

Chapter 4

Design Criteria for Specific Uses

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4.1. GENERAL USE CRITERIA.

- A. ALL USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS shall be subject to the following conditions:
 - 1. All rooftop mechanical service equipment shall be screened from view from grade level of any street, park, parking lot, or from grade of adjoining property. All mechanical equipment shall be screened or colored to match or blend in with the field color of the building.
 - 2. All uses shall be conducted within completely enclosed buildings unless otherwise specified.
 - 3. PARKING LOTS shall be screened from the sidewalk by low walls, fences or hedges.
 - 4. OUTDOOR STORAGE, TRASH COLLECTION, AND LOADING AREAS. Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas when visible from adjoining properties and/or public streets shall be screened, recessed or enclosed. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than forty (40) feet apart, or on those sides of buildings that do not have customer entrances.
 - a. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from adjacent streets.
 - b. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within twenty (20) feet of any public street or public sidewalk.
 - c. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions

are fully contained and out of view from adjacent properties and public streets, and no attention attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

- d. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.
5. DELIVERY AND LOADING OPERATIONS. Delivery and loading operations shall not disturb adjoining neighborhoods or other uses. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the lot owner submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45db as measured at the lot line of any adjoining property.
- B. All PARKING GARAGES shall be subject to the following conditions:
1. Parking decks shall not directly face a street. When a parking deck faces directly on a street the ground floor shall have retail shop fronts fronting the adjacent street.
 2. Parking decks shall be concealed from view by being placed behind buildings or disguised with architectural design and/or ornamentation.
 3. Parking decks shall be constructed of same or similar materials on surrounding buildings.
- C. All uses with LIVE MUSIC shall be subject to the following conditions:
1. Live music shall not be audible off the premises at decibel levels greater than normal background noise after 11:00 p.m., if such establishments are located within three hundred (300) feet of a residence.
- D. All uses with OUTDOOR SEATING shall be subject to the following conditions:
1. Outdoor seating, tables and canopies may encroach upon public sidewalks but shall not obstruct any sidewalks or streets.
 2. Recorded music shall not be audible off the premises at decibel levels greater than normal background noise.

4.2. TEMPORARY USES AND SPECIAL EVENTS.

4.2.1. Intent. It is the intent of the following to govern the operation of certain transitory or seasonal uses. The Zoning Enforcement Officer, upon receipt of an application for a temporary use permit, shall notify any other County department which may be affected by the use.

4.2.2. Temporary Use Permit. Applications for a temporary use permit shall be made to the Zoning Enforcement Officer at least fourteen (14) days before the commencement of the temporary use, and shall contain the following information:

- A. The commonly know address, legal description and permanent property index number of the property to be used, rented or leased for the temporary use;
- B. A description of the proposed use;
- C. The applicant's name and the property owner's name (if different than applicant);
- D. Sufficient information to determine that the following are in compliance with ordinances in effect;
- E. Provisions for a waste disposal (solid and human);
- F. Provisions for temporary food service facilities;
- G. Paved or graded ingress and egress for emergency, police and regulatory traffic;
- H. Required Yards, 20 foot setback from all right-of-ways and all other property lines;
- I. Parking spaces;
- J. Compliance with applicable building and fire codes;
- K. Traffic control; and
- L. Provisions for clearing debris.

Said permit shall be issued only if the above criteria are met to the satisfaction of the Zoning Enforcement Officer.

4.2.3. Specific Uses and Regulations. The following are considered temporary uses and are subject to specific regulations and time limits, in addition to the regulations of any zoning district in which the uses are located.

- A. **ANIMAL SHOW.** A temporary use permit may be issued for the showing of animals and displays of their performance in both formal and informal competition within the A-1, A-2, B-1, and B-2 districts. A permit for animal show shall be valid for not more than seven (7) days.
- B. **ASPHALT/CONCRETE PLANT AND CONSTRUCTION TRAILER.** A temporary use permit may be issued for portable asphalt/concrete plants and construction trailer, for use in road construction and repair. The permit shall be issued for a period not to exceed ninety (90) days, but may be renewed for one (1) or more thirty (30) day period(s) if completion of the local project is delayed for reasons beyond the control of the contractor. All items associated with the temporary use shall be removed no later than fourteen (14) days after completion of the road project.
- C. **CARNIVAL OR CIRCUS.** A temporary use permit may be issued for a carnival or circus within the B-1, and B-2 districts. The permit shall be valid for a period not longer than seven (7) days.
- D. **CHRISTMAS TREE SALES.** A temporary use permit may be issued for the display and open-lot sale of Christmas trees within the A-1, B-1, and B-2 districts. The permit shall be valid for a period no longer than sixty (60) days (including setup and tear-down).

- E. **CONTRACTOR'S OFFICE AND EQUIPMENT SHED.** A temporary use permit may be issued for a trailer for use by a building contractor as a temporary office or shelter incidental to construction on and/or development of the premises on which the trailer is located only during the time of said construction or development. The permit shall be valid for not more than one (1) year, but may be renewed.
- F. **FESTIVAL.** A temporary use permit may be issued for tents or other temporary structures and related facilities to house and serve activities, such as but not limited to, public celebrations, special observances, cultural events, or entertainment programs sponsored by a local civic, religious, governmental or recognized, duly chartered fraternal organizations. The permit shall be valid for not more than seven (7) days.
- G. **FIREWORKS STAND.** A temporary use permit may be issued for the sale of fireworks and related items within the B-1 and B-2 districts. The firework stand shall comply with State and local fire department regulations. The permit shall not be valid for more than thirty (30) days.
- H. **FLEA MARKET.** A temporary use permit may be issued for the establishment of an open air flea market for the sale of new and second hand goods, handicrafts and antiques by individuals each occupying separate booths or tables within the B-1 and B-2 districts. The permit shall not be valid for more than 3 consecutive days, not to exceed twelve (12) calendar days per month.
- I. **MOBILE FOOD SALES:** A temporary use permit may be issued for the sale of food from a vehicle or other temporary structure within the B-1, B-2, I-1, and I-2 districts. The vehicle or structure used for sales shall be removed from the property nightly. The permit shall be valid for not more than ninety (90) days per location, but is renewable.
- J. **OUTDOOR MUSIC/ENTERTAINMENT EVENT, OUTDOOR CONCERT.** A temporary use permit may be issued for outdoor music and entertainment events, outdoor concerts (not otherwise qualifying as a tent theater, religious meeting or festival sponsored by local civic, religious, governmental organizations and recognized, duly chartered fraternal organizations) within the B-1 and B-2 districts. Said permit shall only be valid for eight (8) days from the date of issuance.
- K. **REAL ESTATE PROJECT SALES OFFICE.** A temporary use permit may be issued for a temporary real estate office in any new subdivision which has been approved by the County Board. The office shall contain no sleeping or cooking accommodations. The permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon completion of the development of the subdivision. A model home may be used as a temporary sales office but must obtain a certificate of occupancy.
- L. **RELIGIOUS TENT MEETING.** A temporary use permit may be issued for a tent or other temporary structure to house religious meetings for a period of not more than seven (7) days.
- M. **RETAIL SALES.** A temporary use permit may be issued for the sale of general merchandise from a temporary structure within the B-1 and B-2 districts. The structure shall be removed from the property nightly. The permit shall not be valid for more than ninety (90) days per location, but is renewable.
- N. **SAWMILL (PORTABLE).** A temporary use permit is required for the cutting and use of the trees from that parcel or lot only within the A-1 and A-2 districts. The sawmill shall not be located closer than five hundred (500) feet to a residence unless that of the owner. The permit shall be valid for six (6) months, but may be renewed.

- O. SEASONAL SALES OF FARM PRODUCT. A temporary use permit may be issued for the operation of roadside stand for the sale of farm produce which was not grown on the premises within the B-1, B-2, I-1 and I-2 Districts. The permit shall be valid for not more than six (6) months per year. No sales shall be made within thirty (30) feet of any street or road right-of-way. For any roadside stand operating more than three (3) months per year, an off-street parking area shall be provided and the maximum area of the roadside stand shall be one hundred twenty (120) square feet.
 - P. TENT SALES. A temporary use permit may be issued for a tent to house the sale of merchandise by an established local retailer within the B-1 and B-2 Districts. The permit shall be valid for not more than seven (7) days, but may be renewed once.
- 4.2.4. Signs.** Signs for temporary uses shall comply with Section 5.6 and signs for temporary uses in the FPO and Agriculture Districts shall comply with Section 5.6.6.
- 4.2.5. Issuing Permits.** The Zoning Enforcement Officer shall issue a temporary use permit only if the following conditions have met.
- A. All appropriate fees are paid in accordance with the fee schedule adopted by the County Board;
 - B. A site plan is provided and approved. Said site plan shall include but not be limited to the following: area the temporary use will occupy, parking, ingress and egress, signage and setbacks.
 - C. All other County and State of Illinois permits, if required for the proposed use, have been approved;
 - D. All conditions specified in the specific regulations of this section are met; and
 - E. Any conditions specified by the Zoning Enforcement Officer and/or other County authorities having enforcement powers that have been formally agreed to. Appeals of decisions shall be filed with the Zoning Board of Appeals in accordance with Section 2.9.
- 4.2.6. Permit Form.** A written permit will be issued for all temporary uses and shall contain the following information:
- A. Applicant's name;
 - B. Location, type, and effective dates of the temporary use;
 - C. Conditions specified by County authorities for the temporary use; and
 - D. Signature of the Zoning Enforcement Officer issuing the permit.
- 4.2.7. Permit Renewal.** Permits which are renewable shall have an application filed for renewal at least fifteen (15) days prior to the expiration date of the current permit, except that applications for renewal or extension of permit for less than fifteen (15) days may be applied for, no later than three (3) days prior to the expiration date of the current permit. Permit shall not be renewed if a violation of the current temporary use permit or other applicable codes and ordinances is determined to exist by the Zoning Enforcement Officer.

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4.3. HOME-BASED BUSINESSES.

4.3.1. Purpose. Home-based businesses are a necessary and desirable part of the development of a community, but if left unchecked can have a negative effect on the value, use and enjoyment of adjoining property and the neighborhood. It is necessary to establish performance standards to measure the appropriateness of the many diverse home-based businesses in Boone County. It is the intent of this section to:

- A. Ensure the compatibility of home-based businesses with other uses permitted in agriculture and residential zoning districts;
- B. Maintain and preserve the character of agriculture and residential neighborhoods;
- C. Promote the efficient use of public services and facilities by assuring that services are provided to the residential population for which they were planned and constructed, rather than provided to commercial uses; and,
- D. Prevent the generation of vehicular or pedestrian traffic in greater volumes than would normally be expected in agriculture and residential neighborhoods.

4.3.2. Performance Standards. In addition to the standards and criteria established in Section 2.7, herein, no home-based business, as defined herein, shall hereafter be established, altered or enlarged in any residence district unless such home-based business complies with the following performance standards in all residence districts:

- A. **EMPLOYEES.** No more than one (1) person who is not a permanent resident in the dwelling shall be employed in the home-based business.
- B. **AREAS USED.** The nature of the home-based business shall be that of an activity operating primarily within the home's living area. Accessory buildings may be utilized in a home-based business as follows:
 - 1. The use of an accessory building in conjunction with a home-based business located on any lot of a platted subdivision or unincorporated village whose principal use is residential shall be permitted by a Special Use Permit. The Special Use Permit, without further action by the County Board, shall become null and void coincidentally with the expiration of the home-based business permit.
 - 2. The use of an accessory building in other rural locations shall be permitted by the home-based business permit.
- C. **AREA LIMITED.** No more than twenty-five percent (25%) of the home's living area shall be devoted to the home-based business. The area of any attics, basements, and accessory buildings shall not be used in the calculation of the home's living area.
- D. **EXTERIOR EVIDENCE.** There shall be neither external alteration of the dwelling nor any other evidence indicating the existence of a home-based business.
- E. **SIGNS.** Only a nameplate in accordance with Section 5.6 of this ordinance shall be permitted.
- F. **EXTERIOR STORAGE.** There shall be no exterior storage of equipment or materials used in the home-based business.
- G. **DISTURBANCES.** No unreasonable noise, odor, liquid, or solid waste shall be emitted nor shall any electrical disturbance to the surrounding residents be allowed by the home-based business.
- H. **TRAFFIC.** A home-based business shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the area. Complaints by neighboring

residents or the general public will be very instrumental in assessing permit application approval or denial.

- I. PERMIT AND FEE REQUIRED. A home-based business permit must be secured from the County Zoning Enforcement Officer. The initial fee and annual renewal fees shall be charged in accordance with the fee schedule adopted by the County Board.

4.4 NON-CONFORMING BUILDINGS, STRUCTURES AND USES.

- 4.4.1. General.** Some lots, structures, uses of land, or characteristics of use may exist which were lawful before the adoption of the districts establish in this Zoning Code, or amendments which may later be adopted, but which would be prohibited, regulated, or restricted under the regulations of this Code. It is the intent of the Code to permit these non-conformities to continue until they are removed, but not to encourage their survival under the terms this Code. Non-conformities shall not be enlarged upon, expanded, or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged by attachment on a building or by the addition of other uses of a nature which would be prohibited generally in the district involved. Non-conforming uses are declared incompatible with permitted uses in the districts involved.
- 4.4.2. Agricultural Exemptions.** Existing homes in Agricultural Districts which are non-conforming with respect to the setback from the highway may be expanded to the side or rear without need for a variation provided such enlargement complies with the required side and rear setbacks. The County Engineer shall review and approve application for such enlargement or expansion prior to issuance of a building permit. In such case where the County Engineer denies the application, the Applicant may file a request for a variation in accordance with Section 2.8.
- 4.4.3. Non-conforming Uses of Land.** Where at the time of passage of this Code or subsequent more restrictive amendment hereto, a lawful use of land exists which would not be permitted by the regulations imposed, the use may be continued so long as it remains otherwise lawful, provided:
- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code.
 - B. 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 Code.
 - C. If any such non-conforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.
- 4.4.4. Non-conforming Structures.** Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
 - B. Should such non-conforming structure or non-conforming portions of structure be destroyed by any means to an extent of more than fifty percent (50%) of its fair market value prior to the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.
 - C. Should such non-conforming structure be moved for any reason for any distance it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - D. A non-conforming building or structure may be maintained or repaired in order to keep the building or structure in a safe condition. A non-conforming building or structure which is non-conforming only with respect to the setback regulations for the zoning

district in which it is located may altered or enlarged, provided that the alteration or enlargement does not increase the degree of any existing non-conformity, does not establish any additional non-conformity, does not occur in any required setback, and complies with all of the regulations of the zoning district in which it is located and all other applicable codes and ordinances.

4.4.5. Non-conforming Uses of Structures. If a lawful use involving individual structures with a fair market value of one thousand dollars (\$1,000) or more, or of structure and land in combination, exists at the effective date of adoption or amendment of this Code that would not be allowed in the district under the terms of this Code, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside of such building.
- C. When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for one (1) year, (except when government action impedes access to the premises) 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.
- D. Where non-conforming use status applied to a structure and premises in combination, removal, or destructions of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty-percent (50%) of the fair market value at the time of destruction.

4.4.6. Repairs and Maintenance. On the non-conforming structure or portion of a structure containing a non-conforming use, ordinary repairs, or repair or replacement of non-bearing wall, fixtures, wiring or plumbing may be made to an extent not exceeding fifty-percent (50%) of the fair cash market value of the non-conforming structure provided that cubic content existing when it became non-conforming shall not be expanded.

4.4.7. Appeals Procedure. Any appeal made regarding a Zoning Certificate or other permit for a legally non-conforming use or structure shall follow the procedure outlined in Section 2.9.

4.5. AIRPORTS AND AIRCRAFT. In addition to the standards and criteria established in Section 2.7, herein, no Special Use Permit shall be granted for the following uses unless evidence is presented to establish the standards and criteria set forth herein can be completely satisfied.

4.5.1. Airports. Airports shall meet the following requirements:

- A. Commercial airports shall provide at least the following facilities on the airport property area: hangar or office, wind direction indicator, fuel and oil facilities, sanitary drinking water, first aid kit, sanitary toilets, adequate fire protection equipment, automobile parking area, reasonably accessible telephone, adequate tie down facilities, and circle marker where a non standard traffic pattern is used.
- B. An airport is subject to the requirements of the Illinois Department of Transportation Division of Aeronautics and the Federal Aviation Administration.
- C. Maximum Height of Adjacent Structures. No building or structure shall hereafter be erected or altered in any district in which an airport may be approved for a distance of three thousand five hundred (3,500) feet from all points on the runway center line that exceeds a height of one (1) foot for every seven (7) feet of horizontal distance from the center line (7:1). Further, an approach area starting at the runway end and continuing to a width of five hundred (500) feet at three thousand five hundred (3,500) feet from the runway end shall be protected from any structure of over one (1) foot in height for each twenty (20) feet of horizontal distance from the runway (20:1).
- D. Airports may not be initially located closer to the limits of a municipality or to the boundary of a residential zoning district, or to the lot line of an educational or institutional facility than one-half (1/2) mile from the end of a runway or one thousand (1,000) feet from the center line of the runway.

4.5.2. Restricted Landing Areas. Restricted landing areas shall meet the following requirements:

- A. Number of Based Aircraft: Only three (3) air-worthy aircraft owned or leased by the holder of the permit for the restricted landing area may be based on the restricted landing area.
- B. Type of Aircraft Permitted: Aircraft operating on the restricted landing area are limited to small aircraft as described by Federal Aviation Regulations, Part 1, and are limited to three hundred horse power (300 hp) per engine.
- C. Minimum Separation: Every restricted landing area must be separated by one (1) statute mile (5,280 feet) from any point along the center line of any other restricted landing area.
- D. Each restricted landing area must meet all current Illinois Department of Transportation Division of Aeronautics and Federal regulations.

4.5.3. Ultralight Aircraft Landing Area for Six or More Air Vehicles.

- A. All air vehicles not licensed by the FAA are considered ultralight aircraft. Due to the unique operating characteristics of ultralight aircraft, licensing procedures and minimal federal aviation regulations shall follow the procedures outlined in Federal Aviation Regulations Part 103.
- B. Special Use Permit Required. Any ultralight aircraft landing area having six (6) or more based air vehicles shall not be established or operated without first obtaining a Special Use Permit in the manner prescribed in Section 2.7.
- C. Type of Aircraft Permitted: Only air vehicles considered ultralights may be based at an ultralight aircraft landing area.

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4.6. MOBILE HOME PARKS. In addition to the standards and criteria established in Section 2.7, herein, no Special Use Permit shall be granted for the use(s) listed below unless evidence is presented to establish the standards and criteria set forth herein.

4.6.1. Findings. The Zoning Board of Appeals shall review the particular facts and circumstances of each proposed Mobile Home Park in terms of the following standards and shall find adequate evidence showing that the Mobile Home Park development:

- A. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- B. Will not be hazardous or detrimental to existing or future neighboring uses;
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
- D. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- E. Will be consistent with the intent and purpose of this Ordinance and the Comprehensive Plan;
- F. Will have vehicular approaches to the property which shall be so designed as not to create any interference with traffic on surrounding public streets or roads;
- G. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance; and
- H. Will meet all applicable codes and laws.

4.6.2. General Standards. The following are general requirements that must be met before the Special Use Permit can be granted:

- A. Essential community facilities and services for type of mobile home park under consideration such as schools, recreation areas, and police and fire protection, shall be reasonably accessible to the park or provisions shall be made assuring these facilities and services.
- B. The park shall not be subject to hazards such as objectionable smoke, noxious odors, unusual noise, the probability of flood or erosion or the possibility of insect or rodent infestations. In no event shall any Special Use Permit be granted where the mobile home park, or any part thereof where mobile homes are to be placed, is located within a Special Flood Hazard Area.
- C. The condition of soil, ground water or flood level drainage and topography shall be such as not to create hazards to the property or to the health and safety of the residents.
- D. Direct vehicular access to the park shall be provided by means of an abutting improved public street. Sole vehicular traffic access shall not be by any alley.
- E. Any non-residential use of the property shall be subordinate to the residential use and character of the property and any non-residential use if permitted shall be harmonious with the residential character of the property. Only those commercial uses for the use of or service to the mobile home park occupants shall be permitted.
- F. Combustible or flammable materials, other than individual fuel storage on each mobile home lot and not exceeding two (2) fifty-five (55) gallon capacity containers subject to approval of state fire regulations, shall not be stored or manufactured on the property.

- G. Individual services and facilities shall be established for each mobile home lot as follows:
 - 1. A continuous supply of safe and potable water.
 - 2. Sanitary facilities and safe methods of sewage disposal.
 - 3. Electricity for artificial lighting, and to serve electrical equipment used in the mobile home.
 - 4. Tenant storage, including locker of at least ninety (90) cubic feet.
 - 5. Parking space.
- H. Common services and facilities shall be provided in appropriate locations:
 - 1. Parking space.
 - 2. Laundry, drying facilities and toilets.
 - 3. Recreation facilities.
 - 4. Management office.
 - 5. Management storage.
 - 6. Garbage and trash disposal.

4.6.3. Additional Application Requirements. In addition to the application requirements for a Special Use Permit, an application for a mobile home park shall be accompanied by the following items of information:

- A. Plat of survey and relation to surrounding property.
- B. Topographic map, not less than two (2) foot contour intervals, clearly describing property.
- C. Plans of proposed water supply and sewerage disposal.
- D. Location of tree masses, individual tree location where pertinent, streams, lakes, and existing sewer and water, gas, storm sewers, fire hydrants and other pertinent data.
- E. Test holes showing soil data required for disposal fields.
- F. The planner's name, the engineer's name and the architect's name shall be shown on all plans.
- G. All plans shall show professional competence in drawing and analysis and shall include pertinent data ordinarily used and shown on the plans by a competent landscape architect, architect, sanitary engineer or a professional engineer, in the particular field he is competent to act.
- H. The owner shall pay a fee in accordance with the Fee Schedule adopted by the Boone County Board, to cover the cost of the initial plan review.

4.6.4. Design Standards.

- A. SIZE. No mobile home park shall be established on a tract of land having less than forty (40) acres.
- B. LOT SIZE. The minimum size of an individual mobile home lot shall be four thousand (4,000) square feet. The average size of all lots in the mobile home park shall be five thousand three hundred (5,300) square feet, excluding streets and common areas.
- C. SETBACKS.
 - 1. No building, structure, or trailer shall be located closer than fifty (50) feet to any property line of the mobile home park, nor closer than seventy-five (75) feet to any principal county, township, or state highway or arterial street or roadway right-of-way.
 - 2. Mobile homes, attached or detached garages, or any additions or appurtenances thereto shall be setback at least twenty (20) feet from the pavement of streets, roadways, or sidewalks within the mobile home park.
 - 3. No part of any mobile home, attached or detached garages, or any addition or appurtenance thereto, shall be placed within twenty (20) feet of any other mobile home, attached or detached garage, or any addition or appurtenance thereto, nor within fifty (50) feet of any accessory or service building or structure.
 - 4. Patios or outdoor living space shall be adjacent the mobile home stand and shall not be less than one hundred eighty (180) square feet. in area for each home stand.
- D. HEIGHT. No building, structure, or mobile home shall be higher than two and one-half (2½) stories or thirty-five (35) feet.
- E. STREETS. Mobile home park streets shall be private unless the mobile home park is built to conform to County Subdivision Regulation requirements.
 - 1. Entrance streets or streets serving forty (40) or more lots shall have a minimum width of forty (40) feet with guest parking allowed on both sides.
 - 2. There shall be at least one (1) major thoroughfare for complete and uninterrupted traffic circulation within the mobile home park. This street shall be at least twenty-four (24) feet wide. No parking shall be permitted. All collector streets shall meet the same width and parking requirements.
 - 3. Minor Streets (those streets serving less than forty (40) lots) shall have the following minimum widths:

With parking (both sides)	34 feet
With parking (one side)	27 feet
With no parking	20 feet
 - 4. One-way minor streets shall be allowed when the street serves less than twenty (20) lots. The following minimum widths shall be required:

With parking (one side)	17 feet
With no parking	12 feet
 - 5. Cul de sacs and turning circles shall have a minimum diameter of one hundred (100) feet.

6. Streets shall be adapted to the topography and shall be aligned for the safety of traffic, satisfactory drainage, and proper functioning of sanitary and storm sewer systems.
 7. Intersections shall be generally at right angles with off-sets and intersections more than two (2) streets at one point avoided.
 8. Pavements shall be protected at the edges by curbs, gutters, or other suitable edging where necessary to prevent raveling of the wearing surface and shifting of the base.
 9. Gradients of streets shall be at least 0.014-percent and not exceed on collector streets five-percent (5%) and minor streets seven-percent (7%).
- F. DRIVEWAYS. Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other materials, and elsewhere as needed. Driveways serving a single mobile lot shall be at least nine (9) feet wide.
- G. MOBILE HOME LOCATION. All mobile homes shall be located on poured concrete pads or similar durable construction. In no case shall mobile homes be allowed on concrete blocks only.
- H. PARKING.
1. NUMBER SPACES REQUIRED: There shall be at least two (2) parking spaces per mobile home located on the mobile home lot.
 2. DIMENSIONS: Each parking space shall be at least nine (9) feet wide and twenty (20) feet long.
- I. SIDEWALKS.
1. All sidewalks shall be of concrete or asphalt construction.
 2. Sidewalks shall be provided to every mobile home from the street or parking area.
 3. Common sidewalks shall be provided where traffic is concentrated such as near the park entrance, park office, and community facilities. Such common walks shall be at least five (5) feet wide.
- J. LAUNDRY FACILITIES. Laundry facilities, when provided, shall be located where they will be easily accessible and where they will not impair views from home stands.
- K. LANDSCAPING. Within the fifty (50) foot setback surrounding the mobile home park, there shall be screen fencing or landscape plantings which shall be so designed or planted as to be at least fifty-percent (50%) opaque when viewed horizontally between two (2) feet and eight (8) feet above average ground level.
- L. RECREATION FACILITIES.
1. Recreation areas and facilities, such as playgrounds, community buildings and common open space shall be provided to meet the anticipated needs of the residents the park is designed to serve. Recreational facilities for small children should be separated from other recreational facilities.
 2. At least twenty-percent (20%) of the gross site area shall be devoted to common recreational land.

M. GARAGES.

1. Mobile home parks shall not be required to provide completely enclosed parking at each lot.
2. Each individual attached or detached garage shall not exceed six hundred (600) square feet.
3. No individual attached or detached garage shall exceed fifteen (15) feet in height.
4. Minimum Building Separation: A garage shall be set back no less than twenty (20) feet from any adjacent structure.
5. Building permits shall be obtained prior to the construction of any attached or detached garage.

4.6.5. Common Building Requirements. The following services shall be properly shown on the plans:

- A. MANAGEMENT OFFICE. The management office shall include room for the usual office furniture and supplies and shall contain a lavatory and water closet. Suitable facilities shall be provided for mail distribution.
- B. MANAGEMENT STORAGE. Storage for utility connection supplies in quantity, mobile home accessories and maintenance materials and equipment shall be provided in a separate building or in a building with other facilities.
- C. LAUNDRY AND TOILETS. Laundry and toilet facilities, when provided, shall comply with the following requirements:
 1. Provide laundry facilities equipped with washing machines and dryers. Satisfactory concession arrangements for washers and dryers may be accepted if suitable water, plumbing and electrical facilities are provided for installation of such equipment.
 2. At each laundry location, provide for each sex at least one (1) lavatory and one (1) water closet in a distinctly marked room with sound resistant wall and with vestibule or screen wall which prevents view inside when the door is open.
 3. Finish material of toilet rooms and laundry shall be moisture resistant and capable of withstanding frequent washing and cleaning.
- D. SETBACKS:
 1. From Property Lines: Fifty (50) feet.
 2. From Right-of-Way: Seventy-five (75) feet.
 3. From Other Structures and Mobile Homes: Fifty (50) feet

4.6.6. Utilities:

- A. WATER SUPPLY.
 1. The objective is to furnish an adequate supply of safe water of satisfactory quality under adequate pressure to all mobile homes and utility buildings and in addition, to furnish an adequate supply for fire protection, and shall be shown on proper plan or plans.
 2. Water supply systems shall comply with the Illinois Administrative Code Title 77: Public Health, Chapter I: Department of Public Health, Subchapter q; Mobile Homes, Part 860 Manufactured Home Community Code.
 3. If applicable, water supply systems shall be reviewed and approved by the County Health Department.

- B. SEWAGE DISPOSAL.
1. The objective is to furnish each mobile home and utility building with an adequate and safe method of sewage disposal by a water carriage sewerage system.
 2. Sewage disposal systems shall comply with the Illinois Administrative Code Title 77: Public Health, Chapter I: Department of Public Health, Subchapter q; Mobile Homes, Part 860 Manufactured Home Community Code.
 3. If applicable, sewage disposal systems shall be reviewed and approved by the County Health Department.
- C. DRINKING FOUNTAINS. Drinking fountains shall be provided in or near park or play areas. Drinking fountains shall conform to all state and local health authority requirements.
- D. FIRE PROTECTION. The system shall meet the standards for adequate fire protection as established the National Fire Protection Association.
- E. GARBAGE AND TRASH DISPOSAL.
1. The objective is to dispose of garbage and trash in a safe manner without creating a nuisance or unsanitary condition.
 2. Wherever reasonable, garbage and trash collections and disposal shall be by means of a public system.
 3. Wherever a public system is not reasonable, arrangements for the disposal of garbage and trash shall be approved by the Illinois State Department of Public Health and Boone County Health Department.
 4. To be acceptable, arrangements and agreements for garbage and trash disposal shall cover a period of at least one (1) year.
 5. Individual collection units or trash cans shall be placed below the ground level or kept out of public view in similar manner.
- F. COLLECTION STATIONS. Unless individual garbage and trash collection is provided, a permanent location shall be selected for garbage and trash containers. Satisfactory racks or holders upon concrete platforms or other acceptable methods shall be provided which will minimize spillage and container deterioration and visual pollution. Trash storage areas shall be screened from view with landscaping, fence or wall or a combination thereof equal to the height of the trash storage receptacles being screened.
- G. CODES AND REGULATIONS. The complete electrical system shall be new and parts thereof shall comply with the more restrictive requirements of the currently adopted Building and Electrical Codes. In the absence of clarifying codes, installations shall comply with the National Electrical Code unless otherwise modified herein.
- H. UTILITY LINES. All utility distribution, collection and service lines, wires and cables, shall be underground within the mobile home park.
- I. EXTERIOR LIGHTING. Adequate lights shall be provided to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night.
- J. TELEPHONE SERVICE. When telephone service to mobile home stands is provided, the distribution system shall be underground, and shall be in general conformance with the placement of the electrical distribution system.

4.6.7. Inspections. All required site improvements to be installed under the provisions of this Section shall be inspected at the owner's expense by a qualified registered professional person who, when the work is completed, shall certify to the Boone County Board that the work complies in all respects with the approved plans and specifications. Construction authorized under a building permit shall be inspected by the County Building Department.

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4.7. EARTH MATERIALS EXTRACTION.

4.7.1. PURPOSE. It is the purpose of this Section to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use. Earth materials extraction, processing, and site reclamation shall be determined and permitted on a Special Use basis.

4.7.2. Where Permitted.

- A. The extraction of earth materials (gravel, peat, sand and stone) may be allowed as a Special Use in any I-2 District and shall follow the procedure for Special Uses as specified in Section 2.7 of this Ordinance, as well as the provisions of this Section 4.7.
- B. The extraction of earth materials (topsoil and clay) may be allowed as a Special Use for work towards remediation of Superfund sites or closed landfills in any A-1 or I-2 District and shall follow the procedure for Special Uses as specified in Section 2.7 of this Ordinance, as well as the provisions of this Section 4.7.

4.7.3. Exemption to Requirements. If surface mining operations are conducted upon a parcel of land not exceeding two (2) acres in total area and upon which is less than ten (10) feet overburden, by the owner thereof for the single purpose of improving the agricultural use of that parcel or another parcel in his ownership or that of his spouse or children, the owner thereof shall file with and to the satisfaction of the Zoning Enforcement Officer and the approval of the Zoning Administrator his affidavit that the foregoing conditions are applicable. Such mining operations may be conducted without a hearing before the Zoning Board of Appeals and without approval of the County Board. The Zoning Enforcement Officer shall make available to the owner, the necessary form of application and affidavit.

4.7.4. Application Procedure. Any person, firm or corporation desiring to commence the mining and processing of topsoil, earth, clay, gravel, sand, stone or other minerals shall make written application for a Special Use Permit to the Zoning Administrator. Application for such permit shall be made upon a form furnished by the Zoning Administrator, which form shall contain a description of the tract, or tracts, of land and the number of acres thereof to be mined by the applicant and which description shall include the Section, Township, Range and County in which the land is located and shall otherwise describe the land and that portion thereof to be mined with sufficient certainty so that it may be located and distinguished from other lands, and a statement that the applicant has the right and power by legal estate owned to mine and reclaim that land so described. Such application shall be accompanied by ten (10) copies of the following:

- A. A detailed map of the land drawn at a scale of one inch equals 100 feet showing at least the following specifics:
 - 1. Existing topographical features at two (2) foot contour intervals, up to and including seven-percent (7%) grade. Greater than seven-percent (7%) grade would require five (5) foot counters.
 - 2. Location of water courses and drainage systems.
 - 3. Outline of area to be excavated.
 - 4. The proposed location of sorting, grading, crushing, and similar equipment necessary to the operation and initial distribution of the excavated products.
 - 5. The proposed location of any buildings, scale house, equipment storage areas, and equipment repair sheds or areas.

- B. Statements shall be provided regarding:
1. Ownership of land.
 2. Minerals to be mined.
 3. Character and composition of vegetation and wildlife of the site and the surrounding area to be mined.
 4. The nature, depth and proposed disposition of the overburden.
 5. The estimated depth to which the mineral deposit will be mined.
 6. The technique to be used in surface mining.
 7. Estimated type and volume of excavation.
 8. The equipment proposed to be used.
 9. Practices and methods proposed to be used to minimize noise, dust, air contaminants and vibration and to prevent pollution of surface or underground water.
 10. The recycling of water used for washing and grading.
 11. The proposed usage or drainage of excess water.
- C. A detailed reclamation plan and map drawn to a scale of one (1) inch equals 100 feet designating which parts of the land shall be reclaimed for forest, pasture, crop, horticultural, home site, recreational, industrial, or other use including food, shelter and groundcover for wildlife, and shall show the same by appropriate designation on the reclamation plan. The reclamation plan and map shall specify progress and completion dates of the reclamation plan; provided, however, the reclamation is to be completed prior to the expiration of three (3) years after termination of the mining operation on the land. In the event the operator and the County shall mutually determine that characteristics of the area concerned have been found to be present during the conduct of mining, changes may be made in the original reclamation plan mutual consent of the operator and the County Board, which change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables. Contours shall conform to requirements of development proposed, but not less than required for existing original topography.
- D. A written statement containing an explanation of the reclamation plan including methods of accomplishment, phasing and timing.
- E. The applicant shall be permitted to submit the forms, including the reclamation plan and reclamation map, delivered by him to the proper department of the State of Illinois in his application for a permit under Act of the General Assembly entitled: "The Surface-Mined Land Conservation and Reclamation Act".
- 4.7.5. Review Procedures.** The operator shall furnish the Zoning Administrator with the required copies of the aforesaid statements, maps and other related exhibits for review of the reclamation plan no less than sixty (60) days before the Zoning Board of Appeals hearing. The review procedure shall be as established for the review of Special Uses in Section 2.7 of this Ordinance.
- 4.7.6. Term of Permit.** Each Special Use permit issued hereunder shall be effective for a maximum of five (5) years from and after the date of issuance thereof, provided the requirements of operation and reclamation, as are set forth under the operators permit and application, shall be met. An examination of the premises shall be made by the Zoning Enforcement Officer at intervals of not more than six (6) months during the term of operation.

4.7.7. Renewal of Special Use Permit.

- A. A renewal of the Special Use Permit shall be for a period of time not more than five (5) years.
- B. A request to renew the Special Use Permit that involves acreage or equipment in addition to the allowed in the original permit shall be treated in the same manner as the initial application.
- C. A request to renew the Special Use Permit when no additional acreage or equipment will be brought into use shall be handled in the following manner:
 - 1. If an operator is not able to finish mining the acreage described in the Special Use Permit in the time specified, he shall apply to the Zoning Board of Appeals. A public hearing will be held. The maps required by this Ordinance for the initial hearing shall be revised, updated and resubmitted along with a statement of the current status of the mining reclamation. A new map describing conditions present on the site shall be furnished.
 - 2. The applicant shall furnish the Zoning Administrator with a copy of the aforesaid statements, maps, plans and other related exhibits for review of the revised or extended reclamation plan no less than sixty (60) days before the Zoning Board of Appeals hearing.
- D. The review procedure described in Section 2.7 shall apply.

4.7.8. Bond. All operators shall be required to obtain the proper permits and submit a bond, cash in lieu of bond, or a stand-by irrevocable letter of credit drawn upon a financial institution acceptable to the county. The bond shall be payable to the county on condition that the principal shall faithfully perform and complete the approved reclamation plan. Such bond, cash in lieu of bond, or a stand-by irrevocable letter of credit drawn upon a financial institution acceptable to the county shall be in an amount of not less than two thousand five hundred dollars (\$2,500) for each acre to be affected. The actual dollar amount shall be established during the hearing process with the Zoning Board of Appeals. A photocopy of the bond, verification of cash in lieu of bond, or a copy of the stand-by irrevocable letter of credit drawn upon a financial institution acceptable to the county shall be provided by the operator to the Zoning Administrator.

4.7.9. Mining Operation Requirements. Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon the lands described in the permit, subject to the following requirements:

- A. The mining operations shall be conducted in compliance with the laws of the State of Illinois and Federal Government, especially as related to safety standards, and ordinances and resolutions of the County of Boone, as amended from time to time, and in compliance with and furtherance of approval of reclamation plan for the affected land.
- B. Clearing of the mining site shall include the moving of existing trees and shrubs to such locations as will provide screening as hereinafter provided whenever possible or as will conform to the plan for ultimate use of the property as shown on the reclamation plan to be submitted.
- C. Maximum depth of excavation shall not be below existing groundwater, except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation for conformance to the approved reclamation plan.

- D. Adequate planting and/or fencing shall be provided along all public roads adjacent to the property involved, sufficient to screen the operation from public view, as reasonably as possible, and as approved by the County Board in granting a Special Use.
- E. Not more than one (1) entrance and one (1) exit from a highway or road shall be provided to the area of operation. Such entrance shall be subject to approval by the Department of Highways having jurisdiction and shall, preferably be located along a secondary road, and shall be located as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development. If required, by the Highway Department having jurisdiction, acceleration and deceleration strips shall be provided on either side of such entrance and exit, of not less than one hundred (100) feet in length each, and shall be paved of such material as shall be required by the Highway Department having jurisdiction. Furthermore, a paved road from the entrance and exit, a distance not less than three hundred (300) from the right-of-way line into the area of operation shall be provided in order to minimize the deposit of dirt and gravel from trucks onto the public highway. Such pavement shall be in accordance with the specifications of the County Highway Department. Entrances and exits shall be provided with the gates to be securely locked during hours of in-operation.
- F. Trucks used in hauling materials from the site of excavation shall be loaded in such a manner as to prevent spillage onto the public highway.
- G. Any spillage on said highways resulting from overloading or from material adhering to truck tires shall be removed periodically from said public highways at intervals of not more than 24-hours, and all safety precautions shall be observed during such process of removal.
- H. Overburden shall not be removed in excess of the area to be mined within one (1) year. Development toward final plan shall be carried on as excavation progresses. Where ground cover or other planting is indicated on approved plan, such planting shall be made in areas where excavation is completed and land is not being used for material storage.
- I. Operations shall be conducted only during the hours from 6:00 A.M. to 6:00 P.M., Monday through Sunday, except during public emergency during which sand and gravel is needed and upon order of the County Board, the County Sheriff, or the County Superintendent of Highways.
- J. No extraction operations shall be conducted in such a manner as to permanently lower the water table of surrounding inhabited properties.
- K. Where required by the County Board in granting a Special Use for a mining operation, to promote safety, a fence shall be erected which shall be of a nature and character to protect the general public from danger.
- L. Weeds and other unsightly or noxious vegetation shall be cut or trimmed at least twice a year or as may be necessary to present a reasonably neat appearance and to prevent seeding on adjoining property.
- M. Existing trees and groundcover along public road shall preserve, maintained, and supplemented for the depth of the required roadside setback.
- N. Upon the completion of operations, the land shall be left in a condition so that sufficient drainage is provided in order to prevent water pockets or undue erosion with all grading and drainage such that natural storm water leaves the entire property at the original, natural, drainage points and that the area drainage to any one such point is not increased. In the event the reclamation plan shall provide for the permanent establishment of a lake,

the grading and drainage may be altered, but not in such a manner as to cause damage or inconvenience to surrounding or abutting properties.

- O. Graded or backfilled areas or banks in the cases of excavations made to water-producing depth shall be covered with topsoil to a minimum depth of six (6) inches. Such topsoil shall have a minimum of twenty-five-percent (25%) organic material except that no greater depth of topsoil or percentage of organic material shall be required than originally existing on property prior to the commencement of operation.
- P. Upon replacement of the topsoil; trees, shrubs, legumes, grasses, or groundcover shall be plated upon such area in order to avoid erosion, in accordance with approved reclamation plan.
- Q. Whenever production on any property shall have been completed, all buildings, plants, structures (except fences) and equipment shall be entirely removed within six (6) months after such completion, unless same are to be used in connection with the reclamation project proposed or relative to the removal of stored materials. Any and all stockpiled materials shall be removed in not more than two (2) years following cessation of production and the area occupied by such stockpiled material, or materials, shall then be restored as provided for in the reclamation plan.

4.7.10. Setbacks Requirements. Unless otherwise specifically provided in the applicable Special Use Permit, production, processing and excavation shall not be conducted closer than one thousand (1,000) feet to the boundary of any zoning district where such operations are not permitted, nor shall such production, processing and excavation be conducted closer than one hundred fifty (150) feet to the right-of-way of any existing or platted street or highway.

4.7.11. Non-Conforming Earth Extraction Operations. Any mining operation legally commenced prior to the adoption of this Section shall be exempt from the requirements hereof, except that said operations shall not be exempt from the requirements hereof pertaining to the hours of operations, the operation of motor vehicles and safety regulations. Any change in these requirements shall require public notice and a public hearing per Section 2.7.

4.7.12. Revocation of Permit. Upon failure by the holder of a mining operations Special Use Permit, issued pursuant to the provisions of this Section, to fully comply with the provisions hereof and when same has been certified by the Zoning Enforcement Officer to the Zoning Board of Appeals, the Board of Appeals shall give notice to said permit holder, and the owner of the land (which notice may be given by mail addressed to their last known address) setting forth the provision of this Section being violated by the permit holder, and the time and place of hearing to be held by the Board of Appeals to consider the same; and upon such hearing being held, if the Board of Appeals shall find that the provisions of this Section have not been complied with by the permit holder then the Board of Appeals shall recommend to the County Board that the mining operations permit to be suspended or terminated, and the County Board may suspend or terminate the permit.

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4.8. WIND ENERGY CONVERSION SYSTEMS SITING

4.8.1. Purpose. It is the purpose of this Section to:

1. Assure that any development and production of wind generated electricity in Boone County is safe and effective.
2. Facilitate economic opportunities for local residents.
3. Promote the supply of wind energy in support of Illinois' statutory goal of increasing energy production from renewable energy source.

4.8.2. Applicability. This ordinance governs the siting of wind energy conversion systems (WECS) and Substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECSs with an aggregate generating capacity of 1.5 MW or less who locate the WECS on their own property are not subject to requirements of this Section.

4.8.3. Prohibition. No WECS or Substation governed by section 4.8.2 of this ordinance shall be constructed, erected, installed, or located within Boone County unless prior siting approval has been obtained for each individual WECS and Substation pursuant to this Ordinance.

4.8.4. Special Use Permit Requirements. In addition to the standards and criteria established in Section 2.7, herein, no Special Use Permit shall be granted for the use(s) listed below unless evidence is presented to establish the standards and criteria set forth herein.

4.8.5. Definitions. The following words and terms when used in the interpretation and administration of this Section 4.8 shall have the meaning set forth herein except where otherwise specifically indicated.

Applicant: Shall mean the entity of person who submits to the County an application for the siting of any WECS or Substation.

Financial Assurance: Shall mean reasonable assurance from a credit-worthy party; examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.

Operator: Shall mean the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.

Owner: Shall mean the entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (1) the property owner from whom the land is leased for locating the WECS, unless the property owner has an equity interest in the WECS; or (2) any person holding a security interest in the WECS solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS at the earliest practicable date.

Professional Engineer: Shall mean a qualified individual who is licensed as a professional structural engineer in the State of Illinois.

Primary Structure: Shall mean, for each property, the structure that one or more persons occupy the majority of the time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, and day care facilities. Primary Structure excludes such structures as hunting sheds, storage sheds, pool houses, unattached garages and barns.

Substation: Shall mean the apparatus that connects the electrical collection system of the WECS and increases the voltage for connection with the utility's transmission lines.

Wind Energy Conversion System (WECS): Shall mean all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower to the Substation.

WECS Project: Shall mean the collection of WECS(s) and substations specified in the siting approval application pursuant to Section 4.8.6 of this ordinance.

WECS Tower: Shall mean the support structure to which the nacelle and rotor are attached.

WECS Tower Height: Shall mean the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

4.8.6 Special Use Application Requirements. In addition to a Special Use Permit application per Section 2.7, the Applicant shall submit to Boone County the following additional information:

- A. The Special Use Permit application shall contain or be accompanied by the following information:
 1. A “WECS Project Summary,” including, to the extent available:
 - a. A general description of the project, including its approximate name plate generating capacity, the potential equipment manufacturer(s), type(s) of WECSs, number of WECSs and name plate generating capacity of each WECS, the maximum height of the WECS tower(s) and the maximum diameter of the WECS(s) rotors.
 - b. A description of the general location of the project
 - c. A description of the Applicant, Owner, and Operator, including their respective business structures
 - d. A general business plan outlining all major events that will take place over the useful life of the WECS project.
 2. The names, addresses, and phone numbers of the Applicants, Owners, Operators, and all property owners included in the Application.
 3. A site plan for the installation of WECSs showing the planned location of each WECS tower, guy lines and anchor bases (if any), Primary Structure(s), property lines including identification of adjoining properties, setback lines, public access roads and turnout locations, substations, electrical cabling from the WECS tower to the substations, ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of the setback established in Section 4.8.7.H.
 4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
- B. The Applicant shall notify Boone County of any changes to this information that occur while the Special Use Permit application is pending.
- C. For Special Use Permit applications involving multiple WECS towers, only one application is required. Although processed as one Special Use, each tower within a WECS Special Use shall be charged the established Special Use fee.

4.8.7 Design and Installation.

- A. DESIGN SAFETY CERTIFICATION.
 1. WECSs shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

2. Following the granting of siting approval and Special Use Permit under this Ordinance, a professional structural engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- B. **CONTROLS AND BRAKES.** All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
 - C. **ELECTRICAL COMPONENTS.** All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards e.g., ANSI and International Electrical Commission.
 - D. **COLOR.** Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color. No advertisement or signs shall be allowed.
 - E. **COMPLIANCE WITH THE FEDERAL AVIATION ADMINISTRATION.** The applicant for the WECS shall comply with all applicable FAA requirements. Evidence of said compliance shall be submitted at the time of the siting request.
 - F. **WARNINGS:**
 1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.
 - G. **CLIMB PREVENTION.** All WECS towers must be unclimbable by design or protected by anti-climbing devices Including, but not limited to:
 1. Fences with locking portals at least six (6) feet high; or
 2. Anti-climbing devices twelve (12) feet vertically from the base of the WECS tower.
 - H. **SETBACKS.** All WECS towers shall provide the following minimum setbacks:
 1. From Primary Structure(s): One thousand (1,000) feet from any Primary Structure. The distance shall be measured from the point of the Primary Structure foundation closest to the WECS tower to the center of the WECS tower foundation. The owner of the Primary Structure may waive this setback requirement but in no case shall a WECS tower be located closer to a Primary Structure than 1.10 times the WECS tower's height.
 2. From public roads, third party transmission lines, and communication towers: 1.10 times the WECS tower's height.
 3. From property lines not part of the Special Use petition: All WECS towers shall be setback a distance of at least 1.10 times the WECS tower's height. The County may waive this setback requirement.
 4. The Applicant does not need to obtain a variance from the County upon waiver by either the County or property owner of any of the above setback requirements. Any waiver of any of the above setbacks shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

- I. COMPLIANCE WITH ADDITIONAL REGULATIONS. Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.
- J. USE OF PUBLIC ROADS.
 - 1. An applicant, owner, or operator proposing to use any Boone County roads for the purpose of transporting WECS or substation parts and/or equipment for construction, operation, or maintenance of the WECSs or substations, shall:
 - a. Identify all such public roads; and
 - b. Obtain applicable weight and size permits from relevant government agencies prior to construction.
 - 2. To the extent an applicant, owner, or operator must obtain a weight or size permit from the County, the applicant, owner, or operator shall:
 - a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
 - b. Secure financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating, or maintaining the WECS.

4.8.8. Operation.

- A. MAINTENANCE.
 - 1. The owner or operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the Zoning Administrator. In addition to the above annual summary, the owner or operator must furnish such operation and maintenance reports as the county reasonably requests.
 - 2. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Section 4.8.7.A.1 of this ordinance. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than like-kind replacements) the owner or operator shall confer with a third-party certifying entity identified in Section 4.8.7.A.1 to determine whether the physical modification requires re-certification.
- B. INTERFERENCE.
 - 1. The Applicant shall provide the applicable microwave transmission providers and local emergency service providers and local emergency providers (e.g., 911 operators) copies of the project summary and site plan, as set forth in Section 4.8.6.B.3. The Applicant shall provide evidence that any potential interference has been resolved to the satisfaction of the providers. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall take reasonable steps to resolve the complaint.
 - 2. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interferences with local broadcast residential television, the Owner or Operator shall take reasonable steps to resolve the complaint.

- C. COORDINATION WITH LOCAL FIRE DEPARTMENTS:
1. The Applicant, Owner or Operator shall submit to the local fire department(s) a copy of the site plan.
 2. Upon request by the local fire department(s), the Owner or Operator shall cooperate with the fire department(s) to develop the fire department's emergency response plan.
 3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

- D. MATERIALS HANDLING, STORAGE AND DISPOSAL:
1. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
 2. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

4.8.9. Noise Levels. Noise levels from each WECS or WECS Project shall be in compliance with applicable Illinois Pollution Control Board regulations. The applicant, through the use of a qualified professional, as part of the Special Use Permit application approval process, shall appropriately demonstrate compliance with the above noise requirements.

4.8.10. Birds. A qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the Special Use Permit application approval process, to determine if the installation of WECSs will have a substantial adverse impact on birds. The applicant must take reasonable action to mitigate such adverse impacts on habitat and migration.

4.8.11. Public Participation. Nothing in the ordinance is meant to augment or diminish existing opportunities for public participation.

4.8.12. Liability Insurance. The owner or operator of the WECS shall maintain a current general liability policy covering bodily injury and property damage with limits of at least one million dollars per occurrence and one million dollars in the aggregate.

4.8.13. Decommissioning Plan Required. At the time of Special Use Permit application, the County and the Applicant, Owner, and/or Operator must formulate a Decommissioning Plan to ensure that the WECS Project is properly decommissioned. The Decommissioning Plan shall include:

- A. Provisions describing the triggering events for decommissioning the WECS project;
- B. Provisions for the removal of structures, debris and cabling, including those below the soil surface;
- C. Provisions for the restoration of soil and vegetation;
- D. An estimate of the decommissioning costs certified by a professional structural engineer;
- E. Financial Assurance, acceptable to the County, secured by the Owner or Operator, for the purpose of adequately performing decommissioning, in an amount equal to the professional structural engineer's certified estimate of the decommissioning costs;
- F. Identification of and procedures for Boone County to access the Financial Assurances;
- G. A provision that the terms of the decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs; and
- H. A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.

4.8.14. Remedies.

- A. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under this ordinance.
- B. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the owner and operator, setting forth the alleged default(s). Such written notice shall provide the owner and operator a reasonable time period, not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default(s).
- C. If the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provisions addressing the resolution of such default(s) shall govern.

4.8.15. Future Operators. Future Operators, successors, assigns, or heirs shall agree in writing to accept and to conform to all provisions of the Special Use Permit. Prior notice to the County of the intent to sell or transfer ownership shall be done in a timely manner. Such agreement shall be filed with and accepted by the County before the transfer to a new Operator, successors, assigns, or heirs shall be effective.

4.9. GROUP HOMES

4.9.1. Special Use Permit Required. No person shall establish, operate or maintain a group home without first obtaining a Special Use Permit authorized and issued by the County Board in accordance with the standards and procedures set forth in this Ordinance. In addition to the standards and criteria established in Section 2.7, herein, no Special Use Permit shall be granted for a group homes-unless evidence is presented to establish the standards and criteria set forth herein.

4.9.2. Standards. No permit for a group home shall be granted by the County Board unless the following requirements are met:

- A. **OCCUPANCY:** Each single occupancy bedroom within a group home shall contain a minimum of fifty-five (55) square feet of net floor area per occupant exclusive of space devoted to closets, wardrobe areas, bathrooms, and clearly definable hallways and entryway areas. The residents of a group home shall regularly utilize the common cooking facilities and common living and eating areas within their group home.
- B. **SPACING:** A group home shall be located no closer than one thousand (1,000) feet from another group home. This requirement may be waived if the County Board, acting upon the recommendation of the Zoning Board of Appeals, finds that the cumulative effect of such uses would not alter the residential character of the neighborhood in which they are located, would not create an institutional setting, and would not adversely affect the value and character of surrounding properties.
- C. **RESIDENTIAL CHARACTER:** A group home shall be designed and maintained to be compatible in size, type and building materials to adjacent dwellings. In addition, a group home shall have no signage or activities that would alter the residential character or appearance of the dwelling. With the exception of those offices and meeting rooms that are used only by the residents of the group home, no offices or meeting rooms shall be maintained within a group home.
- D. **TRAFFIC GENERATION AND PARKING:** A group home shall not generate any more traffic than typically associated with a single-family or multiple-family dwelling of similar size, nor require more vehicle parking than is available on the adjacent street or parking spaces allowed on the lot on which is located.
- E. **LICENSING:** A group home shall be licensed, accredited or sponsored by a local, state or national government agency or other entity which imposes standards or guidelines for the operation and maintenance of the group home.

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4.10. LIVESTOCK FACILITIES BUFFER ZONES

4.10.1. Intent. It is intention of Boone County and the State of Illinois to protect livestock facilities from encroachment and nuisances, as well as to protect residential and commercial uses from possible nuisances by establishing reverse setbacks for new rural residences and new subdivisions next to an existing Intensive Agricultural Use.

4.10.2. Exemptions.

- A. Non-Intensive Agricultural Uses shall be exempt.
- B. Existing Intensive Agricultural Uses within the buffer zone at the time of adoption or amendment of this Code shall be considered legally conforming uses and shall not be required to meet the buffer zone requirements.

4.10.3. Buffer Zone.

- A. One-quarter (1/4) mile setbacks must be maintained between any new Intensive Agricultural Use and any non-farm dwelling or non-farm business.
- B. If in the event of a natural disaster an existing home or business within the buffer zone is destroyed the home shall be allowed to be rebuilt and the setbacks shall not apply.
- C. Should two parties agree that a lesser setback would work in a specific instance and have a written agreement so stating, a waiver may be obtained from the Zoning Board of Appeals.
- D. All Intensive Agricultural Uses shall be identified and kept on record by the Boone County Farm Bureau.

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4.11. ACCESSORY RELATIVE LIVING QUARTERS

4.11.1. Intent. The intent of this section is to protect the public health by ensuring that any portion of a structure used for a residence meets building codes and provides adequate facilities for daily living.

4.11.2. Relative Living Quarters. These quarters are intended for a member of the family, and shall be accessed thru the primary residence. Said quarters shall not exceed eight hundred (800) square feet, shall have the same address and share utilities with the primary residence.

4.11.3. Permitted Districts. Relative Living Quarters accessible only through the primary residence shall be permitted in all residential and agricultural districts. If a separate primary entrance and/or a substantially separate living quarters is proposed a Special Use shall be required in compliance with Section 2.7.

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4.12. ADULT ENTERTAINMENT ESTABLISHMENTS.

4.12.1. Intent. Adult Entertainment Establishments are in a category by themselves and do not fall into the standard Special Use category. As a use protected by the First Amendment, all regulations must ensure due process and a right to conduct business within the County. Based on the Minnesota Attorney General's "Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Business," and on the findings of several important court cases including, but not limited to, *Renton v. Playtime Theatres, Inc.* 475 US 41 (1986), *City of Los Angeles v. Alameda Books, Inc.*, 535 US 425 (2002), and *RVS, LLC v. City of Rockford*, 361 F.3d 402 (7th Cir. 2004) the following Zoning Code is intended to provide reasonable regulation on the outward appearance and location of Adult Entertainment Establishments.

4.12.2. Definitions. The following words and terms when used in the interpretation and administration of this Section 4.12 shall have the meaning set forth herein except where otherwise specifically indicated.

Adult Booth: Shall mean any area of an Adult Entertainment Establishment set off from the remainder of such Establishment by one or more walls or other dividers or partitions and used to show, play, observe or otherwise demonstrate any Adult Materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

Adult Cabaret: Shall mean any Commercial Establishment that as a substantial or significant portion of its business features or provides any of the following: (1) persons who appear Semi-nude or Nude; (2) live performances that are distinguished or characterized by any emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities; or, (3) films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

Adult Entertainment Establishment: Shall mean an Adult Cabaret, Adult Store, or Adult Theater, as defined in this Section as defined in this Section.

Adult Material: Shall mean whether new or used, (1) any books, magazines, periodicals, or other printed matter, or digitally-stored materials; or films, motion pictures, video or audio cassettes, slides computer displays, or other visual representations or recordings of any kind, that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities; or (2) any instruments, novelties, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities, or that depict or describe Specified Anatomical Areas.

Adult Store: Shall mean any commercial establishment (1) that contains one or more Adult Booths; (2) that as a substantial or significant portion of its business offers for sale, rental, or viewing any Adult Materials; or, (3) that has a segment or section devoted to the sale or display of Adult Materials.

Adult Theater: Shall mean any Commercial Establishment that as a substantial or significant portion of its business features or provides (1) films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities; or (2) live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct of simulation of Specified Sexual Activities.

Nude or State of Nudity: Shall mean a state of dress or undress that exposes to view (1) less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point

immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

Protected Uses: Shall mean (1) a church, synagogue, mosque, or other place of worship; (2) a public or private nursery, elementary, or secondary school; (3) a child care facility or day care center; (4) a public park, playground, playing field, forest preserve, conservation district land, or other recreational area; (5) a public or private cemetery; or, (6) a public housing authority.

Semi-Nude: Shall mean a state of dress or undress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

Specified Anatomical Areas: Shall mean any of the following: (1) less than completely and opaquely covered human genitals; pubic region; buttocks; anus, or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

Specified Sexual Activities: Shall mean any of the following: (1) fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; (4) human genitals in a state of sexual stimulation, arousal, or tumescence; (5) excretory functions as part of or in connection with any of the activities set forth in Parts 1, 2, 3, or 4 of this definition.

4.12.3. Zoning Certificate and Project Review. Adult Entertainment Establishments shall be subject to the project review procedures and requirements set forth in Section 2.5, as part of the application for Zoning Certificate.

4.12.4. Secondary Effects. The regulations pertaining to Adult Entertainment Establishments shall directly address or reduce the unwanted secondary effects of sexually-oriented businesses, such as: high crime rate areas; deteriorated commercial and residential areas; depreciation of appraised property values in the area; dramatic changes in the character of the neighborhood when more than one sexually-oriented business is operating in a given area; reduced sales tax revenues as a result of businesses not wanting to locate near an Adult Entertainment Establishment, or as a result of persons who will shop elsewhere if the shopping area is identified with adult uses; and, litter and trash of a sexually-oriented nature in the public realm, particularly in areas accessible by minors.

4.12.5. Minimum Distance Requirements.

- A. FROM PROTECTED USES. No Adult Entertainment Establishment shall be established, maintained, or operated on any lot that has a property line within three thousand (3,000) feet of the property line of any other lot on which a Protected Use is established, maintained, or operated.
- B. FROM OTHER ADULT ENTERTAINMENT ESTABLISHMENTS. No Adult Entertainment Establishment shall be established, maintained, or operated on any lot that has a property line within one thousand (1,000) feet of the property line of any other lot on which any other Adult Entertainment Establishment is established, maintained or operated.

- C. FROM RESIDENTIAL PROPERTY. No Adult Entertainment Establishment shall be located, established, maintained or operated on any lot that has a property line within one thousand (1,000) feet of the property line of any Residential Property as defined in Section 1.2.3 of the Boone County Zoning Ordinance.
 - D. MEASUREMENT. For the purpose of this Section 4.12.4, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the Adult Entertainment Establishment is located to the nearest point on a property line of a lot on which a Protected Use, Residential Property, or other Adult Entertainment is located.
- 4.12.6. Limited Exception for Subsequent Protected Uses.** An Adult Entertainment Establishment lawfully operating under this Code and under the Boone County Adult Use Licensing Ordinance shall not be deemed to be in violation of the location restrictions set forth in this Section 4.12.4 solely because a Protected Use subsequently locates within the minimum required distance of the Adult Entertainment Establishment.
- 4.12.7. Building Materials.** The building housing an Adult Entertainment Establishment shall be constructed of materials substantially similar and in an architectural style substantially similar to the other buildings in the neighborhood to ensure that the character of the neighborhood is not harmed.
- 4.12.8. Signs.** In addition to the regulations set forth in Section 5.5, no Adult Entertainment Establishment shall depict Specified Anatomical Areas or Specified Sexual Activities in its signage.
- 4.12.9. Location.** The Adult Entertainment Establishment shall not be located on any street within a subdivision, but only on perimeter roads and major thoroughfares.
- 4.12.10. Trash Collection and Storage.** Trash receptacles shall be located abundantly and conveniently in the area of the Adult Entertainment Establishment. A dumpster is required and must be located within an enclosure constructed of similar materials to the primary building and shall be locked. Trash collection shall be arranged with a local solid waste hauler on a daily basis, or as frequently as the solid waste hauler can accommodate.
- 4.12.11. Severability.** This Section and any amendment thereto and the various parts, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance or amendment hereto shall not be affected thereby.

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