

ZONING ORDINANCE

MASON COUNTY, ILLINOIS

ADOPTED JUNE 10, 1975
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~~Prepared By~~

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P R E F A C E

~~The primary purpose of this report is to point out the need for writing a Zoning Ordinance for Mason County. Many new zoning techniques and improved procedures have been developed over the past years, and Mason County's citizens should be allowed to benefit from this modern technology. The report discusses the definition of zoning, history, relationship to planning, objective, constitutionality, and local responsibility.~~

~~This material strongly indicates that zoning will have a profound effect upon the future desirability of Mason County.~~

~~A secondary purpose of this report is to provide a preliminary draft of a proposed ZONING ORDINANCE that will allow the kind of quality land development and construction desired by Mason County. The proposed resolution incorporates technical provisions that reflect the desires, goals, and objectives expressed by the citizens of the county in the development of Mason County's COMPREHENSIVE PLAN.~~

ZONING CONTROL

Zoning is an invaluable tool for controlling and guiding the physical development of a county. However, the ramifications of zoning are far reaching, and if zoning is to be used to its full potential, it must be understood and intelligently applied. The right to zone arises from the ability of government to protect its citizens ~~POLICE POWER~~. The need to zone occurs because of the congestion and conflicts caused by assembling many people together within a relatively small area. Zoning is thus the subordination of personal rights to protect the rights of the majority. In turn the individual is protected from the encroachment by others or from undesirable neighboring uses.

DEFINITION OF ZONING

Zoning is the enactment of an ordinance by the county government which controls and regulates private property within the area of jurisdiction of the county. A more complete definition of the zoning process is given in "Local Planning Administration," and is as follows:

~~"Zoning consists of dividing the county into districts or zones and regulation within such districts the use of land and the use, heights, and area of buildings for the purpose of conserving and promoting the health, safety, morals, convenience, and general welfare of the people of the county. Zoning is the instrument for giving effect to that part of the comprehensive County Plan or master plan which is concerned with the privately owned land as distinguished from that part which is concerned with public uses and facilities. The zoning map or zoning plan along with the regulations pertaining thereto are thus a part of the master plan in essence, the compartment of the zoning resolution and its administration are the legislative and administrative acts or processes for giving effect to or carrying out this part of the comprehensive plan."~~¹

HISTORY

It is difficult to determine exactly when zoning started, since it was a gradual evolution brought about by an attempt to protect individual property rights. Early California records show law cases preventing objectionable uses from occurring in residential neighborhoods. The locations of stills and tanneries were controlled in Massachusetts as early as 1692. Boston enacted height regulations, and fire districts were established in early ordinances which excluded wooden buildings.

In the twentieth century, a movement for ~~CIVIC IMPROVEMENT~~ hastened the development of more formalized zoning controls. In 1916, the first comprehensive zoning ordinance in this country was enacted in the city of New York. For the first time in history, a variety of protective restrictions were incorporated into one ordinance, including regulating the use of land and buildings, prohibiting industrial and business uses in residential areas, regulating the density of population, and controlling the bulk and height of buildings.

Refinement of zoning methods continued until today there exists an accepted technical procedure for the formulation and enactment of a zoning ordinance. A part of this procedure is the development of a comprehensive plan upon which to base the zoning recommendations.

RELATIONSHIP TO PLANNING

Planning is the process used to develop ~~LONG-RANGE~~ plans and programs for the development of the county. The planning process is composed of: 1) establishing accepted or agreed upon county goals and objectives; 2) gathering basic information about the county; 3) analyzing local considerations; and 4) making recommendations for future development. The comprehensive plan adopted from this process is the guide which suggests how various facilities should be developed within a county, which zoning is essentially the legal instrument and administrative method for effectuating the plan.

Planning must precede zoning to make zoning recommendations truly meaningful. The zoning ordinance

¹ Beuscher, J. H., and others

~~becomes the legal instrument which regulates the use of land, and at least partially implements the planning recommendations. Zoning can be considered the transition between the present and the future, and should assure that this transition occurs in an orderly and economic pattern. However, this does not mean that the zoning ordinance should be an exact duplicate of the comprehensive plan. Zoning reflects short range decisions intended to carry out the long range recommendations of the Plan.~~

OBJECTIVE

~~Zoning is the principal means for the county to guide its future growth and achieve a logical pattern of land use development. Land development is thus provided for in a manner that is best for both the entrepreneur and the county. If proper consideration is given to both the economics of land use and physical design characteristics, a desirable county should result.~~

~~Some of the generally accepted, specific objectives of zoning are:~~

- ~~1. To secure adequate light, pure air, and safety from fire and other dangers.~~
- ~~2. To conserve the taxable value of land and buildings.~~
- ~~3. To prevent the overcrowding of land and buildings.~~
- ~~4. To lessen or avoid congestion in the public streets.~~
- ~~5. To promote the public health, safety, comfort, morals, and general welfare.~~

CONSTITUTIONALITY

~~The draft of the Zoning Ordinance has been carefully written, if for no other reason than to avoid any possible litigation at some future date. A well drafted ordinance is less likely to be litigated than an ordinance which is poorly drawn. However, it is impossible to foresee all possible legal interpretations, so a clear and understandable ordinance is essential. Proper procedures have been clearly spelled out in the ordinance draft since the majority of litigations concern the procedural aspects of the ordinance rather than the standards or technical aspects.~~

~~The right or constitutionality of zoning has long ago been fully accepted by the United States Supreme Court as an appropriate exercise of the police power. The courts have consistently held that a property owner may not use his property in a way harmful to others. The Supreme Court, in 1905, in the case of Jacobson v. Massachusetts, 197 U.S. 11, p. 26 said:~~

~~"...But the liberty secured by the Constitution of the United States to every person within its jurisdiction does not impart an absolute right in each person to be, at all times and in all circumstances, wholly freed from restraint. There are manifold restraints to which every person is necessarily subject for the common good. On any other basis, organized society could not exist with safety to its members. Society based on the rule that each one is a law unto himself would soon be confronted with disorder and anarchy. Real liberty for all could not exist under the operation of a principle which recognizes the right of each individual person to use his own, whether in respect of his person or his property, regardless of the injury that may be done to others...."~~

RESPONSIBILITY

~~Zoning is a responsibility that should be assumed by the county level of government. Zoning affects each individual in the county and the zoning process should not be too far removed from the scrutiny of the county people. Each citizen should have a voice in zoning decisions.~~

~~As zoning shapes the county, it also shapes the immediate environment of the individual. Zoning affects the revenue producing capacity of the county, the status of the county economy, the provision of county services, the physical pattern of land use, and even the type and number of neighbors that an individual~~

~~will have. Zoning is important to the development of both the quantity and quality of the county.~~

~~Zoning is a part of our democratic process and, if adequately understood and properly administered, will do much to preserve our concept of DEMOCRACY.~~

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SECTION 1 -- INTRODUCTION

1.1 AUTHORITY

WHEREAS, the County Board, of the County of Mason, State of Illinois ~~COUNTY OF MASON, ILLINOIS~~ deems it necessary in order to conserve the value of property in the county, and to the end that building development may be directed to the best advantage of the entire county, that adequate light, pure air, and safety from fire and other dangers may be secured, that congestion in the public health, safety, comfort, morals, and welfare may otherwise be promoted in accordance with a well-considered plan for the use and development of all property throughout the county, NOW THEREFORE,

BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF MASON, STATE OF ILLINOIS, UNDER AUTHORITY OF 55 ILCS 5/5-12000 et. seq. ~~ILLINOIS STATE STATUTES:~~

1.2 PURPOSE

This ordinance is adopted for the following purposes:

1. To promote and protect the public health, safety, morals, comforts, and general welfare of the people.
2. To divide the county into zones or districts restricting and regulation therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for residential, business, manufacturing, and other specified uses.
3. To protect the character and stability of the residential, business, and manufacturing areas within the county, and to promote the orderly and beneficial development of such areas.
4. To provide adequate light, air, privacy, and convenience of access to property.
5. To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding building necessary to provide adequate light and air, and to protect the public health.
6. To establish building lines and the location of buildings designed for residential, business, manufacturing, or other uses with such areas.
7. To fix reasonable standards to which buildings or structures shall conform.
8. To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts.
9. To prevent additions or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.
 - a. To limit congestion in the public streets and protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and the loading of commercial vehicles.
 - b. To protect against flooding, fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare.

- c. To prevent the over crowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them.
- d. To conserve the taxable value of land and buildings throughout the county.
- e. To provide for the elimination of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district.
- f. To define and limit the powers and duties of the administrative officers and bodies as provided herein.

1.3 INTENT

An ordinance dividing the County of Mason, Illinois into districts for the purpose of classifying, regulating, and restricting the location of trades, industries, and commercial enterprises, and the location of buildings arranged, intended, and designed for specified uses; of regulation and limiting the height and bulk of buildings hereafter erected; of classifying, regulation, and determining the area of front, rear, and side yards, courts, and other open spaces about buildings; and of regulating and limiting the intensity of the use of land and lot areas within such county; creating a Board of Zoning Appeals; defining certain terms used in said ordinance; providing penalties for its violation; and designating the time when the ordinance shall take effect.

1.4 ABROGATION AND GREATER RESTRICTIONS

- 1. Where the conditions imposed by any provision of this zoning ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
- 2. This ordinance is not intended to abrogate any easement, covenants, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

1.5 INTERPRETATION

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

1.6 SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.7 TITLE

This ordinance shall be now cited and referred to as the "Mason County Zoning Ordinance."

SECTION 2 -- GENERAL PROVISIONS

2.1 JURISDICTION

The jurisdiction of this ordinance shall include all lands and waters within Mason County, except those incorporated villages, towns and cities which have in effect municipal zoning ordinances. All buildings established, ~~hereafter~~ all structural alterations or relocation of existing buildings occurring ~~hereafter~~, and all enlargements of or additions to existing uses occurring ~~hereafter~~ after June 10, 1975 or after the date of any applicable amendment to this ordinance shall be subject to all the regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

2.2 USE RESTRICTIONS

1. Principal Uses - Only those principal uses specified for a district or on a planned development plat, their essential services, and the following uses shall be permitted in that district.
2. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction, ~~except for garages and storage sheds, provided adequate space is left for construction of a dwelling or principal structure.~~
3. Special uses and their accessory uses are permitted in districts as specified, but only according to the special use procedure in Section 7. Also, any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways, interstate, and controlled access trafficways, and within 1,500 feet of their existing or proposed interchange or turning-lane rights-of-way shall be deemed to be special uses. Such development shall be specifically reviewed by the Planning and Zoning Board of Appeals as provided in Section 8.
4. Unclassified or Unspecified Uses - In case of uncertainty where the Zoning Enforcement Officer is unable to determine literally whether a use is permitted as a principal or accessory use, he shall consult the Board of Zoning Appeals for an interpretation.
5. Temporary uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure are permitted while sales or construction are in progress.
6. Temporary Dwellings -- No structure shall be used for dwelling purposes that does not comply with the requirements of this ordinance or any applicable Building Codes. No garage or other accessory building, mobile home, basement, partial or temporary structure whether of a fixed or portable construction shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary permit by the Zoning Enforcement Officer and satisfying all of the conditions thereof. However, temporary usage of lots of record, either with or without dwellings may be permitted for wheeled vehicles designed for sleeping or camping by temporary permit from the Zoning Enforcement Officer.
7. Mobile Homes -- The following provisions shall apply to mobile homes:
 - a. No mobile home shall be occupied as a dwelling except when such mobile home is located in a licensed and approved mobile home park or as otherwise herein provided. The County Board may establish a schedule of fees for the issuance of any mobile home permit required by this ordinance. Any application for permit under this section shall be

signed by the owner of record of the property, which shall mean the taxpayer of record, or an authorized lessee of record of a lease with not less than 20 years remaining on such lease. No mobile home may be located in areas of Mason County subject to this ordinance unless the site is approved for potable water supply and sanitary facilities by the Mason County Health Department. No mobile home may be utilized for any purpose other than human habitation. Any parcel proposed for the location of a mobile home must be of sufficient dimensions to provide for the required setbacks and yards in that Zoning District and also for an approved septic system and well. Mobile homes built prior to June 15, 1976 must have copper wiring for interior circuits and be approved for health, safety, and appearance requirements by the Mason County Health Department and the Zoning Enforcement Officer. No permit for any mobile home shall be issued for a parcel with a mobile home currently in place unless written plans for removal and disposition of such unit are approved by the Zoning Enforcement Officer.

b. Any person desiring to establish a mobile home in those areas of Mason County subject to this Zoning Ordinance shall first make application with the Zoning Enforcement Officer and pay the fee established for a permit to locate such mobile home. A mobile home designed and built for human habitation and essentially complying with minimum requirements for a dwelling that is not located in a licensed and approved mobile home park or in a pre-approved mobile home site shall be located only after issuance of permit by the Zoning Enforcement Officer. Such mobile home shall have any wheels, tongue, or hitch removed, and be emplaced and rest upon a permanent foundation in a manner that the unit shall legally be defined as real estate pursuant to Illinois law, and shall be connected to approved water and sanitary facilities, and such mobile home shall be not less than twenty feet in width nor less than 1200 square feet in area, and shall be not more than 10 years in age as of January 1 of the year such application is made. A permanent foundation is a closed perimeter formation consisting of materials such as concrete, mortared concrete block or mortared brick extending into the ground below the frost line. If any mobile home proposed for location outside a licensed mobile home park is less than 20 feet in width, or less than 1200 square feet, but more than 720 square feet in area, or is more than 10 but less than 20 years in age, the owner must also secure the written approval of a majority of all property owners whose land borders land upon which it is proposed to locate such mobile home, and the written consent of a majority of all owners of dwellings within 300 feet of the proposed site of such mobile home unless such mobile home is to be located at least 300 feet from any property line, in which case no written consent or notice to adjoining owners shall be required, and such unit shall also be approved for condition and appearance by the Zoning Enforcement Officer. Written notice of intent to locate a mobile home of less than 1200 square feet or more than 10 years in age shall be sent by the Zoning Enforcement Officer to the owners of all parcels within 300 feet of the subject parcel at least 14 calendar days prior to the issuance of the permit.

c. Pre-approved mobile home sites. The following subdivisions in Mason County are hereby declared to be Pre-approved mobile home sites: Edgewood Terrace; Maplecrest; Rolling Meadows. Any person desiring to establish a mobile home outside of a mobile home park but within an area designated by this ordinance as a "mobile home pre-approved" site shall first make application with the Zoning Enforcement Officer and pay the fee established for a permit to locate such mobile home. A mobile home which is less than 20 years of age, designed and built for human habitation, and essentially complying with minimum requirements for a dwelling may be located in a pre-approved mobile home site after receiving a mobile home permit. Such mobile home shall be not less than 720 square feet and no less than 12 feet in width, and such unit shall also be approved for condition and appearance by the Zoning Enforcement Officer. The mobile home shall be secured to the surface pursuant to the Mobile Home Tie Down Act (210 ILCS 120/1), and shall be equipped with skirting around the entire perimeter consisting of brick, block,

pressure-treated wood or other materials that are both durable and permanently affixed. Such skirting shall be adequately ventilated, and access shall be provided by means of a hinged door or removable hatch cover. No public hearing or notice to nor consent of adjacent owners shall be required under this Paragraph C.

d. The Zoning Enforcement Officer, with the advice and consent of the Chairman of the County Board Planning and Zoning Committee of the County Board, shall have the authority to issue a temporary parking permit for a period not to exceed 60 days for a mobile home on any land within Mason County which is subject to the provisions of this Zoning Ordinance. Prior to the issuance of such temporary permit, the applicant shall deposit with the Zoning Enforcement Officer the sum of \$250 in addition to any other fees required by this ordinance. In the event a mobile home permit is subsequently issued to the applicant for such mobile home, the \$250 payment shall be refunded to the applicant. If no mobile home permit is issued to the applicant within 60 days of the issuance of a temporary parking permit, the applicant shall be given written notice of such by the Zoning Enforcement Officer, and the applicant shall have 30 days from the date of such notice in which to remove such mobile home from the county. Upon removal of the mobile home from the county, the \$250 payment shall be refunded to the applicant. If the applicant fails to remove the mobile home from the county within the allotted 30 days, the \$250 payment shall be forfeited to the county, and the county shall have the authority to begin proceedings to remove such mobile home at the expense of the applicant. Any refund of the \$250 payment provided for in this Paragraph F shall be reduced by \$100 if the applicant parks the mobile home in Mason County prior to the issuance of a temporary parking permit. No mobile home may be occupied as a dwelling, and no permanent connections for utilities or sanitation may be made while a mobile home is parked under the authority of a temporary parking permit.

- ~~(a) No mobile home shall be occupied as a dwelling, except when such mobile home is located in a licensed and approved mobile home park, unless approved by the County Board.~~
- ~~(b) If a mobile home designed and built for human habitation shall be sited outside of a Mobile Home Park, pursuant to Board Approval, then such mobile home shall be subject to the following restrictions:
 - ~~i. Shall be of fifteen years of age or less;~~
 - ~~ii. Shall consist of seven hundred and twenty (720) square feet at minimum and shall be a minimum of twelve (12) feet in width and the seven hundred and twenty (720) square feet shall not include any additions or add-ons;~~
 - ~~iii. Such shall be anchored upon a permanent foundation which shall be a closed perimeter formation, consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line;~~
 - ~~iv. Such shall be connected to approved water and sanitary facilities.~~~~
- ~~(c) The zoning officer shall have no authority to issue a temporary parking permit for a mobile home on any land within Mason County. Such authority shall only be granted by the County Board.~~
- ~~(d) That prior to the establishment of a mobile home outside of a Mobile Home Park, and pursuant to this section, it shall be the duty of the applicant (the owner) to secure the written approval of the majority of property owners whose land borders land upon which it is proposed to move such mobile home together with the written consent of a majority of all owners of property within three hundred (300) feet of the proposed site of such mobile home. Property owners shall be defined as taxpayer of record.~~

- (e) ~~No authority shall be granted to any person to site a mobile home upon any land in Mason County pursuant to this ordinance which is not used for human habitation.~~
- (f) ~~Shall be the duty of the applicant upon a form provided by the zoning ordinance to cause and pay for a notice to be published in a newspaper of general circulation in the area in which the mobile home is to be located. Such notice shall notify the public of the application for siting of the mobile home and the location where the mobile home is to be sited. The notice shall grant to the public fourteen days to comment on the proposed application. All comments shall be made to the zoning officer and such shall be kept on file by the zoning officer and shall include the name of the person commenting, the date of the comment and a concise statement of such person's comment. The expense for such publication shall be paid by the applicant.~~
8. In the event a variance ~~or zoning amendment~~ is granted for property which allows for the use of said property in a manner which is inconsistent with the zoning classification prior to the granting of such variance ~~or zoning amendment~~, and the manner of utilization of the property in accordance with the variance ~~or zoning amendment~~ is thereafter abandoned, and remains abandoned for a period of 12 months, the variance ~~or zoning amendment~~ is then terminated and the subject property automatically reverts to the zoning classification in effect upon such property prior to the granting of the variance ~~or zoning amendment~~.

Any individual or business entity who desires to utilize such property after it has been abandoned for a period of 12 months must thereafter apply for a variance ~~or rezoning~~ of such property in accordance with the desired use. Failure to comply with this requirement will subject the violator to the penalty provisions of Section 11.3 of the Mason County Zoning Ordinance.

2.3 SITE RESTRICTIONS

1. Soil Conditions -- No land shall be used or structure erected where the land is held unsuitable for such use or structure by the ~~Zoning Enforcement Officer~~ County Planning Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the county. The ~~Zoning Enforcement Officer~~ County Planning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence to the County Board contesting such unsuitability, if he so desires. Thereafter, the County Board ~~County Planning Commission~~ may affirm, modify, or withdraw the its determination of unsuitability.
2. All lots shall abut upon a public thoroughfare with at least 30 feet of frontage.
3. Only one principal structure shall be located, erected or moved onto any lot or parcel of land. ~~Not more than two residential structures shall be located, erected, or moved onto any lot or parcel of land.~~ Each such structure shall be equipped with electrical service and approved water and sanitary sewer, and shall have a minimum of 10,000 square feet of land. (consider using term: subdivided lot or zoning lot instead of parcel)
4. No zoning permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required

dedication has not been secured.

5. Private Sewer -- In a district where public sewerage is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with the local or Illinois State Board of Health standards. In any district where public sewerage service is not available, the width and area for single family lots shall be no less than 100 feet of frontage and no less than ~~20,000~~ 10,000 square feet respectively.
6. Reduction of Joint Use -- No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
7. Substandard Lots -- Any lot in a single ownership, which ownership was of record as of June 10, 1975 ~~at the time of the adoption of this ordinance~~ that does not meet the requirements of this ordinance for yards, courts, or other area of open spaces may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth, or open space is within 75 percent of that required by the term of this ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

2.4 GENERAL DEVELOPMENT PROCEDURE

Comprehensive Plan including Planning Policies -- the Planning Commission and the County Board shall continuously develop their Comprehensive Plan, including their planning policies to guide future decisions. All comprehensive plan elements, in whatever degree of detail they may embody, shall provide the basis for approval of all development under this Zoning Ordinance, and no development shall be approved under this ordinance which is in conflict with any comprehensive plan elements.

2.5 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes ~~and is based on engineering and scientific methods of study~~. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of Mason County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 3 -- ZONING DISTRICTS

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3.1 ESTABLISHMENT

For the purpose of this ordinance, the County of Mason is hereby divided into the following zoning districts:

- A Agricultural District
- RE Rural Estate District
- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Single-Family Residential District

- R-4 Single-Family, Two-family and Multi-Family Residential District
- B-1 Business District
- B-2 Business District
- B-3 Highway Business District
- M-1 Industrial District
- M-2 Industrial District
- M-3 Extraction District
- PD Planned Development District
- FP Flood Prone District

3.2 DISTRICT BOUNDARIES

Boundaries of these districts ~~are hereby~~ were originally established as shown on the map entitled "Zoning Map, County of Mason, Illinois," dated June 10, 1975, and is a part of this ordinance. Such boundaries shall be construed to follow: corporate limits, county limits, U. S. public highways, alleys, easements, and railroad rights-of-way, or such lines extended; soil mapping unit lines; unless otherwise noted in the Zoning Map.

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the adjoining district. If the vacated street or alley adjoins two different zones, the centerline of the vacated street or alley shall constitute the zone boundary.

3.3 ZONING MAP

~~The certified copy of the Zoning Map will bear on its face the attestation of the Chairman of the County Board and the County Recorder.~~ The official zoning map shall be established and maintained in an electronic format # and shall be on file and may be viewed in the office of the County Clerk

3.4 AGRICULTURAL, AND RURAL ESTATE DISTRICTS

1. A -- Agricultural Districts

a. Purpose -- The Agricultural District is established as a zone in which agriculture and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture through preventing the mixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services, and contributes to the premature termination of agricultural pursuits. This zone is also designed to prevent health hazards brought about by the illogical placement of inappropriately high residential densities in the otherwise open countryside.

b. Permitted Uses

- 1) Agricultural uses, including, but not limited to the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses, and the growing, developing, conditioning, processing, and selling of hybrid seed corn, seed oats, seed beans or other farm seeds when such agricultural purposes constitute the principal activity on the property, ~~except on a confinement basis involving numbers of livestock as set forth in Section 3.4 (c) (5) herein;~~ and the operation of any machinery or vehicles and other uses customarily incidental thereto, but excluding the extraction of

sand, gravel or limestone even when related to agricultural purposes, slaughter houses, fertilizer works, plants for the processing of animal skins or hides, plants for the reduction of animal matter, and commercial wind farms.

2) Dwellings, Single-Family.

a) Single-family Dwellings. The minimum lot size shall be three acres, and the residence and any accessory structures shall be located no closer than 35 feet to any public right of way nor within 10 feet of any lot line. No such dwelling shall be located closer than 1000 feet from any existing single family dwelling.

~~b) Single family dwellings of relatives when located on same farmstead.~~

b) Converted Farm Dwellings

A single-family dwelling in an A-Agricultural District initially intended and used for occupancy by family members or tenants engaged in farming operations but no longer used and occupied by persons engaged in such operations. Minimum lot size for Converted Farm Residence is one acre, and the residence and any accessory buildings shall be not less than 35 feet from any public right of way, and shall not occupy more than 30% of the lot area.

3) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.

4) Living quarters such as tenant house, apartment, or room for persons employed on the premises and not rented or otherwise used as a separate dwelling. Such quarters to be limited for use by one individual and his or her immediate family.

5) Barns and other bona fide farm buildings.

6) Private garages and private greenhouses.

7) Roadside stands offering for sale agricultural or other products grown or produced on the premises upon which the stand is located at least 25 feet from the front property line, and off-street parking as regulated in Section 4 of this ordinance is complied with.

8) Kennels.

9) Hunting -- Fishing Quarters -- One temporary dwelling unit is permitted to occupy nonproductive farmland on a lease basis only for the exclusive use of hunting or fisherman. Permanent occupancy is prohibited. The dwelling unit may not be occupied for more than three months during any one calendar year.

c. Special Uses

1) ~~Junkyards~~ Salvage Yards-- Any ~~junkyard~~, scrap yard or salvage yard for

which permission is granted under this section shall at all times be subject to the performance standards established for this ordinance.

All outdoor storage areas shall be screened or fenced with a solid fence at least 6 feet, but not more than 8 feet in height, or enclosed with a dense evergreen growth at least 6 feet in height. Storage between the street and such fence or screen is expressly prohibited.

Any junkyard or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two parking spaces per 100 square feet of retail floor space.

- 2) ~~A dump, sanitary landfill, and/or incinerator, upon a finding that said use will not constitute a nuisance because of traffic, noise, odors, smoke, or physical activity, may be permitted provided that all requirements of this ordinance are complied with.~~ Repealed.
- 3) Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, television and microwave relay towers, water reservoirs, or pumping stations, government building (see Section 7, special Uses), sanitary landfills, transportation facilities, and similar uses.
- 4) Mobile Home Parks (2 mobile home units or more) -- Subject to regulations of the Mobile Home Park Regulations found in Appendix B.
- 5) ~~Section on livestock confinements repealed pursuant to state law. Confinement farm operation involving high density concentrations of livestock or poultry in an enclosed area. A special use permit will be required for livestock management facilities or livestock waste handling facilities which meet either of the criteria set forth in (a), (b) or (c) below.~~
 - a) ~~The facility contains or has contained at any one time within the past 12 months, for a total of 30 days or more, any of the following or greater numbers of livestock:~~

Number of Animals	Kind of Animals
1,000	Slaughter and feeder cattle
700	Mature dairy cattle (whether milkers or dry cows) including pregnant heifers.
500	Horses
2,500	Swine weighing over 55 pounds
10,000	Sheep
55,000	Turkeys
5,000	Ducks
100,000	Laying hens and broilers (if the facility has continuous overflow watering)
30,000	Laying hens and broilers (if the facility has liquid manure handling systems)

- b) ~~The facility has a one time design capacity such that the sum of the following numbers is 1,000 or greater and that such number~~

is contained for a total of 30 days or more:

- ~~_____ Slaughter and feeder cattle multiplied by 1.0;~~
- ~~_____ Mature dairy cattle multiplied by 1.4;~~
- ~~_____ Swine weighing over 55 pounds multiplied by 0.4;~~
- ~~_____ Sheep multiplied by 0.4~~

e) ~~The facility is located in an area within one-half mile of three or more houses.~~

5) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and similar users.

6) Mobile Homes Units -- One mobile home unit may be occupied and maintained by a farm owner or operator living on the land, and also for persons not engaged in agricultural pursuits, provided the mobile home units shall be regulated by the State Board of Health Standards, and as defined by the County Ordinance providing:

a) The mobile home is occupied by a relative standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father, mother, brother, sister, grandchildren, or grandparents of said owner, tenants, spouse, or persons employed on the premises.

b) The mobile home is located in close proximity to the farmstead occupied by such owner or tenant.

One mobile home may be located on a lot while the owner is building a house, providing:

a) The setback lines of the agricultural district are complied with.

b) The permit for such mobile home shall be issued for only one year and renewable at the discretion of the ~~Planning Commission~~ Zoning Enforcement Officer.

c) Reasonable and diligent effort is being made to construct a house.

d) At any time the Zoning Enforcement Officer determines that reasonable and diligent effort is not being made, he shall revoke the permit.

e) Adequate provision is made for modern running water and sewage facilities.

7) Slaughter houses, fertilizer works, plants for the processing of animal skins or hides, and plants for the deduction of animal matter.

8) Commercial Wind Farms pursuant to the terms of the Mason County Wind Farm Ordinance.

d. Special regulations -- All permitted and special uses shall maintain a minimum

setback of :

100 feet from federal highway

50 feet from state highway

25 feet from country or township road.

Building setbacks are twice the height of the structure from any private property line unless otherwise agreed to in writing by the adjacent property owner.

2. RE -- Rural Estate District

a. Purpose -- The Rural Estate District is established to provide that area topographically and locationally well-suited to meet the increasing market for three ~~five~~-acre land, and larger lots are set aside and used for that purpose; to encourage the orderly transition of land from agricultural to low density residential use; and to prohibit any uses which are incompatible with this objective.

b. Permitted Uses

1) Dwelling, single-family.

2) Agriculture, but not including the commercial breeding or feeding of horses, cattle, sheep, pigs, goats, poultry and/or similar livestock. Keeping of livestock shall be limited to one animal unit per acre of land. Livestock shall be properly confined, and any fencing established for the purpose of confining livestock shall be located not less than 20 feet from any property line and shall be limited to the rear yard only. There shall be no disposal or feeding of garbage.

c. Accessory Uses

1) Home occupation in a single-family dwelling, provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling. Also, that it does not display or create, outside the building, any external evidence of the operation of the home occupation except, for one unanimated non-illuminated sign not over four hundred (400) square inches in size.

2) Private garages.

3) Private stable which is incidental to the principal use and which provides shelter for not more than three horses for the exclusive use of the occupants of the premises, and not less than 50 feet from any property line.

4) Kennels.

5) Off-street parking as regulated in Section 4 of this ordinance.

d. Special Uses

1) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 7 of this ordinance.

- 2) Public utility and service uses such as electric substations, regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities, and similar uses. (See Section 7, Special Uses.)
- 3) Earth-covered dwellings may be constructed at grade level or partially below grade level with exposed portions, to include the roof to be covered by earth, except for doors, windows or skylights. The earth covered dwellings shall be designed by a licensed engineer or architect.

The earth-covered dwellings' plans, specifications, and construction shall be certified by a licensed engineer or architect as to adequacy of structural load bearing capacity, the adequacy of lighting, ventilation, and humidity control so that it shall pose no hazard to the health, safety, and welfare of its occupants.

e. Bulk Requirements

- 1) Lot:

Minimum Area	3 acres
Minimum Width at Building Line	300 feet
- 2) Minimum Yards:

Front	50 feet
Rear	50 feet
Side	50 feet
- 3) Building:

Minimum Total Floor Area	1,250 Square feet
Maximum Height	35 feet
- 4) Any permitted use in accordance and conformity with the above designated bulk requirements which later violates said bulk requirements by reason of partial transfer of property, thereby deducing the property to a point less than the above minimum bulk requirements, will upon the date of partial transfer of the property subject the owner of said property to the Violation and Penalty Clauses of Section 11 of the Mason County Zoning Ordinance.

3.5 URBAN RESIDENTIAL DISTRICTS

PURPOSE -- Urban Residential Districts are established to provide the full range of residential housing types in an urban environment where all of the facilities for urban living, including community sewer and water facilities are available.

1. R-1 -- Single-family Residential District

a. Permitted Uses

Single-family dwellings

b. Accessory Uses

- 1) Home occupation in a single family dwelling, provided that such use is incidental

to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling. Also, that it does not display or create, outside the dwelling, any external evidence of the operation of the home occupation except, for one unanimated, non-illuminated sign not over four hundred (400) square inches in size.

- 2) Private garages
- 3) Off-street parking as regulated in Section 4 of this ordinance.

c. Special Uses

- 1) Public or private community facilities such as school, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 7 of this ordinance.
- 2) Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities, and similar uses. (See section 7, special Uses.)
- 3) Earth-covered dwellings may be constructed at grade level or partially below grade level with exposed portions, to include the roof to be covered by earth, except for doors, windows or skylights. The earth covered dwellings shall be designed by a licensed engineer or architect.

The earth-covered dwellings' plans, specifications, and construction shall be certified by a licensed engineer or architect as to adequacy of structural load bearing capacity, the adequacy of lighting, ventilating, and humidity control so that it shall pose no hazard to the health, safety, and welfare of its occupants.

d. Bulk Requirements

- 1) Lot:
 - Minimum Area 10,000 square feet
 - Minimum Width at Building Line 75 feet
- 2) Minimum Yards:
 - Front 25 feet
 - Rear 30 feet
 - Side 10% of lot width
- 3) Building:
 - Maximum Ground Coverage 30% of lot area
 - Minimum Total Floor Area 1,150 square feet
 - Maximum Height 35 feet

2. R-2 -- Single-family Residential District

a. Permitted Uses

Single-family dwellings

b. Accessory Uses

- 1) Home occupation is a single family dwelling, provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling. Also, that it does not display or create, outside the dwelling, any external evidence of the operation of the home occupation except, for one unanimated, non-illuminated sign not over four hundred (400) square inches in size.
- 2) Private garages
- 3) Off-street parking as regulated in Section 4 of this ordinance.

c.

Special Uses

- 1) Public or private community facilities such as school, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 7 of this ordinance.
- 2) Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities, and similar uses. (See section 7, special Uses.)
- 3) Earth-covered dwellings may be constructed at grade level or partially below grade level with exposed portions, to include the roof to be covered by earth, except for doors, windows or skylights. The earth covered dwellings shall be designed by a licensed engineer or architect.

The earth-covered dwellings' plans, specifications, and construction shall be certified by a licensed engineer or architect as to adequacy of structural load bearing capacity, the adequacy of lighting, ventilating, and humidity control so that it shall pose no hazard to the health, safety, and welfare of its occupants.

d.

Bulk Requirements

- | | | |
|----|--|---|
| 1) | Lot:
Minimum Area
Minimum Width at Building Line | 7,500 square feet
60 feet |
| 2) | Minimum Yards:
Front
Rear
Side | 25 feet
30 feet
10% of lot width |
| 3) | Building:
Maximum Ground Coverage
Minimum Total Floor Area
Maximum Height | 30% of lot area
950 square feet
35 feet |

2. R-3 -- Single-family Residential District

a. Permitted Uses

Single-family dwellings

b. Accessory Uses

- 1) Home occupation is a single family dwelling, provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling. Also, that it does not display or create, outside the dwelling, any external evidence of the operation of the home occupation except, for one unanimated, non-illuminated sign not over four hundred (400) square inches in size.
- 2) Private garages
- 3) Off-street parking as regulated in Section 4 of this ordinance.

c. Special Uses

- 1) Public or private community facilities such as school, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 7 of this ordinance.
- 2) Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities, and similar uses. (See section 7, special Uses.)
- 3) Earth covered dwellings may be constructed at grade level or partially below grade level with exposed portions, to include the roof to be covered by earth, except for doors, windows or skylights. The earth covered dwellings shall be designed by a licensed engineer or architect.

The earth covered dwellings plans, specifications, and construction shall be certified by a licensed engineer or architect as to adequacy of structural load bearing capacity, the adequacy of lighting, ventilating, and humidity control so that it shall pose no hazard to the health, safety, and welfare of its occupants.

d. Bulk Requirements

- | | | |
|----|--------------------------------|-------------------|
| 1) | Lot: | |
| | Minimum Area | 6,000 square feet |
| | Minimum Width at Building Line | 50 feet |
| 2) | Minimum Yards: | |
| | Front | 25 feet |
| | Rear | 30 feet |
| | Side | 10% of lot width |
| 3) | Building: | |
| | Maximum Ground Coverage | 30% of lot area |
| | Minimum Total Floor Area | 720 square feet |
| | Maximum Height | 35 feet |

4. R-4 -- Two-Family and Multi-Family Residential District

a. Permitted Uses

Single -family, Two-family and multi-family dwellings

b. Accessory Uses

- 1) Private garages.
- 2) Off-street parking as regulated in Section 4 of this ordinance.

c. Special Uses

- 1) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 7 of this ordinance.
- 2) Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities and similar uses. (See Section 7, special Uses.)

d. Special Regulations

- 1) Parking -- One and one-half spaces shall be provided for each dwelling unit as required by Section 4.
- 2) Plat Requirements -- All developments proposed in the R-4 Districts containing more than two dwelling units per structure shall be subject to design review by the Planning Commission. Portions of the Planned Development Procedure shall be used as follows:
 - a) The amendment required by the Planned Development Procedure shall be waived since this district has already been established exclusively for multi-family dwelling according to the standards cited.
 - b) Preliminary and final plats shall be required according to the Planned Development Procedure, except that the Planning Commission may waive the preliminary plat in areas already subdivided and served with streets and all required improvements. In this case, the approved final plat shall replace the final plat recorded earlier at the time of subdivision.
 - c) Site design flexibility and originality shall be encouraged within the limitations of the use and dimensional standards cited for this district. Preliminary and final plats shall conform to the standards for this district, and any applicable comprehensive plan elements.
 - d) The record final plat shall provide continuing control over the completed development as specified in the Planned Development Procedure.
 - e) Bulk Requirements (single-family in R-4 same as R-3)
 - 1) Lot and Density:

Minimum Area	Two-family	--	15,000
Maximum Area	square feet		
	Multi-family	--	15
	dwelling units per acre;		
	30 bedrooms per acre.		

Maximum density shall be interpolated proportionally where development less than acre is proposed.

2) Minimum Yards

Principal Buildings -- 20 feet from project boundaries.

Accessory Buildings -- 5 feet from project boundaries.

3) Building:

Minimum total floor area:
Efficiency: 500 sq ft
1-bedroom apt: 600 sq ft
2-bedroom apt: 750 sq ft
Each additional bedroom: 150 sq ft

Maximum Heights: 45 feet

3.6 Business Districts

Purpose -- The Business Districts are established to provide area for retail establishments which offer a wide range of goods and services.

1. B-1 -- Business District

- a. Purpose -- The B-1 Business District is established to provide retail goods and services directly to the consumer.
- b. Permitted Uses
 - 1) Retail sales -- Processing of products is permitted only if all products are sold at retail on the premises.
 - 2) Consumer services -- Processing is permitted only if all such processing is performed as a consumer service for customers served on the premises.
 - 3) Professional, business, and government offices.
 - 4) Community facilities such as churches, libraries, art galleries, parks, hospitals, institutions, government buildings.
- c. Accessory Uses -- Off-street parking and loading as regulated in Section 4 of this ordinance.
- d. Special Uses

- 1) See Section 7 of this ordinance.
- 2) Regional, community, and neighborhood shopping centers.

e. Special Regulations

- 1) All sales, services, processing, storage, and display shall take place within a completely enclosed building.
- 2) All uses of the drive-in types are not permitted. This would include drive-in restaurants, service stations, drive-in theaters, and other similar uses.
- 3) All motels or motor inns are not permitted.
- 4) In addition to meeting the requirements for procuring a special use permit for the development of a shopping center, potential developers of shopping centers must submit a market analysis in order to establish evidence of a need for a change in the comprehensive zoning plan for the county, and to substantiate a finding that such a change will promote the general welfare of the county.
- 5) Screening shall be provided at lot boundaries abutting a Residential Zoning District if requested by residence of said District, and may consist of solid fencing or dense hedge or shrub to a minimum of 6 feet in height.

2. B-2 -- Business District

a. Purpose -- The B-2 Business District is established to provide retail goods and services directly to the consumer.

b. Permitted Uses

- 1) Retail sales -- Processing of products is permitted only if all products are sold at retail on the premises.
- 2) Consumer services -- Processing is permitted only if all such processing is performed as a consumer service for customers served on the premises.
- 3) Professional, business, and government offices.
- 4) Community facilities such as churches, libraries, art galleries, parks, hospitals, institutions, government buildings.
- 5) Wholesale Sales -- Permitted only if such Wholesale Sales do not exceed 50 per cent of Gross Dollar Sales of the business. Zoning Enforcement Officer of Mason County may require production of sales records to determine extent of wholesale and retail sales in relation to total annual sales.

c. Accessory Uses -- Off-street parking and loading as regulated in Section 4 of this ordinance.

d. Special Uses

- 1) See Section 7 of this ordinance.
- 2) Regional, community, and neighborhood shopping centers.

e. Special Regulations

- 1) Sales, services, processing, and display may take place outdoors. However, Junkyards are not permitted.
- 2) Drive-in theaters are not permitted.
- 3) Motels and motor inns are not permitted.
- 4) In addition to meeting the requirements for procuring a special use permit for the development of a shopping center, potential developers of a shopping center must submit a market analysis in order to establish evidence of a need for a change in the comprehensive zoning plan for the county, and to substantiate a finding that such a change will promote the general welfare of the county.
- 5) Screening shall be provided at lot boundaries abutting a Residential Zoning District if requested by residents of said District, and may consist of solid fencing or dense hedge or shrub to a minimum of 6 feet in height.

f. Bulk Requirements

Minimum Yards:

Front yard
Side lots

Not required.
No minimum required except adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining residential district.

Rear

20 feet.

3. B-3 -- Highway Business District

a. Purpose -- The Highway Business District is established to provide areas for commercial establishments which cater primarily to the needs of motorists. Typical uses offer accommodations and services to motorists, specialized retail outlets, and commercial amusement enterprises. The requirements of this district are developed to minimize traffic hazards and interference with other related uses in the vicinity.

b. Permitted Uses

- 1) Retail sales -- Processing of products is permitted only if all products are sold at retail on the premises.
- 2) Sales and service of automotive and farm implement goods.
- 3) Motels and motor inns.
- 4) Drive-in restaurants.

c.

Special Uses

- 1) See Section 7 of this ordinance.
- 2) Outdoor amusement and recreational enterprises, including but not limited to drive-in theaters, fairgrounds, and auto tracks.
- 3) Salvage yard -- Any ~~junkyard~~, scrap yard or salvage yard for which permission is granted under this section shall at all times be subject to the performance standards established for this ordinance.

All outdoor storage areas shall be screened or fenced with a solid fence at least 6 feet, but not more than 8 feet in height, or enclosed with a dense evergreen growth at least 6 feet in height. Storage between the street and such fence or screen is expressly prohibited.

Any ~~junkyard~~ or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two parking spaces per 100 square feet of retail floor space.

d. Special Regulations

- 1) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products shall conform with appropriate State and Federal regulations.
- 2) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of 6 feet in height.

e. Bulk Requirements

- 1) Minimum Yard:

Front	25 feet
Side lots	10 feet <u>except adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining residential district.</u>
Rear	20 feet
- 2) Building Height: 35 feet or two stories, whichever is less.

3.7 INDUSTRIAL DISTRICTS

1. M-1 Industrial District

- a. Purpose -- This industrial district is established to provide area for light industrial, office, and administrative uses having few, if any, adverse effects on neighboring properties. To maintain an appropriate environment, high standards of

performance are prescribed.

b. Permitted Uses

1) Industry, non-retail commercial, laboratories, offices.

c. Accessory Uses -- Off-street parking and loading as regulated in Section 4 of this ordinance.

d. Special Uses -- Service facilities clearly for the convenience of persons and firms in the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar services facilities. Also see Section 7, special Uses.

e. Special Regulations

1) All processing and storage shall take place within completely enclosed buildings.

2) Storage, auxiliary to the principal use, is permitted in the open if such storage activities occupy no more than 20 percent of the gross lot area.

3) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of 6 feet in height, and the minimum setback where abutting a residential district shall be 50 feet.

f. Bulk Requirements

1) Minimum Lot: 1 acre

2) Minimum Yards:
Front: 50 feet from right-of-way of any street or road.
All others: 20 feet from lot lines.

2. M-2 -- Industrial District

a. Purpose -- This industrial district is established to provide areas in which manufacturing and related commercial operations are the principal use of land. Such uses have some adverse effects on surrounding properties, and are not compatible with residential, institutional, and retail uses. Moderate performance standards are established.

b. Permitted Uses

1) Industry, nonretail commercial, laboratories, offices.

2) Retail Sales -- Permitted only if such Retail Sales do not exceed 50 per cent of Gross Dollar Sales of the business. Zoning Enforcement Officer of Mason County may require production of sales records to determine extent of wholesale and retail sales in relation to total annual sales.

c. Accessory Uses -- Off-street parking and loading as regulated in Section 4 of this ordinance.

d. Special Uses

- 1) ~~Junkyards~~ Salvage yard-- Any ~~junkyard~~, scrap yard or salvage yard for which permission is granted under this section shall at all times be subject to the performance standards established for this ordinance.

All outdoor storage areas shall be screened or fenced with a solid fence at least 6 feet, but not more than 8 feet in height, or enclosed with a dense evergreen growth at least 6 feet in height. Storage between the street and such fence or screen is expressly prohibited.

Any ~~junkyard~~ or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two parking spaces per 100 square feet of retail floor space.

- 2) Service facilities clearly for the convenience of persons and firms in the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar service facilities. Also see Section 7, special Uses.
- 3) Slaughter house, fertilizer works, plants for the processing of animal skins or hides and plants for the reduction of animal matter.

e. Special Regulations -- Processing and storage may take place within buildings or outdoors.

- 1) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products shall conform with appropriate state and federal regulations.
- 2) Storage, auxiliary to the principal use, is permitted in the open, but not within 20 feet of the property lines.
- 3) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to minimum of 6 feet in height, and the minimum setback where abutting a residential district shall be 50 feet.

f. Bulk Requirements

- | | | |
|----|------------------|--|
| 1) | Minimum Lot: | 3 acres |
| 2) | Minimum Yards: | |
| | Front | 50 feet from right-of way of any street or road. |
| | All others: | 20 feet from lot lines. |
| 3) | Building height: | 35 feet or two stories, whichever is less. |

3. M-3 Extraction District

- a. Purpose -- To regulate and control all forms of extraction operations and to ensure proper

land reclamation in areas of extraction or extraction manufacturing operations.

- b. Permitted Uses
 - 1) Sand, gravel, marl, clay, limestone, salt, coal extraction and related crushing processes.
 - 2) Oil and gas extraction.
- c. special Uses -- Cement concrete or asphaltic concrete mixing plants.
- d. Special Regulations -- All extraction and reclamation activities shall be in accordance with ~~the Surface Mined Land Reclamation Act administered by the State of Illinois Department of Conservation~~ applicable state and federal laws. In addition, the following stipulations shall be required.

All applications for an M-3 District shall be accompanied by a map or plat showing the area proposed to be included in the extraction or removal operation; an estimate of the time required for the removal of material; and a final grading plan which shows the existing ground elevations of the site and the land immediately adjacent thereto; and location and elevation of all bounding streets or roads; and the final elevation of the site at the termination of the operation with respect to the elevations of the immediately adjacent land and bounding streets or roads.

3.8 PLANNED DEVELOPMENT DISTRICT

- 1. Purpose -- Areas may be designated on the Zoning Map as Planned Development Districts even though no specific plan has been submitted under the Planned Development Procedure. Such districts shall be keyed to the comprehensive plan elements which comprise the statement of intent establishing the design and use criteria for evaluation of specific proposals submitted under the Planned Development Procedure. Proposals for development of these districts shall be reviewed only under the Planned Development Procedure. The intent of these regulations is to enable the ~~Planning Commission~~ and governing body to designate those areas subject to potential development of such intensiveness and importance that plan review and design commitment are necessary as the basis for approval of development.

The Planned Development Procedure is intended to provide a single uniform procedure for total review of a proposed development, both design and use. The procedure combines the design-review procedure of subdivision approval and the use-review procedure of zoning amendment, and enables ~~the Planning Commission~~ and the governing body to review all aspects of a proposed development simultaneously to permit greater flexibility and originality in concept according to the intent of comprehensive plan elements, and still to exercise greater final control over the approved development than is possible through pre-regulated zoning districts.

- 2. Standards
 - a. Design Standards -- Because the design standards for use, dimensions, density, and qualitative attributes are subject to evolution through continuous plan review, they are not included as an integral part of the unchanging Planned Development Procedure. This Zoning Ordinance refers to the officially adopted policies, detailed area plans, and all other elements of the evolving comprehensive plan for the standards to guide the approval of Planned Development projects. A Planned Development project may depart from conformance with the dimension,

area, and use regulations for the standard zoning districts and from conformance with the design standards in a Subdivision Regulations Ordinance. However, a Planned Development project shall conform with all applicable elements of an officially adopted comprehensive plan.

- b. Required Improvements -- Planned Development projects shall be subject to the regulations governing required improvements found in the Subdivision Regulations Ordinance.
- c. Parking, Loading, Traffic, and Access -- Planned Development projects shall be subject to the regulations for parking, loading, traffic, and access of this Zoning Ordinance.
- d. Special Conditions -- The ~~Planning Commission~~ and governing body may attach special conditions to approval of the final plats to insure conformance with the intent of all official plan elements.

3. Procedure

- a. General -- For procedural purposes, a planned Development Project shall be treated as a subdivision, and the procedure for subdivision approval, as set forth in the Subdivision Regulations Ordinance, and shall be followed in its entirety whether the development shall be in single or divided ownership.
- b. Preliminary Plat -- A preliminary plat of the Planned Development project shall be submitted as required by a Subdivision Regulations Ordinance. It is recommended that this submission be preceded by pre-application conferences to determine whether the developer's intent agrees with the intent expressed by all comprehensive plan elements. Additional supporting material beyond that required by the Subdivision Regulations Ordinance for the preliminary plat shall include:
 - 1) Explanation of the character of the Planned Development, and the manner in which it has been planned to take advantage of the flexibility of these regulations.
 - 2) Statement of present and proposed ownership of all land within the project.
 - 3) Development of schedule indicating:

Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.

Approximate dates for beginning and completion of each stage.
 - 4) Agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the Planned Development, and any of its common open space.
- c. Amendment -- The amendment procedure established in Section 10 shall be initiated after special approval of the preliminary plat by the ~~Planning Commission~~ Zoning Enforcement Officer. Under this procedure, the Zoning

District Map may be amended to designate the location proposed to the preliminary plat as a Planned Development District superseding the original or existing zoning district. This amendment shall be in conformance with all comprehensive plan elements. The Planned Development district shall be valid only for that preliminary plan and supporting material upon which the amendment was based. All supporting material shall remain on file with the preliminary plat.

- d. Final Plats -- If the amendment is approved, final plats shall be prepared for each stage according to the development schedule. The final plat and supporting material shall show in detail the design and use of all buildings and overall land development plans, as well as such other information the Planning Commission may require for the complete consideration of the project in addition to information required by the Subdivision Regulations Ordinance. The final plats shall conform to the preliminary plat and supporting material except that the ~~Planning Commission~~ and governing body may approve minor changes without public hearing at this time which do not change the concept or intent of the development. Major changes -- changes in density, height of buildings, reduction or proposed open space, changes in the financing, development schedule, or final governing agreements, provisions or covenants, or resubdivision -- may be approved only by submission of a new preliminary plat or applicable supporting material followed by the amendment procedure.
- e. Continuing Control -- The Planned Development project shall be developed only according to the approved and recorded final plat and all supporting material together with all recorded amendments shall be binding on the applicants, their successors, and assigns and shall limit and control the uses of premises and location of structures in the Planned Development project. Major changes in the final plat during or after construction shall be accomplished by the amendment procedure. The governing body shall consider the planned Development amendment subject to revocation, if construction falls more than one year behind schedule.
- f. Fees and Permits -- The governing body may establish a schedule of reasonable fees to be charged for plat review. Zoning permits shall be required for each structure according to Section 11. The Zoning Enforcement Officer shall base issuance upon conformance with the final plat and supporting material.

3.9 FLOOD PRONE DISTRICT

- 1. Purpose -- The regulation contained in this section governing the development and use of land subject to flooding are established for the following purposes. The regulations set forth in this section are intended as a guide for development in and around the flood plain. All regulations set forth in this section are subject to and superseded by the regulations of Resolution 2005-12, an Ordinance Regulating Development in Flood Plain Areas adopted February 8, 2005 or any amendments to such.
 - a. To avoid or lessen the hazards to persons or damage to property resulting from the accumulation or runoff of storm and flood waters.
 - b. To protect stream channels from encroachment.
 - c. To maintain the capacity of the flood plain to retain flood waters.
 - d. To provide for the development of flood plain lands with uses not subject to

severe damage by flooding and compatible with the other uses permitted in the various zones.

- e. To permit only uses and improvements on flood plain lands that are not hazardous during flood periods.
- f. To avoid the creation of new flood problems.

2. Definitions -- For the purpose of this section and this ordinance, the following terms shall have these meanings:

- a. Flood Prone Area -- The area designated by the United States Geological Survey as flood prone and/or those areas depicted on the National Flood Insurance Administrators "Flood Hazard Boundary Maps" Department of Housing and Urban Development.
- b. Flood Plain -- The continuous area adjacent to a lake, stream, or stream bed, the elevation of which is greater than the normal water level or pool elevation, but equal to or lower than the flood base elevation. Also, any land of higher elevation having an area less than the minimum residential lot size established for the zone in which it is located, and surrounded by lands having an elevation equal to or less than the flood base elevation.
- c. Flood Table Land -- The continuous land area adjacent to the flood plain, the elevation of which is greater than the flood base elevation by 2 feet or less.
- d. Stream -- A stream is any continuously flowing natural water course.

3. Flood Plain Lands -- All lands determined to be in the flood plain shall be subject to the procedures and regulations established in this section. However, nothing contained herein shall prohibit the application of these regulations to lands which can be demonstrated by competent engineering survey to lie within any flood plain. Conversely, any lands which can be demonstrated by competent engineering survey to lie beyond the flood plain shall not be subject to these regulations. Any structures which are constructed on the flood plain must be so constructed that they will not be damaged by flood and will not represent a hazard at the time of flooding.

4. Permitted Uses -- Only the following uses are permitted in flood plains regardless of the regulations of any zone established by this ordinance.

Permitted by right

Special Uses

Agriculture
Arboretum or Botanical Garden
Golf Course
Nursery
Park, Public Recreational
Playground
Public Open Land
Extraction of earth Products (excluding oil)

Drive-In Theaters
Boathouse
Oil Extraction
Outdoor Recreation Club

5. Requirements and Restrictions -- Any permitted use provided for shall be subject to the following provisions:

- a. Location of Principal Building -- No Principal building shall be located on the flood

plain. Exception, any existing structure damaged by natural causes may be rebuilt on the same site in accord with the appropriate state and federal regulations.

- b. Channel Setback Line -- All buildings and structures except boathouses shall be set back from a waterway at least 100 feet?
- c. Filling -- The filling of flood plain lands shall be permitted provided that:
 - 1) The fill material is obtained from the flood plain in the immediate vicinity of the area filled, or
 - 2) The fill material obtained elsewhere is offset by the removal of an equivalent volume from the flood plain in the immediate vicinity of the area filled.

The deepening of channels is permitted, subject to compliance with applicable state and federal regulations, but the material removed must not be deposited upon the flood plain except in accordance with "b" above. The placement of fill material shall parallel the stream channel. Further, the placement of fill shall not encroach upon the channel setback line; shall not impede the flow of flood water; shall not diminish the cross sectional area of the flood plain; and shall not reduce the water retention capacity of the flood plain. In the case of channels, the deepening shall be made at a point opposite, or upstream from the filled-in area. Filling operations conducted in accordance with the above standards shall permit the land so filled to be developed and used in accordance with the provisions of this ordinance.

- d. Minimum Flood Elevation -- Any new structure located upon the flood table land or upon fill shall have no habitable floor, including basement floor, at an elevation less than ~~4 feet~~ one foot above the flood base elevation.
- e. Other Regulations to Apply -- In addition to the provisions of this section, as they apply to the flood plain and the flood table land, the regulations for the zone in which such land is located shall continue in full force and effect.

SECTION 4 - PARKING, LOADING,
TRAFFIC, ACCESS

SECTION 4 -- PARKING, LOADING, TRAFFIC, ACCESS

4.1 PARKING AND LOADING

The off-street parking and loading provisions of this ordinance shall apply as follows:

- 1. When the intensity of use of any building, structure, or premises shall be increased through additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
- 2. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to June 10, 1975, ~~the effective date of this ordinance~~, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this ordinance.

3. Existing Parking and Loading Facilities -- Accessory off-street parking or loading facilities which were in existence on June 10, 1975 ~~the effective date~~ shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements of this ordinance for a similar new building or use.
4. Permissive Parking and Loading Facilities -- Nothing in this ordinance shall be deemed to prevent the voluntary establishment of contiguous off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.
5. Control of Off-Site Parking Facilities -- Where required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and shall remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized, and no zoning certificate shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Board of Zoning Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue, and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

4.2 ADDITIONAL REGULATIONS -- PARKING

1. Except as otherwise indicated, required accessory off-street parking facilities provided for uses listed hereinafter shall be solely for the parking of passenger automobiles of patrons, occupants (or their guests), or employees of such uses.
2. Collective Provision -- Off-street parking facilities for separate uses may be provided collectively, if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space for more than one use unless otherwise authorized by the Board of Zoning Appeals.
3. Size of each parking space shall not be less than 200 square feet exclusive of the space required for ingress and egress.
4. Access -- Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
5. Design and Maintenance
 - a. Surfacing and Bumper Guards -- All open off-street parking areas except parking spaces accessory to a single-family dwelling shall be improved with an asphaltic concrete surface, concrete, or some comparable all weather dustless material, and shall have appropriate bumper guards where needed. Gravel?
 - b. Lighting -- Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.

6. Mixed Uses -- When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.
7. Other Uses -- For uses not listed in the following schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, as required by this ordinance, or as varied due to unique circumstances by the Board of Zoning Appeals.
8. All standards for public parking accommodation set forth in this ordinance are subject to the requirements of the Americans with Disabilities Act for the provision of accessible parking.

4.3 ADDITIONAL REGULATIONS -- OFF-STREET LOADING

1. Location -- All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over 2-ton capacity shall be closer than 50 feet to any property in a Residential District unless completely enclosed by a building wall, or uniformly painted solid fence or wall, or any combination thereof, not less than 6 feet in height.
2. Access -- Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements, and subject to approval of the ~~Building Commissioner~~ and County Highway ~~Engineer~~ Superintendent.
3. Surfacing -- All open off-street loading berths shall be improved with a compacted macadam base, not less than 7 inches thick, surfaced with not less than 2 inches of asphaltic concrete or some comparable all weather dustless material.
4. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
5. For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such use, as determined by the Board of Zoning Appeals, shall be provided.

4.4 SCHEDULE OF OFF-STREET PARKING, LOADING, AND UNLOADING REQUIREMENTS

Off-street parking, and off-street loading and unloading facilities shall be provided in accordance with the following schedule:

USE	OFF-STREET PARKING SPACES WHICH SHALL BE PROVIDED	OFF-STREET LOADING AND UNLOADING SPACES WHICH SHALL BE PROVIDED
Single-family	Two per dwelling unit	None required
Multi-Family	One and one-half per	

	dwelling unit	
Motel, hotels, lodging houses	One per lodging unit, plus one stall for each 100 square feet of retail sales or dining area	One for each structure or each 20,000 square feet of gross floor area.
Commercial (except as specifically provided below)	One per 200 square feet of gross floor area	One for each shop over 10,000 square feet of floor area plus one for each additional 100,000 square feet of gross floor area
Furniture, appliance stores, machinery sales, wholesale storage	One per 400 square feet of gross floor area	One plus one additional for each 25,000 square feet of gross floor area
Offices, banks, or public administration	One per 400 square feet of gross floor area	One for each structure over 40,000 square feet of gross floor area plus one for each additional 100,000 square feet of gross floor area
Manufacturing, warehousing	One for each employee on the maximum working shift, plus one for each vehicle used in the conduct of the enterprise	One for each structure plus one for each 60,000 square feet of gross floor area over 40,000 square feet
Churches, theaters auditoriums, and other places of assembly	One per five seating spaces	One for each structure over 100,000 square feet of gross floor area
Hospitals, rest homes, nursing homes, etc.	One per three employees, plus one per three beds	One for each 100,000 square feet of gross floor area

4.5 VISIBLE PARKING OF INOPERABLE, JUNK ABANDONED OR UNLICENSED MOTOR VEHICLES OR EQUIPMENT PROHIBITED IN RESIDENTIAL DISTRICTS

1. The following definitions shall apply in the interpretation and enforcement of this Section 4.5:

“Person” shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

“Vehicle” shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runner or slides, and transport persons or property or pull machinery, and shall include without limitation automobiles, trucks, trailers, motorcycles, tractors, buggies, and wagons.

“Street or Highway” shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for use of vehicular travel.

“Property” shall mean any real property within the county not otherwise controlled by local zoning ordinances, and is not a street or highway.

“Inoperable motor vehicle” means any motor vehicle, which for a period of at least sixty days, the engine, wheels or other parts have been removed, or in which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own power, or for which there have not been valid license plates from the State of Illinois or other state for a period in excess of sixty days. “Inoperable motor vehicle” shall not include a motor vehicle which has

been

rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations, not to any motor vehicles that are kept in a building when not in use or to historical vehicles over 25 years of age.

“Abandoned vehicle” shall mean any vehicle which is left at any place for such time and under such circumstances as to cause such vehicle to be inoperable and unusable.

2. Abandonment of Vehicles. No person shall abandon any vehicle and no person shall leave any vehicle at any place for such time and under such circumstances as to cause such vehicle to be abandoned or inoperable.

3. Inoperable vehicles are hereby declared to be a nuisance, whether on public or private property. All persons are required to dispose of any inoperable motor vehicles under their control upon written notice received from the corporate authorities, the Mason County Sheriff or his deputies, the Zoning Enforcement Officer, or by directive of the Mason County Board.

4. Impounding. The Sheriff of Mason County or his deputies are hereby authorized to remove or have removed any vehicle left at any place within the County which appears to be in violation of this Section 4.5, or which appears to be lost, stolen, or undaimed, or which is an inoperable vehicle as defined herein. Such vehicle may be impounded until lawfully daimed or disposed of in accordance with the Illinois Traffic Code.

5. All contractors' equipment or tools or unlicensed motor vehicles shall be parked or stored in a completely enclosed structure on any residential premises except when making a delivery or rendering a service at such premises.

4.6 DRIVEWAYS

All driveways installed, altered, changed, replaced, or extended after June 10, 1975 ~~the effective date of this ordinance~~ shall meet the following requirements:

1. Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.
2. Vehicular entrances and exits to drive-in theaters, banks, restaurants, motels, and funeral homes, vehicular sales, service, washing, and repair stations, garages, or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

4.7 HIGHWAY ACCESS

No direct private access shall be permitted to the existing or proposed rights-of-way, expressways, or to any controlled access arterial street without permission of the highway agency that has control jurisdiction, and of the ~~Planning Commission and~~ County Board.

No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

1. Freeways, interstate highways, and their interchanges or turning lanes, or to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
2. Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
3. Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
- ~~4. Access barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.~~
54. Temporary access to the above rights-of-way may be granted by the ~~County Planning Commission~~ Zoning Enforcement Officer after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

4.8 SIGHT TRIANGLES AT INTERSECTIONS

1. The restrictions set out in this subsection shall apply to the following triangles of land abutting street intersections:
 - a. State Highways, County Highways, Township Highways (which shall be defined as roadways under the jurisdiction of those respective units of government outside the boundaries of a platted subdivision): The triangle bounded on two (2) sides by the intersecting right-of-way lines, measured fifty (50) feet in each direction from their point of intersection, and on the third side by the diagonal line connecting the ends of the fifty (50) foot sides; and
 - b. County and Township Nonprimary and Collector Streets (which shall be defined

as any public roadway under the jurisdiction of those respective units of government within a platted subdivision platted for use of the public or residents of such subdivision): The triangle bounded on two (2) sides by the intersecting right-of-way lines, measured thirty-five (35) feet in each direction from their point of intersection, and on the third side by the diagonal line connecting the ends of the thirty-five (35) foot sides.

c. Local Streets (which shall be defined as public or private roadways within platted subdivisions which are not under the jurisdiction for maintenance by any unit of government): The triangle bounded on two (2) sides by the intersecting right-of-way lines, measured fifteen (15) feet in each direction from their point of intersection, and on the third side by the diagonal line connecting the ends of the fifteen (15) foot sides.

2. Within the triangles identified in subsection 1., above, and except as provided in subsection 3., below, no structures, sign, plant, shrub, tree, berm, fence, wall or other object of any kind shall be installed, constructed, set out or maintained so as to obstruct cross-visibility at a level between thirty (30) and ninety-six (96) inches above the height of the shoulder.

3. The restrictions of this subsection shall not apply to the following:

a. Existing natural grades which, by reason of natural topography, rise thirty (30) or more inches above the level of the center of the adjacent intersection;

b. Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the area between thirty (30) and seventy-two (96) inches above the level of the center of the adjacent intersection; and

c. Fire hydrants, public utility poles, telecommunications carrier facilities, street markers, and traffic control devices.

d. Growing crops or natural vegetation within Agricultural Districts.

4. Obstruction of Public Right-of-Way. Except as otherwise permitted by these regulations, no structure, fence, landscaping, driveway, parking lot, newspaper vending machine, or mailbox shall be permitted which obstructs or otherwise interferes with public use of a street right-of-way or other public easement.

SECTION 5 - MODIFICATIONS AND EXCEPTIONS

SECTION 5 -- MODIFICATIONS AND EXCEPTIONS

5.1 HEIGHT

The district height limitations stipulated elsewhere in this ordinance may be exceeded, but such modification shall be in accord with the following:

Architectural Projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this ordinance.

Special Structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this ordinance.

Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance.

Communication Structures such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height 3 times their distance from the nearest lot line provided that structures governed by 55 ICLS 5/5-12001.1 shall be subject only to the provisions of such statute.

Agricultural Structures such as barns, silos, grain bins, and windmills shall not exceed in height twice their distance from the nearest lot line, unless the written consent of the adjacent property owner to deviate from this requirement is obtained by the applicant and submitted to the Zoning Enforcement Officer in which case such Officer may grant a setback distance of not less than 10 feet.

Public or Semi-public Facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of 60 feet, provided all required yards are increased not less than 1 foot for each foot the structure exceeds the district's maximum height requirement.

5.2 YARDS

The yard requirements stipulated elsewhere in this ordinance may be modified as follows:

Uncovered Stairs, landings, and fire escapes may project into any yard, but not to exceed 6 feet, and not closer than 3 feet to any lot line.

Architectural Projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard.

Residential Fences are permitted ~~on~~ within six inches of the property lines in residential districts, but shall not be closer than 2 feet to any public right-of-way, ~~provided that no barbed wire or electric fence may be installed in R1, R2, R3, or R4 Districts. Residential fences in front yards shall be of open type similar to woven wire or wrought iron fencing and shall not exceed four feet in height.~~

Security Fences are permitted on the property lines in all districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

Accessory Uses and detached accessory structures are permitted in the rear and side yards only; they shall not be closer than 10 feet to the principal structure; shall not exceed 15 feet in height; shall not occupy more than 30 percent of the rear and side yard areas; and shall not be closer than 5 feet to any lot line.

Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and height requirements of this ordinance.

Landscaping and vegetation are exempt from the yard and height requirements of this ordinance.

5.25 FENCES

1. Fence Permit Application.

- a. No person shall erect a fence within the county without first having received a building permit from the zoning enforcement officer, unless the fence is for

- agricultural purposes.
- b. Applications for a building permit shall be submitted with the appropriate fee, to the zoning enforcement officer.
2. Exemption. The following fences are exempt from permit requirements:
- a. Fences used for agriculture purposes/operations.
b. Ornamental fencing consisting of decorative posts, lattices, arbors, trellises.
c. Fences comprising less than one hundred (100) feet of total lineal distance.
3. Prohibited Fences.
- a. Except as specifically provided below, the following types of dangerous or hazardous fences shall not be permitted to be either erected or maintained within the county: Barbed wire fences; Electrical fences; Spiked fences; Fences with broken glass or other sharp points imbedded; Any other type of fence that could result in injuries to persons climbing over such fences; and Fences that are leaning in such a manner that an angle of fifteen (15) degrees or more is produced when measured from the vertical.
4. Exceptions for Hazardous Fencing.
- a. Hazardous or dangerous fences, such as those listed in subsection "Prohibited Fences" above, shall only be permitted in the county for the following uses: Agricultural uses; Public utility structures (at least eight (8) feet above grade level); Telecommunication carrier facilities (at least eight (8) feet above grade level); and Penal institutions (at least eight (8) feet above grade level).
5. General Requirements.
- a. All fencing installed shall be constructed with new material. All fences shall be maintained in good and sound condition and shall not create a harborage for rodents.
6. Design, Location and Height Requirements of Fences in Residential Districts.
- a. No fence may exceed six (6) feet in height.
b. Except as provided in subsection 3., below, no solid fence shall be constructed in a front setback past the front building line.
c. An open fence may be erected on a premise anywhere within six (6) inches of the property lines, including the front setback past the building line and the front and side setbacks past the building lines in the case of corner lots. The height of such fences shall not exceed four (4) feet.
d. Except as provided in subsection 3. above, in the case of solid fences on corner lots, that part of the fence which encloses the side setback shall be erected ten (10) feet from the property line.
e. Perimeter fences may be erected in the side and rear setback behind the front building line.
7. Design and Height Requirements of Fences in Agricultural Districts.
- a. Fences that are located around dwelling units and other residential structures in agricultural districts shall meet the requirements of residential fencing above.
b. Fences that are located around nonagricultural and nonresidential uses, such as storage buildings, shall meet the requirements of nonresidential districts, below.

8. Design and Height Requirements of Fences in Nonresidential Districts.

- a. Fences that are constructed in a nonresidential district may be either open or solid fences and shall not exceed eight (8) feet in height.
- b. Fences that are erected to separate residential and nonresidential properties shall meet residential fencing requirements.

9. Fences That Screen Parking Lots.

- a. Any fence erected to screen a parking lot shall meet the requirements set forth for fencing in that zoning district.

10. Swimming Pool Fences in Residential Districts.

- a. Swimming pools, including in-ground, above-ground, and inflatable, capable of holding at least 24 inches of water shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, and shall be not less than four feet in height, so constructed as to have no voids, holes, or openings exceeding four inches in any one dimension designed to discourage climbing, and no such fence erected shall be closer than three feet to a pool, provided that the wall of a house or building facing a pool may be incorporated as a portion of such fence.
- b. Gates or doors shall be equipped with a self-closing and self-latching mechanism for keeping the gate or door securely closed at all times when not in actual use.
- c. Above-ground pools equipped with self-provided fencing shall be permitted provided that such fencing meets or exceeds the specifications set forth above for pool fencing.
- d. Permanent access from grade to above-ground pools having stationary ladders, stairs, or ramps shall have not less than equal safeguard fencing and gates.

11. Fences for Recreational Activities.

- a. Any fence erected around a recreational activity, such as a tennis court or a baseball backstop, may exceed the height requirements set forth in this section, upon the specific approval of the zoning enforcement officer.

12. Special Circumstances.

- a. At his discretion, the zoning enforcement officer may impose a greater maximum fence requirements on those uses which due to their special circumstance, require distinct consideration.
- b. The decision of the zoning enforcement officer shall be based on the following standards:
 - i). That the requirement of a taller fence will not alter the general character of the surrounding area.
 - ii). That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an adverse impact to surrounding area would occur if the strict letter of these regulations were applied.
 - iii). That the construction of a taller fence will enhance the public health, safety, comfort, morals, or welfare, and will not be injurious to other property in the surrounding area.
- c. That the taller fence will not impair an adequate supply of light and air to adjacent property.

Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.

5.4 AVERAGE FRONT YARDS

The required front yards may be decreased in any residential district to the average of the existing front yards of the abutting structures on each side, but in no case less than 15 feet in any residential district upon the written approval of the Zoning Enforcement Officer.

5.5 NOISE

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt.

5.6 NONCONFORMING USE OF BUILDINGS AND LAND NOT AFFECTED BY ZONING

The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of this zoning ordinance on June 10, 1975 or the date of any amendment thereto, may be continued although such use does not conform with the provisions of such ordinance or amendment, but if any such nonconforming use is voluntarily discontinued for twelve months or more, any future use of such land shall be in conformity with the provisions of the existing district. The County Board shall provide in any zoning ordinance for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses, upon such reasonable terms as are set forth in the zoning ordinance.

SECTION 6 -- NONCONFORMING
STRUCTURES OR USES

SECTION 6 -- NONCONFORMING STRUCTURES OR USES

6.1 NONCONFORMING STRUCTURE

1. Maintenance Permitted -- A nonconforming structure lawfully existing ~~upon the effective date of this ordinance~~ June 10, 1975 may be maintained, except as otherwise provided in this section.
2. Repairs -- A nonconforming structure may be repaired or altered provided no structural change shall be made.
3. Additions, Enlargements or Moving
 - a. A structure nonconforming as to use, height, yard requirements or lot area shall not be added to or enlarged in any manner unless such structure including such addition or enlargement is made to conform to the use, height, yard, and area requirements of the district in which it is located.
 - b. No nonconforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all the requirements of the district in which it is located.

6.2 NONCONFORMING USES

1. Continuation and change of Use -- Except as otherwise provided in this ordinance:
 - a. A nonconforming use lawfully existing June 10, 1975 ~~upon the effective date of this ordinance~~ may be continued.
 - b. A nonconforming use lawfully existing June 10, 1975 ~~upon the effective date of this ordinance~~ may not be changed or enlarged.
2. Expansion Prohibited
 - a. A nonconforming use in a structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
 - b. A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.

6.3 NONCONFORMING VARIANCE ~~PERMITTED BY BOARD OF ZONING APPEALS~~

~~The Board of Zoning Appeals may authorize upon appeals in specific cases such~~ A variance from the terms of this section, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship, and so that the spirit of this section shall be observed and substantial justice done, ~~provided, however, that no action shall be taken or decision made except after public hearing may be applied for under the terms of and in compliance with Section 8.5 of this ordinance.~~

6.4 AMORTIZATION OF NONCONFORMING USES OR BUILDINGS

1. Whenever a nonconforming use has been discontinued for a period of 12 months, such use shall not thereafter be re-established, and use thereafter shall conform to the provisions of this ordinance.
2. No buildings damaged by fire or other causes excluding residences and farm buildings, to the extent that their restoration will cost more than sixty percent (60%) of their fair cash value shall be repaired or rebuilt except to conform to the provisions of this ordinance.

6.5 SUBSTANDARD LOT

In any agricultural or residential district, a one-family detached dwelling and its accessory structures may be erected conforming to R-3 residential district area requirements on any legal lot or lots of record, in a platted town or subdivision, which was recorded in the office of the County Recorder of Deeds before June 10, 1975 ~~the effective date of amendment of this ordinance~~ subject to requirements for private well and sewer sanitation system approved by the Mason County Health Department.

Such lot or lots must have been in separate ownership from abutting lands on June 10, 1975 ~~the day of adoption of amendment of this ordinance~~. If abutting lands and the substandard lot are owned on that date by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical and such lot or lots shall not be used without full compliance with public health department requirements. ~~The Board of Zoning Appeals shall interpret the requirements to be followed in such cases upon request of the Zoning Inspector. The Board of Zoning Appeals shall order the Enforcing Officer to issue the permit.~~

SECTION 7 -- SPECIAL USES

7.1 SPECIAL USES

Special uses, as defined in the Definitions section, are those which cannot be adequately controlled by simple regulation through rigid dimensional and use standards. special uses are those which require individual review ~~by the County Regional Planning Commission~~ to insure conformance with the intent of all comprehensive plan elements. special uses include two basic categories:

1. Special Uses -- Single uses or single aspects of permitted uses specifically identified in the Zoning Ordinance as requiring individual review under the special Use Procedure.
2. Mobile Home Parks subject to the **Mobile Home Park Regulations** found in Appendix B. Mobile Home Parks shall also conform to the planned Development Procedure in Section 3.

7.2 SPECIAL USE PROCEDURE

In applying for a special use, the applicant shall follow all procedures set forth on zoning permits. The Zoning Enforcement Officer shall refer the application to the ~~Planning Commission~~. ~~The Planning Commission shall, after careful review of the application for special use, make a recommendation on each application to the Board of Zoning Appeals.~~ The Board of Zoning Appeals which, after holding a public hearing in accordance with 55 ILCS 5/5-12009.5(b), shall report to the county board a finding of fact and a recommendation as to whether the county board should deny, grant, or grant subject to conditions the special use. A special use may be granted only after a public hearing conducted by the board of appeals. There must be at least 15 days' notice before the hearing. The notice must include the time, place, and date of the hearing and must be published in a newspaper published in the township or road district where the property is located. If there is no newspaper published in the township or road district where the property is located, the notice must be published in a newspaper of general circulation in the county. The notice must also contain (i) the particular location of the property for which the special use is requested by legal description and by street address, or if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection; (ii) whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal; (iii) whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation; (iv) whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity; (v) whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association; and (vi) a brief statement of the proposed special use. In addition to any other notice required by this Section, the board of appeals must give at least 15 days' notice before the hearing to (i) any municipality whose boundaries are within 1-1/2 miles of any part of the property proposed as a special use and (ii) the owner or owners of any land adjacent to or immediately across any street, alley, or public right-of-way from the property proposed as a special use. The petitioner or applicant must pay the cost of the publication of the notice required by this Section. The county board may, by ordinance and without a further public hearing, adopt any proposed special use on receiving the report or it may refer the proposal back to the board of appeals for further consideration. ~~shall make a recommendation independent of that submitted by the Planning Commission within 30 7 days of the concluded public hearing, forwarding such recommendations directly to the County Board. The County Board may approve, modify, or disapprove the application.~~ In the case of approval or approval with

modification, the County Board shall issue written authorization to the Zoning Enforcement Officer to issue a zoning permit in full conformance with Section 9. This authorization shall remain on permanent file with the application. The County Board may attach special conditions to insure conformance with the intent of this ordinance ~~all comprehensive plan elements~~. The County Board may establish a schedule of reasonable fees to be charged for special use permits.

The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by another provision of this Ordinance or the County Board.

1. Special Uses in All Districts -- The following are designated as special uses which may be approved in all zoning districts: public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and micro-wave relay towers, water reservoirs, pumping stations, sanitary landfills, government building, transportation facilities, planned development, and similar uses.
2. Special Uses in Specified Districts -- Other special uses may be approved in only those zoning districts where they are designated as special uses under the zoning district regulations.
3. Standards for Decisions and Recommendations of the Board of Appeals ~~and Planning Commission~~ -- No special use permit shall be recommended by the Board of Appeals ~~or the Planning Commission~~ unless there is a concurring vote of a majority of all members present on findings of fact that:
 - a. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish property values within the neighborhood.
 - c. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - d. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.
 - e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

SECTION 8 -- BOARD OF APPEALS,
ADMINISTRATION,
AND ENFORCEMENT

SECTION 8 -- BOARD OF APPEALS, ADMINISTRATION AND ENFORCEMENT

8.1 BOARD OF APPEALS -- CREATION AND MEMBERSHIP

A board of Zoning Appeals, hereinafter referred to by the term "Zoning Board," is hereby authorized to be established. Such Zoning Board shall consist of five members appointed by the Chairman and confirmed by the members of the County Board. The five members of the first Zoning Board appointed shall serve terms of one, two, three, four, and five years respectively. Thereafter, as terms expire, each appointment shall be for 5 years. Vacancies shall be filled by the Chairman of the County Board for the unexpired terms only, subject to confirmation by the County Board. The County Board shall have the power to remove any member of the Zoning Board for cause, after a public hearing upon giving ten days notice thereof. At the time of appointment to the Zoning Board, not more than one of the members shall be resident within the limits of any one township. The Chairman of the County Board shall name one of the members of the Zoning Board as Chairman upon his appointment and, in case of vacancy, shall name the Chairman.

8.2 MEETINGS

1. ~~Regular~~ All meetings of the Zoning Board shall be held at the call of the Chairman and at such times and places within the county as the Zoning Board may determine. ~~Special meetings may be held at the call of the Chairman, or as determined by the Board.~~ Such Chairman or, in his absence, the acting Chairman, may administer oaths and compel attendance of witnesses. All meetings of the Zoning Board shall be open to the public.
2. The Zoning Board shall keep minutes of its proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or appeal thereof, and every order, requirement decision, or determination of the Zoning Board shall immediately be filed in the office of the Board and shall be a public record. ~~Four members of the Zoning Board shall constitute a quorum.~~ The concurring vote of three members of the Zoning Board is necessary to reverse any order, requirement, decision, or determination of the Zoning Enforcement Officer or in any matter upon which it is required to pass under this ordinance, or to ~~effect~~ recommend any variation or modification in such ordinance to the County Board. In the performance of its duties, the Zoning Board may incur such expenditures as shall be authorized by the County Board. The Board ~~shall~~ may adopt its own rules of procedure not in conflict with the statute or this ordinance.

8.3 JURISDICTION

1. The Board of Zoning Appeals shall hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Enforcement Officer. It shall also hear and ~~decide~~ act upon all matters referred to it or upon which it is required to pass under this ordinance.
2. The Zoning Board may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision, or determination of the Zoning Enforcement Officer appealed from to the extent and in the manner that the Zoning Board may decide to be fitting and proper ~~in the premises, and, to that end, the Zoning Board shall also have all the powers of the officer from whom the appeal is taken.~~

3. When a property owner applies for a variation pursuant to Section 8.5 and shows that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulties or particular hardship, then the Zoning Board may in the following instances recommend to the County Board ~~only make~~ such variations of the strict application of the terms of this ordinance, as are in harmony with its general purpose and intent when the Zoning Board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variation. ~~(See Section 8.5, Standards for Variations.)~~
4. To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than 60 percent of its value, by fire or act of God, or compelling public enemy, where the Zoning Board shall find some compelling public necessity requiring a continuance of the nonconforming use, but in no case shall such a permit be issued, if its primary function is for financial gain.
5. To permit the remodeling or expansion of a nonconforming use where the Board finds public necessity and convenience in the continuance or expansion of the nonconforming use, and that such remodeling or expansion does not materially affect the other uses in the neighborhood.
6. Nothing herein contained shall be construed to give or grant to the Zoning Board the power or authority to alter or change the Zoning Ordinance, such power and authority being reserved to the County Board.
7. The Zoning Board may ~~impose~~ recommend to the County Board such conditions and restrictions upon the use of the premises benefited by a variance, as it may deem necessary.
8. The results and findings of the Zoning Board on all matters shall be reported in writing to the County Board and/or its designated committee.

8.4 APPEALS -- HOW TAKEN

1. Any person aggrieved or any officer, department, board, or bureau of the county may appeal to the Zoning Board to review any order, requirement, decision, or determination made by the Zoning Enforcement Officer.
2. Such appeal shall be made in writing by the aggrieved party, specifying the grounds of the appeal, within 30 days after the date of written notice of the decision or order of the Zoning Enforcement Officer, ~~and the Zoning Board, a notice of appeal specifying the grounds thereof.~~ The Zoning Enforcement Officer shall forthwith transmit to the Zoning Board all papers constituting the record upon which the action appealed from was taken, and a public hearing scheduled.
3. An appeal stays all proceeding in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Zoning Board, after the notice of appeal has been filed with him, that by reason of facts stated in the permit, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board, or by a court of record on application, on notice to the Zoning Enforcement Officer, and on due cause shown.

4. The Zoning Board shall fix a reasonable time for hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person, by agent, or by attorney.

8.5 STANDARDS FOR VARIATIONS

1. ~~Purpose -- The Board of Zoning Appeals~~ County Board shall determine and vary the regulations of this ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Zoning County Board makes a finding of fact based upon the standards hereinafter prescribed, that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.
2. A variation shall be ~~permitted~~ recommended only if the evidence in the judgment of the Zoning Board sustains ~~each of the following:~~ the variation, if granted, will not alter the essential character of the locality.
 - a. ~~That the property in question cannot yield a reasonable return, if permitted to be used only under the conditions allowed by the regulations in that zoning district.~~
 - b. ~~That the plight of the owner was not created by the owner and is due to unique circumstances.~~
 - c. ~~That the variation, if granted, will not alter the essential character of the locality.~~
3. For the purpose of implementing the standards for variations, the Zoning Board, in making its ~~decision~~ recommendation whenever there are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence that:
 - a. The particular physical surrounds, shape, ~~or~~ topographical conditions, or other circumstances of the specific property involved would bring a particular hardship upon the owner, ~~as distinguished from a mere inconvenience~~, if the regulations were strictly enforced.
 - b. ~~The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.~~
 - c. ~~The alleged difficulty or hardship has not been created by any person presently having an interest in the property, or any person through whom the applicant claims title.~~
 - b. The granting of the variation will not be substantially detrimental to the public welfare, or injurious to other property or improvements in which the property is located.
 - c. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
4. The Zoning Board may ~~require~~ recommend, or the County Board may ~~require~~, such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to

implement the general purpose and intent of this ordinance.

8.6 NOTICE OF HEARING

No variation of the terms of this Ordinance shall be granted by the ~~Zoning~~ County Board unless an application for a variance has been made to the Zoning Enforcement Officer and a duly advertised public hearing has been held by the Zoning Board, as prescribed by ~~statute~~ 55 ICLS 5/5-12011. The notice shall contain: (1) the particular location of the real estate for which the variation is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection; (2) whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual and true principal; (3) whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation; (4) whether the petitioner or applicant, or his principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity; (5) whether the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association; and (6) a brief statement of what the proposed variation consists. ~~The notice of hearing shall contain the address or location of the property and contain a brief description of the nature of the appeal for which the variation or other ruling by the Zoning Board is sought.~~ Notice shall be given by certified mail at least fifteen (15) days prior to hearing to all property owners within 200 feet in areas zoned residential; 300 feet in areas zoned business or industrial; and owners of adjacent land in area zoned agricultural. These distances shall be from the parcel to be affected except where said district extends into another district, then that standard will apply. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney. (THIS LANGUAGE FOR MAILING NOTICES IS IN THE CURRENT ORDINANCE, BUT IS NOT REQUIRED BY STATUTE--THE LANGUAGE MAY REMAIN IF THE BOARD DESIRES, BUT IT IS NOT REQUIRED)

8.7 APPEALS TO COUNTY BOARD

1. All ~~decisions~~ recommendations of the Board of Zoning Appeals in reference to variations rendered under the terms of this ordinance shall be subject to review and final decision by the County Board, which shall base its decision upon those factors and standards previously set forth herein.
2. The County Board may:
 - a. Adopt or deny the proposed variation without further public hearing, provided that such public hearing was conducted by the Board of Zoning Appeals.
 - ~~b. Adopt or deny the proposed variation only after a public hearing, if such public hearing was not conducted by the Board of Zoning Appeals.~~
 - ~~e-b.~~ Refer the proposed variation back to the Board of Zoning Appeals for further consideration.
3. The County Board may adopt the proposed variation, upon a majority vote of the members of the County Board, provided that such proposed variation was approved by the Board of Zoning Appeals. However, if such proposed variation was denied by the Board of Zoning Appeals, such may be adopted by the County Board only upon a favorable vote of three-fourths of the members of the County Board, and such adoption of the proposed variation shall be accompanied by a finding of fact specifying the reason for making such variation. (Approved by the County Board on August 14, 1984)

4. All final administrative decisions of the Zoning Board hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

8.8 ENFORCEMENT

1. This ordinance shall be administered and enforced by the County Zoning Administrator appointed by the County Board, who is hereby designated and herein referred to as the Zoning Enforcement Officer.
2. Proper authorities of the county or any person affected may institute any appropriate action or proceeding against a violator, as provided by statute.

SECTION 9 -- PERMITS

SECTION 9 -- PERMITS

9.1 PERMIT APPLICATIONS

A building permit shall be required prior to the commencement of any construction on any parcel on property in Mason County except as hereinafter set forth. The procedure for obtaining such permit shall be as set forth in this Section 9 of the Mason County Zoning Ordinance. Failure to comply with these provisions shall subject the violator to the penalties set forth in Section 11 of the Mason County Ordinance. Applications for a permit shall be made ~~in triplicate~~ to the County Zoning Enforcement Officer on forms furnished by the County Zoning Enforcement Officer and shall include the following where applicable:

1. Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.
2. Description of the subject site by lot, block, and recorded subdivision; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
3. Plat of survey prepared by a registered land surveyor or other suitable drawing showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey or other drawing shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
4. Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall be approved by the ~~County Engineer~~ County Health Department ~~who~~ which shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county, and state Board of Health restrictions.
5. Proposed water supply plan, if municipal water service is not available. This plan shall be approved by the ~~County Engineer~~ County Health Department ~~who~~ which shall certify in writing that an adequate and safe supply of water will be provided.

~~Concrete, stone, wood, masonry, or other fences in a required front yard, of any R, RE, Business or Industrial District shall require permits. The Zoning Enforcement Officer shall also require~~

~~permits for any fences or other structures within the sight triangle establishment at intersections. (NO REASON TO REQUIRE A FENCE PERMIT IF THERE ARE NO STANDARDS--MAY WISH TO CONSIDER STANDARDS FOR FENCES)~~

Each permit issued for a main building also shall cover any necessary structures or buildings constructed at the same time, on the same premises, and such permit for which it is issued until completion of construction or occupancy.

~~Permit shall be obtained prior to the commencement of any construction whatsoever on any land classified as "Agricultural" under the Zoning Ordinance of Mason County. The procedure for obtaining such permit shall be by application as set forth in Section 9 of the Mason County Zoning Ordinance. Failure to comply with this provision shall subject the violator to the penalties set forth in Section 11 of the Mason County Ordinance.~~

Any work or change in use authorized by permit, but not substantially started within ~~90~~ 180 days shall require a new permit. A permit shall be revoked by the Zoning Enforcement Officer when he shall find from personal inspection or from competent evidence, that the rules or regulations under which it has been issued are being violated.

All applications and a copy of all permits issued shall be systematically filed and kept by the Zoning Enforcement Officer in his office for ready reference.

No permit shall be required for:

1. Routine maintenance or repair of buildings, structures, or equipment such as repairing or re-roofing a building, or reballasting a railroad track.
2. Alterations ~~of~~ to existing buildings at a cost ~~having a replacement value~~ of less than ~~\$300~~ 1000.
3. Construction of a service connection to a municipally owned and operated utility.

Applications for special use permits ~~under Section 3.4~~, shall be referred by the Zoning Enforcement Officer to the Zoning Board without delay.

Any work or change in use authorized by a zoning permit shall be completed within 24 months from date of issuance of permit. An extension of not more than 12 months may be given by the Zoning Administrator only after approval by the Zoning Board of Appeals.

~~9.2 ZONING COMPLIANCE CERTIFICATE~~

~~1. REQUIREMENT OF ZONING COMPLIANCE CERTIFICATE~~

- ~~a. It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure or part thereof hereafter created, constructed, erected, changed, moved, or enlarged in its use or structure until a Zoning Compliance Certificate shall have been issued by the Zoning Administrator stating that the proposed use of land and structure conforms to the regulations and standards of the Mason County Zoning Ordinance; provided, however, that a Zoning Compliance Certificate shall not be required for land use for agricultural purposes.~~

~~2. ISSUANCE OF ZONING COMPLIANCE CERTIFICATE~~

- ~~a. When all work as described on the Zoning Use Permit is complete, the applicant shall notify the Zoning Administrator in writing. After examination of the premise~~

~~to ascertain that all work described on the Zoning Use Permit has been conducted in compliance with the regulations and standards of the Zoning Ordinance, the Zoning Administrator shall issue the Zoning Compliance Certificate.~~

~~b. The Zoning Administrator shall issue the original copy of the Zoning Compliance Certificate to the applicant and shall retain a duplicate copy for his records.~~

~~3. TEMPORARY ZONING COMPLIANCE CERTIFICATE~~

~~a. A temporary Zoning Compliance Certificate may be issued by the Zoning Administrator for a period not to exceed 12 months for any temporary structure or use, and for temporary mobile homes which will be occupied during construction of the principal structure.~~

~~4. FEES FOR ZONING COMPLIANCE CERTIFICATE~~

~~a. No fee shall be charged for the issuance of a Zoning Compliance Certificate in cases involving the issuance of a Zoning Use Permit. In cases where a Zoning Use Permit is not issued the fee shall be \$5.00~~

(IT HAS BEEN SUGGESTED TO REMOVE THE LANGUAGE CONCERNING COMPLIANCE CERTIFICATES. KEEPING THE LANGUAGE WOULD REQUIRE MEANS TO CONDUCT THE REQUIRED INSPECTIONS)

SECTION 10 -- AMENDMENTS

SECTION 10 -- AMENDMENTS

10.1 POWER TO AMEND

The County Board may from time to time amend, supplement, or change by ordinance the boundaries of districts, or regulations here established. For purposes of this Section, the term "text amendment" means an amendment to the text of a zoning ordinance, which affects the whole county, and the term "map amendment" means an amendment to the map of a zoning ordinance, which affects an individual parcel or parcels of land.

10.2 PETITIONS

Petitions by interested persons to rezone or reclassify any property and the reasons in support thereof shall be filed with the Zoning Enforcement Officer along with a fee to partially defray the expense of investigation and consideration, which fee shall be collected by the County ~~Treasurer,~~ Clerk who shall account for the same to the county, except when an amendment is proposed by county zoning authorities, no fee shall be required.

10.3 PROCEDURES

Upon any ~~application~~ petition for a proposed ~~text or map~~ amendment, supplement, or change being properly filed with the Zoning Enforcement Officer in the County Zoning Enforcement Office, said officer shall immediately cause a copy of same to be forwarded to ~~the members of the County Planning Commission, hereinafter referred to as Planning Commission,~~ and the members of the County Board of Zoning Appeals hereinafter referred to as Zoning Board. ~~The Planning Commission shall make such investigation as provided by their rules of procedure. The Planning Commission shall consider such proposed amendments at their next regularly scheduled monthly meeting provided that, if 14 days have not elapsed since the above said mailing of such proposed amendment, they may defer action on it until their next regular monthly meeting. In determining~~

~~the 14-day period, the day the letter is mailed shall be excluded and the day of the meeting shall be included. The recommendation and report stating reasons for their decision, of the Planning Commission, shall be forwarded to the Chairman of the Zoning Board and to the Chairman of the County Board without delay. Said report of the Planning Commission may be considered by the Zoning Board in arriving at their decision, whether or not a member of the Planning Commission appears at the public hearing. The Zoning Board shall forward their report and decision recommendation, setting forth the reasons therefore, to the Chairman of the County Board. No variance, special use permit, or special activity permit shall be denied because of improperly mailed notices, if the zoning board is satisfied that the applicant has made a diligent effort to list all property owners in his application.~~

The Zoning Board shall cause notice of a public hearing to be duly published, as prescribed by statute, at least 15 days in advance thereof in a newspaper of general circulation published in the township or road district in which such property is located. If no newspaper is published in such township or road district, then such notice shall be published in a newspaper of general circulation published in the county and having circulation where such property is located not more than 30 nor less than 15 days before the hearing. The hearing shall be held at the County Courthouse unless in the case of a map amendment, an affected property owner requests in writing that such hearing be conducted in the affected township. A hearing shall be held in each township directly affected, except that in the case of general amendments to the text of the County Zoning Ordinance, the hearing shall be held in the County Courthouse only. The published notice of a hearing affecting a particular township or townships shall be published in a newspaper qualified to accept legal notices, in general circulation in the area affected. In addition, where a proposed amendment affects a particular area of the county, notice shall be mailed to all municipalities within one and one-half miles thereof, and all adjacent property owners 15 days in advance of the hearing. Property owners shall be considered adjacent although they are separated by a street or road, or if a corner of their land touches, or if their property is next to a tract of land a portion of which is to be rezoned. If property is held by a life tenant with contingent remainders or rights in reversion, in trust, or by more than one person, it shall be sufficient notice, if notice is sent to the person receiving the tax bills as shown by the records in the County treasurer's office. No proposed amendment shall be defeated because of improperly mailed notices, if the Zoning Board is satisfied that the applicant has made a diligent effort to list all property owners in his application for the zoning change. Within a reasonable time after the hearing, the Zoning Board shall make a report to the County Board.

10.4 PASSAGE OF AMENDMENT

Text amendments may be passed at a county board meeting by a simple majority of the elected county board members, unless written protests against the proposed text amendment are signed by 5% of the land owners of the county, in which case such amendment shall not be passed except by the favorable vote of 3/4 of all the members of the county board. Map amendments may be passed at a county board meeting by a simple majority of the elected county board members, except that in case of written protest against any proposed map amendment that is either: (A) signed by the owner or owners of at least 20% of the land to be rezoned, or (B) signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from, at least 20% of the perimeter of the land to be rezoned, or in cases where the land affected lies within 1 1/2 miles of the limits of a zoned municipality, or in the case of a proposed text amendment to the Zoning Ordinance, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the county clerk, such amendment shall not be passed except by the favorable vote of 3/4 of all the members of the county board.

The favorable vote of at least three fourths of all of the members of the County Board shall be necessary to pass an amendment in the following instances:

~~1. When a written protest against the proposed amendment is filed with the County Clerk, signed and acknowledged by the owners of 20 percent of the frontage immediately adjoining or across the alley therefrom, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered.~~

~~2. When a land affected by a proposed amendment lies within one and one-half miles of the limits of a zoned municipality and a written protest against the proposed amendment is passed by the City Council or President and Board of Trustees of the nearest adjacent zoned municipality, and filed with the County Clerk.~~

~~In all other instances except those just above listed, a majority vote of the members of the County Board present at the meeting at which the amendment is considered shall be necessary to pass an amendment.~~

SECTION 11 -- FEES, VIOLATIONS, PENALTIES

SECTION 11 -- FEES, VIOLATIONS, PENALTIES, JUDICIAL REVIEW

11.1 FEES

Fees pertaining to petitions for zoning amendments, use permits, certificates of compliance, variations, and for appeals to the Board of Zoning Appeals shall be established by action of the County Board from time to time. Such fees shall be paid to the County Clerk who shall give a receipt therefore and account for same at regular intervals to the County Board.

11.2 VIOLATIONS

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this ordinance, the proper authorities of the county or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceedings in the circuit court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business, or use in or about such premises.

~~It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this ordinance. In case of any violation, the County Board, County Zoning Enforcement Officer, the County Planning Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ordinance.~~

11.3 PENALTIES

Any person, firm, or corporation who violates the terms of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500, with each week the violation remains uncorrected constituting a separate offense.

~~Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 for each offense. Each day a violation exists or continues shall constitute a separate offense.~~

11.4 REVIEW

Any use, variance, rezoning, or other amendment to this ordinance adopted by the county board shall be subject to de novo judicial review as a legislative decision, regardless of whether the process of its adoption is considered administrative for other purposes. Any action seeking the judicial review of such a decision shall be commenced not later than 90 days after the date of the decision. The principles of substantive and procedural due process apply at all stages of the decision-making and review of all zoning decisions.

SECTION 12 -- RULES AND DEFINITIONS

12.1 RULES

1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular; where the context requires.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "piece," "parcel," and "tract;" and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and occupied for."
5. All measured distances shall be to the nearest integral foot -- if a fraction is one-half foot or less, the integral foot next below shall be taken.
6. Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster's dictionary.
7. The words and terms set forth herein under "Definitions" wherever they occur in this ordinance shall be interpreted as herein defined.

12.2 DEFINITIONS

Accessory Use or Structure

A use of structure subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. For example, a retail business is not considered customarily incidental to a residential use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants' quarters, private swimming pools, private emergency shelters, and other similar uses.

Agriculture

Land, buildings and structures, the principal use of which is growing farm or truck garden crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, or animal or poultry husbandry, and uses customarily incidental to agricultural activities, including but not limited to the farm dwellings for tenants and full-time hired farm workers ~~and the dwellings or lodging rooms for seasonal workers.~~

Animal Unit

Shall have the meaning and quantities as defined in the Livestock Facilities Management Act (510 ILCS 77/10.10) provided that one horse shall constitute one animal unit.

Boarding House (Rooming or Lodging House)

A residential building, or portion thereof -- other than a motel, apartment hotel, or hotel -- containing lodging rooms for accommodation of three or more persons who are not members of the keeper's family, and where lodging or meals or both are provided by pre-arrangement and for definite periods, at a definite pre-arranged price.

Building

Any structure having a roof supported by columns or walls used or intended to be used for the

shelter or enclosure of persons, animals, equipment, machinery, or materials.

Building Height

The vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.

Camps or Campgrounds

Tracts of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary, or movable nature such as a cabin, hunting shelter, or tent.

Comprehensive Plan

The extensively developed and evolving plan, also called a master plan, adopted by the County Planning Commission.

Conservation

Preservation of land, water, flora, fauna, and cultural artifacts in their original state.

Consumer Service

Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience. For example, consumer services include the provision of the personal services such as beauty and barbering services, the provision of lodging, entertainment, specialized instruction, financial services, transportation, laundry and dry cleaning services, and all other similar services.

Converted Fam Dwelling

Single family dwelling unit in an Agricultural District initially intended and used for occupancy by family members or tenants engaged in farming operations but no longer used and occupied by persons engaged in such operations. Minimum lot size for Converted Farm Residence is one acre, and the residence and any accessory buildings shall be not less than 50 feet from any public right of way, and shall not occupy more than 30% of the lot area.

Dwelling

A building or portion thereof designed or used exclusively as a residence or sleeping place, but not including boarding or lodging houses, motels, tents, cabins, or mobile homes.

Essential Services

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, etc., but not including buildings.

Family

Two or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; ~~or a group of not more than 3 persons who need not be related by blood, marriage, or legal adoption living together as single housekeeping unit and~~ occupying a single dwelling unit; in either case, exclusive of usual domestic servants.

Farmstead

~~A farmstead shall consist of a parcel of land of forty (40) or more contiguous acres.~~ Single family dwelling occupied by the owner or tenant engaged in farming operations together with not less than 40 contiguous acres.

Floor Area

The sum of the gross floor area for each of the several stories under roof measured from the exterior limits or faces of a building or structure above grade. Attached accessory structures not included.

Garage, Private

An accessory building, or an accessory portion of a principal building enclosed on at least three sides which is intended for and used to store private passenger motor vehicles.

Grade

The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Home Occupation

An occupation carried on in a dwelling by the resident thereof, not involving the conduct of a retail business or manufacturing business, the employment of any additional persons in the performance of such services excepting members of the immediate family residing on the premises and one receptionist or office assistant; nor using any mechanical equipment other than is usual for purely domestic or hobby purposes; nor exterior storage of equipment or materials used in connection with the home occupation. Home occupations, further, shall not utilize more than 25 percent of the total floor area of any one story.

Hotel

An establishment containing lodging rooms for occupancy by transient guests, but not including a boarding or rooming house. Such an establishment provides customary hotel services such as maid and bellboy services, furnishing of and laundry of linens used in the lodging rooms, and central desk with telephone.

Junkyard Salvage Yard

Any land or structure used for a salvaging operation including, among other things, the storage and sale of waste paper, rags, scrap metal, and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.

Kenel

Any premises or portions thereof on which four or more dogs, cats, or other household domestic animals over four months of age are kept, of on which more than two such animals are maintained, bred, or cared for, for remuneration or sale.

Loading Area

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

Lodging Room

A room rented as sleeping and living quarters, but without cooking facilities, and without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room.

Lot

A single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use together with accessory buildings and uses, yards and other open spaces required by this ordinance.

Lot, Corner

A lot abutting on two streets at their juncture, when the interior angle formed is less than 134 degrees.

Lot Lines and Area

The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot, Interior

A lot other than a corner lot.

Lot Recorded

A lot designated on a subdivision plat or deed duly recorded pursuant to statute in the County Recorder's Office. A recorded lot may or may not coincide with a zoning lot.

Lot Width

The width of a parcel of land measured at the rear of the specified street yard.

Lot, Zoning

A parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings; or buildings or uses meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this ordinance.

Mobile Home

"Mobile Home" is synonymous with manufactured home and means a structure designed for permanent habitation and constructed to permit its transport on wheels, temporarily or permanently attached to its frame, from its place of construction to a location where it is intended to be a permanent habitation. "Mobile home" does not include a structure that is served by individual utilities and that rests on a permanent foundation with its wheels, tongue, and hitch permanently removed. ~~means any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways, and designated to permit the occupancy thereof as a dwelling place for one or more persons.~~

Motel

An establishment consisting of a group of lodging rooms each with individual bathrooms, and designed for use by transient guests. A motel furnishes customary hotel services such as maid service and laundering of linen used in the lodging rooms, telephone and secretarial or desk service, and the use and upkeep of furniture.

Nonconforming Structure

A structure which lawfully occupies a building site or land at the time of adoption of this ordinance, and which does not conform with the regulations of the district in which it is located.

Nonconforming Use

A use which lawfully occupies a building or land at the time of adoption of this ordinance, and which does not conform with the use regulations of the district in which it is located.

Non-retail Commercial

Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non-retail commercial includes wholesale activities, warehousing, trucking terminals, and similar commercial enterprises.

Nursing Home or Rest Home

A home for the aged, chronically ill or incurable persons in which three or more persons not of the

immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

Open Sales Lot

Land used or occupied for the purpose of buying or selling merchandise includes, but not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, monuments, and trailers.

Parking Space

A graded all-weather surface area of not less than 200 square feet in area, either enclosed or open, for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.

Planned Space

A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings, and one or more principal uses planned and constructed as a unified development.

Planned Development

A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings, and one or more principal uses planned and constructed as a unified development.

Relatives

Persons standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father or mother, brother, sister, grandchildren, or grandparents.

Retail Sales

Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

Sanitary Land Fill

~~A method of disposing of refuse by spreading and covering such refuse with earth to a depth of 2 feet or more on the top surface and 1 foot or more on the sides of the bank.~~

Setback, Building

The minimum horizontal distance between the front line of a building or structure and the front lot line.

Service Station, Filling Station, Gas Station

Any building or premises whose principal use is the dispensing, sale, or offering for sale at retail, of any motor vehicle fuel or oils. Open storage shall be limited to no more than 4 vehicles stored for minor repair bearing current license plates. Such storage shall not exceed 72 hours' duration and shall not permit the storage of wrecked vehicles.

Shopping Centers

Regional

The regional shopping center is generally designed to serve the "one-stop" customer. He may park his car once and travel to various store destinations and purchase almost everything. The regional shopping center normally contains a major department store where a large variety of goods and services are offered. The center also usually contains professional offices, specialty shops, restaurants, and perhaps amusement facilities. A maximum trade area population of approximately 100,000 persons is necessary to adequately support a regional center.

Community

The community shopping center is generally designed and constructed to serve a population of approximately 40,000 to 80,000 people. The facilities usually present in this type of center are a junior department store, branch banks, apparel shops, supermarkets, and personal service enterprises such as beauty shops, barber shops, and dry cleaners.

Neighborhood

Neighborhood centers mainly serve the day-to-day needs of people in their immediate vicinity. Normally the neighborhood center contains from five to ten stores with a supermarket as its focal point.

Structural Alterations

Any change, other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls or partitions, column, beams or girders; or any substantial change in the roof or exterior walls.

Structure

Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached or projecting shall be construed to be a structure.

Thoroughfare

A street with a high degree of continuity which serves as an intrastate, an intracounty or interstate highway, or as an arterial trafficway between the various districts of this county. It affords a primary means of access to abutting properties except from thoroughfares classified as freeways or other limited access routes not containing frontage roads.

Use

The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory

A use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. Residential accessory uses may include storage of household goods, parking area, gardening, servants' quarters, private swimming pools and private emergency shelters.

Use, Permitted

A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and performance standards, if any, of such district.

Use, Principal

The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

Use, special

Uses of such variable nature as to make control by rigid pre-regulation impractical. After due consideration in each case, by the County Board, after receiving the report and recommendations of the ~~Planning Commission~~ Zoning Board relative to the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such "special Use" may or may not be granted by the County Board.

Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water

storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Yard

An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this ordinance. See Appendix A for illustration entitled "Yards."

Yard, Corner Side

A side yard which adjoins a street or thoroughfare.

Yard, Front (setback)

A yard which is bounded by the side lot lines, front lot line, and the front yard line.

Yard, Interior Side

A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

Yard, Rear (Setback)

A yard which is bounded by side lot lines, rear lot line, and the rear yard line.

Yard, Side (setback)

A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

SECTION 13 -- EFFECTIVE DATE

SECTION 13 -- EFFECTIVE DATE

13.1 WHEN EFFECTIVE

This ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, and safety, and shall be in full force and effect from and after its due passage, approval, and recording, and publication as provided by law.

Approved and ordained by the County Board, the County of Mason this 10th day of June, 1975.

Paul Martinie, Chairman
County Board

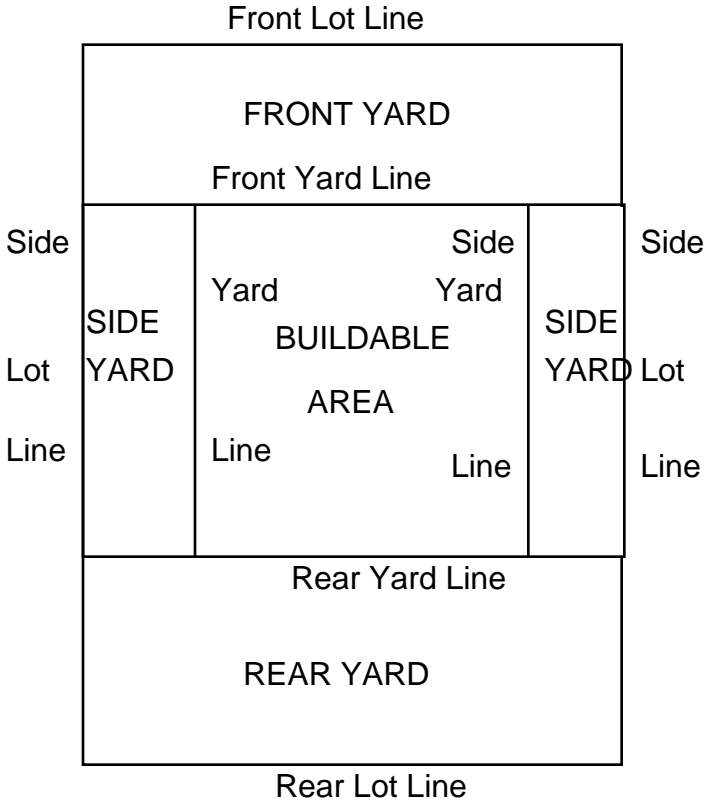
ATTEST:

Walter J. Furrer
County Clerk

APPENDIX A

YARDS

YARDS



APPENDIX B

MOBILE HOME PARK REGULATIONS

A special USE ORDINANCE DEFINING AND REGULATING MOBILE HOME PARKS: ESTABLISHING MINIMUM STANDARDS GOVERNING THE PROVIDED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS OF MAKING MOBILE HOME PARKS SAFE, SANITARY, AND FIT FOR HUMAN HABITATION: FIXING THE RESPONSIBILITIES AND DUTIES OF OWNERS AND OPERATORS OF MOBILE HOME PARKS.

BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF MASON, ILLINOIS:

SECTION 1 -- DEFINITIONS

Accessory Structure

A building subordinate to and smaller than a principal building or mobile home that contributes to the comfort, convenience, or necessity of the occupants of the principal building or mobile home.

Board of Appeals

The County Zoning Board of Appeals.

County Zoning Administrator

The legally designated County Enforcing Officer (or his authorized representative).

Dependent Mobile Home

"Dependent Mobile Home" means a mobile home which does not have a toilet and bath or shower facilities. Their use is prohibited in any mobile home park.

Independent Mobile Home

Any enclosure or vehicle used for living, sleeping, business or storage purposes on a foundation or wheels which is, has been, or reasonably may be equipped with wheels or other devices for transporting it from place to place, whether by motive power or transporting it from place to place, whether by motive power or other means, suitable for year-round occupancy, and containing both facilities and self-contained toilet. This definition is not intended to include travel trailers or camper buses.

May

The term "may" shall mean permissible.

Mobile Home

"Mobile Home" means any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways and designated to permit the occupancy thereof as a dwelling place for one or more persons.

Mobile Home Lot

A parcel of land designated for the exclusive use of the occupants of a single mobile home, also termed mobile home space.

Mobile Home Park

"Mobile Home Park" means an area of land upon which two or more occupied mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park.

Mobile Home Stand

That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

Permit

The term "permit" means a written permission issued by the County Zoning Administrator permitting the owner to construct or alter a mobile home park under this ordinance and regulations promulgated thereunder.

Person

Means an individual, firm, partnership, corporation, company, or association.

Service Building

Means a building housing manager's office, laundry facilities, maintenance equipment, toilet facilities for employees, and emergency sanitary accommodations.

Shall

The term "shall" means imperative and mandatory.

Zoning Permit

The term "permit" means a written permission issued by the Zoning Administrator permitting the owner to construct or alter a mobile home park under this ordinance and regulations promulgated thereunder.

SECTION 2 -- MINIMUM REGULATIONS

Each park to be constructed under the provisions of this ordinance shall adhere to the minimum regulations as are required by the Illinois State Department of Health regulation Mobile Home Park Sanitation. The Department of Health regulations establish health sanitation and safety standards for all parks in Illinois.

SECTION 3 -- APPLICATION FOR PERMIT

In order to obtain a zoning permit to construct a new mobile home park or an addition to an existing mobile home park, the applicant shall file with the Zoning Administrator a written application setting forth:

1. The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the partners or the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of filing of the application.
2. Location and legal description of the tract of land, certified on a plat of a survey by an Illinois Registered Land Surveyor drawn to scale of 1" = 100', or larger.
3. The proposed and existing facilities in the park for water supply, sewage, garbage and waste disposal, fire protection, and for a sanitary community building which will include a description of toilets, urinals, sinks, wash basins, slop sinks, showers, drains and laundry facilities thereof.
4. The proposed method of lighting the structures and land upon which the park is to be located.
5. All corners and points of tangency are to be marked by galvanized or wrought iron pipe or iron or steel bars at least 18 inches in length and not less than 1/2 inch in diameter. The top of the pipe or bar is to be set level with the established grade of the ground.
6. The plans of the park drawn on a scale of 50 feet to an inch, building plans and specifications for existing buildings and facilities, and the plans and specifications for

new buildings and facilities or the proposed alterations in existing facilities, all showing compliance with the provisions of this Ordinance. The plot plans shall be drawn on a scale of 50 feet to an inch and contain, among other things, the following:

- a. The date on which such plot plans were prepared.
 - b. An arrow indicating North.
 - c. All mobile home sites shall be properly numbered on all plot plans.
 - d. Complete information regarding storm sewers.
 - e. Storm water runoff shall be shown on a separate plat.
 - f. Contour lines with intervals of not more than 5 feet where the slope is greater than 10 percent, and not more than 2 feet where the slope is less than 10 percent shall be shown on a separate plat, and the United States Geological Survey data shall be used for the preparation of such a plat.
 - g. Grades of driveways and all ditches shall be shown on a separate plat.
7. A statement of the fire-fighting facilities, public or private, which are available to the mobile home park.
 8. An affidavit of the applicant as to the truth of the matters contained in the application shall be attached thereto. Each application for a permit to construct shall be accompanied by an application fee amounting to \$25 for each. Each application fee shall be paid to the Clerk by certified check or United States money order in the amount of the application fee only, and said application fee once paid to the County Clerk shall not be refunded.

SECTION 4 -- APPLICATION REVIEW

Upon receipt of an application for a zoning permit to construct a park, the Zoning Administrator shall, if the park is or the proposed park will be in conformity with the ordinance, issue a permit to construct. If the application for a permit to construct is denied, the Zoning Administrator shall give the reasons therefor in writing to the applicant; and if the objections can be corrected, the applicant may amend his application and resubmit it for approval.

If a zoning permit to construct a park is issued, the applicant shall upon completion thereof notify the Zoning Administrator. The Zoning Administrator shall then inspect the park, and if completed in accordance with the accepted application, the Zoning Administrator shall issue a permit of compliance.

No person, firm, or corporation shall provide or install a mobile home park or make a change or addition to a mobile home park until the plans therefor have been submitted to and approved by the State Department of Health.

No change in any sanitary facilities, methods of water supply, sewer, drainage, garbage or waste disposal, and no change in the plot plan shall be made without first making a written application to the Zoning Administrator and receiving a permit therefrom. Such application shall be made in the way and manner herein set forth except that a fee amounting to ten (\$10) dollars for each 10 acres or fraction thereof used to harbor mobile homes therein shall accompany each application for a permit to alter such mobile home park. No application fee shall be required to accompany an application for a permit to alter a park where such alteration involved only a reduction in the

number of mobile home spaces to a number less than such park is currently permitted. Such a change or changes shall comply with such safety and sanitary code, building code, rules and regulations as are applicable thereto.

Such a permit does not relieve the applicant from securing any other permit or certificate, or from complying with any other ordinances of the municipality.

SECTION 5 -- LICENSE FEE

No person, firm, or corporation shall construct a mobile home park without first obtaining a zoning permit and building permit to do so. Each certificate and permit to construct, and each certificate or permit to make alterations therein shall be prominently displayed in the office of the mobile home park for which the same was issued.

In addition to the application fee provided for herein, the licensee shall pay to the Zoning Administrator on or before April 30 of each year an annual license fee which shall be three (\$3.00) dollars for each mobile home space in the park.

Provided that subsequent to the effective date of this ordinance, any applicant for an original license to operate a new mobile home park constructed under a permit issued by the Zoning Administrator shall only be required to pay one-quarter of the annual fee if such park begins operation after the 31st day of January and before the 1st day of May of such licensing year; or one-half of the annual fee if such mobile home park begins operation after the 31st day of October and before the 1st day of February of such licensing year; or three-fourths of the annual fee if such park begins operation after the 31st day of July and before the 1st day of November of such licensing year; but shall be required to pay the entire annual fee if such mobile home park begins operation after the 30th day of April and before the 1st day of August of such licensing year.

Each license fee shall be paid to the Zoning Administrator by a separate certified check or United States money order in the amount of the license fee only, and any license fee or any part thereof once paid to and accepted by the Zoning Administrator shall not be refunded if the license is granted.

The Zoning Administrator shall deposit all funds received under this Ordinance with the County Clerk.

SECTION 6 -- LICENSE REVOCATION

Any license granted hereunder shall be subject to revocation or suspension by the Zoning Administrator. However, the Zoning Administrator shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with this Ordinance. Said notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition specified in such notice within a reasonable time. If the licensee fails to comply with the terms and conditions of said notice within a reasonable time, the Zoning Administrator may revoke or suspend such license.

No license shall be issued for the licensing year commencing May 1, or for any licensing year thereafter, regardless of whether a license is issued for such mobile home park for any prior licensing year, for any mobile home park for any prior licensing year, for any mobile home park which does not fully comply with the minimum site improvement requirements of this Ordinance for interior streets, concrete runways and sidewalks, and street lighting.

SECTION 7 -- LICENSE TRANSFER

Licenses issued hereunder apply only to the premises described in the application and in the license issued thereon, and only one location shall be so described in each license. A license which has been issued to a person, firm or corporation may not be transferred to any other person, firm, or corporation without the written consent of the Zoning Administrator. However, the Zoning Administrator may not withhold such consent where the provisions of this Ordinance have been met.

SECTION 8 -- APPLICATION AND LICENSE DISTRIBUTION

When the Zoning Administrator has approved an application for a permit to construct or make alterations upon a mobile home park or the appurtenances thereto or has approved an application for a license to operate and maintain the same, he shall retain the original and keep a file thereof, and one copy shall be returned to the applicant or his agent; one copy shall be delivered to the Clerk.

The Zoning Administrator shall draft and supply all forms and blanks and specify the number and detail necessary to obtain permits to construct or make alterations upon mobile home parks and for a license to operate and maintain such a park according to this Ordinance.

SECTION 9 -- RECORDS RESPONSIBILITY

The Zoning Administrator shall keep a record of all mobile home parks; said records to show the names and addresses of all mobile home parks, names and addresses of the licensees, number of mobile home lots in each park, source of water supply, system of sewage and garbage disposal, and any other information deemed essential by the Zoning Administrator.

SECTION 10 -- ENVIRONMENTAL OPEN SPACE AND ACCESS REQUIREMENTS

1. Every park to be constructed under the provisions of this ordinance shall provide for the following, in the manner specified:
 - a. No park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be well drained and shall be located in areas free from ponds, swamps, and similar places in which mosquitoes may breed. No waste water from mobile homes shall be deposited on the surface of the ground, except state-approved systems may be used.
 - b. All land proposed for mobile home parks shall be adequately protected against flooding.
 - c. Not subject to any hazard or nuisance such as excessive noises, vibration, smoke, toxic matter, radiation, heat, or glare.
 - d. Not subject to any source of pollution such as drainage from garbage disposal areas.
 - e. Not subject to any adverse influence from adjoining streets and areas.
 - f. The tract of land involved shall be area of not less than 10 acres.
2. Site Drainage Requirements

- a. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner.
 - b. Adequate provisions shall be made for approved sanitary sewage treatment.
3. Soil and Ground Cover Requirements
 - a. Exposed ground surfaces in all parts of every park shall be paved or covered with stone screenings or other solid material, or protected with a grass or sod growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
 - b. Where the topography has a slope of 25 percent or more, a rip wall cribbing or other approved system of soil and slope stabilization shall be installed and maintained.
4. Nuisances in Parks

All parks shall be maintained free of nuisances such as excessive heat, glare, vibration, smoke, toxic matter, radiation, and fire or explosive hazards.
5. Physical Hazards in Parks
 - a. Adequate protective barriers shall be provided and maintained where there is a slope in excess of 45 degrees, and a change in elevation of 6 feet. Such barriers may include, but are not limited to, continuous shrubs or fences.
 - b. Swimming pools shall be screened, fenced, or secured when not in active use to prevent injury. Fencing or other artificial enclosures shall completely enclose the pool area.
 - c. Swimming pools shall be constructed and maintained in accordance with the requirements of the State Department of Public Health.
6. Nonresidential Uses

No part of any park shall be used for nonresidential purposes except such uses that are required for direct servicing and well-being of park residents, and for the management and maintenance of the parks.
7. Required Mobile Home Density and Separations Between Mobile Homes
 - a. No park shall contain more than seven mobile home spaces per gross acre. In calculating the number of mobile home spaces that could be provided, the number of acres contained in the mobile home park including land devoted to interior streets and recreational open space is multiplied by seven.
 - b. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 feet.
 - c. An accessory structure which has a horizontal area exceeding 25 square feet attached to mobile home, has an opaque top or roof that is higher than adjacent window sills of such mobile home shall, for purposes of this separation requirement, be considered to be part of the mobile home. Roofed-over patios, carports, and individual storage facilities shall be included as part of the mobile

home in determining yard widths between mobile homes. Accessory structure shall not be permitted closer than 10 feet to any property line of any mobile home lot.

8. **Required Setbacks, Buffer Strips, and Screening in Mobile Home Parks**

- a. All mobile homes shall be located from any park boundary line abutting upon a public street or highway as follows:

100-foot setback on federal highways
50-foot setback on state highways
35-foot setback on all county, township, or municipal roads

They shall be at least 10 feet from other park property boundary lines.

- b. All mobile home sites shall provide a front yard of not less than 15 feet measured from the edge of the pavement. No off-street parking shall be permitted in the front yard.
- c. Street trees shall be encouraged to be planted within 5 feet of the pavement. The following trees are acceptable to the municipality for such planting: red or pin oak, hard maple, thornless honey locust, ironwood, columnar maple or hackberry, American ash, European American beech, little leaf linden, Washington thorn, downy hawthorn, tulip, sugar maple, sweet gum, ginkgo, Norway crimson maple.

9. **Recommended Recreation Areas in Mobile Home Parks**

In all parks accommodating or designed to accommodate 10 or more mobile homes, there may be one or more recreation areas which shall be easily accessible to all park residents. No outdoor recreation area should contain less than one acre. Recreation areas shall be so located as to be free of traffic hazards and should, where topography permits, be centrally located.

10. **Park Street System**

- a. **General Requirement** -- All parks shall provide safe, continuous and convenient vehicular access from abutting public streets or roads to each mobile home space. For purposes of this code, all streets shall hereinafter be referred to as "Park Street System" and shall be maintained by the owner/owners, or dedicated to County.
- b. **Primary Entrance Road** -- The primary entrance road connecting the Park System with a public street or road shall have a minimum road pavement width of 36 feet where guest parking is permitted at both sides, or a minimum road pavement width of 30 feet where parking is limited to one side. Where the primary entrance road is more than 100 feet long and does not provide access to abutting property within such distance, the minimum road width may be 35 feet provided parking is prohibited at both sides.
- c. **Secondary Entrance Road** -- In addition to the required primary entrance road, all parks containing 25 or more acres in total area and/or provide of 200 or more mobile homes, shall have at least one secondary entrance road connecting the Park Street System with a public street or road. Such a secondary road or roads shall have a minimum pavement width of 25 feet. Where primary and secondary

entrance roads connect to the same public street or road, there shall be a minimum separation of 150 feet between such access points. Where this is not feasible or possible, clearly marked one-way entrance and exit lanes with at least a 15-foot wide median strip are acceptable provided the pavement width of each one-way road is at least 25 feet.

- d. Interior Streets -- All interior streets in the Park Street System shall have a minimum pavement width of 25 feet on a 27-foot right-of-way with parking prohibited on both sides. Dead-end streets shall be limited in length to 500 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 120 feet. One-way minor streets shall be acceptable only if less than 500 feet long and serving less than 25 mobile homes.

11. Street Construction and Design Standards

- a. Pavement Materials -- All streets shall be provided with a bituminous road mix, earth material type, minimum of four (4) inches.
- b. Pavement Design -- Primary and secondary entrance roads as well as all interior streets shall have a standard cross-section with rolled curbs and gutters.
- c. Grades -- Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than 8 percent nor less than 0.5 percent. Short runs with a maximum grade of 12 percent may be permitted provided traffic safety is assured by appropriate paving, adequate leveling areas, and avoidance of lateral curves.
- d. Intersections -- Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of offset intersection streets. Intersections of more than two streets at one point shall be avoided.

12. Required Off-Street Parking

Off street parking shall be provided in all parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two car spaces for each mobile home. Parking bays shall be so located as to provide convenient access to mobile home spaces.

13. Pedestrian Access

- a. General Recommendations -- All parks shall provide safe, convenient 4-inch Portland Cement Concrete pedestrian access between individual mobile homes (said thickness shall be increased to 5 inches at driveways), the Park Street System and all community facilities provided for park residents. For the purposes of this ordinance, all common walks providing such pedestrian access shall hereinafter be referred to as the Common Walk System.
- b. Individual Walks -- All mobile homes shall be connected with the Common Walk System and the Park Street System by one or more individual walks on each mobile home space. Such individual walks shall have a minimum width of 2 feet.
- c. Common Walk System -- A common walk system, 4 feet wide, shall be provided in every park for pedestrian access between each mobile home space and all required open areas, community structures, and facilities.

14. Required Illumination of Park Street Systems

All parks shall be furnished with sufficient electrical systems and lighting units including gas lights at the owner's expense, so spaced and equipped with luminaires placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movements of pedestrians and vehicles at night.

- a. All parts of the Park Street Systems: 0.4-foot candle with a minimum of 0.3-foot candle.
- b. Potentially hazardous locations such as major street intersections and steps, or stepped ramps individually illuminated with a minimum of 0.4-foot candle.

15. Existing Mobile Home Parks

Any Mobile Home Park which existed upon the effective date of the ordinance shall be regarded as a nonconforming use and may be continued, except that any change in layout, expansion, or extension shall be subject to all provisions of the Mobile Home Park Ordinance and the State Board of Health.

SECTION 11 -- WATER SUPPLY

1. GENERAL REQUIREMENTS

Every park shall have a water supply system capable of providing a sufficient supply of potable water under adequate pressure to water supply facilities for mobile homes, service buildings, fire hydrants, drinking fountains, and other accessory facilities, as required by this code for the well-being of park residents, and for park maintenance. Such system shall be designed, constructed and maintained in accordance with the state standards of Illinois Department of Health and/or standards currently enforced by local departments.

2. Source of Supply

- a. Where a public water supply system is available, the park water supply system shall be connected thereto. A public water supply system shall be deemed available when such system is within 500 feet of the park measured along a street or other public easement, and a connection may be made lawfully thereto. No private water supply system shall be cross-connected with any public water supply system.
- b. Where public water supply source is available, the park's source of water supply including the construction, equipment, and distribution system for withdrawing and/or processing and distributing water shall be approved by the Board of Health and other authorities having jurisdiction. The chemical and bacteriological quality of the potable water distributed in any park including water treatment processes employed shall conform to the standards established by the health authority having jurisdiction.
- c. The water sources shall be capable of producing an adequate volume of water to supply all mobile home spaces in any park, but in no case shall such capacity be less than 150 gallons per space per day in any mobile home park.
- d. Where an independent or nonpublic water system is used to serve the mobile home park with water obtained from wells, the well shall be located and

constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. A minimum distance of 100 feet shall be maintained between the water supply and any other possible source of contamination, except that sewers or pipes through which sewage may back up shall be located at least 50 feet from any well or water-suction pipeline.

- e. No well casings, pumps, pumping machinery, or suction pipes shall be located in any pit, room, or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground. The floor or rooms above ground shall be at least 6 inches above the ground's surface. All floors shall be watertight and sloped from the well casing to the drain. Said well casing shall not be less than 12 inches from the floor.

3. Water Storage Facilities

All water storage reservoirs shall be watertight and constructed of impervious material; all overflows and vents or such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material, and so designed that they may be locked. All of the overflow pipes from a reservoir shall be connected with back-siphonage protection to any pipe in which polluted water may back up.

4. Water Distribution System

- a. The water distribution system shall be constructed of piping, fixtures, and other equipment of approved materials and shall be so designed and maintained to provide a pressure of not less than 20 pounds per square inch, under normal operating conditions, at each mobile home, service building, and other locations requiring potable water supply. Such piping shall not be interconnected or cross-connected with any drainage, venting, or other system conveying nonpotable water. Nor shall such piping be subject to hazards of backflow or any back-siphonage.
- b. The public water supply shall extend only to the mobile home park. Single mobile home lots will not be metered.

5. Individual Water Connections

- a. Individual water service connections shall be provided at each mobile home lot in the mobile home park. All water service connections shall be watertight and located at a minimum distance of 10 feet from sanitary sewer connections below ground. The minimum pipe size of connections shall be three-quarter inch. Outlets shall be so constructed as to be free of possible contamination from surface drainage and possible damage during installation of a mobile home, and shall be 4 inches above grade.
- b. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipe, and to protect risers from heaving and thawing actions of ground during freezing weather.
- c. Underground stop and waste cocks shall not be installed on any connection.

6. Required Water Supply for Fire Protection

Where a public water supply system with a water main of 4 inches or larger is available, all parks accommodating or designed to accommodate 10 or more mobile homes, or both, shall provide the following water supply facilities.

- a. The system shall permit the operation of a minimum of two 1-½ inch hose streams on a fire in any mobile home, service building, or other accessory structure in the park.
- b. Hydrants shall be located within 600 feet of such structures and shall be of a type prescribed by the municipality.
- c. Water supply and associated facilities shall be sufficient to provide a delivery of at least 75 gallons per minute at each of the two nozzles held 4 feet above the ground, at a flowing pressure of at least 30 pounds per square inch when measured at the highest elevation in the park.

SECTION 12 -- SEWAGE AND REFUSE DISPOSAL

All sewage and other water-carried waste shall be disposed of into a common sewage system. All provided sewage systems shall be constructed in conformity with all laws of the state of Illinois, regulation of any department, division or board of the state of Illinois, and any ordinance of the municipality relative thereto.

Each trailer or mobile home site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home. It shall be the duty of the owner or operator of said mobile home park to provide an approved type of water and odor-tight connection and keep all occupied mobile homes connected to said sewer while located in a mobile home park. Sewer connections in unoccupied mobile home sites shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a mobile home.

A sufficient number of adequate fly-proof and watertight containers shall be supplied for the storage of garbage.

1. Garbage containers shall be emptied at least one each week and shall not be filled to overflowing, or allowed to become foul smelling, or a breeding place for flies.
2. Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and which is approved by the Zoning Administrator.
3. Adequate insect and rodent control measures shall be employed. All buildings shall be fly- and rodent-proof and rodent harborages shall not be permitted to exist in the park.

SECTION 13 -- ELECTRICAL DISTRIBUTION SYSTEM

General Requirements

Every park shall contain an electrical wiring system consisting of approved wiring, fixtures, and equipment, and appurtenances shall be installed and maintained in accordance with applicable codes and regulations governing such system. All parts of the Park Electrical Distribution System shall conform with approved standards for safety to life and property and with accepted engineering practices. All electric wires shall be underground.

SECTION 14 -- FUEL SUPPLY AND STORAGE

1. Natural Gas System

Natural gas piping systems in all parks shall be installed and maintained in conformity with accepted engineering practices and the rules and regulations of the authority having jurisdiction.

2. Fuel Oil Supply System

All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction. Fuel oil systems underground shall be located at a minimum of 10 feet horizontally from water lines, and at necessary crossing shall be placed in substantial pipe sleeves extending 10 feet from each side of the water pipe.

SECTION 15 -- FIRE PROTECTION

1. General Requirements

The mobile home park area shall be subject to the rules and regulations of the Fire Protection District in which it is located.

2. Location of Fire Hydrants

Where a public water system with water main of 6 inches or larger is available to the mobile home park, standard fire hydrants shall be located within 600 feet of each mobile home or building.

3. Fire extinguishers shall be encouraged to be included in each mobile home unit. Fire extinguishers of a type approved by the State Fire Marshall for use at mobile home parks shall be placed at locations within 200 feet of each individual mobile home site. Each fire extinguisher shall be periodically examined and kept at all times in a condition for use.

SECTION 16 -- ALTERATIONS, ADDITIONS, ANCHORAGE, AND OCCUPANCY

1. General Requirements

All building, plumbing, heating, air-conditioning, and electrical alterations or repairs in mobile home parks and individual mobile homes shall be made in accordance with applicable local regulations.

2. Permanent Additions

No permanent additions shall be built onto or become a part of any mobile home until first securing a zoning permit and building permit, and unless they are in accordance with requirements established by the Zoning Administrator and shall have all interior and exterior surfaces finished with fire-resistant sheeting or roofing.

3. Foundation Runway

Each mobile home site shall have two concrete runways for the mobile home to set upon. Each of said runways shall be 2 feet in width, and the distance between the center lines of the two runways situated on each mobile home site shall be at least 4-½ feet.

4. Anchorage of Mobile Home Units

All mobile homes shall be anchored in an approved manner at each corner of the structure to gain maximum protection against high velocity winds. In addition, all mobile home units shall be installed with approved skirting.

5. Separate Storage Structures
Small storage structures are permissible within 10 feet of trailers provided they are:
 - a. not larger than approximately 8 feet by 10 feet in floor play by 6 feet in height;
 - b. constructed entirely of fireproof materials such as sheet metal;
 - c. capable of being completely and easily disassembled and are readily portable;
 - d. used only for storage purposes;
 - e. not attached to a trailer or used as an auxiliary room, or otherwise used for dwelling or living purposes, and
 - f. so constructed and maintained that a rat harborage is not created.

6. Small storage cupboards, if neatly and substantially constructed, shall also be considered permissible within 10 feet of trailers, even when constructed of nonfireproof materials, provided they are:
 - a. serviced without walking into the structure;
 - b. equipped with shelves so arranged as to prevent a person stepping or walking into the structure;
 - c. horizontal depth of structure not greater than approximately 30 inches (average adult arm length) in order that the rear portion of shelves can be serviced from a position outside the structure;
 - d. do not create a rat harborage; and
 - e. placed no closer than 50 feet from any street.

7. Occupancy of Mobile Homes
Occupancy of the mobile home shall be limited to the design capacity of the mobile home.

SECTION 17 -- ORDINANCE APPLICATION

Nothing in this ordinance shall be construed to include the State Parks of Illinois, and the term "Mobile Home Park" shall not be construed to include buildings, tents, or other structures maintained by any individual or company on their own premises and used exclusively to house their own farm labor; or any military establishment of the United States or of this state wherein a mobile home(s) may be located or harbored; or any park on state or county fairgrounds for a period during, immediately prior to, and immediately subsequent to the holding of the fair, not to exceed a total of two weeks in all; or the area or premises on any farm upon which are harbored mobile homes occupied by persons employed upon such farm for not more than 90 days in any calendar year in the production, harvesting, or processing of agricultural or horticultural products on such farm.

SECTION 18 -- VIOLATIONS

Whoever violates any provision of this ordinance shall be fined not more than \$100 or imprisoned for a period not to exceed 90 days or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

SECTION 19 -- ANNUAL INSPECTION

The Zoning Administrator shall enforce the provisions of this ordinance and the Zoning Administrator shall inspect, at least once each year, each mobile home park and all the accommodations and facilities therewith. The Zoning Administrator is hereby granted the power and authority to enter upon the premises of such mobile home parks at any time for the purposes herein set forth.

SECTION 20 -- APPEALS

Any person refused a license or a permit to construct or alter a mobile home park, or whose license is suspended or revoked shall have the right to a hearing before the Zoning Board of Appeals which shall have full power to conduct such hearing, issue subpoenas, administer oaths and affirmations and all other powers necessary to such hearing.

1. All hearings before the Zoning Board of Appeals shall be open to the public.
2. The Zoning Board of Appeals shall keep minutes of the proceedings showing its determination and shall also keep records of its other official actions.
3. No hearing shall be held before the Zoning Board of Appeals until notice of the time and place of the hearing have been published in a newspaper of general circulation in the municipality at least 15 days prior to the hearing date, said notice to contain the particular location of the mobile home park and a brief statement as to the reason the hearing is being held.

SECTION 21 -- VALIDITY

If any one or more of the provisions of this ordinance is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of the ordinance and the application of such provision to other persons and circumstances shall not be affected thereby.

SECTION 22 -- EFFECTIVE

All ordinances or resolutions in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effect from and after its passage and publication, according to law.

APPROVED THIS 10TH DAY OF JUNE 1975.

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1 Beuscher, J.H., and others

