**ARTICLE I**

**PURPOSE, TITLE, AND DEFINITIONS**

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE COUNTY OF STARK, THE UNINCOPORATED COMMMUNITIES; THE CITIES OF TOULON AND WYOMING, AND THE VILLAGES OF BRADFORD AND LAFAYETTE, STATE OF ILLINOIS, AND providing for the administration, enforcement, and amendment thereof, in accordance with provisions of Chapter 34, Section 311-3161, Ill. Rev. Stats., 1986, and for the repeal of all ordinances in conflict herewith.

Section 10. **PURPOSE**

For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the county and lessening or avoiding congestion in the public streets and highways and lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters, and pursuant to “An Act in Relation to County Zoning” passed by the General Assembly of the State of Illinois and approved June 28, 1935, and as amended, IT IS HEREBY ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STARK, ILLINOIS:

Section 11. **SHORT TITLE**

This ordinance shall be known and may be cited and referred to as the “Zoning Ordinance of Stark County”.

Section 12. **DEFINITIONS**

For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

12.01 All words used in the present tense include the future tense. All words in the singular include plural and all words in the plural include the singular. The word “shall” is mandatory and not directory. The word “used” shall be deemed to include “designed, intended, or arranged to be used”.

12.02 Accessory Use or Building: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

12.03 Agricultural Uses: Bona fide agricultural uses shall mean the growing of crops in the open and raising and feeding of stock and poultry, including farming, truck gardening, flower gardening, apiaries, aviaries, mushroom growing, nurseries, orchards, forestry, fur farms, including the necessary structures and farm dwellings for those owning or operating the premises or the immediate families thereof, or those directly employed thereon, and further including a roadside stand for the sale of products produced on the

Premises and signs pertaining to the sale or use of the premises or products produced thereon.

12.04. Alley: Any public or private way dedicated to public travel and less than thirty-one (31) feet in width.

12.05. Apartment: One (1) or more rooms in a multi-family structure arranged, designed or occupied as the residence of a single family, individual, or group of individuals.

12.06. Auto Wrecking Yard: Any place where three (3) or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such automobiles or the parts thereof.

12.07. Boarding or Lodging House: A building other than a hotel where meals or sleeping accommodations or both are provided for compensation for three (3), but not more than twenty (20) persons.

12.08. Building: Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto.

12.09. Commercial Resort: A resort furnishing lodging, meals, and such recreational facilities as swimming, boating, shuffleboard, horseback riding, and golf. The recreational facilities shall be incidental to the furnishing of lodging and meals.

12.10. District: A section of the corporate area of the county within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance.

12.11. Dwelling: A permanent building used primarily for human habitation but not including facilities for the housing of transient residents or mobile homes.

12.111. Dwelling, Single Family. A permanent building, separate and free standing, in itself providing living accommodations for one (1) family.

12.112. Dwelling, Two (2) Families. A permanent building designed exclusively for occupancy by two (2) families.

12.113. Dwelling, Multiple-Family. A permanent building, or portion thereof, providing separate living accommodations for three (3) or more families.

12.114. Compact Home. A factory built portable structure, designed for year-round living, sixteen feet (16’) or more wide and forty-five (45’) or more long, with the four (4) outside walls supported by a permanent foundation.

-2-12.115. Subterranean Home. Living accommodations built below ground level covered with at least three feet (3’) of earth.

12.12 Family: A group of one (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no unrelated group shall consist of more than five (5) persons, as distinguished from a group occupying a boarding or lodging house or hotel.

12.13. Filling Station, Gas Station, Service Station: Any building or premises used for the dispensing, sale, or offering for sale at retail, of any motor vehicle fuel or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

12.14. Frontage: All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one (1) side between an intersecting street and the dead end of the street.

12.15. Garage, Private: An accessory building housing not more than four (4) motor driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

12.16. Garage, Public: Any building or premises, except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor driven vehicles.

12.17. Group or Row House: A group or row of not more than eight (8) semi-detached single-family dwellings not more than two (2) rooms deep with access to a street as herein defined.

12.18. Height of Building: The vertical distance from the established average sidewalk grade, street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

12.19. Home Occupation: Any use conducted entirely within a dwelling by the occupant of the dwelling and as a secondary use which is clearly incidental to the use of the dwelling for residential purposes. Such a use shall employ not more than one (1) person outside of the family residing in the dwelling.

12.20. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public or private use.

12.21. Kennel: Any place where house pets are kept for purposes other than those customary and incidental to a household.

12.22. Lot: A piece, parcel or plot of land occupied or to be occupied by one (1) principal building and its accessory buildings and including the open spaces required under this ordinance.

12.23. Lot of Record: A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Stark County, Illinois, or a parcel of land described by metes and bounds, the deed or description of which was recorded in the office of the Recorder of Deeds prior to the adoption of this ordinance.

12.24. Mobile Home or Trailer: A vehicle equipped for use as a dwelling and designed to be hauled along a highway. Placing the trailer on a permanent foundation shall not change its being a mobile home for the purposes of this ordinance. A permanent foundation shall consist of a mortared cement block or brick structure completely encircling the mobile homes outside dimension with the footings below frost line. Minimum depth of footings shall be no less than thirty inches (30”). Support of mobile home structure shall have a footing below frost line. Access opening through foundation shall be no greater than four feet (4’) in width as a maximum. Mobile home and trailer shall be synonymous. Camping Trailer: a vehicle intended only for seasonal use. A camping trailer shall not exceed seventeen feet (17’) in length.

12.25. Mobile Home or Trailer Park: A parcel of land under single ownership which has been planned and improved for the placement of a minimum of five (5) mobile homes for non-transient use.

12.26. Motel: Inn or group of cabins or rooms designed for occupancy by paying guests.

12.27. Nursing Home or Rest Home: A home for the aged, chronically ill or incurable persons in which three (3) 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.

12.28. Non-Conforming Use: A use of building or land lawful at the time of enactment of this ordinance that does not conform with the “permitted use” provisions of this ordinance.

12.29. Open Space: Any land developed as yards, parks or recreational areas including community centers, landscaped green areas and exclusive of areas developed for off-street parking.

12.30. Parking Space: An all-weather surfaced area, enclosed in the main building, in an accessory building or unenclosed, sufficient in size to store one (1) standard automobile, and if the space is enclosed, comprising an area of not less than one hundred forty (140) square feet; if unenclosed, twenty (20) feet by ten (10) feet; with an all-weather surface permitting satisfactory ingress and egress of an automobile.

12.31. Pollution Control Facility: Any waste storage site, waste transfer station or waste incinerator other than a regional pollution control facility as that term is from time to time defined in the Illinois Environmental Protection Act (Chapter 111-1/2, Section 1001 et. Seq.).

12.32. Remodeling or Repair: Any change in a building that is not a structural alteration or

-enlargement.

12.33 Stark County Planning Commission: Hereinafter referred to as the Planning Commission.

12.34 Story: Part of a building from one (1) floor to the next floor above or to a ceiling if there is no floor above. A half-story is space under sloping roof which must be at least three feet (3’) high with not more than sixty percent (60%) of the floor area finished off for use.

12.35. Street: All property dedicated or intended for public or private street, highway, expressway, freeway, road or thoroughfare purpose, or subject to public easements thereof.

12.36. Use: The purpose or activity for which a building, structure or land is occupied or maintained.

12.37. Variation: A slight change in the specific requirements of the regulations in order not to impose an unreasonable hardship upon the owner.

12.38. Yard: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings except as otherwise provided in this ordinance.

12.381. Front Yard: The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.

12.382. Rear Yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

12.383 Side Yard: The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

12.39 Waste: Includes garbage, hazardous waste, industrial process waste, municipal waste, pollution control waste, refuse, sludge, special waste, waste and hazardous hospital waste, as those terms are defined from time to time in the Illinois Environmental Protection Act (Chapter 111-1/2, Section 1001 et. Seq.).

12.40. Zoning Enforcing Officer: Official of Stark County charged with the primary responsibility for administering this ordinance.

12.41. Zoning Map: The maps incorporated herein as a part hereof, designating zoning districts.

12.42. Child care centers: Day care centers which receive preschool or school-age children, or

both, for short term or extended hours of care, or out of school hours, which provide essential personal care, protection, supervision, training and programs to meet the needs of the children served.

12.43. Day care center: Any child care facility receiving more than eight (8) children for daytime care during all or part of a day. The term “day care center” includes facilities commonly called “child care centers,” “day nurseries,” “nurseries,” ‘nursery schools,” “kindergartens,” and “centers or workshops for mentally or physically handicapped” with or without state educational purposes. The term does not include:

(a) Kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning which serve children five (5) years of age and older;

(b) Child care centers which exclusively serve or that portion of the center which serves handicapped children between the ages of three (3) and

AMENDED twenty-one (21) and which are registered and approved as meeting

5-11-93 standards of the Illinois Office of Education and applicable fire marshal standards;

(c) Facilities operated in connection with a shopping center or service, or other similar facility where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises, or are in the immediate vicinity and readily available;

(d) Any type of day care center that is conducted on federal government premises; or

(e) Special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

12.44. Day care homes: Family homes which receive not more than twelve (12) children for care during the day. The maximum of twelve (12) children includes the family’s natural or adopted children and all other persons under the age of twelve (12).

12.45. Day nurseries: Day care centers which receive preschool age children for short-term or extended hours of care, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the individual children served.

12.46. Nursery School: Day care centers which receive children between the ages of two (2) and six (6) years and which are established and professionally operated primarily for educational purposes to meet the developmental needs of the children served.

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12.47 Tower-any commercial radio or television, cellular telephone, or microwave transmission relay station tower ad any tower supporting Wind Energy Conversion System rotors and nacelles. (This does not include 2-way FM radio, CB, television, ham radio or WECS for personal use.)

12.48. Wind Energy Conversion System (WECS): all necessary devices that together convert wind energy into electricity and deliver that electricity to the Utility’s transmission lines, including but not limited to the rotors, nacelles, generators, WECS towers, electrical components, WECS foundations, transformers, electrical cabling, meteorological towers, communications facilities, and other required facilities and equipment.

**PROPOSED CHANGES TO PROVISIONS GOVERNING AGRICULTURAL (AG-1) DISTRICT**

**ARTICLE 1**

**PURPOSE, TITLE AND DEFINITIONS**

12.49 Solar energy system (SES) - A structure which may be attached to a building or stand-alone, which generates energy which may or may not be connected to the electrical grid.

Amended Solar Farm Energy System (SFES) - A commercial facility that converts sunlight to electricity for the

5-8-2018 primary purpose of wholesale sales of generated electricity.