS.** Data Centers are subject to the following requirements:

- A. Height. Shall not exceed fifty (50) feet including any roof-mounted equipment or antennas.
- B. Setbacks.
  1. Perimeter Setback: The front, side, and rear yard setbacks shall be a minimum of one hundred fifty (150) feet from the

- 2. property lines which form the outside perimeter of a Data Center Project Area.
- C. Residential Structure Setback: Data Centers of twenty-five (25) feet or less in height shall be setback seven hundred fifty (750) feet from the Data Center project property line to a residential structure. Data Centers greater than twenty-five (25) feet in height shall be setback from residential structures thirty (30) times the height of the Data Center. However, suppose the developer of the facility can obtain and record with the Sangamon County Recorder a written, signed, and notarized statement from the owner of the property containing said structure waiving this setback. In that case, the minimum setback from said structure shall be reduced to two hundred (200) feet.
- D. Fencing. A fence of at least six (6) feet in height shall enclose and secure the Data Center.
- E. Screening. A landscaping screen shall be provided for any part of the Data Center that is visible to and located within five hundred (500) feet of an existing dwelling. The landscaping screen shall be located between the required fencing and the perimeter of the Data Center Project Area. The screening shall include a continuous line of native evergreen foliage, and/or native shrubs, and/or native trees, and/or any existing wooded area. The landscaping shall not be required if the Data Center is not visible to a dwelling by virtue of the existing topography as determined by the Menard County Zoning Administrator.
- F. Lighting. If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
- G. Noise. Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district. Noise levels shall be enforced by both the State of Illinois and Menard County.
- H. Battery Energy Storage Systems (BESSs) may be considered an accessory use to the development. A BESS and a Data Center may be located on the same parcel without requiring a variance to allow multiple principal uses on a lot.

**1533.03 CERTIFICATION.** Data Centers shall conform to applicable industry standards, including those from the Underwriters Laboratory (UL). All applicable county, state, and federal codes and regulations shall be followed.

**1533.04 SPECIAL PERMITTED USE ONLY.** The application for a Special Permitted Use for a Data Center shall include:

- A. A written summary of the project including:
  - 1. A general description of the project, including its approximate capacity;
  - 2. Number of structures;
  - 3. Number of generators; and,
  - 4. The system height.
- B. The name(s), address(s), and phone number(s) of the property owner and/or Data Center operator.
- C. A site plan showing the following:
  - 1. Boundaries of the site.
  - 2. Property lines.
  - 3. Setback lines.
  - 4. Existing or proposed easements.
  - 5. Location of all existing structures with their uses identified.
  - 6. All proposed structures including, but not limited to, the project Data Centers, the project substation, interconnection substation, Battery Energy Storage System (if applicable), and any ancillary equipment (if applicable).
  - 7. On-site vehicular circulation.
  - 8. Vehicular parking.
  - 9. Sidewalks.
  - 10. Fencing.
  - 11. The location and size of sanitary sewers and water mains if public facilities or approved community facilities are available. If public facilities are not available, the location of on-site systems shall be shown.
  - 12. Proposed site grading with elevations, including floodplain (if applicable).
  - 13. Storm water drainage including retention/detention areas.
  - 14. Fire hydrant locations (if applicable).
  - 15. Landscaping screening plan (if applicable).
  - 16. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance.
  - 17. Results from the Illinois Department of Natural Resources' Ecological Compliance Assessment Tool (EcoCAT).

18. Results from the consultation with the Illinois State Historic Preservation Office.
- D. Letters from the serving utility companies indicating the availability and adequacy of utility services.
- E. Approval from the County Engineer and respective Road District Commissioner authorizing the access to any public roadway. The County Engineer shall also provide approval for all on-site drainage and vehicular flow on the Data Center Project Area.

**1533.05 BUILDING PERMIT.** Before a building permit is issued, the following shall be submitted to the appropriate Menard County permitting office for review:

- A. An updated site plan with all items previously required in the petition.
- B. Emergency plan. The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the Data Center Project Area. Any specialized training necessary will be provided at the operator's expense.
- C. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance.
- D. Results from the Illinois Department of Natural Resources' Ecological Compliance Assessment Tool (EcoCAT).

- E. Results from the consultation with the Illinois State Historic Preservation Office.
- F. After an approved final inspection of all building permits, a certificate of compliance shall be issued.

**1533.06 CERTIFICATE OF OCCUPANCY.** A Certificate of Occupancy will be issued after all final inspections have been completed. A Certificate of Occupancy approval will be issued annually on the completion date and must include the following:

- A. A copy of the active insurance policy and expiration date.
- B. The name(s), address(s), and phone number(s) of the property owner and/or Data Center operator.
- C. Any alterations to the site.
- D. Annual fee \$500.

## SIGN REGULATIONS

### User note:

**About this chapter:** The primary purpose of Chapter 10 is to establish the regulation for the use of signs and sign structures, including general signs, roof signs, wall signs, and fascia signs. This chapter also contains the general provisions that apply to sign placement, maintenance, repair, and removal, as well as requirements for wall, free-standing, directional and temporary signs.

### SECTION 1601 PURPOSE

**1601.1 PURPOSE.** The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

### SECTION 1602 DEFINITIONS

**1602.1 DEFINITIONS.** The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

**ABANDONED SIGN.** A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

**ANIMATED SIGN.** A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

**Electrically activated.** Animated signs producing the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both classifications noted in Items 1 and 2 as follows:

1. Flashing. Animated signs or animated portions of signs where the illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds
2. Patterned illusionary movement. Animated signs or animated

portions of signs where the illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion

**Environmentally activated.** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

**Mechanically activated.** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

**ARCHITECTURAL PROJECTION.** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning," "Backlit awning," and "Canopy, Attached and Free-standing."

**AWNING.** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

**AWNING SIGN.** A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."

**BACKLIT AWNING.** An awning with a translucent covering material and a source of illumination contained within its framework.

**BANNER.** A flexible substrate on which copy or graphics may be displayed.

**BANNER SIGN.** A sign utilizing a banner as its display surface.

**BILLBOARD.** See “Off-premise sign” and “Outdoor advertising sign”.

**BUILDING ELEVATION.** The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

**CANOPY (Attached).** A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or supported by columns at additional points. The surface(s) and/or soffit of an attached *canopy* may be illuminated by means of internal or external sources of light. See also “Marquee”.

**CANOPY (Free-standing).** A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing *canopy* may be illuminated by means of internal or external sources of light.

**CANOPY SIGN.** A sign affixed to the visible surface(s) of an attached or free-standing *canopy*. For reference, see Section 1603.

**CHANGEABLE SIGN.** A sign with the capability of content change by means of manual or remote input, including signs that are:

**Electrically activated.** Changeable sign where the message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also “Electronic message sign or center”

**Manually activated.** Changeable sign where the message copy or content can be changed manually

**COMBINATION SIGN.** A sign that is supported partly by a pole and partly by a building structure.

**COPY.** Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

**DEVELOPMENT COMPLEX SIGN.** A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned *industrial* park, that is controlled by a single owner or landlord, approved in accordance with Section 1609.2 of this chapter.

**DIRECTIONAL SIGN.** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**DOUBLE-FACED SIGN.** A sign with two faces, back-to-back.

**ELECTRIC SIGN.** Any sign activated or illuminated by means of electrical energy.

**ELECTRONIC MESSAGE SIGN OR CENTER.** An electrically activated changeable sign where the variable message capability can be electronically programmed.

**EXTERIOR SIGN.** Any sign placed outside a building.

**FASCIA SIGN.** See “Wall or fascia sign”.

**FLASHING SIGN.** See “Animated sign, electrically activated”.

**FREE-STANDING SIGN.** A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or on the ground. For visual reference, see Section 1603.

**FRONTAGE (Building).** The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

**FRONTAGE (Property).** The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

**GROUND SIGN.** See “Free-standing sign.”

**ILLUMINATED SIGN.** A sign characterized using artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

**INTERIOR SIGN.** Any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, except for window signs as defined, are not regulated by this chapter.

**MANSARD.** An inclined decorative roof-like projection that is attached to an exterior building facade.

**MARQUEE.** See “*Canopy (attached)*”.

**MARQUEE SIGN.** See “*Canopy sign*”.

**MENU BOARD.** A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has not more than 20 percent of the total area for such a sign utilized for business identification.

**MULTIPLE-FACED SIGN.** A sign containing three or more faces.

**OFF-PREMISE SIGN.** See “Outdoor advertising sign”.

**ON-PREMISE SIGN.** A sign erected, maintained, or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**OUTDOOR ADVERTISING SIGN.** A permanent sign erected, maintained, or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**PARAPET.** The extension of a building facade above the line of the structural roof.

**POLE SIGN.** See “Free-standing sign.”

**POLITICAL SIGN.** A temporary sign intended to advance a political statement, cause, or candidate for office. A legally permitted outdoor advertising sign shall not be a political sign.

**PORTABLE SIGN.** Any *sign* not permanently attached to the ground or to a building or building surface.

**PROJECTING SIGN.** A *sign* other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure where the primary purpose is other than the support of a sign. For visual reference, see Section 1603.

**REAL ESTATE SIGN.** A temporary *sign* advertising the sale, lease or rental of the property or premises on which it is located.

**REVOLVING SIGN.** A *sign* that revolves 360 degrees (6.28 rad) about an axis. See also “Animated sign, mechanically activated.”

**ROOF LINE.** The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**ROOF SIGN.** A *sign* mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and that is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be roof signs.

For a visual reference, and a comparison of differences between roof and fascia signs, see Section 1603.

**SIGN.** Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be signs.

**SIGN AREA.** The area of the smallest geometric figure, or

the sum of the combination of regular geometric figures, that comprise the sign face. The area of any double-sided or “V” shaped *sign* shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all

other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the *sign*.

**SIGN COPY.** Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a *sign*, exclusive of numerals identifying a street address only.

**SIGN FACE.** The surface on, against or through which the *sign* copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface on which the sign copy is displayed by a distinct delineation, such as a reveal or border. See Section 1603.

1. In the case of panel or cabinet-type signs, the sign face shall include the entire area of the sign panel, cabinet, or face substrate on which the *sign* copy is displayed or illustrated, but not open space between separate panels or cabinets
2. In the case of *sign* structures with routed areas of sign copy, the *sign* face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the *sign* face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the *sign* copy, but not the open space between separate groupings of sign copy on the same building or structure
4. In the case of *sign* copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the *sign* face shall comprise the area within the contrasting background, or within the painted or illuminated border

**SIGN STRUCTURE.** Any structure supporting a sign.

**TEMPORARY SIGN.** A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or *sign* structure that is permanently embedded in the ground, are considered temporary signs.

**UNDER CANOPY SIGN OR UNDER MARQUEE SIGN.**

A sign attached to the underside of a *canopy* or marquee.

**V SIGN.** Signs containing two faces of approximately equal size, erected on common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet at their closest point.

**WALL OR FASCIA SIGN.** A *sign* that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided that the copy area of such signs remain on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see Section 1603.

**WINDOW SIGN.** A *sign* affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

## **SECTION 1603 GENERAL SIGN TYPES**

1603.01 GENERAL. Sign types and the computation of *sign* area shall be as depicted in Figures 1603.1(1) through 1603.1(4).

## **SECTION 1604 GENERAL PROVISIONS**

1604.01 CONFORMANCE TO CODES. Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the *International Building Code* and of any other ordinance or regulation within this jurisdiction.

1604.02 SIGNS IN RIGHTS-OF-WAY. Signs other than an official traffic sign or similar sign shall not be erected within 2 feet of the lines of any street, or within any public way, unless specifically authorized by the County Highway Engineer, District Road Commissioner, other ordinances, or regulations of this jurisdiction or by specific authorization of the code official. See Section 1607.4 regarding fees and sign off authority.

1604.03 PROJECTIONS OVER PUBLIC WAYS. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet from *grade* level to the bottom of the sign. Signs, architectural

projections, or *sign* structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.

1604.04 TRAFFIC VISIBILITY. Signs or *sign* structures shall not be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal, or device.

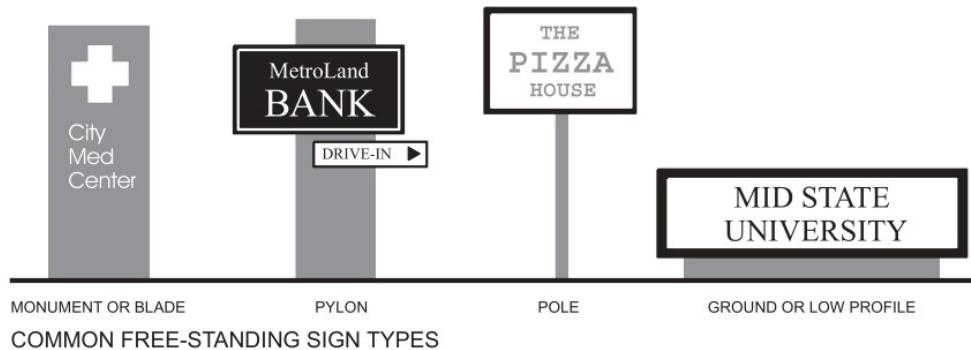
1604.05 COMPUTATION OF FRONTAGE. If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.

1604.06 ANIMATION AND CHANGEABLE MESSAGES. Animated signs, except as prohibited in Section 1606, are permitted in commercial and *industrial* zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.

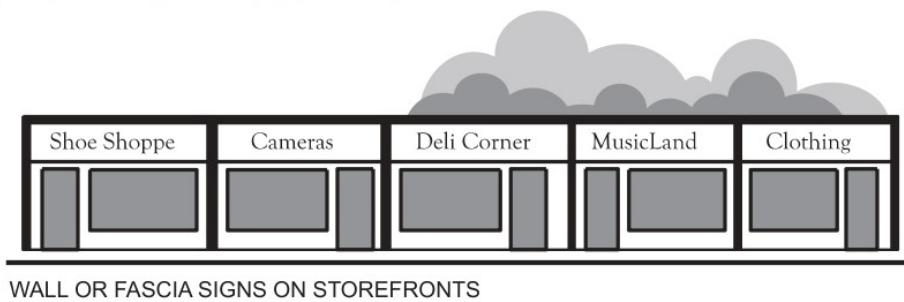
1604.07 MAINTENANCE, REPAIR, AND REMOVAL. Every sign permitted by this ordinance shall be kept in good condition and repair. Where any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

1604.08 OBSOLETE SIGN COPY. Any *sign* copy that no longer advertises or identifies a use conducted on the property on which said *sign* is erected must have the sign copy covered or removed within 30 days after written notification from the code official;

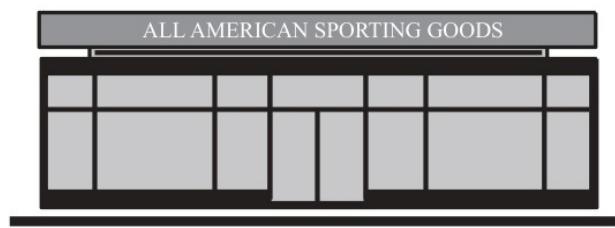
SIGN REGULATIONS



COMMON FREE-STANDING SIGN TYPES



WALL OR FASCIA SIGNS ON STOREFRONTS



ROOF SIGN



CANOPY SIGN  
ON FREE-STANDING CANOPY



PROJECTING  
SIGN

FIGURE 1603.1(1)  
GENERAL SIGN TYPES

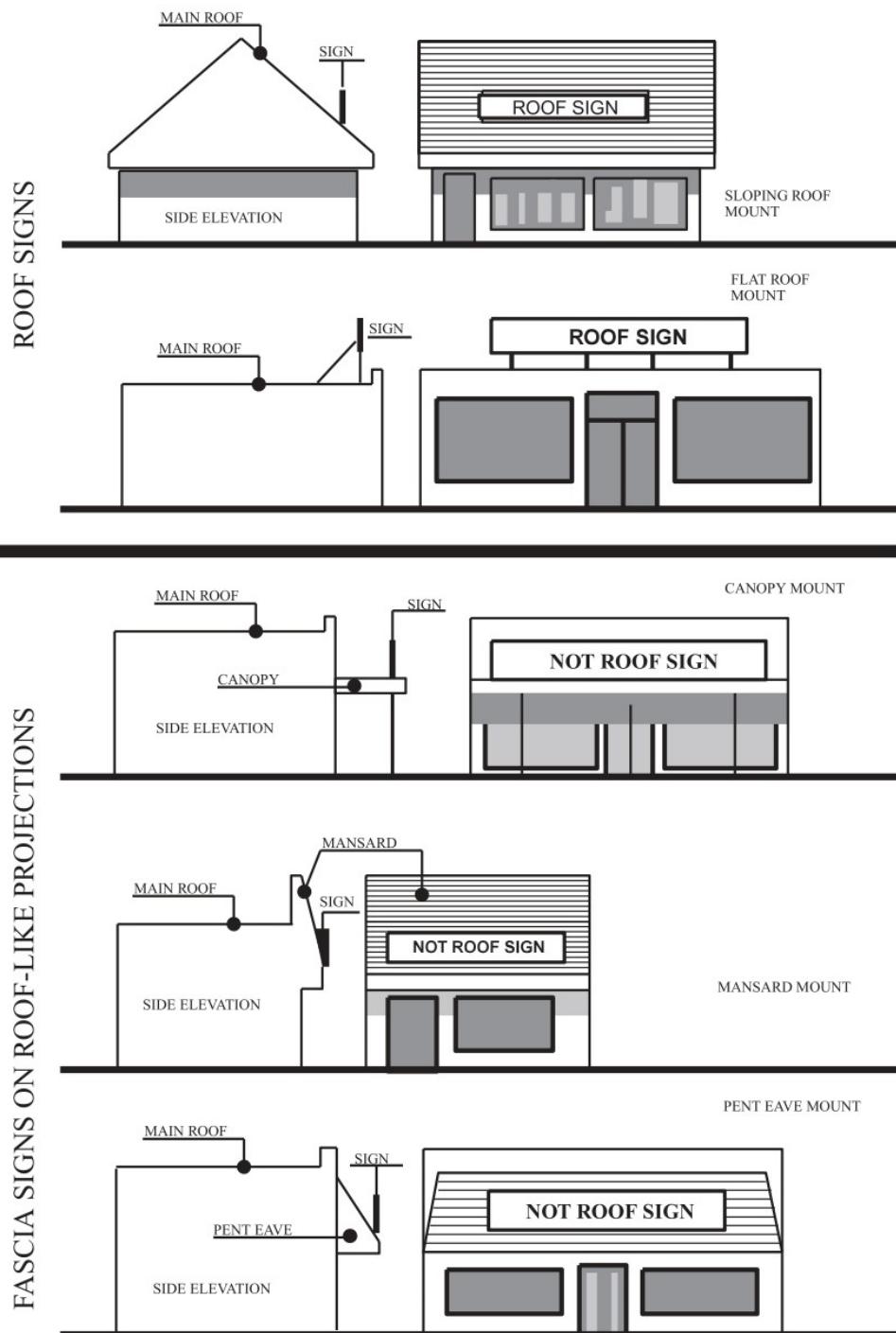
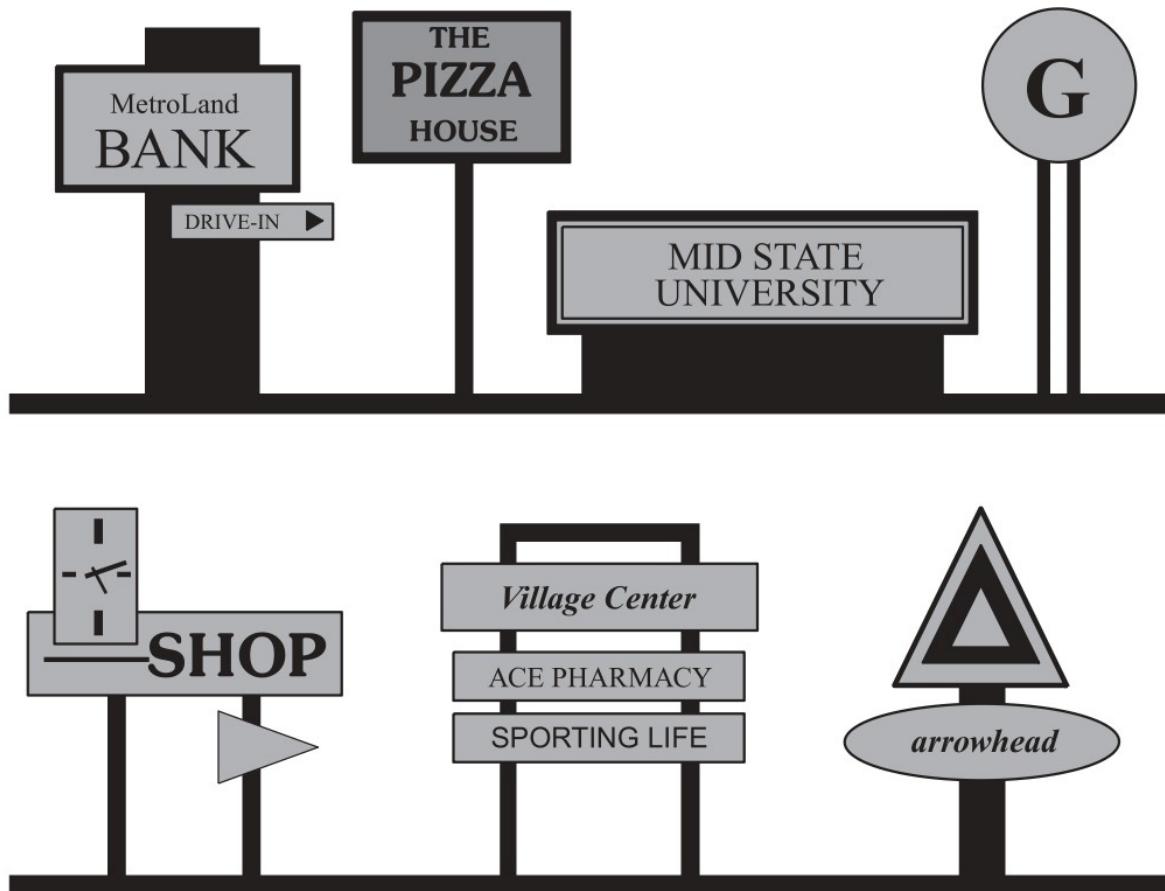
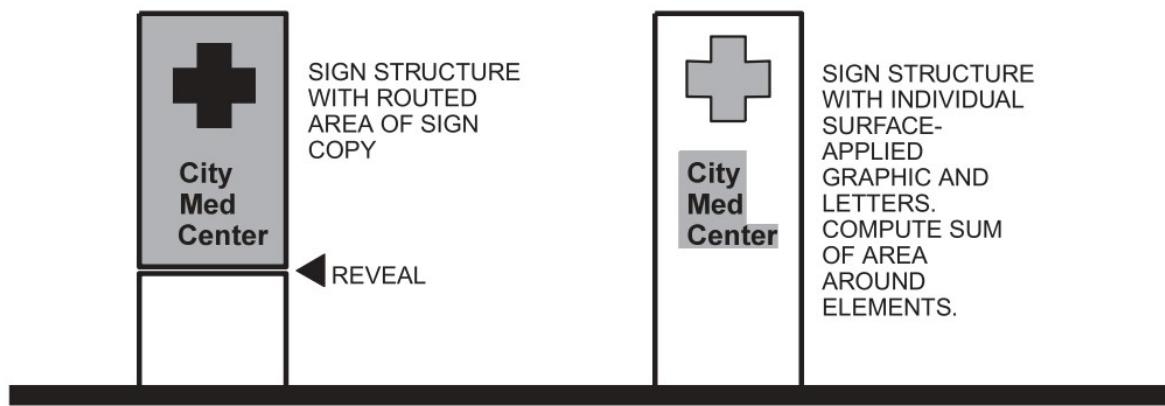


FIGURE 1603.1(2)  
COMPARISON—ROOF AND WALL OR FASCIA SIGNS

## SIGN REGULATIONS



## SIGN STRUCTURES



**Notes:** Sum of shaded areas only represents sign area. Sign constructed with panels or cabinets.

**FIGURE 1603.1(3)**  
**SIGN AREA—COMPUTATION METHODOLOGY**



► COMPUTE AREA  
INSIDE DEFINED  
BORDER OR  
INSIDE  
CONTRASTING  
COLOR AREA.

**METROLAND BANK**  
Drive-In Branch



*Arrowhead*

► COMPUTE SUM OF  
AREAS OF INDIVIDUAL  
ELEMENTS ON WALL  
OR STRUCTURE.

**PARKING** ►

*Village Center*

IN COMPUTING AREA FOR UPPER-  
AND LOWER-CASE LETTERING,  
INCLUDE ASCENDERS OR  
DESCENDERS, BUT NOT BOTH.  
CALCULATE SUPER ASCENDERS  
SEPARATELY AS INDICATED.

**Notes:** Sum of shaded areas only represents sign area for code compliance purposes. Examples of signs consisting of individual letters, elements or logos placed on building walls or structures.

FIGURE 1603.1(4)  
SIGN AREA—COMPUTATION METHODOLOGY

and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure, or ground on which the sign is located.

**1604.09 NONCONFORMING SIGNS.** Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height, or size with the regulations of the zone in which such *sign* is located, shall be a legal nonconforming use or structure, and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

1. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs
2. Any legal nonconforming *sign* shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the code official
3. Signs that comply with either Item 1 or 2 need not be permitted

## SECTION 1605 EXEMPT SIGNS

**1605.01 EXEMPT SIGNS.** The following signs shall be exempt from the provisions of this chapter. Signs shall not be exempt from Section 1604.4.

1. Official notices authorized by a *court*, public body, or public safety official
2. Directional, warning or information signs authorized by federal, state, or municipal governments
3. Memorial plaques, building identification signs and building cornerstones where cut or carved into a masonry surface or where made of noncombustible material and made an integral part of the building or structure
4. The flag of a government or noncommercial institution, such as a school
5. Religious symbols and seasonal decorations within the appropriate public holiday season
6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain
7. Street address signs and combination nameplate and street address signs that

contain no advertising copy and that do not exceed 6 square feet (0.56 m<sup>2</sup>) in area

## SECTION 1606 PROHIBITED SIGNS

**1606.01 PROHIBITED SIGNS.** The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal, or device, or obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching on or overhanging public right-of-way. *Signs* shall not be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
3. Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
4. Portable signs except as allowed for temporary signs.
5. Any *sign* attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
  - a) The primary purpose of such a vehicle or trailer is not the display of signs
  - b) The signs are magnetic, decals or painted on an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle
  - c) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets where applicable, and actively used or available for use in the daily function of the business to which such signs relate
6. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the public.
7. Balloons, streamers, or pinwheels except those temporarily displayed as part of a special sale, promotion, or community event. For the purposes of this subsection, "temporarily" means not more than 20 days in any calendar year.

## SECTION 1607 PERMITS

**1607.01 PERMITS REQUIRED.** Unless specifically exempted, a permit must be obtained from the code official for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.

**1607.02 CONSTRUCTION DOCUMENTS.** Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage, and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises on which the sign is to be erected, consent of the Road Authority having jurisdiction, and by engineering calculations signed and sealed by a registered design professional where required by the *International Building Code*.

**1607.03 CHANGES TO SIGNS.** Signs shall not be structurally altered, enlarged, or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display, and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

**1607.4 PERMIT FEES.** Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction. Additional approval will be required from the County Highway Engineer and/or District Road Commissioner.

## SECTION 1608 SPECIFIC SIGN REQUIREMENTS

**1608.01 IDENTIFICATION SIGNS.** Identification signs shall be in accordance with Sections 1608.1.1 through 1608.1.3.

**1608.01.1 WALL SIGNS.** Every single-family residence, multiple-family residential complex, commercial or *industrial* building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in Table 1608.1.1(1). For shopping centers, planned *industrial* parks or other multiple-occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy, but in no event will the allowed area for any separate occupancy be less than (160) square feet.

**1608.01.2 FREE-STANDING SIGNS.** In addition to any allowable wall signs, every single-family residential subdivision, multiple-family residential complex, commercial or *industrial* building, and every separate nonresidential building in a residential zone shall be permitted to display free-standing or combination signs per street frontage subject to the limiting standards set forth in Table 1608.1.2.

**TABLE 1608.1.1(1)  
IDENTIFICATION SIGN STANDARDS—  
WALL SIGNS**

LAND USE	AGGREGATE AREA (SQUARE FEET)
Single Family	32
Multiple Family	32
Non-Residential in a residential zone	Special Use Permit Required.
Commercial and Industrial	See Table 1608.1.1(2)

**TABLE 1608.1.1(2)  
SIGN AREA**

DISTANCE OF SIGN FROM ROAD OR ADJACENT COMMERCIAL OR INDUSTRIAL ZONE	PERCENTAGE OF BUILDING ELEVATION PERMITTED FOR SIGN AREA
0 to 100 feet	2x the Lineal feet of frontage or 160 sq ft.
101 to 300 feet	2x the Lineal feet of frontage or 230 sq ft.
Over 301 feet	2x the Lineal feet of frontage or 160 sq ft.

**1608.01.3 DIRECTIONAL SIGNS.** Not more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. In residential zones, the maximum area for directional signs shall be (6) square feet. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be (10) square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

**1608.02 TEMPORARY SIGNS.** Temporary signs shall be in accordance with Sections 1608.2.1 through 1608.2.6.

**1608.02.1 REAL ESTATE SIGNS.** Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

1. Real estate signs located on a single residential lot shall be limited to one sign, not greater than (8) feet in height and (6) square feet in area
2. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall be not greater than (6) square feet in area nor (8) feet in height. Signs permitted under this section shall be removed within 10 days after sale of the last original lot
3. Real estate signs advertising the sale or lease of space within commercial or *industrial* buildings shall be not greater than (32) square feet in area nor (10) feet in height, and shall be limited to one sign per street front
4. Real estate signs advertising the sale or lease of vacant commercial or *industrial* land shall be limited to one sign per street front, and each sign shall be not greater than (10) feet in height, and (32) square feet for property of 10 acres or less, or (100) square feet for property exceeding 10 acres
5. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase

**1608.02.2 DEVELOPMENT AND CONSTRUCTION SIGNS.** Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates,

shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs on a single residential lot shall be limited to one sign, not greater than (10) feet in height and (32) square feet in area
2. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built on, and shall be not greater than (10) feet in height and (50) square feet in area
3. Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be not greater than (10) feet in height and (50) square feet in area
4. Such signs for commercial or *industrial* projects shall be limited to one sign per street front, not to exceed (10) feet in height and (75) square feet for projects on parcels 5 acres or less in size, and not to exceed (10) feet in height and (100) square feet for projects on parcels larger than 5 acres
5. Development and construction signs shall not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 7 days following issuance of an occupancy permit for any or all portions of the project

**1608.2.3 SPECIAL PROMOTION, EVENT, AND GRAND OPENING SIGNS.** Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and *industrial* districts subject to the following limitations:

1. Such signs shall be limited to one sign per street front
2. Such signs shall be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected not more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening
3. The total area of all such signs shall not exceed (32) square feet in any single-family residential district, (50) square feet in any multiple family residential district and (75) square feet in any commercial or *industrial* district

**1608.2.4 SPECIAL EVENT SIGNS IN PUBLIC WAYS.** Signs advertising a special community event shall not be prohibited in or over public rights-of-way, subject to approval by the code official, County

Highway Engineer, and/or District Road Commissioner as to the size, location, and method of erection. The code official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

**1608.02.5 PORTABLE SIGNS.** Portable signs shall be permitted only in the RR, B1 and B2 districts, as designated in this code, subject to the following limitations:

1. Not more than one such sign shall be displayed on any property, and shall not exceed a height of **(10)** feet nor an area of **(10)** square feet
2. Such signs shall be displayed not more than 20 days in any calendar year
3. Any electrical portable signs shall comply with NFPA 70, as adopted in this jurisdiction
4. Portable signs shall not be displayed prior to obtaining a sign permit

**1608.2.6 POLITICAL SIGNS.** Political signs shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs shall not exceed a height of **(10)** feet nor an area of **(32)** square feet.
2. Such signs for election candidates or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.
3. Such signs shall not be placed in any public right-of way or obstruct traffic visibility.

**1608.2.7 ROADSIDE MEMORIALS.** Roadside memorial signs and markers will be subject to the Menard County Highway permitting and policies.

**1608.03 REQUIREMENTS FOR SPECIFIC SIGN TYPES.** Signs of specific type shall be in accordance with Sections 1608.3.1 through 1608.3.7.

**1608.03.1 CANOPY AND MARQUEE SIGNS.**

1. The permanently-affixed copy area of *canopy* or marquee signs shall not exceed an area equal to 25 percent of the face area of the *canopy*, marquee, or architectural projection on which such sign is affixed or applied

2. Graphic striping, patterns, or color bands on the face of a building, *canopy*, marquee, or architectural projection shall not be included in the computation of sign copy area

**1608.03.2 AWNING SIGNS.**

1. The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
2. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

**1608.03.3 PROJECTING SIGNS.**

1. Projecting signs shall be permitted in lieu of freestanding signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in height and area to **30** feet in height and **100** square feet per each **10** lineal feet of building frontage, except that no such sign shall exceed an area of **230** square feet.
2. Such *sign* shall not extend vertically above the highest point of the building facade on which it is mounted by more than **(10%)** percent of the height of the building facade.
3. Such signs shall not extend over a public sidewalk. The projecting sign or portion thereof shall not exceed more than **(8)** feet from the structure to which it is attached or be nearer the curb line than **(2)** feet, whichever is less.
4. Such signs shall maintain a clear vertical distance above any public sidewalk of not less than **(10)** feet.

**1608.03.4 UNDER CANOPY SIGNS.**

1. Under *canopy* signs shall be limited to not more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed **(10)** square feet, or thirty **(25)** percent of the exterior surface area of the canopy.
2. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way of not less than **(7)** feet.

**1608.03.5 ROOF SIGNS.**

1. Roof signs shall be permitted in commercial and *industrial* districts only.

2. Such signs shall be limited to a height above the roofline of the elevation parallel to the sign face of not more than **(1%)** percent of the height of the roofline in commercial districts, and **(1%)** percent of the height of the roofline in *industrial* districts.
3. The sign area for roof signs shall be assessed against the aggregate permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.

**1608.03.6 WINDOW SIGNS.** Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and *industrial* districts, subject to the following limitations:

1. The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntin's or mullions shall be one continuous window area.
2. Window signs shall not be assessed against the sign area permitted for other sign types.

**1608.03.7 MENU BOARDS.** Menu board signs shall not be permitted to exceed 50 square feet (4.6 m<sup>2</sup>).

## SECTION 1609 SIGNS FOR DEVELOPMENT COMPLEXES

**1609.01 MASTER SIGN PLAN REQUIRED.** Landlord or single owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres (32 376 m<sup>2</sup>) in size, such as shopping centers or planned *industrial* parks, shall submit to the code official a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

1. Proposed sign locations.
2. Materials.
3. Type of illumination.
4. Design of free-standing sign structures.
5. Size.
6. Quantity.
7. Uniform standards for nonbusiness signage, including directional and informational signs.

**1609.02 DEVELOPMENT COMPLEX SIGN.** In addition to the freestanding business identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size permitted for business

identification free-standing signs, to identify the development complex. Business identification shall not be permitted on a development complex sign. Any free-standing sign otherwise permitted under this ordinance may identify the name of the development complex.

**1609.03 COMPLIANCE WITH MASTER SIGN PLAN.** Applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

**1609.04 AMENDMENTS.** Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

## SECTION 1610 INDIVIDUAL DISTRICT SIGN REGULATION

**1610.1 Agricultural District Permitted Signs.** Crop identification signs up to six feet square.

1. **Temporary signs connected with roadside stands** from which products grown on the lot, parcel, or farm upon which the roadside stand is located are sold, provided that such signs are removed November 30 of each year and not reinstalled before May 1 of the following year.
2. **Advertising Signs:** Advertising signs and outdoor billboards, which advertise products or services not related to the occupancy and use of the premises (off premises advertising signs) require a special use permit.
  - a. **Area.** No individual sign shall exceed the following maximum area requirements for signs readable and intended to be viewed from the following types of highways and streets:
    - (i) Federal Aid Primary Highways: 378 Square Feet

- (ii) Federal Aid Secondary and all County and Road District streets, highways, and roads: 200 square feet
- b. Whenever the applicant for a permit does not own the proposed site, a fully executed site lease or other proof of consent to erect and maintain a sign on the site must accompany the permit application
- c. Spacing: No billboard advertising sign shall be closer than six hundred (600) feet to another billboard type on the same street. Twin or back-to-back or V-type sign structures shall be considered one sign for purposes of this section
- d. Setback: All portions of advertising signs, including their pedestals, shall be set back from the street right-of-way a distance of ten (10) feet or one foot per twenty (20) square feet of sign area, whichever is greater
- e. Advertising signs shall be shielded whenever necessary to avoid casting bright light on any residential use or residential district
- f. No advertising sign (billboard) shall be located within 600 feet of any residential district

- 1. Rural Residential (RR), R-1 & R-3 Zoning Districts: Advertising signs which advertise products or services not related to the occupancy and use of the premises (off premises advertising signs) require a special use permit in the Rural Residential Zoning District. Off-premise signs are not allowed in the R-1 & R-3 Zoning Districts
- a) Area. No individual sign shall exceed thirty-two (32) square feet in area (per side), not counting the support structure
- b) Maximum height of the top of the sign or support structure shall not be greater than 10 feet
- c) Whenever the applicant for a permit does not own the proposed site, a fully executed site lease or other proof of consent to erect and maintain a sign on the site must accompany the permit application
- d) Spacing: No advertising sign shall be closer than six hundred (600) feet to another sign on the same road. Twin or back-to-back or V-type sign structures shall be considered one sign for purposes of this section
- e) Setback: All portions of advertising signs, including their pedestals, shall be set back from the road right-of-way a distance of ten (10) feet
- f) Advertising signs shall be shielded whenever necessary to avoid casting bright light on any residential use
- g) No advertising sign shall be located within 600 feet of any residential dwelling. Compliance with this paragraph shall only be evaluated at the time of the initial permit application

#### 1610.4 Business Districts.

- 1. B-1 Downtown Business:
  - a) When a sign is illuminated, direct rays of light shall not beam upon any part of any existing residential building, nor into a residential district, nor into a street right-of-way
  - b) The gross surface area in square feet of all signs on a lot shall not exceed two times the lineal feet of frontage of the building or one hundred and sixty (160) square feet, whichever is less. Each side of a building which abuts upon a

1610.2 Additional Signs. See exemptions in the general provisions above.

1610.3 Residential Districts. See exemptions in the general provisions above.

street shall be considered as separate frontage, and the gross surface area of all signs shall not exceed two times the lineal feet of frontage or one hundred and sixty (160) square feet, whichever is less.

- c) One ground-mounted sign shall be permitted for each zoning lot. Such signs shall be limited to only one of the following: an individual business sign, a tenant directory, an advertising sign, or multiple use facility sign. Such signs shall not exceed eight feet in height and may not exceed a total gross surface area of thirty-two square feet. Minimum front yard setback shall be at one-half of the required front yard.
- d) Service stations: One additional pole sign per street frontage not to exceed twenty feet in height or eight feet in area, for the purpose of posting fuel prices.

3. One ground mounted sign shall be permitted for each zoning lot. Such signs shall be limited to only one of the following: an individual business sign, a tenant directory, an advertising sign, or multiple use facility sign. Such signs shall not exceed thirty (30) feet in height and may not exceed the total gross surface area of one hundred (100) square feet. The front yard setback shall be a minimum of ten (10) feet.

4. Service Stations: One additional pole sign per street frontage not to exceed twenty feet in height nor eight feet in area, for the purpose of posting fuel prices. The front yard setback shall be a minimum of ten (10) feet.

1610.5 B-2 Highway Business District:

- 1. When a sign is illuminated, direct rays of light shall not beam upon any part of any existing residential building, nor into a residential district, nor into a street right-of-way.
- 2. The gross surface area in square feet of all signs on a lot shall not exceed two times the lineal feet of frontage of the building or two hundred and thirty (230) square feet, whichever is less. Each side of a building which abuts upon a street shall be considered as separate frontage, and the gross surface areas of all signs shall not exceed two times the lineal feet of frontage or two hundred and thirty (230) square feet, whichever is less.

1610.6 Manufacturing District: Same as B-2 Highway Business District above.

1610.7 Public Lands: Same as B-2 Highway Business District above.

1610.8 Bulk Regulations: Setback requirements, maximum height regulations, and gross surface area restrictions are to be considered bulk regulations and subject to the variance provisions in §12.01 of this Ordinance.

## CHAPTER 17

# NON-CONFORMING / NON-CONFORMITIES

### User note:

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

## SECTION 1701 INTENT

**1701.01 NON-CONFORMITIES.** If lawful lots, structures or uses are made unlawful by the adoption or amendment of this code they shall become non-conformities. It is the intent of this Code to permit non-conformities to continue until they are removed but not to encourage their survival. It is further the intent of this code that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for creating other unlawful lots, structures or uses except as permitted in this Article of the Zoning Code. There are three categories of nonconformity:

1. Lawfully created lots that do not meet the current size or configuration requirements of this Code.
2. Lawfully existing uses that are not permitted by this Code.
3. Lawfully existing buildings that do not meet the bulk requirements of this code.

## SECTION 1702 NON-CONFORMING LOTS

**1702.01 NON-CONFORMING LOTS.** In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not continuous frontage with other lots in the same width, or both, that are generally applicable in the district if yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located unless otherwise provided herein.

**1702.02 UNDIVIDED TRACT.** If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the effective date of this ordinance, and if all or part of the lots do not meet the requirements for lot area, width, and/or depth as established by this ordinance, the lots involved shall be considered to be an undivided tract of land for the purpose of this ordinance, and no portion of said undivided tract of land, shall be used by the present owner, or any future owner, for the erection of a structure which does not meet the lot area, width, and/or depth requirements established by this ordinance.

**1702.03 ELIGIBILITY.** Anything contained herein notwithstanding, a lot of record on the effective date of this ordinance which is classified non-conforming because said lot fails to meet the requirements for area, width, and/or depth of the district in which said lot is located, shall not be eligible for the location of a dwelling for reasons of protecting the public health unless said lot contains a minimum area as follows:

1. A lot without a public water supply system and without a public sanitary sewer system shall conform to the standards of the Menard County Private Sewage Disposal Ordinance and Menard County Health Department review.
2. A lot served by either a public water supply system or a public sanitary sewer system shall conform to the standards exercised by the jurisdiction in which it lies.

**1702.04 YARD REGULATIONS.** Yard Regulations and Standards for Single non-conforming lots of record:

1. Front Yard.
  - a. The minimum front yard dimension shall be determined according to the setback line provided for in Section 302 of this Ordinance.

2. Rear Yard. The rear yard regulations and standards of the district in which such lot is located shall apply.
3. Side Yard.
  - a. On such lot with a width of fifty (50) feet or more, two (2) side yards shall be provided as required by the regulations and standards of the district in which such lot is located.
  - b. On such lot less than fifty (50) feet but not less than twenty-seven (27) feet in width, two (2) side yards shall be provided each equaling ten percent (10%) of the lot width.
  - c. On such lot less than twenty-seven (27) feet but not less than twenty (20) feet in width, the structure located on such lot shall have a width of not more than ninety percent (90%) of such lot width. Only one (1) side yard need be provided, equaling in width the difference between the lot width and the maximum permitted width of the structure. No other side yard need be provided. The wall of any building facing the side of the lot on which no side yard is required shall be without openings and shall not be constructed on a common wall.

#### 1702.05 DEVELOPMENT OF NON-

CONFORMING LOT. 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 non-conforming 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 ordinance are met. Where setback and/or lot area provisions cannot be met, the Zoning Administrator 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 25% 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 25% is required, a variance shall be required.

#### 1702.06 CONVERTED FARM RESIDENCE.

Converted farm residences may be split from existing non-conforming farm properties in the A-Agriculture District, provided that all bulk regulations applicable to converted farm residences are met and the remaining farm parcel is not less than one acre. The

remaining non-conforming farm parcel, having been established after the adoption of this code on January 1, 1999 shall not be permitted to be used for residential purposes.

## **SECTION 1703 NON-CONFORMING USES**

1703.01 NON-CONFORMING USES. Where a lawful use exists at the effective date of adoption or amendment of this Code which would not be permitted by the regulations imposed, the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or greater portion of any building than was occupied at the effective date of adoption or amendment of this code.
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this code.
3. If any such non-conforming use of land alone ceases for any reason for a period of more than thirty (30) consecutive days, any subsequent use of such land shall conform to the regulations specified by this code for the district in which such land is located. This thirty (30) day time limitation shall be considered a bulk regulation and therefore subject to the variance process described in 18.03 VARIATIONS in this ordinance.
4. When a non-conforming use of a structure, or structure and land in combination, ceases for eighteen (18) consecutive months or for eighteen (18) months during any three (3) year period the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. No intention to abandon shall be required. This eighteen (18) month time limitation shall be considered a bulk regulation and therefore subject to the variance process described in 18.03 VARIATIONS in this ordinance.

5. Any conforming structure containing a non-conforming use, may be maintained, and repaired.
6. If any principal use of a lot in the A-Agricultural District or RR Rural Residential District is non-conforming as to lot area, width or configuration that use (including authorized accessory uses) may be repaired, replaced in the event of casualty loss, expanded, and enlarged even if the extent of non-conformity in lot area is increased and provided the non-conformity is not increased in any other way.

**1703.02 REPAIRS AND ALTERATIONS TO BUILDINGS CONTAINING NONCONFORMING USES.** So long as a building or structure is used or is eligible for use, normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs, replacement of roof covering, veneering of outer walls, and incidental alterations which do not extend or intensify the non-conforming use.

No structural alteration shall be made in a building or other structure containing a non-conforming use, except in the following situations:

1. When the alteration is required by law.
2. When the alteration will result in eliminating the non-conforming use.
3. When a building containing residential non-conforming 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.

## **SECTION 1704 NON-CONFORMING STRUCTURES**

**1704.01 NON-CONFORMING STRUCTURES.** Where a lawful structure exists at the effective date of adoption or amendment of this code which could not be built under the terms of this code by reasons of bulk restrictions, restrictions on lot coverage, height, yards, location on lot or other zoning requirements concerning the lot or structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. A non-conforming structure may not be enlarged or altered in a way which increases its non-conformity, but may be enlarged or altered in a way that is conforming.

2. Any non-conforming structure may be maintained and repaired to an extent not exceeding fifty (50) percent of the fair cash market value of the structure before repair. Should a non-conforming structure deteriorate or be damaged or destroyed to an extent of more than fifty (50) percent of its prior fair cash market value it shall not be reconstructed except in conformity with the provisions of this Code. This provision shall not apply to Residential buildings in the A-Agricultural, RR Rural Residential or R-1 Single Family Residential districts or B-1 Downtown Business.
3. Should such non-conforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Any non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption, or amendment, of this ordinance, but no such use shall be extended to occupy land outside of such structure.
5. If no structural alterations are made, any non-conforming use of a structure, or of any premises, may be changed to another non-conforming use provided that the ZBA, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change the ZBA may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
6. Any structure, or any premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulation and standards of the district in which such structure or premises is located, and the non-conforming use shall not be resumed.
7. When a non-conforming use of a building or structure or of a premises, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or the premises, shall not thereafter be used except

in conformance with the regulations and standards of the district in which it is located.

8. Where non-conforming use status applies to a premises, removal or destruction of the structure shall eliminate the non-conforming use status of the land, except as it may qualify as a non-conforming lot of record.
9. No repairs or reconstruction shall be made unless construction is commenced within one 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.

## **SECTION 1705 NON-CONFORMING SIGNS**

**1705.01 NON-CONFORMING SIGNS.** Where, on the effective date of adoption or amendment of this ordinance, a lawful sign exists that could not be located under the regulations and standards of this ordinance as adopted, or amended, by reasons of restrictions on location, sign area, height, or other characteristics, such sign may be continued so long as it remains otherwise lawful subject, however, to the following limitations and provisions:

1. No such sign may be enlarged or altered which increases its non-conformity but the substitution or interchange of poster panels or painted boards shall be permitted.
2. Should such sign be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should such sign be moved for any reason for any distance whatsoever it shall thereafter conform to the regulations and standards for the district in which it is located after it is moved.

## CHAPTER 18

# TEMPORARY AND SPECIAL USE REGULATIONS, VARIANCE, AND AMENDMENTS

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### User note:

**About this chapter:** The Menard County Zoning Ordinance regulates the type of uses that are allowed to take place on your property. A temporary use is established for a fixed period of time with the intent to discontinue the use at the end of that time. These uses require a Temporary Use Permit.

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## SECTION 1801 TEMPORARY USES BY PERMIT

### 1801.01 AUTHORIZATION TEMPORARY USES BY PERMIT. Temporary uses are allowed in accordance with all other applicable provisions of this chapter.

**1801.02 PERMIT REQUIREMENT.** No temporary use shall be established unless a temporary use permit evidencing the compliance of the use with the provisions of this section and other applicable provisions of this chapter has been issued by the Menard County Zoning Administrator. The Zoning Administrator shall be authorized to impose conditions on the application in accordance with Section 104.

**1801.03 APPLICATIONS.** Applications for temporary use permits shall be submitted to the Menard County Zoning Office on forms available in the zoning office and shall be submitted at least 30 days before the date of the event or start of the temporary use, unless this timeframe is reduced by the Zoning Administrator. Each application shall be accompanied by:

- (1) A site plan, drawn to scale, showing the location of structures, improvements, parking areas and other features that exist or are proposed on the site; and
- (2) Signed, written permission from the owner of or the agency having jurisdiction over the subject property

**1801.04 GENERAL STANDARDS.** The following standards shall apply to all temporary uses unless otherwise expressly stated.

- (1) Access approval from the highway authority with jurisdiction over the subject road shall be required
- (2) No permanent or temporary electrical connection shall be installed without an electrical

permit and inspection subject to the Zoning Administrators approval.

(3) A building permit and inspection shall be obtained prior to the construction of any temporary structures

(4) Temporary structures shall be located at least four feet from any buildings or structures on the subject property

(5) The Menard County Zoning Administrator shall be authorized to require evidence of approval from the Menard County Health Department regarding temporary sanitation facilities

(6) No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Section 1608.2. All temporary signage shall be removed immediately upon cessation of the temporary use

(7) Temporary uses or structures shall not encroach into any required landscaping

(8) Parking areas shall be provided for the temporary use (in addition to required parking for any principal use existing or proposed on the site), and the areas shall be capable of accommodating the number of parking spaces that are required for the most similar use type under Sections 306 and 307

(9) Requests for modifications or waivers from any of the time limits of this section shall require review and approval from the Zoning Board of Appeals in accordance with the delegated special use permit procedures of Section 1802

(10) The Menard County Zoning Administrator shall have the authority to suspend, revoke, or modify a temporary use permit immediately upon determination that the conditions and requirements set forth in the permit have been violated. Written notice of the Menard County Zoning Administrator's determination to suspend, revoke, or modify the permit shall be promptly provided to the applicant. A determination under this subsection shall be final and conclusive unless the applicant takes an appeal to the Zoning Board of Appeals within ten calendar days after receipt of notice of the Menard County Zoning Administrator's determination

(11) The Menard County Zoning Administrator shall have the authority to deny temporary use permits to any person who owns, applied for, or otherwise caused an uncorrected violation of a provision of this chapter or who has demonstrated a willful history of violations, including any condition attached to a permit or approval previously granted by the county. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation

(12) The Menard County Zoning Administrator shall have the authority to deny temporary use permits on any land or structure or improvements thereon, upon which there is an uncorrected violation of a provision of this chapter, including any condition attached to a permit or approval previously granted by the county. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question

(13) The main road from which access is taken shall always be kept free of dust, dirt, mud, and other debris

(14) Any food service operation that sells, prepares or serves potentially hazardous food must obtain an approved food service permit from the Menard County Health Department and is subject to inspection

**1801.05 ANIMAL SHOWS.** Animal shows shall be allowed for special events for agricultural and wildlife education purposes, including but not limited to shows, exhibitions, and contests. The maximum length of such a permit shall be ten days, with no more than three permits for a total of no more than 20 days issued per zoning lot in any calendar year

*Private, non-public events on the sponsor's property such as private educational activities are not considered animal shows.*

**1801.06 RODEOS.** Rodeos shall be allowed when accessory to an approved agricultural exempt use and limited to specified hours and a maximum of seven days per calendar year per zoning lot.

1. Rodeos shall be limited to the dates and hours of operation specified in the permit.
2. The minimum setbacks for the Agricultural (AG) Zoning District shall apply for any structure or activity associated with the rodeo
3. Rodeos shall be permitted only on parcels greater than ten acres in size. A parcel containing a rodeo shall be located at least 500 feet away from any property zoned and used for residential purposes

4. Noise levels associated with rodeos shall not exceed 70 dB(A) (SLOW meter response) at the property line of any property zoned and used for residential purposes
5. If liquor will be sold on the property, a liquor permit shall be obtained from the Menard County Clerk
6. The Menard County Zoning Administrator shall be authorized to require proof of insurance to ensure public safety and protection
  - a) It shall be the responsibility of the applicant to see that the area used for the event is maintained in a condition that provides for the public health, safety, and welfare for event attendees and neighbors alike
  - b) In the event that authorized personnel from the Menard County Sheriff's Office determine that the activity is a threat to the public health, safety, or general welfare, the Menard County Sheriff's Office shall have the right to close the event to ensure the health, safety, or general welfare of attendees or neighbors

**1801.07 BATCH PLANT FOR PRIVATE ROAD CONSTRUCTION.** Batch plants shall be located a minimum of 1,000 feet from any building used for residential purposes, or at the discretion of the County Highway Engineer.

1. The period for which the permit shall be valid shall be stated on the permit and shall not exceed the duration of the construction contract by more than 14 days
2. All facilities placed or located on the site shall be removed and the site restored to a clean and vegetated condition within the timeframe of the permit

**1801.08 CARNIVAL OR CIRCUS.** The maximum length of the permit shall be ten days and no more than one permit shall be issued per zoning lot in any calendar year.

1. No structure or equipment shall be located within 200 feet of any (off-site) building used for residential purposes
2. Carnival or circus events may not use live animals in any manner

**1801.09 CONTRACTOR'S OFFICE AND CONSTRUCTION EQUIPMENT SHEDS.** Contractor's office and construction equipment sheds shall be allowed in any zoning district when accessory to an allowed construction project.

1. Contractor's office and construction equipment sheds must be located on the same site as the construction project unless approved by the Menard County Zoning Administrator
2. No contractor's office or shed shall contain sleeping or cooking accommodations, except as necessary to accommodate security personnel
3. The maximum length of the permit shall be one year. The permit may be renewed throughout the duration of the construction period
4. Any office or shed shall be removed within 14 days of completion of the construction project

#### 1801.10 CONTRACTOR'S MODEL HOMES.

Temporary use permits for one or more contractor's model homes may be issued for any subdivision that has received final plat approval.

1. Temporary use permits for one or more model homes may be issued prior to final plat approval, subject to the following standards:
2. Final engineering plans must be approved by all applicable county reviewing agencies and a site development permit must be issued prior to building permit approval.
3. Model homes shall comply with minimum setback standards of the underlying zoning district. Setbacks from existing property lines and proposed lot lines shall be shown on the required site plan.
4. The maximum number of contractor's model homes that may be established prior to final plat approval shall not exceed 20% of the total number of dwelling units proposed in the development, or five dwelling units, whichever is less.

Temporary occupancy permits for the model homes shall not be issued until:

Final plat approval is obtained; and

1. Roads, appropriate means of sewage disposal, storm sewers, stormwater management, and other required public improvements are substantially completed in that area of the development where the model homes have been constructed.
2. A temporary use permit shall be valid for one year and may be renewed.

#### 1801.11 EVENTS OF PUBLIC INTEREST. Events of public interest, including but not limited to picnics, races for motorized vehicles, Jeep crawls, motorcycle, UTV & ATV and/or motorized vehicle

public Off-Road Courses, water craft or air craft races, fishing derbies, dinner dances, fundraisers, survival games, haunted houses, outdoor concerts, auctions, tent meetings, farm-to-table events, and supervised public display of fireworks shall be subject to the following standards.

*Private, non-commercial events on the sponsor's property such as home owners' associations picnics at the subdivision park, corporate picnics on the corporate campus, private weddings at a private residence or subdivision clubhouse, and the like, are not considered events of public interest.*

Unless otherwise expressly approved, all uses and activities shall be limited to specified hours and a maximum of 15 days per calendar year (per zoning lot).

1. All activities and uses shall be limited to the dates and hours of operation specified in the permit
2. Events of public interest shall be permitted in residential districts only when located on the site of a permitted nonresidential use. Any temporary event of public interest in a residential zoning district must be directly related to an approved nonresidential, institutional, or agricultural use
3. Traffic control shall be arranged by the operators of the event with the Menard County Sheriff's Office
4. Water-based events of public interest shall require 60-day advanced notification to and coordination with all applicable governmental agencies having jurisdiction, the approval of any applicable agency permits, and the payment of any applicable agency fees prior to the issuance of a temporary use permit
5. Public parking for the exclusive use of the facility/event shall be provided and a stabilized drive to the parking area shall be maintained. It is the responsibility of the operators to guide traffic to these areas. No parking shall be permitted on any road or public right-of-way
6. Noise levels associated with events of public interest, except for supervised display of fireworks, shall not exceed 60 dB(A) (SLOW meter response) at the property line of any abutting property zoned and used for residential purposes
7. The site shall be cleared of all debris within 24 hours of the end of the event and cleared of all temporary structures within seven days after closing of the event. A cash bond or

other assurance may be required by the Menard County Zoning Administrator to ensure cleanup. Bond amounts shall be based on the estimated costs of cleanup and site restoration

8. If liquor will be used, sold, or consumed on the property, a liquor permit shall be obtained from the Menard County Clerk
9. The Menard County Zoning Administrator shall be authorized to require proof of insurance to ensure public safety and protection
10. It shall be the responsibility of the applicant to see that the area used for the event is maintained in a condition that provides for the public health, safety, and welfare for event attendees and neighbors alike. In the event that authorized personnel from the Menard County Sheriff's Office determine that the activity is a threat to the public health, safety, and welfare, the Menard County Sheriff's Office shall have the right to close the event to ensure the health, safety, or general welfare of attendees or neighbors
11. In addition to the conditions listed above, a temporary use permit for supervised public displays of fireworks shall only be issued subject to the terms and conditions of the Fireworks Ordinance of the county
12. In addition to the conditions listed above, a temporary food service permit for farm-to-table events must be obtained from the Menard County Health Department prior to issuance of a temporary use permit

**1801.12 MATERIAL STOCKPILING AND PROCESSING OF DREDGED MATERIALS.** With the exception of governmental entities, temporary material stockpiling and processing shall be subject to the following standards:

1. Permitting and public outreach. The use shall be subject to both site development and temporary use permit processes. Following application submittal, staff will determine whether public information meeting would be required. A staff administered meeting may be held to gather information and feedback, as well as offer an opportunity for the public to learn about the use.
2. Zoning Administrator approval. Approval of the temporary use permit is contingent on the Menard County Zoning Administrator's approval. If a specific proposed site requiring a temporary use permit presents an unreasonable risk to public health, safety or

welfare, the Administrator shall have the authority to deny the request.

3. Maximum length of permit. Temporary use permits shall be limited to a maximum two-year period of time. However, the permit may be renewed in increments of up to two years in the absence of a pattern of credible complaints. In consideration of any such permit renewal, the Director may require a public information meeting to obtain additional input, as appropriate.
4. Access.
  - a) For properties without an approved access location, evidence that an access permit can be obtained, for the proposed use, from the highway authority having jurisdiction. For properties with a previously approved access location, evidence from the highway authority having jurisdiction that the existing access point is sufficient to serve the proposed use; if the existing access is insufficient, evidence that a new access permit can be obtained, for the proposed use, from the highway authority having jurisdiction
  - b) For properties with an access location onto a private road, evidence that permission can be obtained, for the proposed use from:
    - c) Homeowners' association having responsibility for maintenance of the private road, or
      - a. A majority of the property owners fronting the access road in the absence of an active association. Applicants must also show that they have or can obtain access permits from the highway authority which has jurisdiction over the road onto which the private road terminates
      - b. Permission to use property. The application must include a signed, written permission from the owner of, or the agency having jurisdiction over, the subject property or properties
  5. Site restoration plan.
    - a) A site restoration plan must be submitted to and approved by the county
    - b) The exact termination date for the completion of operations and the

restoration of the site shall be established in the temporary use permit review process and imposed at the time of approval based upon the estimated length of time the operation will be conducted

6. Operating standards. The applicant shall provide an operating plan. The operating plan shall, at a minimum, contain the following information:
  - a) Number of employees anticipated at the facility
  - b) Proposed hours of operations for receipt of material
  - c) Proposed daily average/maximum volume (in tons) of material to be received at the facility.
  - d) Identification of the maximum number of vehicles (by vehicle type) proposed to utilize the facility on a daily basis
  - e) Description of any equipment proposed to be utilized to prepare the material for stockpiling or shipment and the location and design of any noise-buffering elements, sheltering and operating controls to minimize noise impacts
  - f) Description of operating methods employed to control odor, accidental combustion of material, disease vectors, dust, and litter
  - g) Description of the method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the facility
  - h) Specification of typical and maximum anticipated height of stockpiled dredging material and debris  
Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land uses
7. Other conditions. The temporary use permit may establish, as necessary, reasonable conditions that regulate activity on the site including but not limited to:
  - a. Hours and days of operation
  - b. Vehicle trips generated per day
  - c. Noise and dust emissions
8. Public safety training structure. The Menard County Zoning Administrator shall be authorized to approve the use of temporary structures for public safety training conducted by or on behalf of a governmental public safety entity to conduct training to

fulfill the statutory purpose of that entity. The temporary structure permit shall not exceed a period of more than one year.

**1801.13 REAL ESTATE SALES OFFICE.** Real estate sales offices shall be allowed in any zoning district for any new development approved in accordance with this chapter. Unless otherwise expressly approved by the Menard County Zoning Administrator, the real estate sales office shall be located on the site of a new development. The office shall not be used as a residence, provided that a model home may be used as a temporary sales office.

1. The maximum length of the permit shall be one year. The permit may be renewed throughout the sales period of the development
2. Applications to establish temporary real estate sales offices prior to final plat approval shall be accompanied by a signed affidavit from the builder and property owner acknowledging that the builder/owners will remove any structures, including model homes, if the preliminary plat lapses prior to approval of the final plat. The affidavit shall be in a form specified by the Menard County Zoning Administrator

**1801.14 TEMPORARY SALES.** The standards of this subsection shall apply to farm produce sales, retail nursery sales associated with wholesale nurseries, Christmas tree sales, garage sales, farmers' markets, and food sales.

**1801.15 FARM PRODUCE SALES (SEASONAL).** Seasonal sales of farm produce and value-added agricultural products may be allowed by temporary use permit in all zoning districts for a period not to exceed eight months per calendar year. In residential zoning districts, seasonal sale of farm produce and value-added agricultural products shall only be allowed on parcels having a minimum area of 80,000 square feet and a minimum road frontage of 190 feet and further provided that the majority of the produce and primary ingredients of products are grown on-site.

- a) Temporary sales shall be allowed only during daylight hours, with specific hours of operation specified in the temporary use permit
- b) All sales shall be conducted at least 30 feet from all streets and public rights-of-way
- c) A minimum of 30-foot setback shall be maintained from property used or zoned for residential purpose

- d) The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any existing use on the property
- e) Sales shall be conducted in such a manner so as not to interfere with traffic or cause a nuisance
- f) The access drive to the site shall be located at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access within 150 feet of the intersection and the highway authority having jurisdiction grants approval to use the existing access

**1801.16 RETAIL NURSERY STOCK SALES ASSOCIATED WITH WHOLESALE NURSERIES.**

Retail nursery stock sales events associated with wholesale nurseries may be allowed by temporary use permits and shall be limited to 30 days per calendar year.

- a) Retail nursery stock sales shall be allowed only during daylight hours, with specific hours of operation specified in the temporary use permit
- b) All sales shall be conducted at least 30 feet from all streets and public rights-of-way
- c) A minimum of 30-foot setback shall be maintained from property used or zoned for residential purposes
- d) The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any existing use on the property
- e) All sales on the property shall be limited to stock grown on-site

**1801.17 CHRISTMAS TREE SALES.** Christmas tree sales may be allowed by temporary use permit in all zoning districts for a period not to exceed 45 days per calendar year. Christmas tree sales shall be allowed in residential zoning districts only when located on the site of a permitted nonresidential use. If the principal use of the property is a Christmas tree farm on a property containing a minimum of 200,000 square feet or is a retail greenhouse/nursery or garden center, no temporary use permit shall be required.

- a) All sales shall be conducted at least 30 feet from the right-of-way of any street
- b) A minimum of 30-foot setback shall be maintained from property used or zoned for residential purpose
- c) The property shall be of sufficient size to provide adequate off-street parking in

- addition to required parking for any existing use on the property
- d) Sales shall be conducted in such a manner so as not to interfere with traffic or cause a nuisance
- e) The access drive to the site shall be located at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access within 150 feet of the intersection and the highway authority having jurisdiction grants approval to use the existing access

**1801.18 GARAGE SALES.** Garage sales shall be allowed in all zoning districts without a permit, provided that no more than two garage sales shall be conducted on a zoning lot in any calendar year.

- a) No garage sale shall be conducted for longer than three consecutive days duration
- b) Sales events may be conducted during daylight hours only
- c) No more than two signs may be used to advertise a permitted garage sale event. The sign shall not exceed four square feet in area and must be located within the boundaries of the zoning lot on which the sale takes place or on other private property, with the consent of the owner

**1801.19 FOOD SALES.** Temporary food stands may be allowed by temporary use permit in the AG, RR, B1 & B2 Zoning Districts for a period not to exceed six months per calendar year.

- a) Temporary food stands shall be allowed only during daylight hours, with specific hours of operation specified in the temporary use permit
- b) All sales shall be conducted at least 30 feet from all public rights-of-way
- c) A minimum 30-foot setback shall be maintained from adjoining property used or zoned for residential purposes
- d) The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any other use on the subject property
- e) Sales shall be conducted so as not to interfere with traffic or cause a nuisance
- f) The access drive shall be located at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access within 150 feet of the intersection and the highway authority having jurisdiction grants approval to use the existing access

**1801.20 FARMERS' MARKETS.** Farmers' markets, defined as an area for farmers and gardeners to sell agricultural produce and products to the public, may be allowed by temporary use permit in all zoning districts for a maximum of 24 days per calendar year. In residential zoning districts, farmers' markets shall be allowed only when located on parcels with a permitted nonresidential use having a minimum area of 80,000 square feet and a minimum road frontage of 190 feet.

- a) Sales may be conducted from trucks, open booths, or temporary structures. At least 75% of the vendors must sell products obtained from local food production or a cottage food operation
- b) Farmers' markets shall be allowed only during daylight hours, with specific hours of operation specified in the temporary use permit
- c) All sales booths, temporary structures, and trucks being used to sell produce and products must maintain a minimum of 30-foot setback from all property lines, streets, and public rights-of-way
- d) The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any existing use on the property. There shall be no parking permitted in a right-of-way
- e) Sales shall be conducted in such a manner so as not to interfere with traffic or cause a nuisance
- f) The access drive to the site shall be located at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access point within 150 feet of the intersection and the highway authority having jurisdiction grants approval to use the existing access
- g) The operator and/or vendors must operate in compliance with all applicable state and federal laws and obtain all permits and registrations as required by Menard County and State of Illinois Health Departments prior to issuance of a temporary use permit

*Either a "temporary food service permit" or a "seasonal food service permit" must be obtained from the Menard County Health Department prior to issuance of a temporary use permit.*

**1801.21 TEMPORARY SHELTER.** When fire or natural disaster has rendered a residence unfit for human habitation, the temporary use of a single

mobile home or recreational vehicle located on the parcel during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations. Required water and sanitary facilities must be provided.

1. The maximum length of a permit shall be six months, but the Menard County Zoning Administrator may extend the permit for a period or periods not to exceed 60 days provided reasonable construction progress has been made and the construction is being diligently pursued. Application for the extension shall be made at least 15 days prior to expiration of the original permit
2. The mobile home or recreational vehicle shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated residence. The applicant shall be required to provide express consent and authorization to the county to remove the shelter at the owner's expense upon termination of the permit, if the applicant has not done so voluntarily

**1801.22 TEMPORARY STRUCTURES FOR FARM HOUSING.** Temporary structures for farm housing that are associated with an exempt agricultural use shall be subject to the following standards.

1. A temporary use permit shall be required
2. Menard County Health Department approval shall be required
3. All structures used for temporary farm housing shall be subject to the (principal structure) setback standards of the underlying zoning district
4. There shall be no limit on the number of structures allowed

**1801.23 TEMPORARY STRUCTURES FOR CLASSROOMS.** The Menard County Zoning Administrator shall be authorized to approve the use of temporary structures for portable classrooms, when the Menard County Zoning Administrator determines that the structures are necessary to accommodate uses and activities of immediate necessity within the county

**1801.24 TEMPORARY STRUCTURES DURING CONSTRUCTION.** Upon application of a building permit for a nonresidential principal structure, the Menard County Zoning Administrator shall be authorized to issue a temporary use permit for temporary structures to be used on-site during the period of construction.

The temporary structures shall be used only in furtherance of the purpose for which the principal structure is being constructed and may remain on the site only for the life of the building permit or a maximum of two years, whichever is less.

**1801.25 TEMPORARY STRUCTURES FOR SCIENTIFIC RESEARCH AND TESTING.** The Menard County Zoning Administrator shall be authorized to approve the use of temporary structures for scientific research and testing and ancillary to an existing permitted principal manufacturing and production use on the subject property, provided that the structures meet all applicable density and dimensional requirements of this chapter.

## **SECTION 1802 SPECIAL USES BY PERMIT**

**1802.01 SPECIAL USES BY PERMIT.** This Code divides the County into various districts and permits in each district, as a matter of right, only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only by permission of the County Board. State Statute **55ILCS 5/5-12009.5**

**1802.02 APPLICATION.** Every applicant for special use permit shall submit to the Administrator, in narrative and graphics form on forms provided by the County, the items of information listed below. [Every special use permit application shall also be filed with the Menard County Soil and Water Conservation District as per State law, (See **70 ILCS Sec. 05/22.02a**) and, if the land in question is within one and one-half (1 ½) miles of a municipality, with the Clerk of that municipality.] The Administrator shall promptly transmit the completed application, and any comments or recommendation he/she might wish to make, to the Board of Appeals. (**NOTE: Filing fee required.**)

**1802.03 ITEMS OF INFORMATION:** The following items will be required of each applicant:

1. Name and address of the applicant
2. Name and address of the owner or operator of the proposed structure or use, if different from (A)

3. Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters
4. Location of the proposed use or structure, and its relationship to existing adjacent uses or structures
5. Area and dimensions of the site for the proposed structure or use
6. Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade
7. Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area
8. Height and setbacks of the proposed structure
9. Number and size of the proposed dwelling units, if any
10. Documentation of age and pictures to show proof of condition of proposed mobile home
11. Number and location of proposed parking/loading spaces and access ways
12. Identification and location of all existing or proposed utilities, whether public or private
13. Any other pertinent information that the Administrator may require

**1802.04 PUBLIC HEARING NOTICE.** The Menard County Board of Appeals shall hold a public hearing on every special use permit application within a reasonable time after said application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney, as long as the testimony is germane to the application. Notice indicating the time, date and place of the hearing, and the nature of the proposed special use, shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

1. By first class mail to the applicant and by certified mail to all parties whose properties are adjacent to the property for which the special use permit is sought
2. By publication in a newspaper of general circulation within the County
3. By county website
4. By physical posting of notice on premises.

#### 1802.05 ADVISORY REPORT, FACTORS

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

1. Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety and welfare, and the physical environment
2. The effect the proposed special use would have on the value of neighboring properties and on the County's overall tax base
3. Whether there are any facilities near the proposed special use (e.g. schools, hospitals, etc.) that require special protection or consideration

The recommendation to the full County Board by the Board of Appeals can be: to Deny, Grant or Grant subject to conditions.

Four (3) members of a five (5) member Board of Appeals shall constitute a quorum; and the affirmative vote of three (3) members shall be necessary to recommend any variation or modification to the County Board per State Statute **55ILCS 5/5-12009.5**.

1802.06 ACTION BY COUNTY BOARD. The County Board shall act on every request for special use permit at its next regularly scheduled meeting following submission of the Board of Appeals' advisory report. The County Board may grant a special use permit by an ordinance passed by a simple majority vote of all members then holding office.

1802.07 LAPSE OF APPROVAL. An approved special use permit will lapse and have no further effect one year after it is approved by the County Board, unless a building permit or site development permit has been issued. The building permit expiration period is also one year.

- A. The County Board is authorized to extend the expiration period for good cause up to two additional occasions, by up to 180 days. Requests for extensions must be submitted to the Zoning Administrator before the special use permit expires
- B. A special use permit also lapses upon revocation of a building permit for violations of conditions of approval or upon expiration of a building permit to carry out

the work authorized by the special use permit

- C. If any special use is abandoned, or is discontinued for a continuous period of one year or more, the special use permit for such use is void, and such use may not be reestablished unless and until a new special use permit is obtained in accordance with the procedures of this section
- D. A Special Use Permit will become void upon sale or transfer of property and a new special use permit is obtained in accordance with the procedures of this section

Successive applications. If a special use permit application is denied, no application may be approved for substantially the same use on substantially the same site for 12 months from the date of denial by the County Board, unless the County Board determines that conditions in the area have substantially changed.

### **SECTION 1803 VARIANCES**

1803.01 VARIANCES. A variance is a relaxation of the requirements of this Code that are applicable to a particular lot or structure.

1803.02 USE VARIANCES. A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and should be granted only as provided for in Section 1803.

1803.03 APPLICATION FOR VARIANCES. Every application for a variance shall submit to the Administrator, in narrative and graphics form on forms provided by the County, the items of information listed below. (Every variance application shall also be filed with the Menard County Soil and Water Conservation District as per State Law (**See 70 ILCS 405/22.02a**) and, if the land in question is located within one and one-half (1 ½) miles of a municipality, with the Clerk of that municipality.) The Administrator shall promptly transmit said application to the Board of Appeals together with any recommendation or comments he/she may wish to make. The application shall contain sufficient information to allow the Board to make an informed decision, and shall include, at a minimum, the following: (NOTE: Filing fee required.)

1. Name and address of the applicant
2. Location of the lot, structure or use for which the variance is sought

3. Relationship of said lot, structure or use to adjacent lots, structures or uses
4. Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem
5. Any other pertinent information that the Administrator may require

**1803.04 PUBLIC HEARING, NOTICE.** The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party including any school or other taxing district in which the property in question is located may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath and directly relates to the application.

Notice of the hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

1. By first class mail to the applicant and by certified mail and return receipt to all parties whose properties are adjacent to the property for which the variance is sought
2. By publication in a newspaper of general circulation within the County
3. By county website
4. By physical posting of notice on premises.

**1803.05 CONTENTS OF NOTICE.** The notice of a public hearing on a variance request shall include the following information:

1. Date, time and place of said hearing
2. Name and address of the applicant
3. The location of the real estate for which the variation is requested by legal description and street address, and, if no street address, then by locating such real estate with reference to any well-known landmark, road, or intersection
4. Whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal, and stating the name and address of the true principal
5. Whether the applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders and shareholders owning any

- interest in excess of twenty percent (20%) of all outstanding stock of such corporation
6. Whether the applicant or his principal, if other than the applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true owners of such business or entity
7. Whether the applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and, if so, the names and addresses of all partners, joint ventures, syndicate members or members of the unincorporated voluntary association
8. A brief statement describing the proposed variance

**1803.06 STANDARDS FOR VARIANCES.** The Board of Appeals shall not grant any variance unless, based upon the evidence presented to them, they determine that:

1. The proposed variance is consistent with the general purpose of this Code (See Section 108)
2. Strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property
3. The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property
4. The plight of the applicant is due to circumstances not of his own making
5. The circumstances engendering the variance request are peculiar and not applicable to other property within the district and, therefore, that a variance would be a more appropriate remedy than an amendment (rezoning)
6. The variance, if granted, will authorize reasonably related conditions "effect" caused by the approval of the variation to be appended to variations
7. The variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of the County's Comprehensive Plan

**1803.07 TERMS OF RELIEF, FINDINGS OF FACT.** The Board of Appeals shall render a decision

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

## **SECTION 1804 AMENDMENTS; REZONINGS AND TEXT**

**1804.01 AMENDMENTS.** The County Board shall amend this Code in accordance with State law (**See 55 ILCS 5/5-12014**) and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, or prohibited) shall be deemed proposed amendments. Amendments may be proposed by the County Board, the Administrator, the Board of Appeals, County Planning Commission, or any party in interest.

**1804.02 FILING FOR AMENDMENTS.** Every proposal to amend this Code shall be submitted to Administrator in narrative and graphics form on forms provided by the County and shall include information as the Administrator considers necessary to allow the County Board to make an informed decision. The person proposing an amendment shall also file a copy of this proposal with the Menard County Soil and Water Conservation **District (See 70 ILCS 405/22.02a)** and, if the land in question is located within one and one-half (1 ½) miles of a municipality, with the Clerk of that municipality. The Administrator shall promptly transmit copies of the proposal, together with any comments or recommendation he/she may wish to make, to the Board of Appeals. (**NOTE:** Filing fee required.)

**1804.03 PUBLIC HEARING, LOCATION.** The Menard County Planning Commission and the Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. Said hearing shall be held in the Menard County Courthouse. At the hearing any interested party (including any school or other taxing district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath and directly relates to the application.

**1804.04 NOTICE OF PUBLIC HEARING.** Notice indicating the time, date and place of the public hearing,

and the nature of the proposed amendment shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

1. By first class mail to the applicant and to all parties by certified mail with return receipt to whose properties are adjacent to the property that would be rezoned (in the case of rezoning)
2. By publication in a newspaper of general circulation within the County
3. By county website
4. By physical posting of notice on premises.

**1804.05 ADVISORY REPORT FROM BOARDS.**

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

1. Existing use(s) and zoning of the property in question
2. Existing use(s) and zoning of other lots in the vicinity of the property in question
3. Suitability of the property in question for uses already permitted under existing regulations
4. Suitability of the property in question for the proposed use and based upon the current Menard County Land Evaluation and Site Assessment (LESA)system
5. Suitability of the property in question for the proposed use noting the proximity of livestock operations
6. The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned
7. The effect the proposed rezoning would have on implementation of the County Comprehensive Plan

**1804.06 ACTION BY COUNTY BOARD.** The County Board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the aforementioned advisory reports. The County Board may pass any proposed

amendment by simple majority vote except as indicated below.

**1804.07 EXCEPTIONS; UNANIMOUS VOTE REQUIRED.** The favorable vote of at least three-fourths (3/4) of all the members of the County Board is required to pass an amendment to this Code in the following instances:

1. In the case of a written protest against a proposed amendment, filed with the County Clerk, and signed or acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered; or in the case of a written protest against a proposed amendment, when the proposed amendment is of an initiated parcel number change of an original parcel number, filed with the County Clerk, and signed by the owners of twenty percent (20%) of the frontage of the original parcel proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley there from the original parcel number, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage of the original parcel number proposed to be altered
2. In the case of a written protest against a proposed amendment that affects land location within one and one-half (1 ½) miles of the limits of a zoned municipality, provided that said written protest is:
  - a) Submitted by the particular zoned municipality with limits nearest adjacent to the affected property
  - b) Signed and acknowledged by the City Council or by the Mayor and Board of Trustees of said municipality
  - c) Filed with the County Clerk

## **INCORPORATED AND REFERENCED MATERIALS**

Bond County Illinois Zoning Ordinance, Section 7, (2022)

Christian County Illinois Zoning Ordinance, Article 6 Supplementary Regulations, (7/17/2024)

Clinton County Illinois Zoning Ordinance, (2023)

DeKalb County Illinois Zoning Ordinance, Illustrations, (1999)

Fulton County Illinois Noise Pollution Act, Sections 1-8 (2011)

ICC International Zoning Code, Chapter 10 Sign Regulation, (2018)

Jersey County Health and Safety Standards for Manufactured Homes, Mobile Homes, Pre-Owned Manufactured Homes, Modular Homes (2017)

Jersey County Illinois Stormwater Ordinance, (2009)

Kendall County Illinois Zoning Ordinance, Sections 3:00, 3:02, 4:19, 5:08, 7:01. E, 8-8-46, 8-47-8-63, 11:05 (2023)

Lake County Illinois Zoning Ordinance, Section 151.114, (2022)

McClean County Illinois Zoning Ordinance, Article 4, (2024)

Piatt County Nuisance Ordinance, (1999)

Sangamon County Illinois Zoning Ordinance, Chapter 17.64, (2020)

Will County Illinois Zoning Ordinance, Section 155-10.10, (2023)

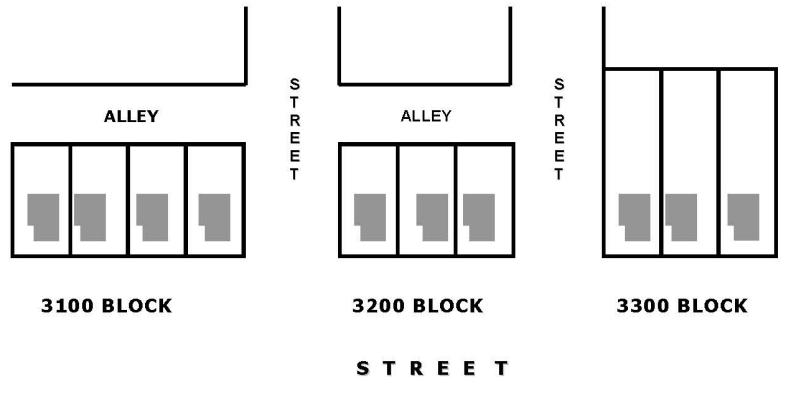
Woodford County Illinois, Chapter 154 Zoning Ordinance, Sections 3-6, 18, 22, 24 (2023)

# ILLUSTRATIONS

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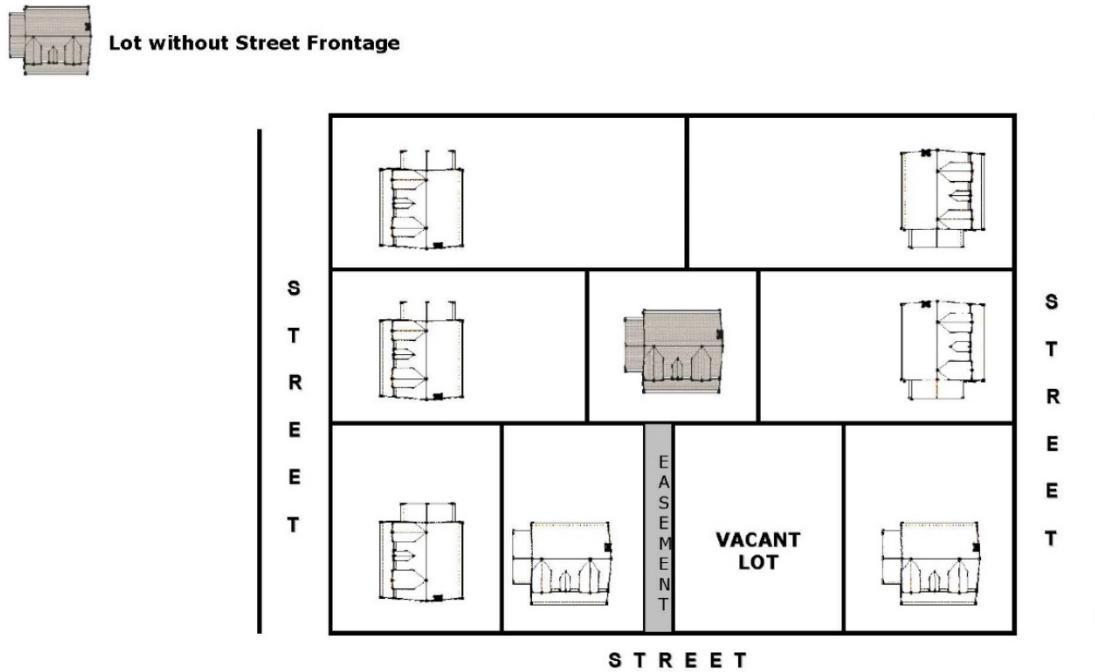
## BLOCK

**Block** means all of the property located along one side of a street between two intersecting streets or between any combination of intersecting streets, railroad rights-of-way, watercourses or other features or natural barriers which permanently interrupt the continuity of development.



## STREET FRONTRAGE

**Street frontage** means that portion of a lot abutting a street and situated between lot lines intersecting such street. Also referred to as "lot frontage."

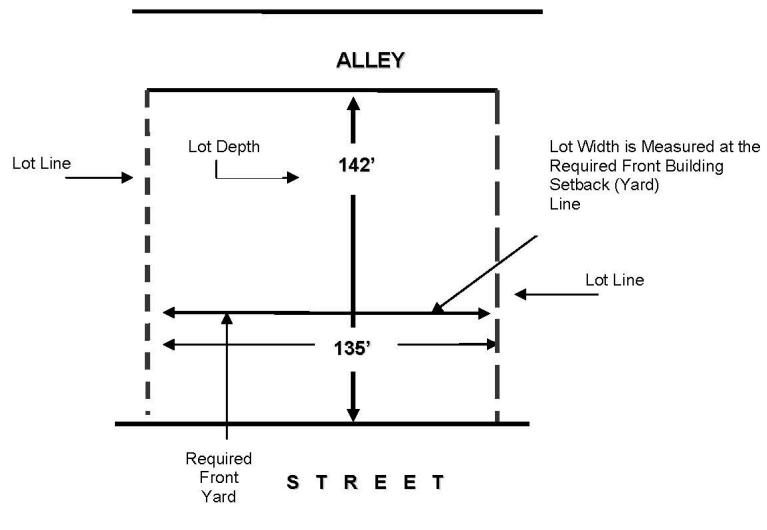


## LOTS

### LOT AREA & WIDTH

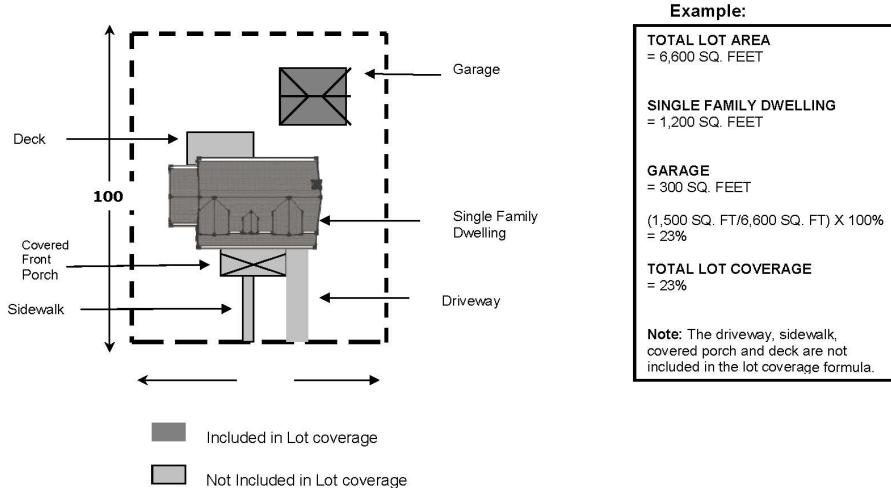
**Lot area**, is determined by multiplying the lot width x the lot depth.

**Lot width** means the shortest horizontal distance between the points where the rear of the required front yard intersects the sidelines of a lot. For through lots, the lot width shall be measured adjacent to the street frontage to which the main building is oriented.

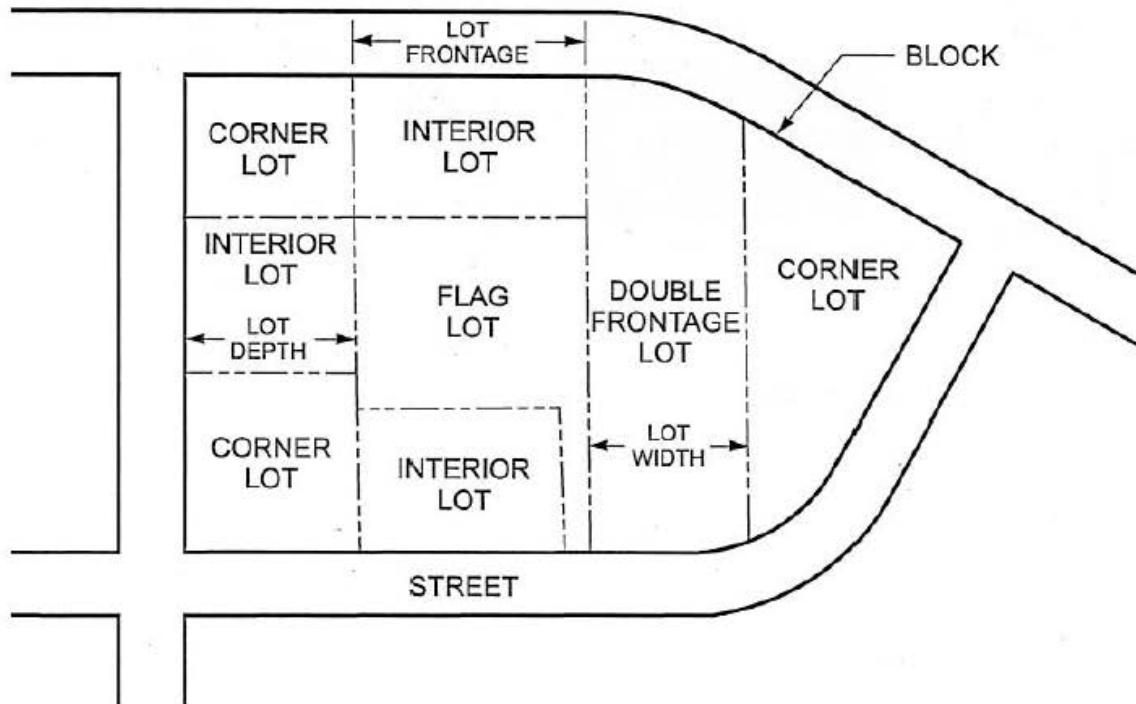


## LOT COVERAGE

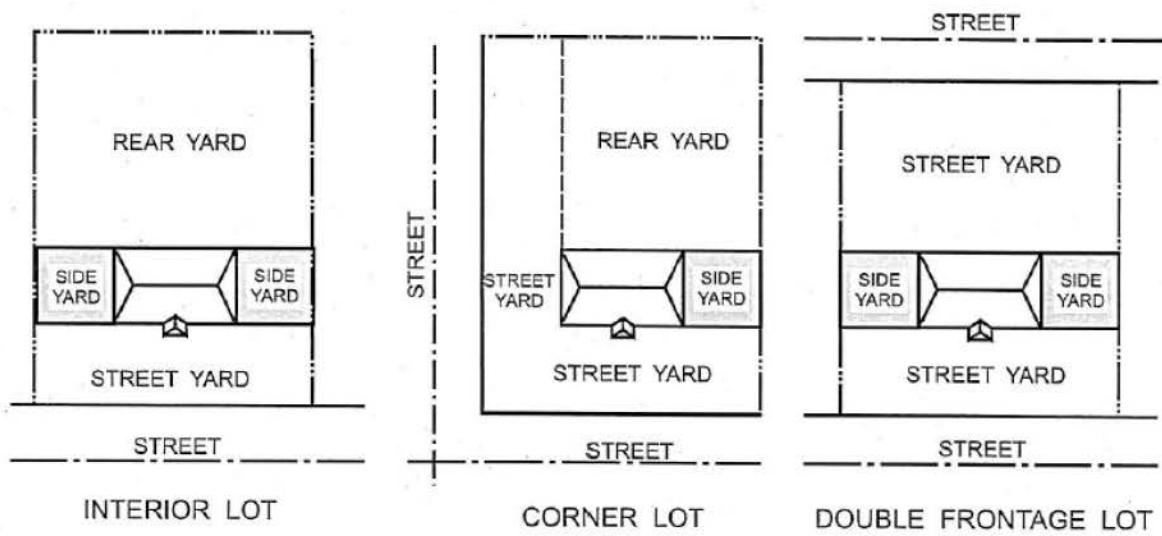
**Lot coverage** means that portion of a lot occupied at ground level or above by enclosed space within main buildings and accessory buildings.



**TYPICAL CORNER, DOUBLE FRONTAGE,  
FLAG AND INTERIOR LOTS**

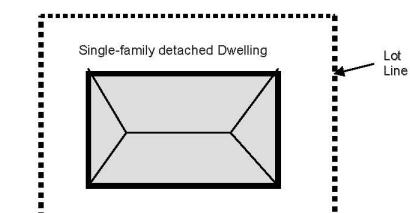


**LOCATION OF YARDS ON TYPICAL  
INTERIOR, CORNER, AND DOUBLE FRONTAGE LOTS**

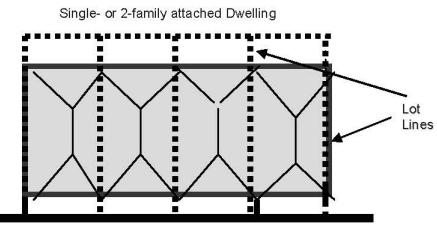


## Dwelling Types (Single- and 2-Family Detached and Attached & Multi-Family)

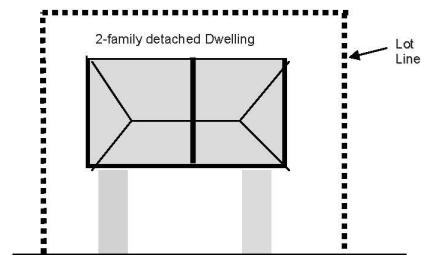
**Dwelling unit** means a room or group of rooms within a building constituting a separate and independent unit occupied or intended for occupancy by one family and containing one kitchen and provisions for living, sleeping, eating and sanitation, all of which are generally accessible to all occupants of the unit, and which is not available for occupancy for periods of less than one month.



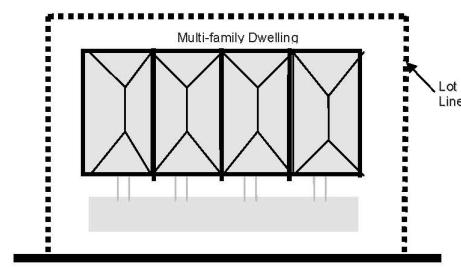
**Dwelling, single-family detached** means a building containing one dwelling unit, which is located on an individual lot of record.



**Dwelling, single-family attached** means a building which contains one dwelling unit and which is attached by means of party walls to another main building, each of which is located on an individual lot of record.



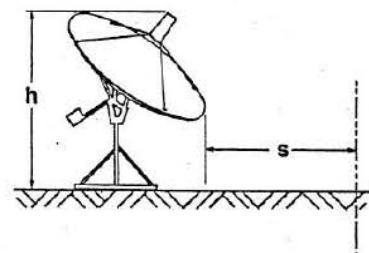
**Dwelling, two-family (detached)** means a building containing two dwelling units, which is located on an individual lot of record.



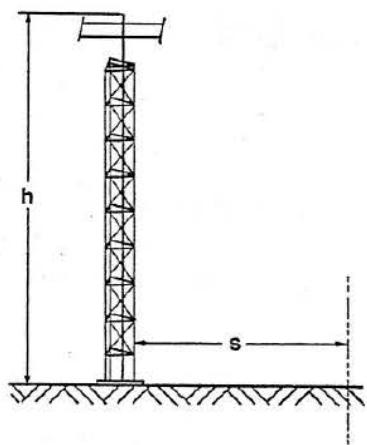
**Dwelling, multifamily** means a building containing three or more dwelling units located on a single lot.

### MEASURING HEIGHT AND SETBACK OF ANTENNAS

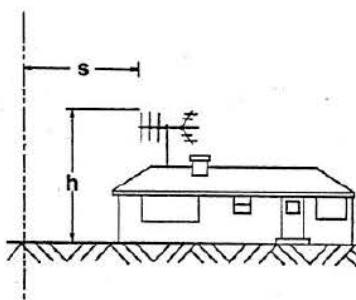
EARTH STATION DISH ANTENNA



TOWER MOUNTED ANTENNA

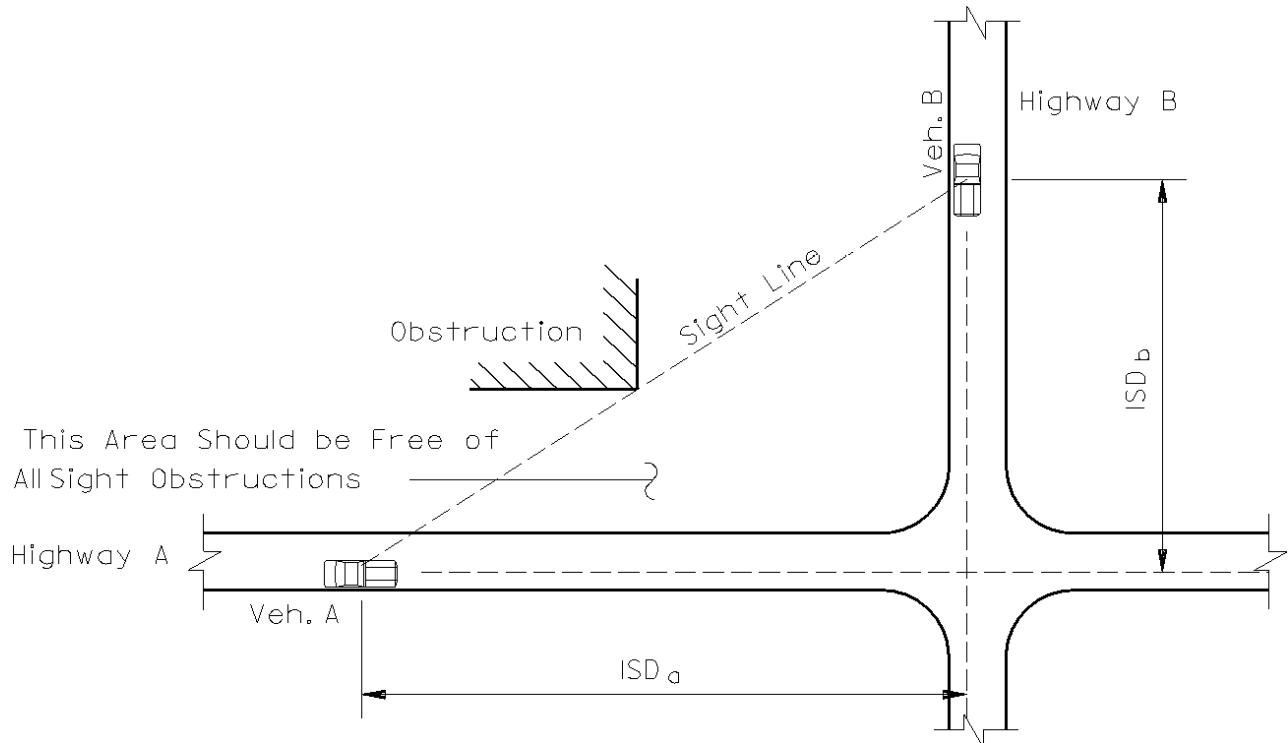
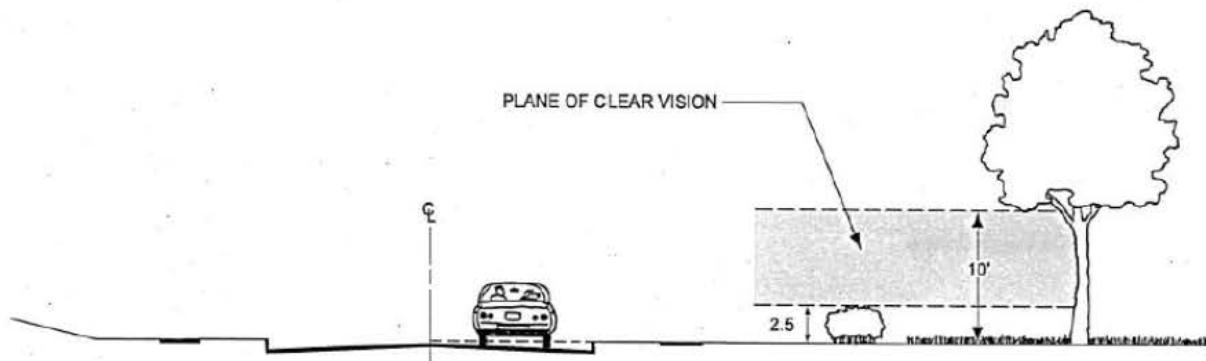


ROOF MOUNTED ANTENNA

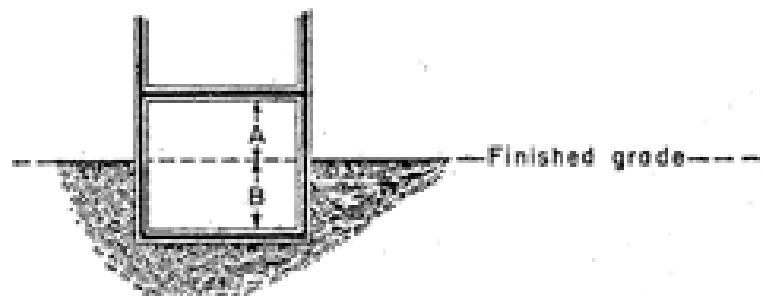
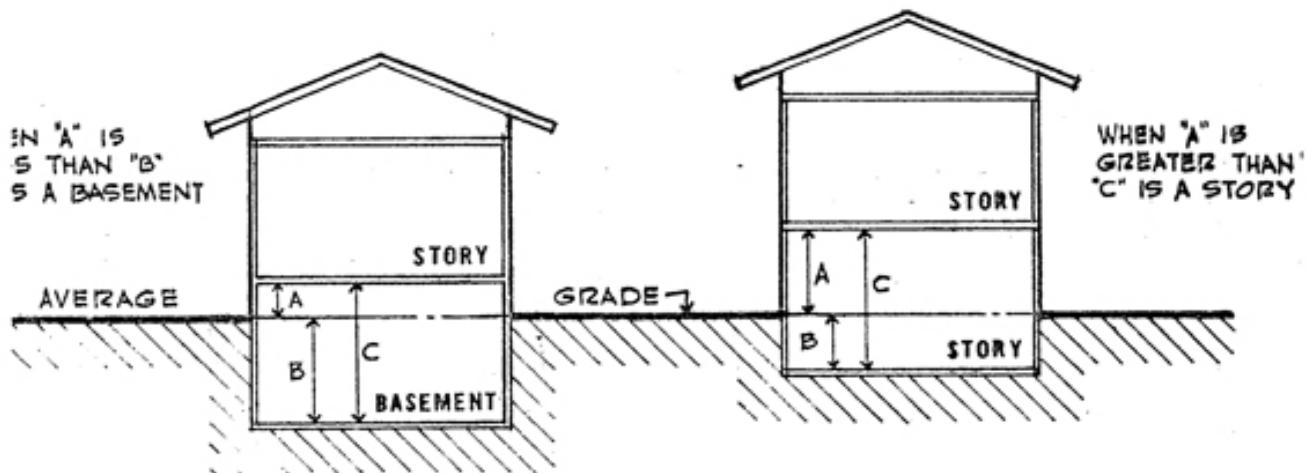


**s** = SETBACK  
**h** = HEIGHT

**VISION CLEARANCE TRIANGLE  
(CROSS-SECTION VIEW)**

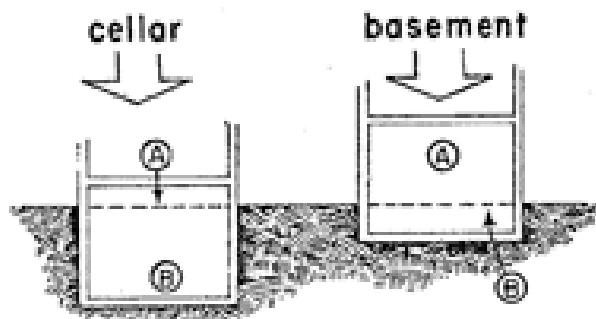


BASEMENT AND CELLAR:

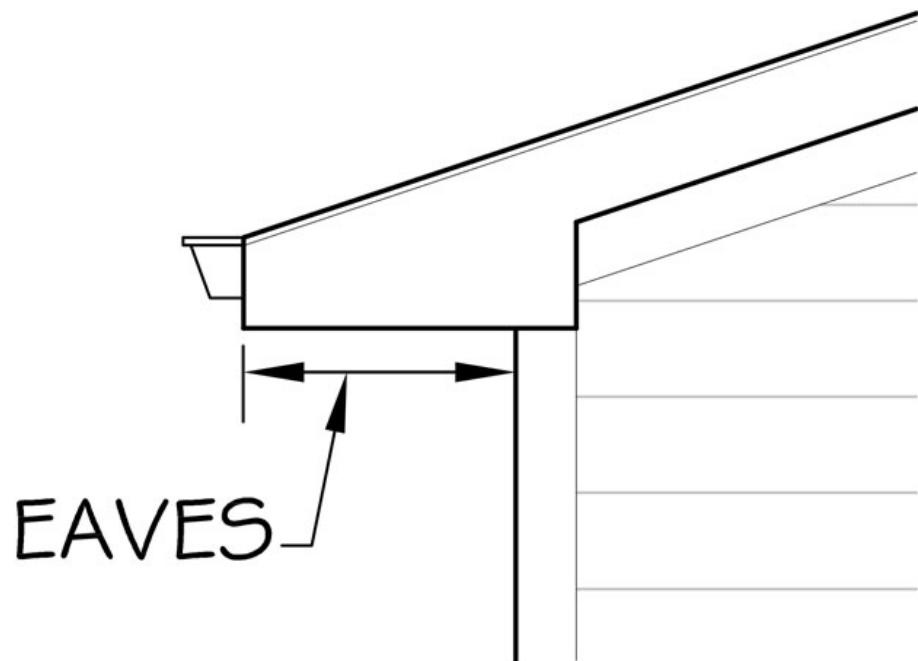


● BASEMENT: when A is more than B

● CELLAR: when A is equal to,  
or less than B

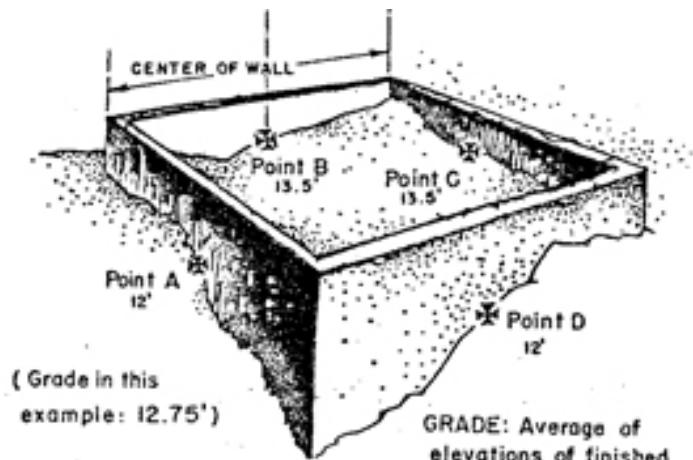
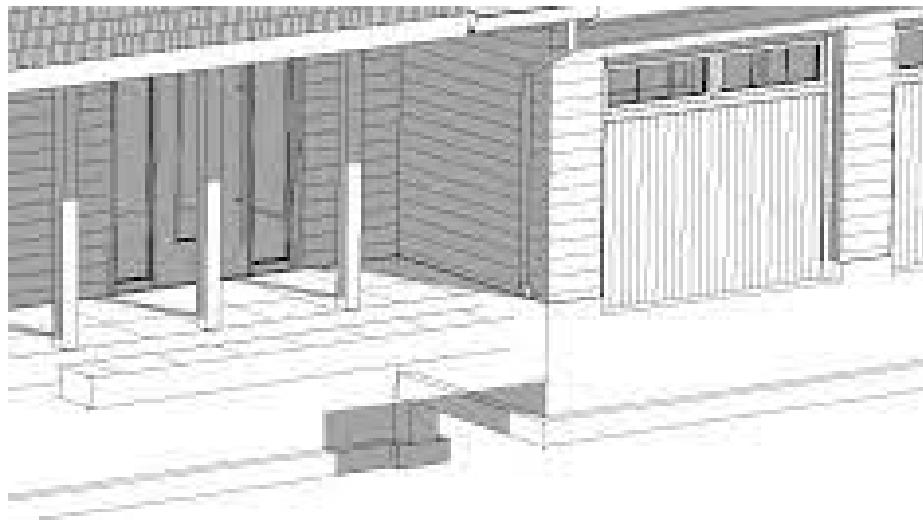


PROJECTIONS:

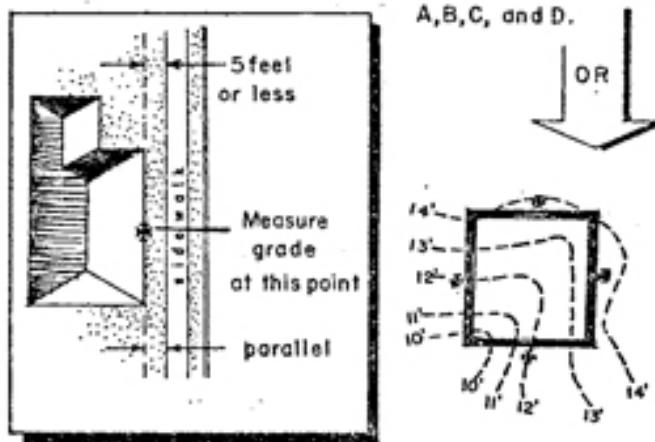


(Excludes rain trough)

FOOTING AND GRADE:



GRADE: Average of elevations of finished ground levels of points A, B, C, and D.



## **APPENDIX**

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- A. ZONING FEE SCHEDULE**
- B. SUBDIVISION ORDINANCE**
- C. CONTROL OF STORMWATER DRAINAGE AND DETENTION**
- D. MENARD COUNTY FLOOD DAMAGE PREVENTION ORDINANCE**
- E. NON-COMMERCIAL SOLAR ORDINANCE OF MENARD COUNTY**
- F. SOLAR ENERGY SITING ORDINANCE OF MENARD COUNTY**
- G. WIND ENERGY SITING ORDINANCE OF MENARD COUNTY**
- H. BATTERY ENERGY STORAGE SYSTEMS**