

ILLINOIS DEPARTMENT OF TRANSPORTATION
2300 South Dirksen Parkway
Springfield, IL. 62764

October 04, 1982

County Report

Gary Tumulty
County Clerk of
Sangamon
County Building
Springfield, Illinois 62701

MOTOR FUEL TAX ALLOTMENT AND TRANSACTIONS FOR SEPTEMBER, 1982

BEGINNING UNOBLIGATED BALANCE		2,040,020.05
MOTOR FUEL TAX ALLOTMENT	105,170.51	
MINUS AMOUNT PAID TO STATE	<u>.00</u>	
NET MOTOR FUEL TAX ALLOTMENT		105,170.51
PLUS CREDITS PROCESSED		<u>.00</u>
		2,145,190.56
MINUS AUTHORIZATIONS PROCESSED		<u>.00</u>
CURRENT UNOBLIGATED BALANCE		2,145,190.56

H. W. MONRONEY
DIRECTOR OF HIGHWAYS

A motion was made by Mr. Noonan, seconded by Mr. McCann, that the correspondence be placed on file with the Clerk. A voice vote was unanimous.

MOTION CARRIED
CORRESPONDENCE FILED

RESOLUTION 1

AMENDMENT TO SANGAMON COUNTY ZONING ORDINANCE

WHEREAS, the Sangamon County Board, pursuant to AN ACT IN RELATION TO COUNTY ZONING of the State of Illinois (Illinois Revised Statutes 1967, Chapter 34, Paragraphs 3151 through 3162) adopted a zoning ordinance in April of 1969; and

WHEREAS, the Sangamon County Zoning Ordinance has not had a major update since April of 1969; and

WHEREAS, in order to make the regulations more effective, it is necessary to include amendments that relate to current development circumstances; and

WHEREAS, the Sangamon County Board requested the Springfield-Sangamon County Regional Planning Commission to prepare an updated draft of the Sangamon County Ordinance; and

WHEREAS, in the process of drafting the revisions, the Springfield-Sangamon County Regional Planning Commission consulted with the Sangamon County Zoning Administrator, the Sangamon County State's Attorney's Office, and the Planning and Zoning, Subdivision, Public Health and Safety Committee of the Sangamon County Board to seek and advise on deficiencies in the existing ordinance and opinions on recommended changes; and

WHEREAS, the current ordinance reflects the concerns of the above agencies and departments; and

WHEREAS, the Sangamon County Zoning Board of Appeals conducted four public hearings in accordance with State Statutes in order to seek and include public concerns within the updated ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF SANGAMON COUNTY, ILLINOIS, in session this 16th day of November, 1982, that the attached revised Sangamon County Zoning Ordinance is hereby approved.

PLANNING, ZONING & SUBDIVISION COMMITTEE
SANGAMON COUNTY BOARD

/s/ William E. Butcher

/s/ John H. Turner

/s/ John K. McCann

/s/ Joe Bonefeste

/s/ Phil Bradley

FINDINGS OF FACT OF THE ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

RE: PROPOSED AMENDMENTS TO THE SANGAMON COUNTY ZONING ORDINANCE

WHEREAS, the Sangamon County Zoning Board of Appeals did receive a petition for consideration of a draft of the proposed ordinance; and

WHEREAS, four public hearings were held in 1982 on the dates of January 28, February 4, September 13, and October 7; and

11-16-1982

WHEREBY, the Zoning Board of Appeals after hearing testimony on these said dates, of both the objectors and those in favor of requested changes, do find the following and so recommend to the County Board:

1. That the Zoning Board of Appeals unanimously concur that the outlined changes, in part, are deemed necessary for the effective enforcement of the Sangamon County Zoning Ordinance; and
2. That the two attached lists of proposed changes, to include the original list titled "County Zoning Update - New Sections" and the second list that is based on suggestions received at the public hearing and titled "County Zoning Update - Suggested Changes Subsequent to Previous Hearings" is for the most part upheld by the members of our Board; and
3. That one change to the outline, unanimously agreed upon by the members of the Zoning Board of Appeals, should be on Page 77 of the proposed Ordinance to include in Section VII, F.5. the addition of i. to include a variance to permit use of land where an amendment of the County Zoning District Classification would cause practical difficulties or hardships for all concerned and the Zoning Board of Appeals further states that the original zoning ordinance included this language and we feel that when the amendment was approved, by resolution of the County Board in October, 1976, it afforded the solution to particular or unique zoning requests and the public is best served by a Use Variance and the Zoning Board of Appeals does also state that testimony at the public hearing, offered by the objectors that are opposing the removal of the Use Variance, did make a point well taken that the limited time allowed the petitioner at the County Board meeting would not be considered adequate. Therefore, the language of the original ordinance: reference Page 36, Section VII, F.5i, should remain as it is presently written.
4. That Section III G. page 18 - reference: Floodplain Area should be worded that construction will be regulated by the I.D.O.T., D.W.R. report and should be inclusive of recommended changes with regard to Floodplain, in accordance with the attached data.
5. That with reference to the Agricultural District, that the Zoning Board of Appeals had heard extensive testimony from the public, in objection to the change and does not feel that this change should be made to the ordinance.

VOTE OF THE ZONING BOARD OF APPEALS:

Vince Toolen, Chairman, called for a motion to deny the amendments as proposed. Darrell Snelling made the motion as suggested by Chairman Toolen. Motion was seconded by Paul Lewis. 5 Ayes

Henry Detjen made a second motion to grant the amendments; however, changing the A-Agriculture district whereby a person could petition to have his property zoned if it was the prime agriculture land. The motion died for lack of a second.

No further motions were made to recommend passage of the ordinance, in part, with the exclusion of the controversial areas.

Darrell Snelling made a motion to adjourn the meeting. The motion was seconded by Henry Detjen.

ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

/s/ Henry Detjen

County Zoning Update

New Sections

Page #	Section #
2	II <u>New Definitions</u>
	1. Agriculture. A broader definition of agriculture is included. Also, there is a means to determine if a use is agricultural.
2	2. A-1/A-2 district boundary.
2	3. Auction house.
3	4. Commercial day care centers for larger (over 8) day care.
4	5. Dog obedience school.
5	6. Family day care home (for smaller, 8 or less) day care.
5	7. Farm dwelling.
5	8. Fence defined.
5	9. Flood crest elevation. In accord with National Flood Insurance Program.
6	10. Frontage defined.
6	11. Building height.
7	12. Home occupation more specific definition.
8	13. Large scale development
9	14. Lot line, front, and lot width definition modified.
10	15. Non-complying building or other structure.

County Zoning Update - New Sections (Continued)

Page #	Section #	
10		16. Non-conforming use.
10		17. Modular home.
11		18. Prime agricultural land.
11		19. Private outdoor recreation center.
11		20. Public outdoor recreation.
11		21. Public road.
11		22. Rehabilitation center.
13		23. Solar energy system.
13		24. Yard - definition modified - watchman's quarters defined.
14		25. Zoning lot.
		<u>III. General Provisions</u>
16	A(4)	Small lot of record must have sewer or water.
16	B(2)	Solar energy systems permitted in any district.
17	D(1)	Several items added to permitted obstruction in required yards.
17	D(2)	Several items added.
18	E(2)	Construction of accessory building to a conditional permitted use is permitted. Also allowed to reconstruct if destroyed by catastrophe.
18	(F)	Classified into the A-1 district instead of R-1.
18	(G)	In accord with the National Flood Insurance Program.
18-22	(H) & (I)	Now broken into non-conforming/non-complying.
23	(K)	New section for accessory buildings.
23	(L)	New section for swimming pools.
24	(M)	Road must be constructed.
24	(N)	One principal building per lot.
24	(O)	New section for fences.
28	(R)	Large scale regulation (include special requirements for mobile home parks).
33		New setback plate for streets and roads.
		<u>IV. Zoning Districts</u>
		The purpose of each district is given.
34	A(1) & (2)	New agricultural districts established.
38	C	Rules as to boundaries of district cleared up.
39		<u>V. Zoning District Regulations</u>
		Several uses have been shifted among districts. Some new uses have been added.
48	L	Yard regulations. Some of the rear yard requirements have been reduced.
49	M	Side yards adjoining a street must be one-half the required front yard instead of the full depth of the required front yard.
52	R	Sign regulations. Permits are now required. Regulations are basically the same except that flashing signs are not permitted in residential districts.
63		<u>VI. Off-Street Parking and Loading</u>
		A few new uses have been added.
66		Certain vehicles may not be stored in residentially zoned areas.
		The Planned Unit Development Ordinance has been deleted and will be included in the subdivision ordinance.
67		<u>VII. Administration and Enforcement</u>

68	A(2)	Adds duty to zoning administrator to inspect inoperable motor vehicles.
69	B	Procedure for zoning certificates clarified, expiration date established.
70	C(2)	New provision standardizes hearing dates and filing deadlines. Board procedures clarified.
72	C(3)(e)	Permits Zoning Board of Appeals to extend zoning district where the district split a parcel under single ownership.
73	E(3)	Standardize filing time and hearing date for appeals.
74	F(1)	In accord with State Statute, variance which does not receive approval of the Board of Appeals shall not be passed by the County Board except by 3/4 vote.
74	F(2)	Clears up who may initiate variation.
74	F(3)	Standardize filing times and require additional information in petition.
75	F(4)	Standardizes hearing dates for variances.
77	F(6)	Deletes use variance from the ordinance.
77	G(2)	Clears up who may initiate amendment.
77	G(3)	Standardize filing times for amendment.
78	G(4)	Standardize hearing dates for amendment.
80	G(7)	Includes new statutory requirement of notification of protest.
81	H(3)	Clears up who may initiate conditional permitted use.
81	H(4)	Standardize filing times for conditional permitted use.
82	H(5)	Standardizes hearing dates on conditional permitted use.
84	J	Raises fees for certificates of compliance.
85	K(2)(a)	Raises penalty.
85	K(2)(b)	Revises penalty in accord with State Statute.

Sections Previously passed by Board

General Provisions

15	A(1)	Reconstruction of single family dwellings.
25	P	Section on inoperable motor vehicles included.
26	Q	Section on adult uses included.
70	C(1)	Establish procedure for appointment of Zoning Board of Appeals relating to the geographical areas that they reside. Also establishes compensation for Board members.

COUNTY ZONING UPDATE

Suggested Changes Subsequent to Previous Hearings

Page #	Section #	
34	IV(A)(1)	Exception: Lots or parcels of record of 8 acres or less as of (date of these amendments) shall be exempt from the prime agricultural land provision and may be rezoned for non-agricultural uses in accordance with the standard procedure for amendments.
39	V(4)	Added to permitted uses: Township Road Commissioner equipment facility.
42	V(G)	Added to permitted uses: Banquet Halls.
34	IVA(1)	Added to end of 1st paragraph: except for those specified in Section V(A).
17	III(A)(4)5	Added to the end of paragraph: existing lots or parcels created before the effective date of this ordinance which are 1/2 acre or larger may have a single family detached residence constructed upon it without public sanitary sewer or water.
65	VI(5)	New sentence added to end of paragraph: Each off-street parking facility shall be provided with an appropriate means of vehicular access to a street or alley in a forward manner only, except for single family and duplex residences.
17	III(D)(3)	Permitted obstructions in rear yards, add the following: Non-commercial television and radio towers and antennas.
48	V(L)	Front Yard: In the B-1, B-2 and B-3, 15 feet; in the I-1 and I-2, 20 feet.
54	V(R)(3)(d)	New paragraph d:

County Zoning Update - Suggested Changes Subsequent to Previous Hearings (Continued)

Page # Section #

In the respective business districts indicated, signs with areas not exceeding those shown in the following table are permitted.

<u>District</u>	<u>Maximum Sign Area of all Signs on a Zoning Lot</u>
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B-1	100 sq. ft. or two times the street frontage of the zoning lot (in feet), whichever is greater, but not to exceed 240 sq. ft.
B-2	150 sq. ft. or two times the road frontage of the zoning lot (in feet) whichever is greater, but not to exceed 240 sq. ft.
B-3	200 sq. ft. or three times the road frontage of the zoning lot (in feet), whichever is greater, but not to exceed 240 sq. ft.

53	V(R)(3)(a)	Added to end of paragraph: Signs which exceed 240 sq. ft. require authorization by the County Board as a conditional permitted use.
54	V(R)(4)(a)	Signs in the I Districts changed to read as follows: <u>Area:</u> The gross area in square feet of all signs on a zoning lot shall not exceed 5 times the lineal frontage of such zoning lot. However, any sign which exceeds 500 sq.ft. requires authorization by the County Board as a conditional permitted use.
5	II	Farm dwelling definition amended to include mobile home.
40	V(B)	Family day care centers are permitted in the R-1 District.
38	IV(C)	Boundary line extension of 25' deleted.
27	IV(6)	Only one watchman's quarters per business is allowed.
43	V(H)	B-2 District list that B-1 uses are permitted.
16	III(A)	Single family detached residence does not include a mobile home.
2	II	Definition of agriculture amended to include retail sales and accessory office space.
3	II	Definition of Building/Structure, principal, includes parcel as well as lot.
7	II	Definition of Federal and Highway now refers to Illinois Department of Transportation.
10	II	Definition of open sales lot includes Morgan type building.
16	III	<u>B. Exemption.</u> The following exemption is to be added: Temporary use of the land for special events, only during the duration of the event, i.e., fairs, rodeo, firework stands, including associated parking.
16	IIIA(4)	Small lots of record, home may have addition constructed.
19	IIIH(1)	150' lot width must be on public road.
24	III O(1)	<u>Fences.</u> Hazardous fencing includes fencing with metal spikes.
26	III P(3)	<u>County Zoning Administrator.</u> The word directed has been substituted.
32	III R(II)(e)	The words Right-of-Way have been added.
41	V (E)	Mobile Home District - to be clarified that small lots of record have exemption.
46	V(I)	B-3 District: Mobile home sales added to the list of permitted uses.
46	V(I)	B-3 District: Wholesale establishments added to list of permitted uses.
46	V(J)	I-1 District: Watchman's quarters clarified to be singular.
47	V(J)	I-1 District: Clarify that garages for storage, repair and servicing of motor vehicles does not include spray painting.
47	V(J)	I-1 District: Put body shops including spray painting as a conditional permitted use.
46/48	V(J) and (K)	Clarify that mobile homes may be used as a watchman's quarters in the I-District.
62	VI(1)	<u>Off-street Parking and Loading</u> Auction houses have been added.
66	VI(7)	Allow parking in the front yard except for the first 10 feet from the right-of way.

A motion was made by Mr. Pieper, seconded by Mr. Butcher, for the adoption of Resolution 1.

A motion was made by Mr. Marrin, seconded by Mr. Leonetti, to delete from the resolution that portion dealing with Agriculture. Mr. Marrin said that at all of the hearings people were against this Board telling them what they can and cannot do with their farmland. Mr. Bomke also wanted to delete Section III on page 19; Section IV, paragraphs 2, 3, and 4 on page 34; Section IV A(1) A-2; changes in Section V on page 39, and the map on page 86. Mr. Butcher wanted to retain the existing Agriculture Districts as they are presently in the current ordinance. Mr. Hopkins furnished the Clerk with a list of the proposed amendments. A voice vote on the amendments was unanimous.

A motion was made by Mr. Marrin, seconded by Mr. Bomke, for the adoption of the ordinance, as amended. Mr. Hines said he attended four public hearings on the zoning ordinance. It was obvious to him that there was no machinery set up to get a proposed use variance before the Board. It was removed from the discretion of the Zoning Board of Appeals. The Sangamon County Zoning Board of Appeals did not make a recommendation on this Ordinance. Mr. Hines felt that the entire ordinance was just a bureaucrat's dream. He saw no reason for adding more work to the Zoning Office. He intended to vote no on the entire ordinance.

Mr. Marrin replied that although someone could not file for a variance, they could file for a zoning change. If the Board wished to do so, it could grant a variance. He didn't feel it was a bureaucrat's dream. It was the farmers who had so much to lose. He saw nothing wrong with the ordinance as amended, and moved for its adoption.

A roll call vote on the Resolution as amended yielded 26 Yeas - 1 Nay. Mr. Hines voted Nay.

MOTION CARRIED
RESOLUTION ADOPTED

The following is the Sangamon County Zoning Ordinance as it was adopted.

SANGAMON COUNTY ZONING ORDINANCE
1969 AS AMENDED

Amended

1973
1974
1976
1980
1982

November, 1982

Prepared by the
Springfield-Sangamon County Regional Planning Commission
under the direction of the

Planning, Zoning & Subdivision Committee
William E. Butcher, Chairman

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 THE FOLLOWING PERSONS SERVED AS MEMBERS OF THE SANGAMON COUNTY BOARD DURING THE PREPARATION OF THIS ZONING ORDINANCE AND DURING THE PUBLIC HEARING PROCESS:

Richard G. Austin, Chairman (R)
 William Clark, Vice-Chairman (R)
 William E. Butcher, Chairman, Planning, Zoning & Subdivision Committee (R)

Republicans

Rex K. Berry
 Larry Bonke
 Joe Bonefeste
 Philip Bradley
 John Fullenwider
 Morris V. Heiderscheid
 Herbert Hines
 Jimmy R. Howerton
 Huck Huckaby
 Don Hudson
 Anthony Leonetti
 Conrad Noll III
 Patrick Noonan
 Daniel G. Petrilli
 Collins Pieper
 John Turner
 John A. Sowinski

Democrats

Clyde E. Bunch
 Ernie Drake
 Phineas Hurst
 Emery Koehler
 T. Paul Marrin
 John K. McCann
 Frank McNeil
 James J. Moody
 Carl Schultz
 Robert Slagle

 RESOLUTION
 NUMBER _____
 A RESOLUTION FOR ADOPTION OF SANGAMON COUNTY
 ZONING ORDINANCE

WHEREAS, the Board of Supervisors of Sangamon County, Illinois, has heretofore provided for a Sangamon County Zoning Commission, whose members were appointed by the Chairman of the Board of Supervisors and confirmed by the said County Board pursuant to AN ACT IN RELATION TO COUNTY ZONING of the State of Illinois (IL Rev. Stats. 1967, Chap. 34, pars. 3151 through 3162); and

WHEREAS, said Sangamon County Zoning Commission has made and submitted its final report to said County Board showing that said Commission had met and organized and had then prepared a tentative report and a proposed zoning ordinance for the entire County outside the limits of cities, villages, and incorporated towns which have in effect municipal zoning ordinances; and that hearings thereon were held in each township affected thereby after due notice thereof published and posted in manner and form and time as required by statute at which hearings, persons interested were afforded an opportunity to be heard; and

WHEREAS, said Zoning Commission has submitted as required by statute this proposed Resolution for adoption of Sangamon County Zoning Ordinance which the County Board finds to be desirable, adequate and in the best interest of the people of Sangamon County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SANGAMON COUNTY, ILLINOIS, in session assembled this 22nd day of April A.D., 1969, that this Sangamon County Zoning Ordinance be and the same is hereby approved and adopted in form, words, figures, plates and maps as follows:

SANGAMON COUNTY ZONING ORDINANCE
SECTION I

TITLE, EFFECTIVE DATE, AND EFFECTED AREA

This ordinance shall be known, cited, and referred to as THE SANGAMON COUNTY ZONING ORDINANCE: it shall be effective from this 22nd day of April, A.D., 1969; and it shall be effective for the entire County of Sangamon outside the limits from time to time of cities, villages, and incorporated towns which have or which may have from time to time in effect municipal zoning ordinances.

SECTION II

DEFINITIONS

When used in this ordinance, unless the context requires otherwise, the terms defined in this section have the meanings ascribed to them herein:

AGRICULTURE. The growing, harvesting, and storing of crops, including legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, rabbit, swine, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting, and preparing crop products for market, or fur use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry products for market; farm buildings for office space to support the farm operation, farm dwellings occupied by farm owners, operators, tenants, or seasonal or year-round hired farm workers.

An activity, structure, or parcel of land shall be determined to be an agricultural use if a majority of the total cash income of the applicant is or shall be derived from pursuit of the occupations enumerated herein, on the premises involved.

ALLEY. A public way with a width not exceeding 20 feet in right-of-way used primarily as a service access to the rear or side of a property which abuts on a street.

AUCTION HOUSE. An area or building where the business of selling property to the highest bidder is conducted.

BLOCK. A track of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines.

BUILDING. Any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

BUILDING ACCESSORY. A subordinate building or a portion of a principal building, the use of which is incidental and customary to that of the principal building. Where an accessory building is attached to and made a part of the principal building, such accessory building shall comply in all respects with the requirements of this ordinance applicable to the principal building.

BUILDING AREA. The area bounded by the exterior dimensions of the outer walls at the ground line.

BUILDING/STRUCTURE, PRINCIPAL. The main structure erected on a lot or parcel as distinguished from an accessory (subordinate) structure.

BUILDING, TEMPORARY. Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

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

- a. Size and height of buildings;
- b. Location of exterior walls at all levels in relation to the lot lines, streets or to other buildings;
- c. Gross floor area of buildings in relation to lot area (floor area ratio);
- d. All open spaces allocated to buildings;
- e. Amount of lot area provided per dwelling unit.

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

CLUB OR LODGE, PRIVATE. A non-profit association, of persons who are bona-fide members paying dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

COMMERCIAL DAY-CARE CENTERS. A commercial day-care center means any child care facility receiving more than eight (8) children for daytime care during all or part of a day. The term "commercial day-care center" includes facilities commonly called child care centers, day nurseries, nursery schools and kindergartens.

COMMON OPEN SPACE. All open space within the boundaries of a planned development designed and set aside for use by all residents of the planned development or by residents of a designated portion of the planned development, and not dedicated as public lands.

DEDICATED OPEN SPACE. All open space within the boundaries of a planned development which is dedicated or conveyed to the Park District or an appropriate public agency for public use.

DEVELOPED RECREATION SPACE. That portion of open space within the boundaries of a planned development, whether common open space or dedicated open space, which is improved for recreational purposes, such improvements to include but not be limited to pedestrian ways and bridle paths, play lots and playgrounds, and sports facilities such as tennis courts, golf courses, boating docks and shuffleboard courts.

DISTRICT. A section or part of the unincorporated portion of the County for which the use regulations are uniform.

DOG KENNEL. An establishment where payment is accepted for the breeding or boarding of dogs.

DOG OBEDIENCE SCHOOL. An establishment where payment is accepted for the training of dogs where dogs are not boarded overnight.

DRIVE-IN ESTABLISHMENT. An establishment which accommodates patron's automobiles, at which the occupants may be served.

DWELLING. A residential building, or portion thereof, but not including hotels, motels, rest homes, rooming houses, tourist homes, tents, or recreational trailer.

DWELLING UNIT. A group of rooms constituting all or part of a structure, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers, and which includes complete kitchen facilities permanently installed.

DWELLING, TWO FAMILY (DUPEX). A residential building containing two dwelling units, including detached, semi-detached and attached dwellings.

DWELLING, MULTIPLE-FAMILY (APARTMENT). A building or portion thereof containing three or more dwelling units.

FAMILY. One or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit.

FAMILY DAY CARE HOME. A family day-care home means family homes which receive not more than eight (8) children for care during the day.

FARM DWELLING. Residence occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers and/or their immediate family. A mobile home is a permissible farm dwelling.

FENCE. A barrier intended to prevent escape or intrusion, to mark a boundary or to create a sense of privacy and security.

FLOOD CREST ELEVATION. The maximum instantaneous elevation of the water surface during the period of a 100-year flood as established by the National Flood Insurance Program or the best available data.

FLOOR AREA, GROSS. For the purpose of determining Floor-Area Ratio, the floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings - measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, "gross floor area" shall include:

- a. Basement space, if at least one-half of the basement story height is above the established curb level.
- b. Elevator shafts and stairwells at each floor.
- c. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet; except equipment, open or enclosed, located on the roof; i.e., bulkheads, water tanks, and cooling towers.
- d. Attic floor space where the structural headroom exceeds seven and one-half feet.
- e. Interior balconies and mezzanines.
- f. Enclosed porches, but not terraces and breezeways.
- g. Accessory buildings.

FLOOR AREA, GROSS. For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for purpose of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

FLOOR AREA RATIO. The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

FRONTAGE. That portion of a lot line or property line which is coterminous with a street, road or highway right-of-way line.

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

HEIGHT, BUILDING OR STRUCTURE. Height with reference to a building or structure is the vertical distance measured in feet from the average grade to the highest point of the roof adjacent to the street for flat roofs, to the deck of mansard roofs and to the crown for gable, hip, gambrel or pent roofs.

HIGHWAY. Any public way for vehicular travel which has been laid out in pursuance of any law of this State, or of the Territory of Illinois, or which has been established by dedication, or used by the public as a highway for 15 years, or which has been or may be laid out and connect a subdivision or platted land with a public highway and which has been dedicated for the use of the owners of the land, included in subdivision or platted land where there has been an acceptance and use under such dedication by such owners, and which has not been vacated in pursuance of law. The term "highway" includes rights-of-way, bridges, drainage structures, signs, guard rails, protective structures and all other structures and appurtenances necessary or convenient for vehicular traffic. A highway in a rural area may be called a "road", while a highway in a municipal area may be called a "street".

State Highway - Any highway that is part of the State highway system described in Section 2-101 of the Illinois Highway Code, as amended.

County Highway - Any highway that is part of the County highway system described in Section 2-102 of the Illinois Highway Code, as amended.

Township Road - Any highway that is part of the township and district road system described in Section 2-103 of the Highway Code, as amended, and which, under the provisions of this Code, is under the immediate jurisdiction of a road district comprised of a single township in a county having township organization.

District Road - Any highway that is part of the township and district road system described in Section 2-103 of the Illinois Highway Code, as amended, and which, under the provisions of this Code, is under the immediate jurisdiction of a single township in a county having township organization.

Street - Any highway that is part of the municipal street system described in Section 2-104 of the Illinois Highway Code, as amended.

Federal Aid Highway - Any highway heretofore or hereafter designated by the Illinois Department of Transportation and approved by the appropriate authority of the Federal government as such under the Federal Aid Road Act.

HOME OCCUPATION. An occupation conducted in a dwelling unit, provided that:

- a. No person other than members of the family residing on the premises and/or one other person shall be engaged in such occupation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding three square feet in area announcing the name and address of the business, non-illuminated, and mounted flat against the wall of the principal building; except on a corner lot, in which case two such signs may be used - one facing each street;
- d. No home occupation shall be conducted in any accessory building nor shall there be any exterior storage of materials;
- e. There shall be no sales in connection with such home occupation; except those clearly incidental to the home occupation;
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- g. The conduct of the home occupation shall not generate noise, odors, fumes, electrical interference, vibrations, or any other condition detrimental to adjacent properties;
- h. Wholesale distribution centers shall not be a permitted home occupation;
- i. Home occupations shall be registered in the office of the Zoning Administrator on the forms provided. This registration shall act as a letter of official approval of the home occupation by the zoning office. Any home occupation found to be in violation of these provisions shall be subject to revocation if the violation is not corrected within 30 days of notification by the Zoning Administrator.

HOTEL. A building containing lodging rooms, a general kitchen and dining room, a common entrance lobby, halls and stairway; where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies; and where more than 50 percent of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than 30 days.

JUNK YARD. An open area or fenced-in enclosure, where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.

LARGE SCALE DEVELOPMENT. A Large Scale Development means any tract of land on which more than one principal building will be located. Examples of large scale developments include but are not limited to mobile home courts and apartment complexes.

LOADING (OFF-STREET). A space, accessible from a street, alley or way, in a building or on a lot, for the use of trucks while loading or unloading merchandise or materials.

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

LOT. A parcel of land, whether legally described or subdivided as one or more lots or parts of lots, and which is occupied or intended for occupancy by one principal building or principal use, together with any accessory buildings and such open spaces as are required by this ordinance; and having its principal frontage upon and contiguous to a state highway, county highway, township road, district road, street, or federal aid highway.

LOT AREA. The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

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

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

LOT LINE. A property line of any lot held in a single or separate ownership, except that where any portion of the lot extends into the abutting state highway, county highway, township road, district road, street, or federal aid highway, the lot line shall be deemed to be the state highway, county highway, township road, district road, street, or federal aid highway right-of-way line.

LOT LINE, FRONT. That boundary of a lot which is along an existing or dedicated state highway, county highway, township road, district road, street, or federal aid highway. The owner of a corner lot may select either state highway, county highway, township road, district road, street, or federal aid highway lot line as the front lot line. However, once the front lot line has been established, all uses of the land must conform to the established front lot line.

LOT LINE, REAR. That boundary of a lot which is most distant from and is, or is approximately parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot; parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front or rear lot line.

LOT, REVERSED CORNER. A corner lot, the side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT, THROUGH. A lot which has a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT, MOBILE HOME. The area assigned to a mobile home in a trailer park.

LOT WIDTH. The distance from side lot line to side lot line at the required front yard line.

MINE. A pit or excavation in the earth, 5 feet or more in depth, from which mineral substances are taken.

MOBILE HOME. A structure designed or intended for permanent habitation, and designed with a fixed axle and wheels, whether the wheels, axle or tongue are attached or not.

MOBILE HOME PARK. Any premises on which are parked three or more mobile homes or any premises used or held out for the purpose of supplying to the public a parking space for three or more such mobile homes. A mobile home park does not include areas where mobile homes are located for inspection and sale.

MODULAR HOME. A dwelling designed or intended for permanent habitation which is constructed at the factory or plant and moved to the building site and is built to the standards required by the Illinois Mobile Home and Manufactured Housing Act.

MOTEL. A building containing lodging rooms having adjoining individual bathrooms, where each lodging room has a doorway opening directly to the outdoors; and where more than 50 percent of the lodging rooms are for rent to transient tourists for a continuous period of less than 30 days.

NAMEPLATE. A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

NON-COMPLYING BUILDING OR OTHER STRUCTURE. A "non-complying" building or other structure is any lawful building or other structure which does not conform with the applicable bulk regulations for the district, either on the effective date of this ordinance or as a result of a subsequent amendment thereto.

NON-CONFORMING USE. A "non-conforming" use is any lawful use of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either on the effective date of this ordinance or as a result of a subsequent amendment thereto. However, no principal use shall be deemed non-conforming because of failure to provide required accessory off-street parking spaces or required accessory off-street loading spaces, nor because of the existence of accessory signs, business entrances, or show windows which are themselves non-conforming uses.

OPEN SALES LOT. Any land used or occupied for the purpose of buying and selling second-hand passenger cars and/or trucks, motor scooters, motorcycles, boats, trailers, aircraft, monuments, and portable sheds.

OPEN SPACE. The total area of land, water or land and water within the boundaries of a planned development designed and intended for use and enjoyment as open areas, and either (1) not improved with a building, structure, street, road or parking area or (2) improved only to the extent that such improvements are complementary, necessary or appropriate to the use or enjoyment of the areas as open areas. Open space includes dedicated public open space, common open space and developed recreation space.

PLANNED UNIT DEVELOPMENT. Any area or tract of land under single or common ownership to be developed as a single entity and classified in the PUD zoning district.

PRIME AGRICULTURAL LAND. Land which has soils with a productivity index under a high level of management of 130 or greater as determined by the University of Illinois productivity indexes. In Sangamon County, the following soils are so classified and may be located by reference to the Soil Survey of Sangamon County:

Tama 36A	Radford 74	Plano 199B
Tama 36B	Huntsville 77	Kendall 242
Ipava 43	Sawmill 107	Hartsburg 244
Viriden 50	Shiloh 138	Edinburg 249
Harpster 67	Elburn 198	Tice 284
Sable 68	Plano 199A	Lawson 451
Ross 73		

PRIVATE OUTDOOR RECREATION CENTER. An area of land in private ownership upon which the general public may participate in organized or unorganized leisure activities. Includes but is not limited to trailer camps, playing field, campgrounds, amusement parks and similar activities.

PUBLIC OPEN SPACE. Any publicly-owned open area; including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.

PUBLIC OUTDOOR RECREATION CENTER. An area of land in public ownership upon which the general public may participate in organized or unorganized leisure activities. Includes but is not limited to trailer camps, playing fields, campground, amusement parks and similar activities.

PUBLIC ROAD. See Highway.

REFUSE. All waste products resulting from human habitation, except sewage.

REHABILITATION CENTER. A public or privately operated facility for the refuge or rehabilitation of persons suffering from emotional, drug, alcohol, and/or family problems.

RETAIL. Retail refers to the sale of relatively small quantities of commodities and services directly to customers.

ROOMING HOUSE (TOURIST HOME). A building, or portion thereof, containing lodging rooms which accommodate three or more persons who are not members of the keeper's family and where lodging rooms, or meals, or both, are provided for compensation.

SETBACK. The minimum horizontal distance permitted from the front, side or rear lot lines to a building or structure, disregarding steps and unroofed porches.

SIGN. A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization or business.

However, a sign shall not include any display of official court or public office notices nor shall it include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

SIGN, ADVERTISING. A sign which directs attention to a business, commodity, service, or entertainment not necessarily sold upon the premises where such sign is located, or to which it is affixed.

SIGN, BUSINESS. A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered, upon the premises where such sign is located, or to which it is affixed.

SIGN, FLASHING. Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any moving, illuminated sign shall be considered a flashing sign.

SIGN, GROSS SURFACE AREA OF. The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

SINGLE-FAMILY RESIDENCE. A single-family residence is a residential building containing only 1 dwelling unit.

SOLAR ENERGY SYSTEM. An assembly or structure, including passive designs, used for gathering, concentrating, absorbing, and/or storing radiant energy from the sun.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story for the purposes of this ordinance when more than one-half of such basement height is above the established curb level.

STRUCTURAL ALTERATIONS. Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, 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 medium detached or projecting shall be construed to be a structure.

TRAILER. A trailer is a vehicle or portable structure built on a chassis, designed as a temporary dwelling for travel, recreational or vacation use. A trailer may or may not contain complete sanitary facilities.

TRAILER CAMP. A trailer camp is an area occupied by or designed to accommodate more than one trailer.

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 subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.

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

WATCHMAN'S QUARTERS. A dwelling unit provided on site for the purpose of guarding the business or industry where the dwelling unit is located. Only one watchman's quarters per business is permitted.

YARD. An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located. To determine if an existing structure complies with established front, side or rear yard requirements, measurement shall be made from the appropriate lot line to the foundation of the structure.

YARD, FRONT. The area on a lot or parcel, which fronts a street, extending the full width of the lot and having a minimum depth measured from the street right-of-way line equal to the depth of the minimum front yard as specified for the applicable zoning district.

YARD, REAR. The area extending across the rear of a lot or parcel and having a minimum depth from the rear lot line as specified by the applicable district regulations, and is opposite from the front yard.

YARD, SIDE. The area on a lot or parcel which extends from the required front yard to the required rear yard and having a minimum width as specified by the applicable district regulations.

ZONING ADMINISTRATOR. Wherever in this ordinance the term Zoning Administrator is used, it shall mean the Zoning Administrative Officer appointed by the County Board, and such deputies or assistants as have been or shall be duly authorized by the County Board. That officer is hereby authorized, and it is his duty to administer and enforce the provisions of the Zoning Ordinance, making such determinations, interpretations, and orders as are necessary therefore, and requiring such plats, plans, and other descriptive material in connection with applications for permits as are necessary for him to judge compliance with this ordinance.

ZONING BOARD. The Sangamon County Zoning Board of Appeals.

ZONING LOT. A parcel of land in the same zoning district considered or treated as a single unit. A zoning lot may or may not correspond with a lot of record.

ZONING, PLANNING & SUBDIVISION COMMITTEE. Refers to the Planning, Zoning, Subdivision, Public Health and Safety Committee of the Sangamon County Board.

SECTION III

GENERAL PROVISIONS

A. APPLICATION OF DISTRICT REGULATIONS

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located except in cases incurred due to a catastrophe when applicable to owner occupied single family and duplex residential dwellings established prior to the adoption of the Sangamon County Zoning Ordinance. In no way shall the reconstruction result in a greater violation of any provisions of the zoning ordinance than the non-conformity that existed prior to the catastrophe.
2. Unless otherwise provided, no building or other structure shall hereafter be erected or altered to:
 - a. exceed the height or bulk;
 - b. accommodate or house a greater number of families;
 - c. occupy a greater percentage of lot area;
 - d. have narrower or smaller rear yards, front yards, side yards, or other open spaces.than herein required; or in any other manner contrary to the provisions of this ordinance.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. For small lots and parcels of land of record existing at the time of the adoption of this ordinance in all residence districts and the agricultural districts, notwithstanding the minimum lot area per dwelling unit and the lot width requirements for the district, a single family detached residence additions to single family dwellings, and accessory building may be built upon such lot provided the following conditions can be met: (1) the lot has a width of at least 40 feet, (2) each side yard

shall be at least 3 feet in width, (3) the rear yard shall be at least 3 feet in width, (4) the front yard shall be not less than the average front yard of immediately adjacent buildings facing on the same street, and (5) for lots less than 1/2 acre, sanitary sewer or public water is available. Pre-existing small lots of record which are zoned for mobile homes may have a mobile home placed on them provided the above five conditions can be met.

B. EXEMPTIONS

The following uses are exempted by this ordinance and permitted in any district:

1. Agricultural uses as herein defined, except that location of farm buildings shall conform with the front yard setback regulations of this ordinance, and
2. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, temporary batch plants for use during construction only, solar and wind energy systems, air and noise pollution monitoring stations, and electric power, gas, water and sewer lines, provided that the installation shall conform when applicable with Federal Communications Commission and Federal Aviation Agency rules and regulations, and other authorities having jurisdiction.
3. The temporary use of land for special events, only during the duration of the event, including but not limited to fairs, rodeos, and firework stands; including associated parking.

C. SEPARABILITY

It is hereby declared to be the intention of the County Board of Sangamon County, Illinois that the several provisions of this ordinance are separable, in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provisions of this ordinance or amendments thereto to be invalid, such judgment shall not affect any other provisions of this ordinance or amendments thereto not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of the provisions of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgment.

D. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

The following shall not be considered to be obstructions when located in the required yards specified:

1. In any Yard:

Marquees and awnings attached to the principal building
Overhanging roof eaves
Chimneys if they do not exceed twenty percent of the depth of the required yard
Dog house for single dog
Ornamental light standards
Flag poles
Arbor, trellises, trees and shrubs
Coin operated telephones
Permitted signs
Solar energy systems provided they do not exceed 20% of the required yard
Seasonal fruit and vegetable stands
Open porches and stoops
Terraces and decks provided they are at least two feet from the adjoining property line(s)

On corner lots, obstructions shall not be higher than 30 inches above curb level, if located in that portion of a required front yard or side yard situated within 20 feet of the lot corner formed by the intersection of any two street lines.

2. In Side Yards:

Open accessory off-street parking spaces, except in a side yard abutting a street, (does not include a carport) farm accessory buildings on structures in the agricultural districts, television antennas, and non-commercial radio towers and antennas.

3. In Rear Yards:

Enclosed, attached or detached off-street parking spaces (refer to section on accessory buildings or structures)
Open off-street parking spaces
Farm accessory buildings or structures
Tool rooms
Accessory structures customarily accessory to the principal use
Balconies and breezeways
Non-commercial television and radio towers and antennas

E. CONDITIONAL USE

1. To provide for the location of special classes of uses which are desirable for the public welfare within a given district or districts that are potentially incompatible with typical uses herein permitted within them, a classification of conditional uses is hereby established. Procedures for conditional uses are set forth in SECTION VII.
2. Where a use exists on the effective date of this ordinance, and it is classified as a conditional use in the district in which it is located by said ordinance, it shall be considered to be a lawful conditional use. Additions or alterations to existing buildings, the construction of accessory buildings or land improvements for expansion of lawful conditional uses shall be permitted within the area of the lot included in the ownership existing at the time of adoption of this ordinance; and they shall be subject to yard, floor area ratio, and building height requirements set forth in the ordinance for permitted uses in the district in which they are located. Any such lawful

conditional use shall be allowed to reconstruct in the event of destruction by catastrophe.

F. ZONING OF DISCONNECTED LAND

Any addition to the unincorporated area of Sangamon County resulting from disconnection by a municipality or the dissolution of a municipality shall be automatically classified as A-1 Agriculture until otherwise reclassified by amendment.

Any unincorporated land where the zoning district classification is not shown on the zoning district map shall be automatically classified as A-1 Agriculture until otherwise reclassified by amendment.

G. FLOODPLAIN AREA

No building or structure shall be erected with the elevation of a floor, including a basement floor, lower than two feet above the elevation of the base flood as established by the National Flood Insurance Program or the best available data.

H. NON-CONFORMING USES

Any use of a building or land lawfully existing on the effective date of this ordinance of 1969, but which does not conform with the use regulations of the district in which the building or land is situated, may be continued under the regulations of the ordinance. However, this section shall not be interpreted as authorizing the continuation of any use of a building or land which was not lawfully existing on the effective date of this ordinance.

If a conforming use of a building or land becomes non-conforming by virtue of an amendment of this ordinance then such use shall be considered to be a lawful use which may continue as a non-conforming use under this section.

No use of a building or land which neither conforms with the use regulations of the district in which the building or land is situated nor qualified as an authorized non-conforming use under the provisions of this section shall be considered a lawful use or be permitted to continue under the provisions of this ordinance

No use of a building which conforms with the use regulations of the district in which the building is situated shall be considered to be non-conforming merely because the building occupied by the use does not comply with the height regulations of the district in which the building is situated or because the building is so located on the zoning lot that it does not comply with yard regulations of such district.

The regulations of this ordinance, pertaining to a building occupied by a non-conforming use shall apply not only to a building which is completely occupied by such a use, but shall also apply to one in which the non-conforming use occupies only a portion of the building.

1. Procedures for Change, Enlargement or Extension of a Non-Conforming Use

Application for a change of one non-conforming use to another or for an enlargement or extension of a non-conforming use shall be made in the same manner as is provided in Section VII F for applications for variations and shall be accompanied by the fee required for variations except that lawful non-conforming mobile homes may be replaced by a new mobile home if it does not violate the provisions of 4 below.

The Board of Appeals may permit a non-conforming use to be changed to another non-conforming use if the Board finds:

- a. That the substitution or addition will not be detrimental to or tend to alter the character of the neighborhood;
- b. That the substitution or addition will not increase congestion in the streets;
- c. That the district the new use would be permitted in is no less restricted than the district the existing use would be permitted in.

2. Requirements for Approval of Enlargement or Extension of a Non-Conforming Use

Except in a residential district, the Board of Appeals may permit the enlargement or extension of a non-conforming use if the Board finds that:

- a. The enlargement or extension does not exceed 25 percent of the area that the non-conforming use occupied on the effective date of this ordinance of 1969;
- b. The enlargement or extension does not exceed the applicable bulk regulations for the district;
- c. The applicable off-street parking requirements are complied with for the enlarged portion of the use;
- d. The enlargement or extension will not be detrimental to or tend to alter the character of the neighborhood.

3. Discontinuance of Use

Whenever a non-conforming use has been discontinued for a period of six (6) months, such use shall not thereafter be reestablished and any subsequent use shall conform to the provisions of this ordinance except in cases incurred due to a catastrophe, when applicable to owner occupied single family and duplex residential dwellings established prior to the adoption of the Sangamon County Zoning Ordinance. In no way shall the reconstruction result in a greater violation of any provision of the zoning ordinance than the non-conformity that existed prior to the catastrophe.

4. Transfer of a Non-Conforming Use

Any use of a building or land lawfully existing on the effective date of this ordinance of 1969, but which does not conform with the use regulations of the district in which the building or land is situated may be transferred to a new owner if all of the other restrictions on non-conforming uses are complied with.

5. Damage or Destruction

If a building containing a non-conforming use is by any means destroyed or damaged to the extent of more than 60 percent of its value, such building or reconstruction thereof shall thereafter be occupied and used only for a conforming use except in cases incurred due to a catastrophe when applicable to owner occupied single family and duplex residential dwellings established prior to the adoption of the Sangamon County Zoning Ordinance. In no way shall the reconstruction result in a greater violation of any provision of the zoning ordinance than the non-conformity that existed prior to the catastrophe.

6. Repairs or Alterations

a. Normal Maintenance

Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs or incidental alterations.

b. Structural Alterations

No structural alterations shall be made in a building or other structure containing a non-conforming use, except:

1. When required by law or by a regulatory authority pursuant to law
2. When made pursuant to an enlargement or extension authorized by the Board of Appeals as described herein or
3. When made to accommodate a conforming use.

However, in any district, a building containing residential non-conforming uses may be altered in any way to improve interior livability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

I. NON-COMPLYING BUILDINGS

1. Continuation of Use

The use of a non-complying building or other structure may be continued except as otherwise provided below.

2. Damage or Destruction

If a non-complying building or other structure is destroyed or damaged by any means to the extent of more than 75 percent of its value, it shall be reconstructed only in accordance with the bulk regulations specified for the district in which it is located except in cases incurred due to a catastrophe when applicable to owner occupied single family and duplex residential dwellings established prior to the adoption of the Sangamon County Zoning Ordinance. In no way shall the reconstruction result in a greater violation of any provision of the zoning ordinance than the non-compliance that existed prior to the catastrophe.

3. Enlargements

A non-complying building or other structure may be enlarged, provided that no enlargement is permitted which would either create a new non-compliance or increase the degree of non-compliance of any portion of the building or structure. Normal maintenance, repairs, or structural alterations are permitted in a non-complying building provided the non-compliance is not increased.

If a residential building is non-complying as to lot area per dwelling unit, such residential building may be enlarged or extended provided that the amount by which the area of the zoning lot is smaller than required is not increased and that an additional non-compliance is not created.

J. SETBACK LINES

In addition to and not in lieu of any applicable bulk regulations otherwise prescribed in this ordinance, setback lines are hereby established along those streets and roads shown and illustrated on the map entitled "Setbacks for Streets and Roads, Sangamon County, Illinois, Plate No. 1" which Plate No. 1 is incorporated herein at the end of this Section III.

No building or other structure shall be erected or enlarged in such manner that any portion thereof is closer to the center line of the public right-of-way of any street or road shown on Plate No. 1 than one-half (1/2) of the applicable setback called for in the legend on Plate No. 1.

K. ACCESSORY BUILDINGS AND STRUCTURES

No accessory building or structure except solar energy systems, unless structurally part of the principal building, shall be erected, altered or moved to a location within ten (10) feet of the nearest wall of the principal building, nor within the front yard or within the minimum area specified for side yards.

An accessory building or structure in a required rear yard shall be not less than three (3) feet from any property line. On a corner lot where the side lot line is substantially a continuation of the front lot line of the first lot to the rear, accessory buildings or structures shall be set back from the property line adjoining the street the distance required for a front yard in the district in which the accessory building or structure is located.

On lots of record on the effective date of this ordinance, a private garage or other accessory structure may be located in a rear yard not less than eighteen (18) inches from the lot line or 3 feet from the side lot line, provided that on a corner lot no building or other structure shall be located nearer to the side street lot line than the distance required for a principal structure on the same lot. Mobile homes shall not be considered to be a permissible accessory building for living purposes, storage or any other use.

L. SWIMMING POOLS

In the ground swimming pools and appurtenant equipment shall not extend into front yard and side yards. Rear yards shall be required which comply with accessory structure provisions provided for herein. When a swimming pool is considered the principal structure or use on a tract of land, the setback, side and rear yard provisions shall be required as set forth for principal structures provided for in this ordinance. Lights used to illuminate swimming pools shall be so arranged as to reflect light away from adjoining premises and away from the vision of passing motorists. Swimming pools in all residential districts shall be enclosed with approved fencing with self closing gates which are to be kept locked when the pool is not in use. Such fencing shall be at least 4 feet in height above the surrounding grade level and shall be constructed in accord with the fencing provisions of this ordinance.

M. ROAD TO BE CONSTRUCTED; FRONTAGE

Zoning Certificate of Compliance shall only be issued for lots or parcels that have frontage on a public road of dust-proof all-weather construction and which is under the regular care and maintenance of the appropriate local or state agency or which is included in an approved large scale development or planned unit development.

N. BUILDING ON A LOT

In all residence districts, no more than one principal building shall be located on a lot or parcel except in the case of large scale developments and planned unit developments which may have more than one principal building on a lot or parcel if it is in accord with a development plan approved for the project. This provision supercedes any covenant provision.

O. FENCES

No fence may be constructed within Sangamon County unless the following conditions are met:

1. Hazardous fencing such as barbed wire, electrically charged fencing or fencing with metal spikes is not allowed except for (a) agricultural uses, (b) in a non-residential zoning district provided such fencing is located at a height of at least 6 feet above grade level.
2. In residential districts for interior lots, fences, walls, and/or hedges are allowed to a height of 4 feet along the front property line and along the side property line between the front property line and the building setback line. Anywhere behind the required front yard, a fence, wall, and/or hedge may be placed not to exceed 6 feet in height. Fences, walls, and hedges are subject to the restrictions on obstructions in required yards on corner lots contained in Section III(D) of this ordinance.
3. In business and industrial districts, no fence may exceed a height of eight feet above ground level. A clearance of three inches above grade shall be allowed for installation purposes and shall not count in determining the height of a fence. Fences, walls, and hedges are subject to the restrictions on obstructions in required yards on corner lots contained in Section III(D) of this ordinance.
4. Fences shall be constructed of standard fencing material subject to the limitations of this section. Fencing which is unsightly or a threat to the public health and safety shall be removed upon order by the Zoning Administrator.

P. INOPERABLE MOTOR VEHICLES

The following regulations shall apply to inoperable motor vehicles:

1. Definitions

a. Inoperable Motor Vehicle

Any motor vehicle from which, for a period of at least 6 months, the engine, wheels, or other parts have been removed, or on 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.

b. Historic Vehicle

An antique vehicle or bona fide replica thereof which is on the highways only going to and from an antique show or exhibit or demonstration.

c. Owner of Motor Vehicle

Any person whose right, title or interest is of record in the Office of the Secretary of State.

d. Control

The phrase "under his or her control" as used in this chapter is defined to mean and include, but is not limited to:

1. The owner of the motor vehicle.
2. The custody of, the possession of, the taking or carrying away of the wheels or certain other parts, an interest in, or dominion over.
3. The owner or person with a possessory interest in the real property upon which the vehicle is located.

2. Applicability

Any vehicle within the county whether on public or private property which is an inoperable motor vehicle within the definition contained herein shall be considered a nuisance pursuant to Chapter 34, Section 3151.1, Illinois Revised Statutes (1979).

3. County Zoning Administrator

It shall be the duty of the County Zoning Administrator or his agent, who shall be directed by the

Zoning, Planning and Subdivision Committee of the County Board, to inspect vehicles which may constitute inoperable motor vehicles as defined herein.

4. Notification to Dispose

The County Zoning Administrator shall notify the Zoning, Planning and Subdivision Committee in writing, on forms prescribed by the committee of inoperable motor vehicles as defined herein. Upon direction by the Zoning, Planning and Subdivision Committee of the County Board, the Zoning Administrator, or his agent, shall notify the person or persons to dispose of any inoperable motor vehicles under his or her control and to do so within twenty (20) days of the date of mailing of the notice to dispose.

5. Disposal

Any person who receives a notice to dispose, shall dispose of all inoperable motor vehicles under his or her control within twenty (20) days of the date of mailing of the notice.

6. Exclusions

This chapter shall not apply to the following inoperable motor vehicles:

- a. Historic vehicles over 25 years of age.
- b. Motor vehicles kept within a building when not in use, maintained or serviced.
- c. Motor vehicles on the premises of a place or business engaged in the wrecking or junking of motor vehicles.

7. Violation - Penalty

The violation of any provision of this title by any person shall be punishable by a fine not exceeding two hundred (200) dollars for each offense; each day a violation continues to exist shall constitute a separate offense.

Q. ADULT USES

Certain uses because of their emphasis on the depiction of specified sexual activities are associated with a significant blighting or downgrading effect on the surrounding neighborhoods, particularly when such uses are allowed in a given area. It is, therefore, the intent of this ordinance to protect the public health, safety, and welfare of Sangamon County from the detrimental effects of adult uses as defined herein.

1. Definitions

Adult Uses - Term used in describing the following activities:

- a) Adult Theater - An enclosed building used primarily for presenting films or other presentations distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons of the theater.
- b) Adult Drive-In Theater - A drive-in theater for presenting material distinguished or characterized by emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons.
- c) Adult Book Store - An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below); or, an establishment having a segment or section devoted to the sale or display of such material.
- d) Adult Night Club - An establishment which served food or beverages and which presents any form of entertainment which has emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below).
- e) Specified Sexual Activities - Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- f) Specified Anatomical Areas - Less than opaquely covered; a) human genitals, pubic region, b) buttock, and c) female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2. Required Zoning District for Adult Uses

The Adult Uses as defined shall be permitted only as a conditional permitted use in the B-3 Service Business District. Persons desirous of using I-1 and I-2 property for said use as defined shall petition for a conditional permitted use in the B-3 classification.

3. Required Distances for Adult Uses

No Adult Uses as defined herein may be operated within five hundred feet (500') of a Residential Zoning District or an Agriculture Zoning District that is improved with residential uses and/or schools and/or churches.

No Adult Uses as defined herein may be operated within one thousand (1000') feet of any two other Adult Uses.

R. LARGE SCALE DEVELOPMENT

Whenever a development in Sangamon County is proposed which 1) is a mobile home court, or 2) would involve more than one principal structure on a lot or parcel, the developer builder must present his physical development plans to the Springfield-Sangamon County Regional Planning Commission for review and recommendations to the Sangamon County Board. The plans shall be prepared at a scale of 60 to 100 feet per inch.

1. Requirements

The required plans and supporting documentation may be submitted on one or more sheets of paper and must clearly indicate the following:

- a. the boundaries of the property
- b. existing and proposed easements
- c. the owner(s) of the property
- d. on-site vehicular circulation
- e. vehicular parking
- f. sidewalks
- g. the location and size of sanitary sewers and water mains if public facilities or approved community facilities are available. If public facilities are not available, the location of on-site systems shall be shown.
- h. proposed site grading
- i. storm water drainage
- j. the location of structures
- k. the location of fire hydrants
- l. letters from serving utility companies indicating availability and adequacy of utility service for the development.

2. Permitted Uses

No building or land may be used and no building may be erected, converted, enlarged or structurally altered in a large scale development except for a permitted use listed in the district in which the large scale development is applied for.

3. Spacing

In lieu of front, side, and rear yard requirements, buildings twenty five (25) feet or less in height shall be no closer than ten (10) feet to any other building, street or parking area. For buildings twenty five (25) feet or higher, spacing shall be increased two (2) feet for every four (4) feet or fraction thereof by which the building height exceeds twenty five (25) feet. A twenty five (25) foot yard shall be provided around the perimeter of the development. In addition, where a commercial or industrial development adjoins a residential district, an additional ten (10) feet shall be provided. No additional yard shall be required for a residential district across a street from a large scale development.

4. Lot Area Per Dwelling Unit

The required lot area per dwelling unit for the district in which the proposed large scale is located shall apply. Public streets, easements of access, and parking areas shall not be included in the calculation.

5. Off-Street Parking

The off-street parking regulations of Section VI of this ordinance shall apply.

6. Height

The permitted height regulations for the district in which the proposed large scale is located shall apply.

7. Procedure

The plan or plans and any supporting documentation shall be presented to the County Clerk along with a filing fee of \$100. The County Clerk shall transmit the material to the Planning Commission. Within seven days, the Planning Commission shall transmit copies of the proposed large scale to the Sangamon County Large Scale Review Committee which consists of the following individuals or their representatives: the County Superintendent of Highways, the appropriate township Highway Commission and the Sangamon County Zoning Administrator, along with a notification of the date, time and location of a meeting to review the development and to determine if the project conforms to Sangamon County standards. If the committee determines that the plans do conform to Sangamon County standard: the Planning Commission shall transmit a copy of the proposed large scale to the Planning, Zoning, and Subdivision Committee of the County Board along with a recommendation that the Planning, Zoning, and Subdivision Committee approve the proposed large scale development subject to certification by the County Superintendent of Highways that all required improvements have been constructed satisfactorily or that a certified check or satisfactory bond guaranteeing completion of such construction has been filed in accordance with the procedures and requirements of the Sangamon County Land Subdivision Regulations.

8. Planning and Zoning Committee Approval

When the Planning, Zoning, and Subdivision Committee determines that the Large Scale Development has been recommended for approval by the Planning Commission and that the County Superintendent of Highways has certified that the required improvements either have been installed in the manner specified by the Land Subdivision Regulations or that said surety bonds or certified checks are in a form and amount sufficient to assure completion, the Chairman of the Planning, Zoning, and Subdivision Committee may approve said large scale plan and sign the approval of said plan for and in the name of the County of Sangamon, and the County Clerk to attest the same, and thereupon a copy of said plan shall be delivered to the large scale developer.

9. Disapproval of a Large Scale Development

If the Large Scale Review Committee finds that the proposed large scale does not meet the requirements of the ordinance, the Planning Commission shall in writing note any deficiencies in the plan to the developer. Once the deficiency is corrected, the Planning Commission shall transmit the proposed large scale to the Planning, Zoning and Subdivision Committee as called for above.

10. Required Improvements and Minimum Design Standards

All of the above plans for drives, sidewalks, water mains, etc. shall be designed and engineered in

accordance with the minimum design and layout standards and the Required Improvements Section of the Sangamon County Subdivision Regulations except that private drives may be reduced in width. However, private drives must be of sufficient width to accommodate fire vehicles. Alternate pavement designs may be presented to the Sangamon County Superintendent of Highways for consideration.

11. Special Requirements for Mobile Home Parks

The following regulations shall apply to mobile home parks:

- a. East mobile home court shall have a minimum area of 5 acres. Public or Illinois Environmental Protection Agency approved community sewer and water facilities shall be available for each mobile home and each existing mobile home lot shall contain at least 3,000 square feet of lot area, unless a larger lot area is required by the Department of Public Health or Environmental Protection Agency.
- b. Open space. All mobile home parks shall provide an overall site area of 1,000 square feet per mobile home for access roads, utility structure, parking space, and other community facilities. This space is to be in addition to the minimum 3,000 square feet of lot area mentioned in subsection (a) above. In addition, 8 percent of the gross area of the mobile home park shall be set aside for recreational use.
- c. Spacing. Mobile homes shall be so located on each space so that there shall be at least a 20 foot clearance between mobile homes on all 4 sides. No mobile home shall be located closer than 15 feet to any building within the park or to any property line of the mobile home park which does not abut upon a public street or highway.
- d. Separation. Where a mobile home park abuts another residential district and there is no street, alley, railway, natural ditch, creek or river separating the mobile home park from the adjacent residential district, a 25 foot yard shall be provided along said district abutments.
- e. Setback. Mobile homes shall be set back at least 25 feet from the right-of-way of public streets or alleys.
- f. Each mobile home shall be provided with a Portland concrete stand or pads and a paved outdoor patio of at least 180 square feet located at the main entrance to the mobile home.
- g. A separate way of ingress and egress to a public street shall be provided for each 100 mobile homes contained in every mobile home park.
- h. Anchors or tie-downs for mobile homes shall be installed at the corners of each pad. Each anchor shall be capable of withstanding a vertical tension force of 4,800 pounds.

SECTION IV

ZONING DISTRICTS

A. ESTABLISHMENT AND PURPOSE OF DISTRICTS

In order to carry out the provisions and purposes of this ordinance, the affected area of Sangamon County, Illinois is hereby divided into the following districts:

1. Agriculture Districts

A-1 Agriculture

Purpose: The A-1 Agriculture District consists of areas where the soil, water, vegetal, topographical, and other conditions are best adapted to the pursuit of agriculture. The district is designed to prevent the intrusion of non-agricultural land use which would hinder agricultural pursuits by removing prime farmland from production, causing congestion of public roads and creating conflicts between agricultural and non-agricultural uses. It is the intent of this ordinance to allow maximum freedom of operation of agricultural uses and to preserve conditions suitable for agricultural pursuits. No non-agricultural uses shall be permitted in the A-1 District, except for those specified in Section V(A).

2. Residence Districts

R-1 Single Family Residence District

Purpose: The R-1 Single Family Residence District is designed to encourage and preserve low density neighborhoods within the county and to provide a suitable environment for activities associated with family life. This district is intended to be used primarily in areas where public facilities such as sanitary sewer and public water as well as public services such as fire protection are readily available.

R-2 Single and Two Family Residence District

Purpose: The R-2 Single and Two Family Residence District is designed to encourage and preserve medium density neighborhoods within the county and to provide a suitable environment for activities associated with family life. This district is intended to be used primarily in areas where public facilities such as sanitary sewer and public water as well as public services such as fire protection are readily available.

R-3 General Residence District

Purpose: The R-3 General Residence District is designed to accommodate a balanced mixture of single family, two family and multi-family housing with appropriate standards on density and the spacing of buildings. This district is intended to be used primarily in areas where public facilities such as sanitary sewer and public water as well as public services such as fire protection are readily available.