

ORDINANCE NO. _____

WHEREAS, the Lee County Regional Planning Commission desires to act upon Petition No. 23-PC-74 by Lee County Zoning Office, to amend the text as follows:

1. The Petitioner desires to amend Chapter 1: TITLE, PURPOSE AND INTENT, Section 4: RULES AND DEFINITIONS under Title 10: ZONING REGULATIONS in the Lee County Code of Ordinances to include a definition for the term, “Skilled Trades.”
2. The Petitioner desires to amend Chapter 4: AG-1 RURAL/AGRICULTURAL DISTRICT under Title 10: ZONING REGULATIONS in the Lee County Code of Ordinances to allow “Skilled Trades” in Ag-1, Rural/Agricultural District, as an Accessory Use with a Special Use Permit, with Restrictions.
3. The Petitioner desires to amend Chapter 9: USE AND BULK REGULATIONS, Section 2: ACCESSORY USES under Title 10: ZONING REGULATIONS in the Lee County Code of Ordinances to allow “Skilled Trades” as a Special Use, with Restrictions (R,S) in the table.

WHEREAS, the necessary public hearing was held before the Lee County Regional Planning Commission on the Petition described which resulted in recommendation for approval from the Lee County Regional Planning Commission for the Petition.

NOW, THEREFORE, BE IT ORDAINED by the Lee County Board that Petition No. 23-PC-74 (Lee County Zoning Office) to amend the text of the Lee County Code, as attached.

PASSED BY THE LEE COUNTY BOARD

THIS ____ DAY OF _____, 2023.

BY: _____
Lee County Board Chairman

ATTEST:

Lee County Clerk

TITLE 10
CHAPTER 1
TITLE, PURPOSE AND INTENT

10-1-4: RULES AND DEFINITIONS:

A. Rules: In the construction of this title, the rules and definitions contained in title 1, chapter 3 of this code shall be applied except when the context clearly indicates otherwise. The following additional rules of interpretation shall apply when construing the meaning of a word or phrase in a particular context:

1. The phrase "used for" shall include the phrases "arranged for", "intended for", "maintained for", and "occupied for".

2. The word "day" means calendar day and not business day.

3. Words or phrases not otherwise defined herein, are defined in section [11-1B-2](#), "Definitions", of this code and the definitions therein shall apply in this title.

4. References to Illinois statutes, federal laws or county ordinances shall include any amendments thereto, and the latest amendment shall govern.

5. The terms of this title shall be deemed additional requirements to rules, regulations and standards required by other county ordinances. In cases of conflicting requirements, the most restrictive shall apply.

6. The provisions and sections of this title shall be deemed separable and the invalidity of any portion of this title shall not affect the validity of the remainder.

7. If the application of any provision of this title to a particular building, structure or use shall be held invalid, such ruling shall not affect the application of said provision to any other building, structure or use not specifically included in said ruling.

B. Definitions: For purposes of this title, the following words and terms are hereby defined. See section [11-1B-2](#), "Definitions", of this code for terms not defined herein.

ABANDONED SIGN: A sign that no longer identifies or advertises a location, product, or activity conducted on the premises on which the sign is located.

ABANDONMENT: An action or failure to act surrendering one's right or interest in land.

ACCESS: Way or means of approach to provide physical entrance to one property from a public roadway, by means of private road, or by recorded or prescriptive easement.

ACCESSORY BUILDINGS: A building or use which is: 1) located or conducted on the same zoning lot as a principal building or use served, except as may be specifically provided elsewhere in this title; 2) clearly incidental to, subordinate in purpose to, and serves the principal use; and 3) either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

ACOUSTICAL SHIELDING: A manmade device or a natural feature including landscaping, shrubbery, berm or fencing the purpose of which is to absorb sound or shield view. See definition of Fence Or Fencing.

ACRE: Forty-three thousand five hundred sixty (43,560) square feet.

ACTIVE OR SPECIAL RECREATION DISTRICT, AR: Open space facilities, public or private, generally devoted to playgrounds, play fields, play courts, golf courses, campgrounds, picnic areas, multiuse paths, historic sites and routes, archaeological and other cultural sites and related recreational activities, with or without charge. AR includes special recreation as designated on the comprehensive plan.

ADDITIONS: An increase in the area of ground coverage of a building, adding to a building's height or volume, or converting an attic, basement or cellar to livable area.

ADJOINING LOT: A lot which shares all or part of a common lot line with another lot and which is not separated by a publicly dedicated right of way. The terms abutting, adjacent, adjoining and contiguous are used synonymously.

ADULT BOOTH: 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: Any establishment that, as a substantial or significant portion of its business, features or provides any of the following:

1. Persons who appear seminude 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.
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: An "adult cabaret", "adult store" or "adult theater" as defined in this section.

ADULT MATERIAL: Any of the following, whether new or used:

1. 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.

2. 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: Any 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: Any 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; 2) live performances 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.

AGRIBUSINESS: Agriculturally related business such as, but not limited to, anhydrous ammonia facilities; bulk fertilizer facilities, grain elevators, grain storage, sale and repair of farm implements; liquid petroleum products, ethyl alcohol distillation of farm products; animal feed storage; seed research and production; sale of seed, wholesale and retail; preparation, grinding and mixing, wholesale and retail; food processing; livestock depots and sale or raising yards, other farm co-op facilities.

AGRICULTURAL LABOR HOUSING: One or more buildings or temporary trailers, together with the lot appurtenant thereto, established, operated or used as living quarters for six (6) or more seasonal or temporary workers engaged exclusively in agricultural activities, including, but not limited to, related food processing.

AGRICULTURAL SIGN: Advertises the name of the farm, seed used or crop produced of the owner or operator of the farm property on which the sign is located and may identify farm products sold at a farm stand located on the property.

AGRICULTURE, AGRICULTURAL USE: Land, or buildings and machinery, the principal of which includes one or more of the following:

1. The commercial production of farm products.
2. Feeding, breeding and management of livestock or poultry, including exotic and farm animals, dairying, fur, bees and fish farming.
3. Accessory uses customarily incidental to agricultural activities, including, but not limited to, farm residences.
4. Growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
5. Agriculture does not include the extraction of sand, gravel or limestone, even when such extraction is related to an agricultural activity.

AIRPORT OR AIRCRAFT LANDING AREA: Any area of land, water, or both, used for a landing area, runway or other facility (including heliports), designed or used either publicly or privately by any person or persons for the landing or taking off of aircraft and hang gliders, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces. Any area used by public safety aircraft during the performance of public safety activities is excluded from this definition.

ALLEY: A public way, not less than sixteen feet (16') nor more than forty feet (40') wide, which affords only a secondary means of vehicular access to adjoining lots.

ALTERATION: Any change in size, shape, character, occupancy, or use of a building.

AMENDMENT, MAP: An amendment to the official zoning classification map of this title which affects individual parcels of property.

AMENDMENT, TEXT: An amendment to the text of this title which affects the entire county.

AMPHITHEATER: An indoor or outdoor facility, which may include buildings, used for theatrical events, including, but not limited to, concerts, shows, meetings, seminars and other entertainment.

AMUSEMENT PARK: An indoor or outdoor facility, which may include buildings, permanent or temporary, where various devices for entertainment, including, but not limited to, rides, booths for the conducting of games or sale of items are carried on for show or entertainment. An amusement park may contain a food service establishment.

ANIMAL, FARM: Species of fowl, ovine, caprine, bovine, porcine and equine, that have been domesticated for agricultural purposes. See definition of Livestock.

ANIMAL FEEDING OPERATION: A feeding operation as defined in the Illinois environmental protection act and the rules promulgated under that act concerning agriculture related pollution.

ANIMAL HOSPITAL: Any building where animals or pets are provided medical or surgical treatment by qualified personnel and the boarding of animals is limited to short term care incidental to the treatment. Crematoriums are permitted if permitted, prior to establishment, by the EPA. Animal hospital includes the use animal clinic.

APARTMENT: A room or suite of rooms in a multi-family building which is used as a single housekeeping unit. Complete kitchen facilities permanently installed shall always be included for each unit.

AREA, GROSS: The gross area of a lot is the total area (in acres or square feet) of the land upon which a building, including accessory buildings, or use is proposed to be located, including all common area, parking, private roadways and water.

AREA, NET: The net area of a lot is the total area (in acres or square feet) of the land upon which a building, including accessory buildings, or use is proposed to be located, excluding all adjacent rights of way, public or private, water, internal vehicular circulation systems, common open space, or other areas to be dedicated to public use.

ARENA, ENCLOSED: A building housing a platform, ring, arena or the like used for training, exhibiting, competing, demonstrating or sale of farm animals or other human athletic activities carried on for pleasure. No wagering of any kind is permitted relating to any activities occurring in an arena. Enclosed arenas may contain a food service establishment.

AUDITORIUM: A room, hall or building made a part of a church, theater, school, or other building assigned to the gathering of people as an audience to hear lectures, plays or other presentations.

AUTOMOBILE: Every vehicle which is self-propelled or propelled by electric power, not operated upon rails, which is defined as a "motor vehicle" under the Illinois vehicle code [1](#).

AUTOMOBILE AND TRAILER SALES: An open area, other than a street, used for the display or sale of new or used motor vehicles or trailers, and where no repair work is performed except for minor or incidental repair of motor vehicles or trailers to be displayed and sold on the premises.

AUTOMOBILE GRAVEYARD: Any lot or building which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or trailers, not in running condition, or parts thereof, and not being restored to operation, excluding storage of scrap for subsequent manufacturing process on the same lot, providing such use is permitted in the zoning district in which the facility is located as a principal or special use.

AUTOMOBILE LAUNDRY: A drive-in or drive-through facility where motor vehicles are washed with the use of a conveyor and blower, or other cleaning devices, or a facility providing

space, water and equipment for the hand washing of motor vehicles, whether by customer or operator.

AUTOMOBILE REPAIR-MAJOR: General repair, rebuilding, replacing or reconditioning of engines, motor vehicles or trailers; collision services, including body, frame or fender straightening, replacing or repair; overall painting or paint shop, vehicle steam cleaning.

AUTOMOBILE REPAIR-MINOR: Minor repairs, incidental body and fender work, touchup painting and upholstery, replacement of parts and motor service to motor vehicles, but not including any operations specified under major automobile repair.

AUTOMOBILE SERVICE STATION: A facility where gasoline, or other vehicle propellants, stored in underground tanks, kerosene, lubricating oil or grease, for operation of motor vehicles, are offered for sale directly to the public at the facility, and including the sale and installation of lubricants, tires, batteries, and similar accessories; including automated or hand car washes; and the service of motor vehicles, but not including: major automobile repair, sale, rental or storage of motor vehicles or trailers. As a special use: convenience foodmarts or drive-in restaurants may be permitted, subject to the rules and regulations of the health department.

AWNING: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid material and/or fabric on a supporting framework that may be either permanent or retractable. Similar to: canopy; marquee.

AWNING SIGN: A sign displayed on or attached flat against the surface or surfaces of an awning. See also definition of Wall Or Fascia Sign.

BOCA: Building code standards published by the Building Officials and Code Administrators, International and updated periodically, as applied by the county from time to time.

BANK AND FINANCIAL INSTITUTIONS: State or federally regulated commercial banks, currency exchanges, savings banks, brokerage houses and other similarly regulated financial institutions, or their regulated branches, but not including small loan companies, financial services and pawnshops.

BANNER: A flexible substrate on which copy or graphics may be displayed.

BASEMENT: A story, partly or wholly underground, where more than fifty percent (50%) of its height is above the established curb level or above the average ground level of the adjoining ground where the curb level has not been established. A basement shall be counted as a story for purposes of height measurement.

BED AND BREAKFAST: An operator occupied dwelling, or part thereof, where short term lodging of no more than five (5) guestrooms, with or without meals, are provided to the public for compensation. The serving of meals shall be subject to the rules and regulations of the health department in effect from time to time.

BILLBOARD: See definition of Off Premises Sign.

BLOCK: A tract of land bounded by streets, or, in lieu of a street or streets, by public parks, cemeteries, railroad rights of way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

BOARD OF APPEALS: The Lee County zoning board of appeals as appointed by the county board.

BOARDING OR LODGING HOUSE: A residential use consisting of at least one dwelling unit together with more than two (2) rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding house is designed to be occupied by overnight or weekly guests. The serving of meals shall be subject to the rules and regulations of the health department in effect from time to time.

BUILDING: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no common doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels. The term building is to be construed as if preceded by the word "permanent" and as if followed by the words "or parts thereof". The term includes a gas or liquid storage tank, a manufactured home or a prefabricated building. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days.

BUILDING, ATTACHED: A building attached to another building when the buildings share at least eight feet (8') of a common wall, and the attachment must be constructed on permanent footings or a deep foundation and be enclosed by a roof and permanent walls.

BUILDING, DETACHED: A building surrounded by open space on the same lot as a principal building.

BUILDING FACADE: That portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the building elevation.

BUILDING HEIGHT: The vertical distance from grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, spires, elevator penthouses, cooling towers, antennas and similar projections, other than signs of any kind, shall not be included in calculating building height.

BUILDING SETBACK LINE: A line parallel to any street right of way line at a distance from it, regulated by the applicable front and corner requirements of the district in which the lot lies.

BULK REGULATIONS: The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes:

1. Height and area of buildings.
2. Location of exterior walls and overhangs in relation to lot lines, streets or other buildings.
3. Gross floor area of buildings in relation to lot area (floor area ratio).
4. All yards and setbacks required for buildings.
5. Minimum amount of lot area required per dwelling unit.

BUSINESS OR SERVICE: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and/or materials, or where services are offered for compensation.

CAMPGROUND: A plot of ground upon which two (2) or more campsites are located, established or maintained for occupancy, with or without fee, by camping units of the general public as temporary living quarters for recreation, education or vacation purposes. Camping units shall include tents, cabins, campers or other recreational vehicles or travel trailers.

CANOPY SIGN: A sign affixed to the visible surface of an attached or freestanding canopy. May be internally or externally illuminated. Similar to marquee sign.

CAR WASH: See definition of Automobile Laundry.

CHANGEABLE SIGN: A sign with the capability of content change by means of manual or remote input. Includes the following types:

1. Manually activated: Changeable sign whose message, copy or content can be changed manually on a display surface.
2. Electronically activated: Changeable sign whose message, copy or content can be changed by means of remote electrically energized on-off switching of combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterization by lamps or other light emitting devices; or it may be from an external light source designed to reflect off of the changeable component display. See definition of Electronic Message Sign Or Center.

CHILDCARE FACILITY: A building other than a private residence where care, protection and supervision are provided, on a regular schedule, at least twice a week to children, including children of the adult provider, or such other definition as the Illinois child care act shall provide from time to time.

CHILDCARE HOME: A private residence where daycare, protection and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including

children of the adult provider, or such other definition as the Illinois child care act shall provide from time to time.

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

CLINIC, MEDICAL: A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured people and those who are in need of medical, surgical, psychological, ocular, chiropractic or dental attention, which does not require board or overnight lodging, operated by licensed physicians, dentists or other practitioners. Medical clinics may include laboratories, X-ray and allied departments, drug prescription centers (not drugstores), sale of ocular devices and prostheses for the benefit of patients of said licensed physicians, dentists or other practitioners.

CLUB OR LODGE, PRIVATE: A nonprofit corporation or other association, qualified to do business in the state of Illinois, of persons who are bona fide members paying regular dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, to members and their guests, provided suitable and adequate dining room space and kitchen facilities are available and a sufficient number of servers and employees are maintained for cooking, preparing and serving food and meals. The sale of alcoholic beverages to members and their guests shall be allowed provided such sales are secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of food and alcoholic beverages is in compliance with applicable federal, state and county regulations.

COIN OPERATED AMUSEMENT: Any machine or electronic device upon which monetary exchange between patron and owner and/or his employee, or insertion of a coin, slug, token, plate, disc or electronic direction, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score, but shall not include any machines or electronic devices which involve gambling or wagering of any kind. It shall include such devices as marble machines, pinball machines, electronic games, skill balls, mechanical grab machines, pool tables, coin operated music players and all games, operations or transactions similar thereto under whatever names games may be known.

COMMUNICATION ANTENNA: A freestanding structure, forty feet (40') or less in height, or an apparatus located on an existing structure designed to transmit or receive telephone, personal wireless service, radio or television communications as authorized by the federal communications commission.

COMMUNICATION TOWER: A structure greater than forty feet (40') in height and which does not exceed five hundred feet (500') in height (including antenna) which supports communication (transmission or receiving) equipment.

COMPREHENSIVE PLAN: The master plan for the short range and long range growth and development of the county adopted by the county board on March 28, 2000, as amended from time to time.

CONCENTRATED LIVESTOCK PRODUCTION DISTRICT, AG-2 OR AG-3: A concentrated area used solely for a period of at least one hundred eighty (180) days for the annual production of large quantities of beef, pork, eggs, chicken, milk, mutton or turkey, as specified in regulations published elsewhere in this title. As a matter of public policy, new subdivisions, mobile home parks, industrial development, publicly owned recreational areas and schools are not permitted within certain specified distances, and new concentrated livestock production districts are prohibited within certain specified distances from any existing municipalities, FPAs, subdivisions, publicly owned recreational areas, state or national parks, and schools, as established elsewhere in this title. A concentrated livestock production district is a special use overlay district. It may also qualify as a livestock management facility and/or an animal feeding operation, as defined by the livestock management facilities act [2](#) , and regulations relating thereto.

CONSTRUCTED: Set, erected, built, raised or moved into place.

COPY: The graphic content or message of a sign.

COUNTY ENGINEER: See section [11-1B-2](#), "Definitions", of this code.

COUNTY MANUAL: A manual published from time to time by the zoning development administrator, with the advice and consent of the administrative committee of the county board containing standard applications, forms, permits, fee schedules, filing and notice requirements relating to zoning and subdivision matters.

DNR: Illinois department of natural resources.

DECIBELS: A unit of measurement of the intensity (loudness) of sound. Sound is measured as decibels over ambient (background) sound conditions. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

DESIGNATED PLANNING AREAS (DPA): Areas designated by the county on the comprehensive plan map that present unique opportunities for economic development and that require specialized detailed plans for land use, community character, utility provision, storm water quantity and quality management and economic development data prior to approval and development.

DEVELOPMENT:

1. Any manmade change to real estate including, but not necessarily limited to:
 - a. Demolition, construction, reconstruction, repair, placement of a building or any structural alteration to a building or structure;
 - b. Substantial improvement of an existing building or structure;

- c. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a lot for more than one hundred eighty (180) days per year;
- d. Installation of utilities, construction of roadways, bridges, culverts or similar projects;
- e. Construction or erection of levees, dams, walls, fences or signs;
- f. Drilling, mining, filling, dredging, grading, excavating, paving or other nonagricultural alterations of the ground surface;
- g. Storage of materials including the placement of gas and liquid storage tanks; or
- h. Channel modification or any other activity that might change the direction, height, or velocity of flood or surface waters.

2. "Development" does not include routine maintenance of existing buildings and facilities such as reroofing; resurfacing roadways; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

DIRECTIONAL SIGN: Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DISTRICT: An area or section of the county within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this title.

DOUBLE FACE SIGN: A sign with two (2) faces, commonly back to back.

DWELLING: A building, or portion thereof, occupied or intended to be occupied exclusively for residential purposes, but not including recreational vehicles, travel trailers or tents, which complies with the use regulations set out in the various districts provided for in this title.

DWELLING (EARTH SHELTERED): A single-family dwelling built into the ground with a minimum of one side exposed.

EPA: The Illinois environmental protection agency. See 415 Illinois Compiled Statutes 5/3.01 et seq.

EDUCATIONAL INSTITUTION: Public, parochial, charitable or nonprofit junior college, college or university, other than trade or business schools, including instructional and recreational uses with or without living quarters, food service establishments, heating plants and other incidental facilities for students, teachers and employees.

ELECTRIC SIGN: Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER: An electrically activated changeable sign whose variable message capability can be electronically programmed.

EXTERIOR SIGN: Any sign placed outside a building.

EXTRACTION: Quarries, sand and gravel pits; topsoil, clay, peat and coal extraction; removal of ledge rock, rock crushing, blasting and related uses carried on in accordance with applicable county, state and federal regulations, permitted as a special use in an agricultural district or designated on the comprehensive plan.

FACADE: See definition of Building Facade.

FACILITY PLANNING AREA (FPA): The area in which a particular municipality is authorized by the EPA to provide water and public sanitary sewer service, present and future.

FAMILY: A group of one or more persons occupying a dwelling and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no unrelated group shall consist of more than five (5) persons, as distinguished from a group occupying a boarding or lodging house or hotel.

FARM: A parcel of land at least forty (40) acres in size, devoted to agriculture. A farm does not include a lot less than forty (40) acres in size, which is primarily used for residential purposes even though some agricultural products may be grown or farm animals bred or fed on the parcel incidental to its primary use, unless a statement in accordance with the provisions of section [10-4-2](#) of this title attesting the authenticity of the agricultural use has been filed with the zoning enforcement officer.

FARM PRODUCTS: Those plants and animals and their products which are produced or raised for commercial purposes and include, but are not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber or fur.

FARM RESIDENCE: Any residence on a farm owned or occupied by the farm owners, or their immediate family, operators, tenants, year round hired workers, or no more than six (6) seasonal workers.

FASCIA SIGN: See definition of Wall Or Fascia Sign.

FENCE OR FENCING: An artificial barrier constructed of any material or combination of materials erected to enclose or screen areas of land from intrusion, noise or view. See definition of Acoustical Shielding.

FLAG LOT: See definition of Lot, Reserve.

FLEA MARKET: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOR AREA RATIO: Gross floor area of buildings in relation to lot area. See definition of Bulk Regulations or Lot Coverage.

FOOD SERVICE ESTABLISHMENT: Any restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, food store, tavern, bar, cocktail lounge, nightclub, industrial feeding establishment, private, public or nonprofit organization or institution routinely serving food; a catering kitchen, a commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food or drink is served or provided for human consumption with or without charge. A food service establishment must comply with the rules and regulations of the health department.

FOOD STORE: Retail grocery, meat market, poultry market, fish market, fresh fruit and vegetable market, confectionery, convenience food mart, nut store, retail bakery, or any other establishment, whether fixed or movable, where food intended for human consumption off the premises, is prepared, handled, transported, sold or offered for sale at retail. A delicatessen, where foods are cooked or prepared, located within a food store, must comply with the rules and regulations of the health department in effect from time to time.

FREESTANDING SIGN: A sign principally supported by one or more columns, poles, or braces placed in or upon the ground.

FREEWAY: A major highway having no intersections at grade and having fully controlled access, hence "free" from conflicts and interruptions.

FRONTAGE: All the property fronting on one side of a street between the nearest intersecting streets or between a street and a park, cemetery, railroad right of way, shoreline of waterway or corporate boundary line of a municipality or other similar barrier.

GENERAL BUSINESS DISTRICT, C-3: Indoor commercial, office and institutional, and controlled outdoor display, land uses with moderate landscaping and signage requirements.

GENERAL INDUSTRIAL DISTRICT, I-2: Indoor industrial, fabrication and/or assembly uses, and controlled outdoor storage areas, with moderate landscaping and signage requirements.

GOLF COURSE: Public, semiprivate or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto and consisting of not less than sixty (60) acres for each standard nine (9) hole course; and thirty (30) acres for nine (9) hole "par 3" courses.

GOLF DRIVING RANGE: An area of land, including buildings or structures, intended solely for the practice of golf club skills.

GROSS FLOOR AREA: The lot area covered by a principal building measured at grade from the exterior walls but excluding open porches or terraces, garages or carports.

HALFWAY HOUSE: A residence offering temporary living arrangements, under the auspices of a nonprofit corporation, association or government entity which provides treatment, counseling and/or therapy from support staff. Halfway houses focus on rehabilitative support services to residents as they prepare to reenter society in an independent lifestyle.

HAZARDOUS WASTE: As defined in the Illinois environmental protection act.

HAZARDOUS WASTE DISPOSAL SITE: A site at which hazardous waste is disposed of.

HEALTH DEPARTMENT: The Lee County health department.

HEAVY INDUSTRIAL DISTRICT, I-3: Controlled heavy industrial; indoor and outdoor storage; and regulated disposal or recycling with moderate landscaping, screening and signage requirements.

HELIPORT: A facility for the servicing, take off and landing of helicopters.

HOME OCCUPATION: A domestic activity carried on by members of a family residing on the premises, but excluding music schools, convalescent or nursing homes, childcare homes, adult entertainment establishments, or other state or county regulated activities, bed and breakfasts, boarding or lodging houses, massage or other establishments offering services to the general public, and providing that there are no signs nor displays that will indicate from the exterior of the building that is being utilized, in whole or in part, for any purpose other than that of a dwelling; providing further, that there is no stock in trade nor commodity sold on the premises, no person other than a family member residing in the premises is employed, no manufacturing nor assembly equipment nor combustible materials nor chemicals are utilized and no odors, fumes, radiation nor noise emanate from the premises in violation of any applicable performance standards set out in this title.

HOTEL: Any building or buildings maintained, advertised, and held out to the public to be a place where lodging is offered for consideration to travelers and guests. The term includes inns, motels, tourist homes or courts and lodging houses, rooming houses, apartment houses and bed and breakfasts.

ILLUMINATED SIGN: A sign characterized by the use of artificial light, either projecting through its surface (internally illuminated); or reflecting off its surface (externally illuminated).

INSTITUTIONAL: Large scale public buildings, hospitals and regulated special care facilities permitted as a principal or special use in specified districts.

INTERIOR SIGN: Any sign placed within a building. Interior signs are not regulated by this title.

JUNK: Any old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked motor vehicles, trailers or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material, whether or not stored or used in conjunction with

dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk also includes, but is not limited to, motor vehicles, tires, vehicle parts, equipment, glass, bottles, plastics, building materials, household appliances, brush, and wood or lumber when not covered or stacked and stored off of the ground.

JUNKYARD: A lot and any buildings thereon which are maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills, unless authorized pursuant to the county solid waste management plan as amended from time to time. A junkyard does not include a scrap processing facility located within a district permitting its operation as a principal or special use.

KENNEL, COMMERCIAL: An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, boarding, training, or selling of animals is conducted as a business.

KENNEL, PRIVATE: Any lot or building, or portion thereof, on which more than four (4) dogs are kept over four (4) months of age, or where more than four (4) cats or other domestic animals are kept, or where any dogs or other domestic animals are boarded for compensation or kept for sale.

LESA: Land evaluation and site assessment point system utilized to determine the existence of prime farmland and applied in every zoning, rezoning, special use, variation, subdivision or building permit proceeding in an agricultural district, except where the property is already zoned and subdivided for the requested use.

LANDSCAPE WASTE: All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

LANDSCAPE WASTE COMPOSTING FACILITY: A lot used for the composting of landscape waste. A lot principally used for residential purposes which composts landscape waste accumulated exclusively on site shall not be considered a landscape waste composting facility.

LIGHT DUTY TRUCK: A noncommercial pickup truck, SUV or similar motor vehicle having a load capacity of not more than one and one-half (1¹/₂) tons.

LIVESTOCK: Bison, cattle, sheep, goats, swine, poultry, Equidae, or any other animals or fowl which are produced for breeding or for use or sale, with the exception of domestic animals. See definition of Animal, Farm.

LIVESTOCK MANAGEMENT FACILITY: Any animal feeding operation, livestock shelter, or on farm milking and accompanying milk handling area. Two (2) or more livestock management facilities under common ownership, where the facilities are not separated by a minimum distance of one-fourth (¹/₄) mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. A livestock enclosure at educational institutions, livestock pasture operations, where animals are housed on a temporary basis, or in

transit, such as county fairs, livestock shows, racetracks, and horse breeding and foaling farms, and market holding facilities are not livestock management facilities. See 510 Illinois Compiled Statutes 77/1 et seq.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this title, containing one principal building, accessory buildings, common area, parking, private roadways and water, if any, having its principal frontage upon a street unless otherwise provided in the district in which the parcel is located. The term lot shall include the words "parcel", "piece", and "plot".

LOT COVERAGE: The part or percentage of the lot occupied by buildings or structures (floor area ratio).

LOT, RESERVE: A lot where access is obtained by way of a narrow strip of land, at least twenty feet (20') in width at all points (reserve strip), from a dedicated street only. Such lot shall contain a minimum of one gross acre exclusive of the portion of the lot used as a reserve strip, unless a specific zoning district requires a larger lot.

LOT WIDTH: The horizontal distance between the side lot lines of a lot, measured within the lot boundaries at the required setback lines.

MANSARD: A roof-like facade comparable to an exterior building wall.

MANUFACTURED HOUSING: A building assembly or system of building subassemblies, designed for habitation as a dwelling for one or more persons including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation and not less than twenty four feet (24') in width. Synonymous with manufactured home.

MARINA: A boat basin and recreational facility located on waterfront property which provides moorings for boats and having one or more of the following facilities: boat launching ramps, boat sales and delivery facilities, boat repair, storage and fueling facilities and, boat construction and engine repair, provided the work is carried on within a building.

MARQUEE SIGN: See definition of Canopy Sign.

MINIWAREHOUSE: A building containing separate storage areas of varying sizes which are leased or rented on an individual basis.

MIXED RESIDENTIAL DWELLING DISTRICT, R-3: Mobile home and two-family residential units at densities up to eight (8) dwelling units per acre.

MOBILE HOME: A movable or portable structure, which is eight feet (8') or more in width (but less than 24 feet in width) and is thirty two feet (32') or more in length, and constructed to be towed on its own chassis from the place of construction to the location or subsequent locations, and designed to be used without a permanent foundation and connected to utilities for year around

occupancy with or without a permanent foundation. The term shall include structures designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles or travel trailers, not remaining at one location in excess of thirty (30) days during any ninety (90) calendar day period.

MOBILE HOME PARK: Any parcel consisting of three (3) or more acres upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. A "mobile home space" means the area within a mobile home park designed for the accommodation of one mobile home. Mobile home sites approved as special uses for agricultural labor housing, construction or security trailers, school classrooms, temporary medical facilities, museums, industrial or commercial sales or educational institution facilities are not considered mobile home parks.

MOTOR VEHICLES: See definition of Automobile.

MULTI-FAMILY RESIDENTIAL DWELLING DISTRICT, R-4: Multi-family residential units at densities above eight (8) dwelling units per acre. Multi-family residential units are not permitted in non-sewered areas.

NEIGHBORHOOD OFFICE AND BUSINESS DISTRICT, C-1: Residential, professional office, indoor commercial, institutional, office, neighborhood and personal service uses supporting residential, commercial and institutional uses, preserving a residential character through building scale, appearance, landscaping and limited signage.

NONCONFORMING USE: Any buildings, structure, sign or lot lawfully occupied by a use at the time of passage of this title, amendment or revision thereto, which does not conform after the passage of this title, amendment or revision thereto, with the use or bulk regulations of the district in which it is situated.

NUDE OR STATE OF NUDITY: 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) uncovered human male genitals or completely and/or opaquely covered human male genitals in a discernibly turgid state, or any device or covering that when worn, simulates human male genitals in a discernibly turgid state.

NUISANCES: Those acts, omissions to act, or conditions existing enumerated in section [4-1-2](#) of this code or set forth in 740 Illinois Compiled Statutes 105/0.01 et seq.

NURSING HOME (LONG TERM CARE FACILITY): A private home, institution, building, residence or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to division 5-21 or 5-22 of the Illinois counties code, or any similar institution operated by a political subdivision of the state of Illinois, which provides through its ownership or management, personal care, sheltered care or nursing for three (3) or more

persons, not related to the applicant or owner by blood or marriage, as more fully defined in the nursing home care act [3](#) .

OFF PREMISES SIGN: A sign whose message content may not necessarily bear any relationship to the activities conducted on the premises on which it is located, or to the expression of any commercial or noncommercial speech by the owner or user of the premises on which it is located.

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

OFFICE, PROFESSIONAL: An office of a recognized profession, whether licensed or not, such as, but not limited to, accountants, architects, attorneys, engineers, doctors, real estate brokers, surveyors, etc., maintained for the conduct of that profession and related services for its clients.

ON PREMISES SIGN: A sign whose message content bears a direct relationship to the activities conducted on the premises on which it is located, or to the expression of any commercial or noncommercial message by the owner or user of the premises on which it is located.

PUD: A planned unit development. An area of not less than ten (10) acres to be developed as a cohesive whole containing residential, commercial and/or industrial uses. Detailed plans for land use, community character, utility provision, storm water quantity and quality management and economic development are needed before substantial development is approved as a special use in a particular district.

PARAPET: The extension of a building facade above the line of the structural roof.

PARKING SPACE: An all weather surfaced area, enclosed in a principal building, in an accessory building or unenclosed, sufficient in size to store one standard automobile, and if the space is enclosed comprising an area of not less than one hundred forty (140) square feet; if unenclosed twenty feet by ten feet (20' x 10') with an all weather surface. A parking space shall be connected with a street or alley by a surfaced driveway permitting satisfactory ingress and egress of an automobile.

PERFORMANCE STANDARD: A criterion to regulate noise, odor, smoke, toxic or noxious matter, dust, potable water quality, vibration, fire, explosive hazards, glare or heat generated, or extraordinary uses by or inherent in uses of land or buildings.

PLANNED INDUSTRIAL DISTRICT, I-1: Controlled indoor manufacturing, assembly and storage uses compatible with a rural/agricultural environment with generous landscaping and limited signage.

PLANNED OFFICE AND BUSINESS DISTRICT, C-2: Indoor commercial, high quality office, institutional and office support land uses with generous landscaping and limited signage.

PLANNING COMMISSION: The county regional planning commission as appointed by the county board.

POLITICAL SIGN: A temporary sign intended to advance a political statement, cause or candidate for office.

PORTABLE SIGN: Any sign not permanently attached to the ground or to a building or building surface.

PRINCIPAL USE: An activity or use which is permitted as a right in a particular district. Principal uses may be restricted by other provisions of this title.

PROJECTING SIGN: A sign other than a wall sign that is attached to or projects more than eighteen inches (18") from a building's face or wall or from a structure whose primary purpose is other than the support of a sign.

PROTECTED USES: Adult entertainment establishment minimum separation standard:

1. A church, synagogue, mosque, or other place of worship.
2. A public or private nursery, elementary, or secondary school.
3. A childcare facility, childcare home or daycare center.
4. A public park, playground, playing field, forest preserve, conservation district land, or other recreational area.
5. A public or private cemetery.
6. A public housing authority.
7. A municipality, city, or town.

REAL ESTATE SIGN: A temporary sign advertising the sale, lease or rental of the lot or premises upon which it is located.

RECREATIONAL VEHICLE: A vehicular type portable structure, drivable, self-propelled or permanently towable by a light duty truck, without permanent foundation, and primarily designed as temporary living accommodations for recreational, camping and travel use and including, but not limited to, vans, travel trailers, truck campers, camping trailers and self-propelled motor homes (400 square feet in size or less); and the term used herein shall also include motorcycles, snowmobiles and all-terrain vehicles, and utility trailers to transport boats, motorcycles, snowmobiles, all-terrain vehicles and personal watercraft.

RESTAURANT: A food service establishment engaged primarily in the sale of food prepared to order and/or drinks of any kind at retail, for consumption on the premises, or ancillary to the primary business, prepared to order for pick up or take out.

RESTAURANT, DRIVE-IN: A food service establishment where food and/or beverages are sold in a form ready for consumption and where all or a portion of the consumption takes place or is designed to take place outside the premises.

RESTAURANT, SEASONAL: A food service establishment which sells, prepares or serves food for more than fourteen (14) days, but less than ninety (90) days, in any one calendar year, or that serves at three (3) or more temporary/itinerant events in any one calendar year.

RESTAURANT, TEMPORARY/ITINERANT: A food service establishment operating for a temporary period (less than 14 days) in connection with an amusement park, fair, flea market, carnival, circus, bazaar, public exhibition, market or other similar gathering. A special use permit or temporary use permit is required.

RETAIL: The sale of goods or services directly to customers when such goods or services are used or consumed by the customer and not purchased primarily for the purpose of resale.

RETIREMENT COMMUNITY: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons fifty (50) years of age or older.

RIGHT OF WAY: The land opened, reserved or dedicated for a public street or alley including sewer and water lines, walkways, drainage courses or other public purposes.

ROADWAY: The entire area within a public or private vehicular lane, easement or right of way, whether improved or unimproved.

ROOF SIGN: A sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

ROOFLINE: The uppermost line of the roof of a building or in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

ROOM OR ROOMS: Any living quarters, sleeping or housekeeping accommodation. A unit or division of the interior of a building.

RURAL/AGRICULTURAL DISTRICT, AG-1: See definition of Agriculture, Agricultural Use. AG-1 includes farmlands, nonfarm rural lands such as woodlands, open space, passive recreation, wetlands and extraction as designated on the comprehensive plan.

RURAL RESIDENTIAL DISTRICT, R-1: Single-family residential development in rural subdivisions not served by public sewer and water.

SFHA: Special flood hazard area. Synonymous with "floodplain". See section [11-1B-2](#), "Definitions", of this code.

SIC CODES: U.S. department of labor, occupational safety and health administration, standard industrial classification system.

SCHOOL: Any building or part thereof, either public or private, which is designed, constructed and used for systematic instruction in any branch or branches of knowledge.

SCRAP PROCESSING FACILITY: A lot and any buildings thereon having facilities for processing iron, steel, nonferrous scrap, mineral wastes or slag, and whose principal product is scrap iron, steel, or nonferrous scrap for sale for resmelting purposes only to establishments engaged in manufacturing of steel or metal alloys.

SEMINUDE: 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.

SETBACK (BUILDING LINE): The required minimum distance from a right of way or lot line that establishes the area within which a building cannot be erected or placed, except as may be permitted elsewhere in this title.

SIGN: Any device visible from a public place the essential purpose and design of which is to convey either a commercial or noncommercial message by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs are not considered signs.

SIGN STRUCTURE: Any structure designed for the support of a sign.

SINGLE-FAMILY RESIDENTIAL DISTRICT, R-2: Sewered single-family residential units at densities of up to five (5) dwelling units per acre.

SKILLED TRADE: For the purpose of this Title, a Skilled Trade shall include, but is not limited to, the following: Carpenter, Electrician, Plumber, Painter, HVAC Technician, Home Remodeling & Repair, Roofer, and Locksmith. If a potential Skilled Trade has not been provided for under this definition, the Zoning Administrator shall have the authority to determine whether a potential Skilled Trade shall be included under this definition.

SPECIAL USE: A use, either public or private, that would not be appropriate, generally or without restriction, throughout a district, because of its unique characteristics, but which, if controlled as to number, area, location or relation to the neighboring uses might complement and promote the public health, morals, order, comfort, convenience, appearance, propriety or general welfare. After due consideration, in each case, such uses may be permitted in specific districts as special uses, and appropriate additional regulations imposed, if specific provisions or guidelines are provided for said special use, and additional regulations, in a particular district.

SPECIFIED ANATOMICAL AREAS: 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.

2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

SPECIFIED SEXUAL ACTIVITIES: 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 subsection 1, 2, 3 or 4 of this definition.

STREET: A public or private roadway which affords the principal means of access to abutting property. Street includes all facilities normally found within a right of way. Street is used synonymously with "highway", "thoroughfare", "parkway", "throughway", "road", "pike", "avenue", "boulevard", "lane", "place", "court" or other such terms but shall not include "walkway", "pedestrianway" or "alley".

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building or structure, including any change in bearing walls, columns, roofs, beams, girders, and supports and frames of signs and billboards.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having permanent location on the ground including signs, billboards and supports and frames thereof.

TAVERN OR LOUNGE: A food service establishment where liquors are sold to be consumed on the premises, but not including restaurants where the primary business is serving food.

TEMPORARY SIGN: A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

TEMPORARY USE PERMIT: A permit not to exceed ninety (90) days to carry on a temporary or seasonal activity in a district which might allow the activity as a special use but, because of time, expense or triviality of the activity a special use request is impractical, which the zoning administrator may issue at his discretion and may revoke at his discretion. Temporary use permits, except for uses protected by 55 Illinois Compiled Statutes 5/5-12001, may not be renewed without the appropriate hearing before the zoning board. Examples of temporary uses are seasonal or itinerant food establishments, temporary construction yards, fairs, flea markets, circuses, roadside produce stands, etc.

TRADITIONAL-NEIGHBORHOOD DISTRICT, TN: Transitional planned mixtures of land uses appropriate and complementary to existing uses in the unincorporated towns and hamlets in the county including predominantly single-family residential, neighborhood residential, multi-family residential, neighborhood commercial, office, institutional, active recreation and agribusiness, principal and special uses primarily sited in, and adjacent to, unincorporated towns and hamlets, including presently existing uses, in order to avoid conflict between farming and other land uses.

TRAVEL TRAILER: See definition of Recreational Vehicle.

VARIATION: A relaxation of the bulk regulations of this title, found to be in the public interest, where, due to conditions peculiar to the property, and not the result of actions of the owner or petitioner, a literal enforcement of this title would result in unnecessary and undue hardship. No modification nor expansion of use regulations shall be permitted by variation, nor shall a variation be granted because of the presence of nonconforming uses in the district nor in an adjoining district.

VETERINARY HOSPITAL: See definition of Animal Hospital.

WALL OR FASCIA SIGN: A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen inches (18") from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such sign remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

WAREHOUSE: A building, structure or part thereof used primarily for the storage of any foods or merchandise, and not for retail sale of such goods.

WATER AND STEEP SLOPES DISTRICT, WS: Any watercourse identified as water or wetlands on the comprehensive plan or the county SFHA plan. Any steep slopes as identified on the soil and water conservation district maps and/or noted in the water and steep slopes district overlay.

WATERCOURSE: See section [11-1B-2](#), "Definitions", of this code.

WETLANDS: See section [11-1B-2](#), "Definitions", of this code.

WIND ENERGY SYSTEM, COMMERCIAL: Wind turbines, towers and related communications and electrical facilities, public or private, operating for the primary purpose of generating electricity for resale to power companies, redistributors or the ultimate user, permitted as a special use in the AG-1 district. A wind energy conversion system (WECS).

WIND ENERGY SYSTEM, PRIVATE: Private wind turbines, towers, and related equipment operating for the primary purpose of producing electricity for consumption, on the lot on which the facility is located, and not for resale, for the sole benefit of the owner or lessee of said lot, permitted as an accessory use in an AG-1 district. A wind energy conversion system (WECS).

WINDOW SIGN: A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard the distance specified as a minimum in the district concerned shall be measured perpendicular to the respective lot line at any point, thus determining a yard line parallel to the lot line.

YARD, FRONT: A yard extending along the front of a lot between the side lot lines, having a depth measured from the front lot line.

YARD, REAR: A yard across the rear of a lot between the side lot lines, having a depth measured from the rear lot line where such lot line exists.

YARD, SIDE: A yard or yards extending along the side lot lines, measured between the front yard line and rear yard line, or between the front yard line and the intersection of side yard lines, where the rear lot lines exist, and having a width measured from the side lot line.

ZONING ADMINISTRATOR: The person, along with such deputies or assistants, duly appointed by the county board to administer and enforce the provisions of this title, and to make such determinations, interpretations and orders as are necessary relating thereto, and to establish and enforce regulations, and determine compliance thereof, relating to plats, sketches, preliminary plans, permits and other applications, submissions or forms and the content thereof, as are necessary or desirable in administering this title. The zoning administrator may also be the plat officer and/or the zoning enforcement officer, and the terms may be used interchangeably.

ZONING MAPS: The area zoning maps as compiled and maintained by the county zoning office, including the official zoning classification map, the comprehensive plan map, FEMA, FIRM or the county SFHA maps, the Illinois department of natural resources wetlands maps, and soil and water conservation district soils maps to determine LESA scores. Other than the official zoning classification map and the comprehensive plan map, maps may be maintained at such locations as are convenient to the zoning administrator. (Ord. 06-05-002, 6-21-2005; amd. Ord. 12-05-001, 12-20-2005; Ord. 02-07-001, 2-20-2007)

Notes

- 1 1. 625 ILCS 5/1-100 et seq.
- 2 1. 510 ILCS 77/1 et seq.
- 3 1. 210 ILCS 45/1-113 et seq.

CHAPTER 4

AG-1 RURAL/AGRICULTURAL DISTRICT

SECTION:

10-4-1: Statement Of Intent

10-4-2: Definitions; Residential Restrictions

10-4-3: Use Regulations

10-4-4: Other Use Restrictions

10-4-5: Special Uses

10-4-6: Special Use Restrictions

10-4-7: Accessory Uses

10-4-7.1: Accessory Special Uses

10-4-7.2: Accessory Special Use Restrictions

10-4-8: Bulk Regulations

10-4-9: Parking Requirements

10-4-10: Performance Standards

10-4-11: Other Restrictions

10-4-1: STATEMENT OF INTENT:

The intent of this title in establishing a rural/agricultural district is to allow maximum freedom of operation for bona fide agricultural uses, and to protect such from encroachment by other unrelated special uses which are subject to the regulations and requirements specified in section 10-4-4 of this chapter. (Ord. 06-05-002, 6-21-2005)

10-4-2: DEFINITIONS; RESIDENTIAL RESTRICTIONS:

A. Definition: "Bona fide agricultural uses" means those uses set forth in the definition "agriculture, agricultural use"; temporary uses such as roadside farm stands devoted to the sale of farm products produced upon the land upon which the farm stand is located with related signage; and farm buildings exempt from county use and bulk regulations under 55 Illinois Compiled Statutes 5/5-12001.

B. Residential Restrictions:

1. One Dwelling Per Lot; Exceptions: Not more than one dwelling may be permitted on a single lot or farm, unless: a) the dwellings existed at the time of the passage of this title; b) the dwelling existed as, or was under construction as, a farm residence, which has been, or may be, converted to a nonfarm residence; c) the dwellings exist as a special use for itinerant or permanent farm laborers.

2. Parcels Less Than Forty Acres: A dwelling constructed on a parcel less than forty (40) acres in size, or a parcel of land less than forty (40) acres in size including a dwelling transferred to anyone, except the owner of an adjoining farm, purporting to be transferred for agricultural use shall not be construed to be a farm unless a signed statement shall be presented by the owner to the zoning enforcement officer, upon a form prescribed by the zoning enforcement officer and published in the "County Development Manual" attesting to the authenticity of the agricultural use. It shall be determined by the zoning enforcement officer to be agricultural if: a) a majority of the total cash income of the applicant is or shall be derived from pursuit of the agricultural activities included in bona fide agricultural uses, on the parcel involved, and b) the applicant is a member of the immediate family of the owner of an adjoining farm or the owner of a farm on the opposite frontage to the parcel involved. Such signed statement shall be filed in the records of the zoning enforcement officer.

3. LESA Report: The zoning administrator shall require a LESA report before issuing a building or development permit, or allowing a subdivision or resubdivision, or permitting residential construction or development on any parcel zoned agricultural, or to rezone a parcel, or grant a special use permit, or to grant a variation or expand or extend any special use permit on any parcel zoned agricultural in the county. Should any residential construction or development, or special use, or any expansion or extension thereof, be desired on a parcel in an agricultural district with a LESA score of two hundred twenty five (225) (or such other number which the county board shall set from time to time), or more, a public hearing shall be required before the planning commission with the intent of assisting in the decision of whether to issue a building or

development permit, allow a subdivision or resubdivision, or grant a rezoning, special use permit, variation or expansion or extension thereof.

4. New Dwellings: From and after the date of the adoption of this title, as revised, in any quarter section by government survey, in an agricultural district, no more than four (4) new dwelling units can be built, platted or zoned in any agricultural classification, excepting a farm residence. The zoning enforcement officer shall note any new dwelling units on the zoning maps and keep such additional records as are necessary to carry out the intent of this subsection. Lots, less than forty (40) acres, which are currently classified as a residential district are exempt from this provision, except to the extent they are hereafter resubdivided into smaller lots, which smaller lots shall be subject to the quarter section limitation on new dwelling units. Dwellings constructed to replace buildings lost to fire or other casualty are exempt from the provisions of this subsection.

5. Encroachment: The provisions of this section are intended to protect bona fide agricultural uses from encroachment by incompatible uses in violation of rules and regulations in this district and to restrict the development of prime farmland. To the extent a parcel qualifies for residential development, subdivision, construction or rezoning in this district the applicant is encouraged to cluster residential uses into lots as small as two (2) acres. (Ord. 06-05-002, 6-21-2005)

10-4-3: USE REGULATIONS:

A. Principal Uses: Other than bona fide agricultural uses within the AG-1 rural/agricultural district, no development, buildings, structure or premises shall be used or arranged, or designed to be developed or used, except for one or more of the uses marked P and set forth under AG-1 in the table in section 10-9-1 of this title, subject to the rules and regulations of this district. (Ord. 06-05-002, 6-21-2005)

10-4-4: OTHER USE RESTRICTIONS:

Restricted principal uses, including residential restrictions, are marked R,P on the table in section 10-9-1 of this title.

A. Agribusiness: 1) a commercial grain elevator, or other grain storage facility may not be located closer than five hundred feet (500') to any residence other than the residence of the owner of the site; 2) a bulk fertilizer facility, liquid petroleum product facility, ethanol production facility, or other regulated farm production facility shall comply with state regulations as to setbacks and performance standards.

B. Institutional uses: Minimum area five (5) acres; ground floor area shall not exceed thirty percent (30%); building setbacks a minimum of two feet (2') for each foot of building height from all yard lines.

C. Home occupations, including farm product sales at retail, require a maintained gravel, crushed rock, or other improved access roadway from a public street. (Ord. 06-05-002, 6-21-2005)

10-4-5: SPECIAL USES:

Other than principal uses, those special uses marked S and set forth under AG-1 in the table in section 10-9-1 of this title, may be permitted by the county board after public hearing by the zoning board, within the AG-1 rural/agricultural district, subject to the rules and regulations set forth herein, imposed by statute, or by the county board at the time the special use is allowed. (Ord. 06-05-002, 6-21-2005)

10-4-6: SPECIAL USE RESTRICTIONS:

Restricted special uses are marked R,S on the table in section 10-9-1 of this title:

A. Circuses: Circuses may not operate more than fifteen (15) consecutive days, may not sell beer, wine nor alcoholic beverages, and may be located no closer than one thousand feet (1,000') to any dwelling except to that of the owner or lessor of the circus site.

B. Agribusiness: Feed yards and market holding facilities for animals in farm market transit, or temporary livestock depots or raising yards (confinement feeding of livestock not in conjunction with a farming operation) shall be not less than five (5) acres and shall not be construed as a livestock management facility.

C. Fishing: Fishing in an artificial lake or pond for a fee, including a food service establishment; no night illumination permitted.

D. Extractions: Performance standards included in chapter 16 of this title are applicable. (Ord. 06-05-002, 6-21-2005)

10-4-7: ACCESSORY USES:

As provided in section 10-9-2 of this title. (Ord. 06-05-002, 6-21-2005)

10-4-7.1: ACCESSORY SPECIAL USES:

Special uses marked S and set forth under AG-1 in the table in section 10-9-2 of this title, may be permitted by the county board after public hearing by the zoning board, within the AG-1 rural/agricultural district, subject to the rules and regulations set forth herein, imposed by statute, or by the county board at the time the special use is allowed.

10-4-7.2: ACCESSORY SPECIAL USE RESTRICTIONS:

Restricted special uses are marked R,S on the table in section 10-9-2 of this title:

A. Skilled Trades (Offsite Services Only)

1. The owner of the business must reside onsite, in a residence that meets the requirements of the Lee County Zoning Ordinance.

2. Businesses that provide Skilled Trades (Offsite Services Only) shall be allowed under this Section, so long as all services provided by the business are performed offsite.

3. Businesses that provide Skilled Trades (Offsite Services Only) that are allowed under this Section shall be limited to one (1) employee at the physical address of the business, during business hours.

4. No retail of goods shall occur at the business's location.

5. The business's location shall not be open to the public.

6. No manufacturing nor assembly equipment nor combustible materials nor chemicals nor hazardous materials may be utilized at the business's location.

7. No odors, fumes, radiation nor noise may emanate from the premises.

8. No "Inventory or Materials Storage, Outdoor" may be permitted in relation to the business without first applying for a special use permit.

10-4-8: BULK REGULATIONS:

As provided in section 10-9-3 of this title. (Ord. 06-05-002, 6-21-2005)

10-4-9: PARKING REQUIREMENTS:

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

10-4-10: PERFORMANCE STANDARDS:

Noises, odors, excessive lighting, waste disposal, dust and agricultural debris dispersion and other environmental problems are inherent in agricultural activities and should be tolerated to the maximum extent in agricultural districts limited only by the public good, safety and welfare; county health and nuisance regulations; state statutes; EPA and DNR regulations. Sections 10-15-2, "Vibration"; 10-15-6, "Electromagnetic Radiation"; 10-15-8, "Fire And Explosion"; 10-15-12, "Hazardous Materials"; 10-15-14, "Signal Receiving Antennas (Satellite Dishes)"; 10-15-15, "Wind Energy Systems"; 10-15-16, "Swimming Pools"; 10-15-17, "Manufactured Housing"; 10-15-18, "Communication Towers" of this title shall apply where applicable. (Ord. 06-05-002, 6-21-2005)

10-4-11: OTHER RESTRICTIONS:

Chapters 12, "Signs"; 13, "Landscaping"; and 14, "Fencing" of this title shall apply where applicable. (Ord. 06-05-002, 6-21-2005)