



McHenry County
Zoning Board of Appeals - Zoning Hearing
AGENDA

April 29, 2026, 1:30 PM
County Board Conference Room
Administration Building, 667 Ware Rd., Woodstock, IL 60098

Pages

1. CALL TO ORDER
2. ROLL CALL
3. NEW BUSINESS / PUBLIC HEARING
 - 3.1 Z26-0017 PED Text Amendment 2
4. OLD BUSINESS
5. PUBLIC COMMENT
Topics unrelated to public hearing - 3-minute time limit per speaker
6. ANNOUNCEMENTS
7. ADJOURNMENT

IN THE MATTER OF THE APPLICATION)
 OF THE MCHENRY COUNTY BOARD PLANNING,)
 ENVIRONMENT, AND DEVELOPMENT)
 COMMITTEE FOR AMENDMENT TO THE TEXT) **LEGAL NOTICE OF PUBLIC HEARING**
 OF THE MCHENRY COUNTY UNIFIED) **Z26-0017**
 DEVELOPMENT ORDINANCE FOR THE)
 PURPOSE OF MODIFYING REGULATIONS)
 PERTAINING TO VARIOUS PROVISIONS.)

Notice is hereby given in compliance with the McHenry County Unified Development Ordinance, that a public hearing will be held before the **McHenry County Zoning Board of Appeals** in connection with this Ordinance, which would result in **text amendments**, as outlined in “Exhibit A,” which are available for review in the McHenry County Department of Planning and Development and on the County of McHenry’s Planning and Development website at <https://www.mchenrycountyil.gov/county-government/new-meeting-portal>.

The Planning, Environment, and Development Committee represents to the McHenry County Zoning Board of Appeals as follows:

1. §16.20.010B [Zoning Map and Text Amendment – Initiation] of the McHenry County Code of Ordinances (Title 16: McHenry County Unified Development Ordinance) authorizes the McHenry County Board Planning, Environment, and Development Committee to initiate requests to amend the text of the McHenry County Unified Development Ordinance.
2. The McHenry County Board Planning, Environment, and Development Committee requests amendment to various articles of the McHenry County Unified Development Ordinance.
3. The requested amendments are shown with proposed new text in underline font and proposed deleted text shown in ~~strikethrough font~~.

A *public hearing* on this Petition will be held on the **29th day of April 2026 at 1:30 P.M., in the County Board Conference Room**, at the McHenry County Government Center/Ware Road Administration Building 667 Ware Road, Woodstock, Illinois, at which time and place any person desiring to be heard may be present. The McHenry County Government Center mailing address is 2200 N. Seminary Avenue, Woodstock, Illinois 60098.

DATED THIS 7TH DAY OF APRIL 2026.

Petitions for all Zoning Board of Appeals hearings can be accessed at the following link:
www.mchenrycountyil.gov/county-government/new-meeting-portal and choosing the “Agenda” link for the specific meeting date.

Live audio streams of all Zoning Board of Appeals hearings can be accessed at the following link:
www.mchenrycountyil.gov/county-government/new-meeting-portal and choosing the “Video” link for the specific meeting date.

EXHIBIT A

Text to be deleted
Text to be added

CHAPTER 16.08: DEFINITIONS

§16.08.020 DEFINITIONS

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COMMERCIAL WIND ENERGY ~~FACILITY SYSTEM~~. A wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity.

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ENERGY STORAGE SYSTEM. A facility with an aggregate energy capacity that is greater than 1,000 kilowatts and that is capable of absorbing energy and storing it for use at a later time, including, but not limited to, electrochemical and electromechanical technologies. ENERGY STORAGE SYSTEM does not include technologies that require combustion.

ERECT. To build, construct, attach, hang, place, suspend, or affix.

EROSION. The wearing away of the land surface by the action of wind, water or gravity.

EXCUSED SERVICE INTERRUPTION. Any period during which an ENERGY STORAGE SYSTEM does not store or discharge electricity and that is planned or reasonably foreseeable for standard commercial operation, including any unavailability caused by a buyer; storage capacity tests; system emergencies; curtailments, including curtailment orders; transmission system outages; compliance with any operating restriction; serial defects; and planned outages.

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FACILITY OWNER. A person with a direct ownership interest in an energy storage system, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility and; a person who, at the time the facility is being developed, is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals of by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

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FORCE MAJEURE. Any event or circumstance that delays or prevents an ENERGY STORAGE SYSTEM from timely performing all or a portion of its commercial operations if the act or event, despite the exercise of commercially reasonable efforts, cannot be avoided by and is beyond the reasonable control, whether direct or indirect, or, and without the fault or negligence of, a facility owner or operator or any of its assignees. FORCE MAJEURE includes, but is not limited to:

- 1) Fire, flood, tornado, or other natural disasters or acts of God;
- 2) War, civil strife, terrorist attack, or other similar acts of violence;
- 3) Unavailability of materials, equipment, services, or labor, including unavailability due to global supply chain shortages;
- 4) Utility or energy shortages or acts or omissions of public utility providers;
- 5) Any delay resulting from a pandemic, epidemic, or other public health emergency or related restrictions; and

6) Litigation or a regulatory proceeding regarding a facility.

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NEPA. National Fire Protection Association.

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NONPARTICIPATING RESIDENCE. A residence that is located on NONPARTICIPATING PROPERTY and that is existing and occupied on the date that an application for a permit to develop the COMMERCIAL WIND ENERGY FACILITY, ENERGY STORAGE SYSTEM, or the COMMERCIAL SOLAR ENERGY FACILITY is filed with the county.

NURSERY. An area of land where young trees or other plants are raised for transplanting or sale.

OCCUPIED COMMUNITY BUILDING. A school, PLACE OF WORSHIP, DAY CARE CENTER, public library, or COMMUNITY CENTER that is occupied on the date that the application for a permit to develop an ENERGY STORAGE SYSTEM is filed with the County in which the building is located.

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PARTICIPATING PROPERTY. Real property that is the subject of a written agreement between facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a COMMERCIAL WIND ENERGY FACILITY, a COMMERCIAL SOLAR ENERGY FACILITY, ENERGY STORAGE SYSTEM, or SUPPORTING FACILITIES.

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POWER PRODUCTION. Plant, FACILITIES, and equipment for the purposes of generating, transmitting, delivering, or furnishing energy for the COMMERCIAL production of power. POWER PRODUCTION does not include COMMERCIAL SOLAR ENERGY FACILITY or COMMERCIAL WIND ENERGY FACILITY.

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SUPPORTING FACILITIES. The transmission lines, substations, switchyard, access roads, meteorological towers, storage containers, and equipment associated with the generation, **and** storage, and dispatch of electricity by the COMMERCIAL WIND ENERGY FACILITY, ENERGY STORAGE SYSTEM, or COMMERCIAL SOLAR ENERGY FACILITY. SUPPORTING FACILITIES includes ENERGY STORAGE SYSTEMS capable of absorbing energy and storing it for use at a later time, including, but not limited to, batteries and other electrochemical and electromechanical technologies or systems.

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CHAPTER 16.16: ZONING APPLICATION PROCESS

§16.16.020 APPLICATION

A. Authorization

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4. If application is made by a corporation or partnership for any zoning map amendment, variation, or conditional use permit, the application and notice shall identify the names and addresses of all officers and directors and all shareholders/stockholders owning an interest in excess of ~~seven and one-half percent (7.5%)~~ of 20% of all of the outstanding stock or shares of the corporation.

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§16.16.030 NOTICE

A. Summary of Notice Requirements. The Table 16.16-1: Notice Requirements for Public Hearing summarizes required notice for zoning approvals that require a public hearing. Specific notice requirements are described below.

TABLE 16.16-1: NOTICE REQUIREMENTS FOR PUBLIC HEARING				
Zoning Approval	Published Notice § 16.16.030B.	Mailed Notice § 16.16.030C.	Posted Notice § 16.16.030D.	Notice to Official Bodies § 16.16.030E.
Zoning Text Amendments	X			
Zoning Map Amendments	X	X	X	X
Conditional Use Permit	X	X	X	X
Zoning Variation	X	X	X	X
Zoning Appeal	X			X

NOTE: Administrative variations have specific notice requirements unique to that application, described in § 16.16.030F. Hearings for the establishment of a Special Service Area are described in § 16.16.030G.

B. Published Notice.

1. Notice shall be published in a newspaper of general circulation published in the township or road district affected by the application. If there is no such newspaper, notice shall be published in a newspaper of general circulation published in McHenry County.

2. The County will publish notice no less than fifteen (15), nor more than thirty (30), calendar days in advance of the scheduled hearing date.

3. The notice shall include the following information:

a. The location of the property by street address and legal description. If no street address is available, then by locating such property with reference to any well-known landmark, highway, road, thoroughfare, or intersection. If the zoning application is for a map amendment only, the notice need not include a metes and bounds legal description if there is a common street address.

b. Permanent property index number and township name.

c. A statement of the present zoning on the parcel in question.

- d. A brief statement of the purpose of the application.
- e. The time, date, and location of the public hearing.
- f. Whether the petitioner or applicant is acting for him/herself or in the capacity of agent, alter ego, or representative of an owner, and stating the name and address of the actual and true owner.
- g. If the applicant is a corporation, the correct names and addresses of all officers and directors, and of all stockholders and shareholders owning any interest in excess of ~~seven and one-half percent (7.5%)~~ twenty percent (20%) of all outstanding stock of such corporation.
- h. If the applicant or the owner that he/she represents is a business or entity doing business under an assumed name, the name and residence of all true and actual owners of such business or entity.
- i. If the applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the names and addresses of all partners, joint venturers, syndicate members, or members of the unincorporated voluntary association.
- j. A statement that additional information regarding the petition is available on the McHenry County Department of Planning and Development website.

C. Mailed Notice.

1. Public hearings for zoning map amendment, zoning variation, and conditional use permit applications require mailed notice shall be given to all contiguous property owners. If the property is bounded by a public right-of-way, railroad, or linear waterway, notice is required to property owners abutting the public right-of-way directly across from the subject property. All property owners that comprise any contiguous agricultural conservation and protection areas, designated in accordance with the Illinois Agricultural Areas Conservation and Protection Act, shall also be given mailed notice. Notification shall be provided to the person who last paid taxes on the property in accordance with the records of the McHenry County Treasurer's Office.

2. The County will mail notice no less than fifteen (15), but no more than thirty (30), calendar days prior to the public hearing. Certified mail shall be used to establish proof of notification.

3. The notice shall include the following information:

- a. The location of the property by legal description and street address. If no street address is available, then by locating such property with reference to any well-known landmark, highway, road, thoroughfare, or intersection.
- b. Permanent property index number and township name.
- c. A statement of the present zoning on the parcel in question.
- d. A brief statement of the purpose of the application.
- e. The time, date, and location of the public hearing.
- f. Whether the petitioner or applicant is acting for him/herself or in the capacity of agent, alter ego, or representative of an owner, and stating the name and address of the actual and true owner.
- g. If the applicant is a corporation, the correct names and addresses of all officers and directors, and of all stockholders and shareholders owning any interest in excess of ~~seven and one-half percent (7.5%)~~ twenty percent (20%) of all outstanding stock of such corporation.

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E. Notice to Interested Official Bodies.

1. The County will provide mailed notice to the following official bodies:

~~a. McHenry-Lake County Soil and Water Conservation District.~~

~~b. a.~~ McHenry County Conservation District.

~~c. b.~~ Villages and municipalities within one and one-half (1½) miles of the property.

~~d. c.~~ Fire protection districts covering the property in question.

~~e. d.~~ School districts covering the property in question, including McHenry County College.

~~f. e.~~ Highway commissioners and supervisors for the townships in which the property is located.

~~g. f.~~ Watershed groups with plans that have been accepted or adopted by the County Board covering the property in question.

~~h. g.~~ Illinois Department of Natural Resources, as recommended and/or required in subsection E.4. below.

~~i. h.~~ Drainage districts covering the property in question.

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CHAPTER 16.20: ZONING APPLICATIONS

§16.20.020 VARIATION

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E. Procedure.

1. Application. All applications shall be filed with the Department of Planning and Development in accordance with the requirements in § 16.16.020 (Application).

2. Administrative Variation. The Zoning Enforcement Officer will review and approve applications that meet the following standards:

a. Variation applications of ten percent (10%) or less of the bulk or setback regulations for principal structures, accessory structures, or signs. Encroachments allowed under Table ~~16.60-1~~ ~~16.20-1~~: Permitted Encroachments are ineligible for administrative variation. All other variations are considered zoning variations.

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§16.20.040 CONDITIONAL USE

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D. Procedure. Applications for a conditional use permits are filed with the Department of Planning and Development. All applications for a conditional use permits shall be filed in accordance with the requirements in § 16.16.020 (Application). Once it is determined that the application is complete, the Department of Planning and Development will schedule the application for consideration by the Zoning Board of Appeals.

1. Action by the Staff Plat Review Committee. All conditional use permits require a site plan. The site plan shall be submitted, reviewed, and approved by the Staff Plat Review Committee in

accordance with this § 16.20.040 (Conditional Use) prior to final action by the Zoning Board of Appeals.

2. Action by the Zoning Board of Appeals.

a. The Zoning Board of Appeals will conduct a public hearing on a proposed conditional use in accordance with § 16.16.040 (Public Hearing) within one hundred eighty (180) calendar days after receipt of a complete application. In the case of applications for COMMERCIAL SOLAR ENERGY FACILITY and COMMERCIAL WIND ENERGY FACILITY the Zoning Board of Appeals shall conclude the public hearing within sixty (60) days of the filing of a complete ~~the application. conduct the public hearing within forty-five (45) calendar days of the filing of the application.~~ Notice for the public hearing shall be in accordance with § 16.16.030 (Notice).

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H. Expiration of Approved Conditional Use Permits. Conditional use permits are valid for a period of ten (10) years, unless otherwise limited or permitted as part of the County Board approval. Any application for renewal of a conditional use permit must be filed before the expiration of such timeframe. In addition, subject to verification by the Zoning Enforcement Officer, a conditional use permit will expire under the following conditions. To re-establish the conditional use permit, a new application is required.

1. For conditional uses approved to occur within a structure yet to be constructed, the conditional use permit approval expires within two (2) years following the date of conditional use permit approval if a building permit has not been issued and construction has not commenced, with the exception of conditional uses for COMMERCIAL WIND ENERGY FACILITIES and COMMERCIAL SOLAR ENERGY FACILITIES, which expire within five (5) years if a building permit has not been issued and construction has not commenced, and ENERGY STORAGE SYSTEMS, which expire within three (3) years if a building permit has not been issued and construction has not commenced.

a. An extension of the deadline may be requested by an applicant in the matter of COMMERCIAL WIND ENERGY FACILITIES, ENERGY STORAGE SYSTEMS, and COMMERCIAL SOLAR ENERGY FACILITIES, based upon reasonable cause for the extension request, to be determined by the Zoning Enforcement Officer.

CHAPTER 16.32: ZONING DISTRICTS AND MAPS

§16.32.060 ZONING DISTRICT USES

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TABLE 16.32-1: ZONING DISTRICT USES

Principal Use	A-1	A-2	E-5	E-3	E-2	E-1	R-1	R-2	R-3	B-1	B-2	B-3	O	I-1	I-2	Use Standards
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P							
Dwelling, Two-Family								P	P							
Earth Extraction/Mining	C													C	C	16.56.030P.
Educational Facility, College/University /Technical	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	
Educational Facility, Preschool through High School	P		P	P	P	P	P	P	P	P	P	P				
Energy Storage System	C	C											C	C	C	16.56.030.AAA

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Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	16.56.030T.
Grain Elevator - Commercial	P													P	P	
Greenhouse/Nursery Business	P	P								P	P	P				16.56.030U.
Group Home	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P							16.56.030YY.
Halfway House	C	C	C	C	C	C	C	C	C							
Heavy Retail Sales and Service												P		P	P	
Heliport/Helistop - Public Use or Private Use												C	C	C	C	16.56.030F.

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Off-Premise Commercial Advertising Sign - Non-Digital ³										P	P	P	P	P	P	16.56.030EE.
Offsite Services Business	C									C	C	P		P	P	
Park	C		P	P	P	P	P	P	P	C	C	C	C	C	C	
Parking Lot (Principal Use)										P	P	P	P	P	P	

CHAPTER 16.36: ~~AGRICULTURAL~~ ZONING DISTRICTS

§16.36.040 BULK AND SETBACK REGULATIONS

A. Table 16.36-1 : Zoning Districts Bulk and Setback Regulations establishes bulk and setback regulations for zoning districts. Development is also subject to the standards of § 16.60.010 (General Development Standards).

	Minimum Lot Area			Minimum Lot Frontage ¹	Maximum Building Height		Maximum Building Coverage	Max. Impervious Surface ²	Minimum Street Setback ^{3, 4}	Minimum Interior Side Setback ⁵	Minimum Rear Setback ⁶	Flag- or Land-Locked Lot/Parcel Perimeter Setback ^{6, 8}	
	Agriculture	Residence	All Other		Agriculture	All Other							
A-1	None	40ac	1ac	330'	None	35'	None	None	30' from ROW or 05' from the centerline if no dedicate d right-of-way exists or as allowed by §16.60. C 1.4.	30'	30'	30'	A-1
A-2	None	1ac		Lots up to 2ac: 150' Lots 2-3ac: 175' Lots 3-5ac: 250' Lots 5+ac: 330'			Lots up to 2ac: 30% Lots 2-3ac: 20% Lots 3-5ac: 15% Lots 5+ac: 10%			10%	20'		20'
E-5		5ac		330'	35'		10%	50%	30' from ROW or as allowed by § 16.60.C.1.4.	30'	30'	30'	E-5
E-3		3ac		250'			15%			E-3			
E-2		2ac		175'			20%			E-2			
E-1		1ac		150'			30%			E-1			
R-1		0.5ac		100'			30%			50%			10'
R-2		1ac		150'	35'		30%	65%	30'	10'	20'	20'	R-2
R-3		2ac + 0.25 ac for each du above 4		175'			40%			R-3			
B-1		0.5ac		100'			35%			65%			30'
B-2		1ac		150'	35%		35%	65%	30'	10'	20'	20'	B-2
B-3		1ac		150'									B-3
O		0.5ac		100'	40'		35%	65%	30'	When abutting agricultural or residential zoning districts: 30'			O
										All other: 10'	All other: 20'	All other: 20'	
I-1				150'	40'		40%	70%	30'	When abutting any non-industrial zoning district (excluding O): 75'			I-1
										All other: 10'	All other: 20'	All other: 20'	
I-2										When abutting any non-industrial zoning district (excluding O): 100'			I-2
										All other: 10'	All other: 20'	All other: 20'	

¹ Lots located on cul-de-sacs may have a lot frontage of not less than 50% of the district standard or 75-feet, whichever is greater.
² Additional restrictions on impervious surface coverage apply in the SARA and Class III Overlay Districts.
³ The minimum street setback shall be at least ninety (90) feet from the centerline of a Regional Transportation Corridor as identified in Appendix D.
⁴ Refer to § 16.60.0500, for reduced setbacks for nonconforming lots.
⁵ For a flag or a land-locked lot or parcel, the setback is measured from the main building site, excluding the narrow corridor access strip or any access easement.
⁶ Increased side, rear, and flag-lot/parcel perimeter setbacks when abutting certain districts applies to both principal and accessory structures.

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§ 16.52.030 SENSITIVE AQUIFER RECHARGE AREA (SARA) AND CLASS III SPECIAL RESOURCE GROUNDWATER PROTECTION AREAS OVERLAY DISTRICTS.

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B. Mapping.

1. SARA Overlay District Mapping. Mapping of the SARA Overlay District is established by the McHenry County Water Resources Action Plan, adopted on October 18, 2011, and as may be amended from time to time. Said map is included as ~~Appendix B~~ [Appendix A](#) of this Ordinance for reference.

2. Class III Special Resource Groundwater Protection Areas Mapping. The Class III Overlay District consists of all areas designated as Class III Special Resources Groundwater Protection areas identified by the Illinois Pollution Control Board, and as may be amended from time to time. Said map is included as ~~Appendix B~~ [Appendix A](#) of this Ordinance for reference.

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§ 16.52.040 LEGACY NEIGHBORHOOD OVERLAY DISTRICT.

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B. Eligibility of Lots and Parcels.

1. For a lot or parcel to be eligible for the LN Overlay District supplemental standards, it must meet the following criteria.

a. The lot or parcel must be located within a LN Overlay District mapped area (see [Appendix B](#) [Appendix A](#)).

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3. Supplemental Standards for Accessory Structures. Accessory structures may be rehabilitated, replaced, altered, or expanded so long as such development complies with Table 16.52-1 and the following criteria.

a. Structure height, measured at the highest point of the roof, is limited to fourteen (14) feet for a flat or mansard roof design and eighteen (18) feet for a pitched roof design for new construction. Existing structures may be replaced at the existing structure height, per § 16.52.040C.1.

b. Accessory structures are prohibited in an effective street yard, unless any of the following criteria are met:

i. The accessory structure is located a minimum of fifty (50) feet from the street lot line.

ii. The accessory structure is a detached garage on a waterfront lot or parcel located a minimum of thirty (30) feet from the street lot line, or, it meets the average setback of existing detached garages on the same side of the blockface when sixty percent (60%) of that blockface is developed. For blockfaces that extend more than six hundred (600) feet, only the lots located within three hundred (300) feet of either side of the lot shall be considered. In no case shall a setback be reduced to less than ten (10) feet from the street lot line.

iii. The accessory structure is a ~~solid~~ [privacy](#) fence on a waterfront lot or parcel, no more than six (6) feet in height, and located no closer to the street than a detached garage which is nonconforming or complies with the above setback requirements. In no case shall a setback be reduced to less than ten (10) feet from the street lot line.

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§ 16.52.050 BAY VIEW BEACH ON THE FOX RIVER SUBDIVISION OVERLAY DISTRICT.

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C. *Bay View Beach on the Fox River Subdivision Overlay District Supplemental Standards.* Bay View Beach on the Fox River Subdivision Overlay District supplemental standards are a set of allowances and flexibilities affecting standards for development.

1. *Supplemental Standards for Accessory Structures.*

a. Accessory structures which were constructed prior to March 4, 2025, may be replaced, altered, or rehabilitated so long as the new structure does not exceed the footprint, height, and setbacks of the existing accessory structure, when such development does not comply with Table 16.52-2: Bay View Beach on the Fox River Overlay District Bulk and Setback Regulations.

- b. Accessory structures which do not meet §16.52.050.C.1.a requirements must comply with Table 16.52-2: Bay View Beach on the Fox River Overlay District Bulk and Setback Regulations.

2. Permits for accessory structures on parcels meeting 16.52.050.B. eligibility may not be issued until a deed restriction is recorded tying the property with the accessory structure with a parcel under common ownership within the Bay View Beach on the Fox River Subdivision or Homestead Addition to Bay View Beach on the Fox River Subdivision.

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§ 16.56.030 PRINCIPAL USE STANDARDS.

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H. Auto Repair, Major and Minor.

1. All vehicles must be stored indoors or on a paved surface and no required off-street parking may be used for vehicle storage.

2. All driveways shall be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.

3. All repair operations shall be fully enclosed. Only vehicles being serviced at the establishment may be stored outdoors. No vehicles may be stored and no repair work may be conducted in the public right-of-way. Wrecked or junked vehicles may not be stored on-site. All equipment and parts shall be stored indoors.

4. Where an auto repair facility abuts a residential zoning district, the facility shall install an opaque masonry wall of stone, stucco, or brick, a **solid privacy** fence, or dense evergreen hedge, at least six (6) feet but no more than ten (10) feet in height along the length of all interior side and rear lot lines that abut the residential zoning district.

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II. Power Production (~~Gas or Coal~~). The following requirements apply to utility power producers with a generating capacity of ten (10) megawatts or greater, excluding COMMERCIAL SOLAR ENERGY FACILITIES ~~solar farms~~ and COMMERCIAL WIND ENERGY FACILITIES ~~wind energy systems~~.

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NN. Salvage Yard.

1. A salvage yard shall be completely enclosed along all lot lines by a **solid privacy**-fence, a minimum of eight (8) feet in height, with openings only for ingress and egress. Storage of any kind is prohibited outside the fenced area.

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PP. Commercial Solar Energy Facility.

Conditional use permits for a commercial solar energy facility shall have no time limit, unless the use is abandoned as specified in subsection PP.4. below (Commercial solar energy facility: Abandonment), or the permit is revoked in accordance with § 16.20.040 I. (Revocation of Conditional Use Permits).

1. Application.

~~a. A threatened and endangered species consultation (EcoCAT) from the Illinois Department of Natural Resources is required at the time of conditional use permit application for any site that is five (5) acres or greater in size and currently in agricultural use or undeveloped.~~

~~b. A site plan shall be provided showing all improvements, including structures, fencing, power lines (above and below ground), lighting, and landscaping, at a detail sufficient to understand the location, height, appearance, and area.~~

~~c. a. All other application submittal requirements outlined on the [Commercial Solar Energy Facility Conditional Use Permit Checklist](#).~~

2. Site design.

a. Solar panels, structures, and electrical equipment, excluding fences and power lines for interconnection, shall be erected no less than fifty (50) feet from any lot line [or public right-of-way](#) and no less than one hundred fifty (150) feet from any residence, other than a residence on the same ownership parcel.

b. No structures, excluding power lines for interconnection, may exceed twenty (20) feet in height. Power lines shall be placed underground to the maximum extent possible.

[The requirements set forth in Sections 2\(a\) and 2\(b\), above, may be waived subject to the written consent of the owner of each affected nonparticipating property.](#)

c. Lighting must comply with § 16.60.020 (Exterior Lighting).

d. Solar panels shall have a surface that minimizes glare and shall comply with § 16.60.040D. (Lighting and Glare).

e. The facility shall be situated as to minimize impacts to woodlands, savannas, wetlands, drainage tiles, and encroachment into flood plains. All site development shall comply with the Stormwater Management Ordinance. Any damaged drainage tiles shall be repaired.

f. In order prevent erosion, manage run-off, and provide ecological benefit, the facility shall be planted with “low-profile” native prairie species, using a mix appropriate for the region and soil conditions per Illinois Department of Natural Resources (IDNR) standards, as amended from time to time.

g. Fencing shall be provided in compliance with the National Electrical Code, as applicable, [and shall be of a woven wire agricultural style, containing a 6-inch gap along the bottom to prevent the restriction of wildlife movement.](#) The use of barbed wire must comply with § 16.56.050H.1.c. of this Ordinance.

h. Any part of the facility that is within five hundred (500) feet of a NONPARTICIPATING RESIDENCE, or road right-of-way, shall be landscaped with an arrangement of native shrubs, subject to approval by the [Zoning Enforcement Officer](#) ~~County Board~~, unless the facility is screened from view by existing vegetation.

i. Prior to building permit issuance, the operator shall prepare a landscape monitoring and maintenance plan to ensure the establishment and continued maintenance of the native prairie species, all installed landscape screening, and all existing vegetation that provides required landscape screening.

j. Prior to scheduled public hearing, the operator shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture (IDOA), as required by that department.

k. Prior to building permit issuance, the operator shall provide an executed road use agreement between the Applicant and the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation (IDOT), showing approved entrances.

l. An ENERGY STORAGE SYSTEM may be co-located on a parcel containing a COMMERCIAL SOLAR ENERGY FACILITY. The ENERGY STORAGE SYSTEM shall require a separate Conditional Use Permit and shall follow all standards of § 16.56.030.AAA.

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QQ. Storage Yard.

1. Storage yards shall be located on sites of a minimum of one (1) acre in area.

2. A storage yard shall be completely enclosed by a **solid** privacy fence, a minimum of six (6) feet in height, with openings only for ingress and egress along all lot lines adjacent to property not zoned for industrial use.

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TT. Commercial Wind Energy Facility. Application for a COMMERCIAL WIND ENERGY FACILITY shall include an agricultural impact mitigation agreement from the Illinois Department of Agriculture as required under the Wind Energy Facilities Agricultural Impact Mitigation Act (505 ILCS 147/).

1. Required Setbacks.

a. A COMMERCIAL WIND ENERGY FACILITY shall be set back a minimum of one hundred ten (110%) of the system height from all property lines of nonparticipating properties and public rights-of-way. The required setback may only be reduced by a variation.

(1) The requirements set forth above may be waived subject to the written consent of the owner of each affected nonparticipating property.

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AAA. Energy Storage System

1. Applications for a conditional use permit for ENERGY STORAGE SYSTEMS shall include the following:

a. Site Plan, which includes the following:

- i. description of the property lines and physical features, including roads, for the facility site;
- ii. description of the proposed changes to the landscape of the facility site, including vegetation clearing and planting, exterior lighting, and screening or structures;
- iii. identification of proposed improvement setback and structural dimensions, fencing details, access drive width and material, wetlands, floodplains, and any other pertinent design factors.

b. A threatened and endangered species consultation (EcoCAT) from the Illinois Department of Natural Resources.

- c. Boundary Survey, signed and sealed by an Illinois Licensed Land Surveyor, legally describing the conditional use permit zoning lot or parcel.
 - d. Fire Safety Compliance Plan, verifying safety systems of the facility are in compliance with the current National Fire Protection Association (NFPA) and Underwriters Laboratories (UL) standards.
 - e. Natural Resources Information Report (NRI) from the McHenry-Lake County Soil and Water Conservation District (SWCD).
 - f. Decommissioning and Site Reclamation Plan.
 - g. An Agricultural Impact Mitigation Agreement (AIMA), as may be required by the Illinois Department of Agriculture (IDOA).
 - h. All other application submittal requirements outlined on the McHenry County Website.
2. The energy storage facility shall comply with the version of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems" in effect on the effective date of State of Illinois Public Act 104-0458 or any successor standard issued by the NFPA in effect on the date of siting or conditional use permit approval.
 - a. Areas within thirty (30) feet on each side of an ENERGY STORAGE SYSTEM must be cleared of combustible vegetation and other combustible growth.
 3. ENERGY STORAGE SYSTEMS shall be located a minimum of one-hundred fifty (150) feet from the nearest point of the outside wall of an OCCUPIED COMMUNITY BUILDING or NONPARTICIPATING RESIDENCE and a minimum of fifty (50) feet from the nearest point of the property line of an OCCUPIED COMMUNITY BUILDING or NONPARTICIPATING PROPERTY or public road right-of-way.
 4. The perimeter of the ENERGY STORAGE SYSTEM shall be enclosed by fencing having a height of at least seven (7) feet and no more than twenty-five (25) feet.
 - a. Fencing shall be provided in compliance with the National Electrical Code, as applicable, and shall be of a woven wire agricultural style, containing a 6-inch gap along the bottom to prevent the restriction of wildlife movement. The use of barbed wire must comply with § 16.56.050H.1.c. of this Ordinance.

The requirements set forth in Sections 3 and 4, above, may be waived subject to the written consent of the owner of each affected nonparticipating property or nonparticipating residence.

5. Any exterior lighting proposed on site shall be reasonably shielded, utilizing fixtures that are downcast from all residences and adjacent properties, consistent with the principles for responsible outdoor lighting provided by the International Dark-Sky Association.
6. The FACILITY OWNER shall coordinate with the local Fire District for pre-incident coordination, training and emergency contact procedures. Written documentation of such coordination and training, along with a copy of the Emergency Operations Plan, shall be provided to the Department of Planning and Development prior to issuance of the building permit.
7. Prior to building permit issuance, the FACILITY OWNER shall file a farmland drainage plan with the Department of Planning and Development, as well as any impacted drainage

districts, that outlines how surface and subsurface drainage of farmland will be restored during and following the construction or deconstruction of the ENERGY STORAGE SYSTEM.

8. ENERGY STORAGE SYSTEMS must comply with the sound limitations established by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.
9. A decommissioning plan, consistent with the requirements of Chapter 8 of NFPA 855 and State of Illinois Public Act 104-0458, shall be provided at the time of building permit review.
 - a. The decommissioning plan shall be accompanied by a financial assurance in a form acceptable to the County, with the County identified as beneficiary, in an amount equal to the estimated cost of decommissioning of the energy facility, after deducting salvage value, as calculated by a professional engineer licensed to practice engineering in the State of Illinois with expertise in preparing decommissioning estimated, retained by the applicant.
 - i. The financial assurance shall be provided to the County incrementally as follows:
 1. 25% before the start of full commercial operation;
 2. 50% before the start of the fifth (5th) year of commercial operation; and
 3. 100% by the start of the tenth (10th) year of commercial operation.
 - b. An updated decommissioning plan and engineer's estimate shall be provided to the County every ten (10) years of commercial operations, along with an updated financial assurance equal to the amount accepted by the County.
 - c. The ENERGY STORAGE SYSTEM shall be decommissioned within eighteen (18) months after abandonment of the facility. An ENERGY STORAGE SYSTEM that has not stored electrical energy for twelve (12) consecutive months or that fails, for a period of six (6) consecutive months, to pay a property owner who is party to a written agreement, including, but not limited to, an easement, option, lease, or license under the terms of which an ENERGY STORAGE SYSTEM is constructed on the property, amounts owed in accordance with the written agreement shall be considered abandoned, except when the inability to store energy is the result of an event of FORCE MAJEURE or EXCUSED SERVICE INTERRUPTION.

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§ 16.56.050 ACCESSORY STRUCTURE AND USE STANDARDS.

All accessory structures and uses are subject to the requirements of this section and the requirements of § 16.60.030 (~~Permitted Encroachments~~ Landscape and Screening Standards).

A. Accessory Structures - General Regulations. Except as otherwise expressly provided in this Ordinance, accessory structures and uses shall be allowed in connection with any lawfully established principal structure or principal use. All accessory structures are subject to the following regulations, in addition to any other regulations within this section and this Ordinance.

1. Standards for All Accessory Structures.

a. No accessory structure may be used as a dwelling unit, unless permitted as an ancillary dwelling unit in accordance with § 16.56.0300.

b. No accessory structure may be constructed prior to construction of the principal building to which it is accessory, unless otherwise provided for in this Ordinance. This limitation does not apply to agriculture exempt structures or open fences.

2. Standards for Detached Accessory Structures.

a. Detached accessory building heights are measured to the highest point of the structure. Unless otherwise permitted or limited by this Ordinance, the following height restrictions apply to detached accessory structures.

(1) In the E-1, E-2, E-3, and E-5 zoning districts, commercial zoning districts, and the office and industrial zoning districts, detached accessory structures are limited to twenty (20) feet in height.

(2) In the R-1, R-2, and R-3 Districts, detached accessory structures are limited to fourteen (14) feet in height for a flat or mansard roof design, and eighteen (18) feet in height for a pitched roof design.

(3) In the Agricultural Districts, on parcels less than five (5) acres, detached accessory structures are limited to twenty-four (24) feet in height.

(4) In the Agricultural Districts, on parcels five (5) acres or larger, there is no height limitation for detached accessory structures.

(5) In all zoning districts, except the R-1, R-2, and R-3 Districts, there is no height limitation for detached accessory structures that are converted from existing legally constructed agricultural exempt structures, when such conversion does not increase the height of the structure.

b. An accessory structure is allowed on a lot or parcel without a principal structure, in whole or in part, only when the two lots or parcels are either abutting or directly across a public right-of-way from one another, and one of the following are met:

(1) A deed restriction has been recorded stating that the two lots or parcels shall not be sold separately unless the accessory structure is first removed from the property.

(2) The septic system for the principal structure is located on the lot or parcel without a principal structure.

c. Accessory structures shall be located a minimum of ten (10) feet from any lot line, unless otherwise specified by this Ordinance. Accessory structures have reduced setbacks in the Legacy Neighborhood Overlay District (see § 16.52.040), and on nonconforming lots (see § 16.80.050). For fences, see subsection H. below (Fences). Accessory structures on through lots shall be setback a minimum of thirty (30) feet from the rear lot line unless the rear lot line abuts a County/State/US Route, Interstate Route or Regional Transportation Corridor (identified in [Appendix D-Appendix C](#)), then the setback may be reduced to ten (10) feet. An accessory structure shall not interfere with the sight triangle (as shown in Figure 16.72-1)

d. Accessory structures are prohibited in an effective street yard, unless located a minimum of fifty (50) feet from the street lot line or as allowed under Table 16.60-1: Permitted Encroachments, subsection H. below (Fences), or § 16.60.010C. (Required Setbacks). If no principal structure exists on the lot or parcel, and the standards of subsection A.2.b above are met, the setback from the street lot line shall be based on Table 16.36-1: Zoning Districts Bulk and Setback Regulations.

e. Detached garages located on waterfront lots or parcels shall be located a minimum of thirty (30) feet from the street lot line, or, they shall meet the average setback of existing detached garages on the same side of the blockface when sixty percent (60%) of that blockface is developed

with detached garages. For blockfaces that extend more than six hundred (600) feet, only the lots located within three hundred (300) feet of either side of the lot shall be considered. In no case shall a setback be reduced to less than ten (10) feet from the street lot line.

TABLE 16.56.050-1: ZONING DISTRICTS BULK AND SETBACK REGULATIONS (DETACHED ACCESSORY STRUCTURES)

	Max Building Height ¹		Minimum Street Setback ^{2,3}	Minimum Interior Side Setback ¹	Minimum Rear Setback		Flag- or Land-Locked Lot/Parcel Perimeter Setback		
A-1	24' (Lots less than 5 acres)	None (Lots 5 acres or more)	50'	10'	10'		10'		
A-2	24' (Lots less than 5 acres)	None (Lots 5 acres or more)	50'	10'	10'		10'		
E-5	20'		50'	10'	10'		10'		
E-3	20'		50'	10'	10'		10'		
E-2	20'		50'	10'	10'		10'		
E-1	20'		50'	10'	10'		10'		
R-1	18' (Pitched Roof Design)	14' (Flat or Mansard Roof Design)	50'	10'	10'		10'		
R-2	18' (Pitched Roof Design)	14' (Flat or Mansard Roof Design)	50'	10'	10'		10'		
R-3	18' (Pitched Roof Design)	14' (Flat or Mansard Roof Design)	50'	10'	10'		10'		
B-1	20'		50'	10'	10'		10'		
B-2	20'		50'	10'	10'		10'		
B-3	20'		50'	10'	10'		10'		
O	20'		50'	10'	30' – When abutting agricultural or residential zoning districts	10'	30' – When abutting agricultural or residential zoning districts	10'	30' – When abutting agricultural or residential zoning districts
I-1	20'		50'	10'	75' – When abutting any non-industrial zoning district (excluding O)	10'	75' – When abutting any non-industrial zoning district (excluding O)	10'	75' – When abutting any non-industrial zoning district (excluding O)
I-2	20'		50'	10'	100' – When abutting any non-industrial zoning district (excluding O)	10'	100' – When abutting any non-industrial zoning district (excluding O)	10'	100' – When abutting any non-industrial zoning district (excluding O)

¹ In all zoning districts, except for the R-1, R-2, and R-3 Districts, there is no height limitation for detached accessory structures that are converted from existing legally constructed agricultural exempt structures, when such conversion does not increase the height of the structure.
² Setback when located within the effective street yard; except for on waterfront lots, which follows the setback regulations of §16.56.050.A.1.f.
³ The minimum street setback shall be at least ninety (90) feet from the centerline of a Regional Transportation Corridor as identified in Appendix D.
⁴ Refer to §16.80.050.D for reduced setbacks for nonconforming lots.
 Notes:
 • For regulation on Fences, refer to §16.56.050H.
 • For regulation on detached accessory structures located within the Legacy Neighborhood Overlay District, refer to Table 16.52-1: LN Overlay District Bulk & Setback Regulations, as well as §16.52.040C for LN Overlay District Supplemental Standards.

3. Standards for Attached Accessory Structures.

a. Attached accessory structures are exempt from height limitations, per §16.60.010F.2.1, but shall not exceed the height of the principal building to which they are attached nor have a finished floor more than two (2) feet above the highest habitable finished floor of the principal building.

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H. Fences.

1. Fence Construction and Design Requirements.

a. The finished side of all fences shall face away from the lot or parcel on which it located. All fence posts, excluding those for barbed wire fences, shall be placed on the inside of the fence.

b. A fence or wall, including all posts, bases, and other structural parts shall be located completely within the boundaries of the lot on which it is located. The installation of fencing by a private property owner in the public right-of-way is prohibited.

c. The use of barbed wire or aboveground electrical fences is prohibited, except:

(1) For the purposes of containing farm animals.

(2) On properties in the B-3, I-1, or I-2 districts, provided that it is mounted a minimum of six (6) feet above ground.

(3) As otherwise allowed by this Ordinance.

2. ~~Solid~~ Privacy Fences. ~~Solid~~ privacy fences obscure more than fifty percent (50%) of the view through the fence and are subject to the following regulations:

a. ~~Solid~~ Privacy fences are limited to a maximum height of six (6) feet, unless a taller fence is otherwise required by this Ordinance.

b. ~~Solid~~ Privacy fences are prohibited in effective street yards, with the following exceptions:

(1) ~~Solid~~ Privacy fences are permitted along the full length of the rear lot line of a corner lot when the rear lot line of another corner lot abuts said rear lot line.

(2) ~~Solid~~ Privacy fences are permitted along the full length of the lot lines forming the perimeter of the main building site of flag lots and land-locked parcels.

(3) ~~Solid~~ Privacy fences are permitted in effective street yards of through lots between the principal building and the rear lot line, with the following regulations:

(a) When the rear lot line abuts a County/State/US Route, Interstate Route or Regional Transportation Corridor (identified in ~~Appendix D~~ [Appendix C](#)) and the adjacent neighboring properties rear lot lines also abuts the same County/State/US Route, Interstate Route or Regional Transportation Corridor, said ~~solid~~ privacy fence may have a setback of zero (0) feet from the edge of the right-of-way.

(b) Along all other roadways. ~~solid~~ privacy fences are to be located no closer than thirty (30) feet from the edge of the right-of-way.

(c) In no circumstance shall a ~~solid~~ privacy fence interfere with the sight triangle (as shown in Figure 16.72-1).

~~(4) (d) Solid~~ privacy fences having a maximum height of three (3) feet are permitted in any yard.

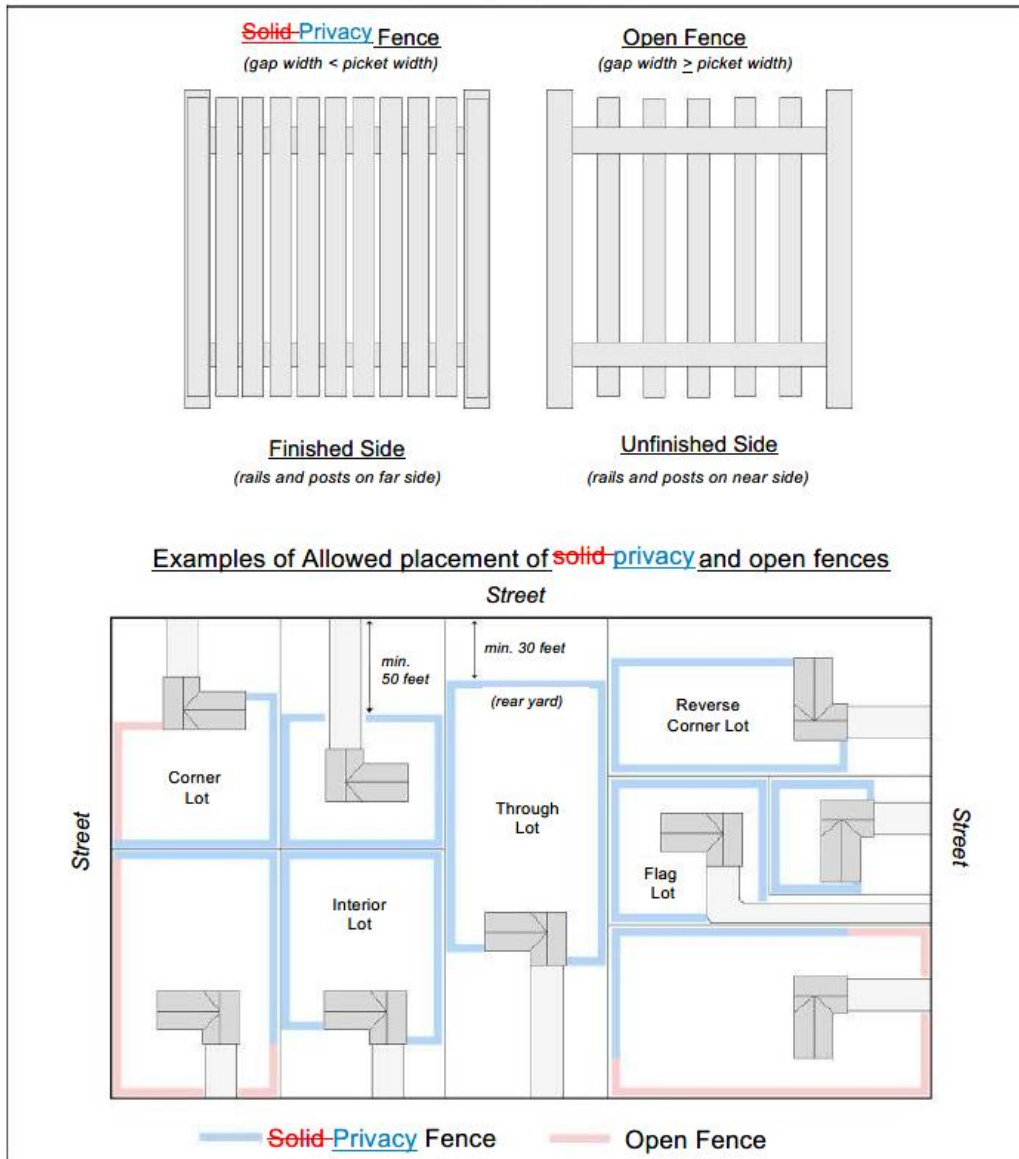
~~(5) (4) Solid~~ privacy fences are permitted in effective street yards when located at least fifty (50) feet from the street lot line.

c. Construction of ~~solid~~ privacy fences requires a building permit from the Department of Planning and Development.

3. Open Fences. Open fences obscure less than fifty percent (50%) of the view through the fence and are subject to the following regulations:

- a. Open fences are limited to a maximum height of eight (8) feet, unless they meet the setback requirements for principal structures.
- b. Open fences are permitted along any lot line and in any effective yard.
- c. Open fences are exempt from building permits, however construction in or near a floodplain or wetland area may require a stormwater review or stormwater permit.

Figure 16.56-1: Fences



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K. Outdoor Sales and Display, and Outdoor Storage.

1. Outdoor Sales and Display. Uses with a retail component, excluding home occupations, are permitted outdoor sales and display of merchandise offered for sale outside the establishment and within the same zoning lot, subject to the following conditions:

a. No sales and display area is permitted in any public right-of-way or to obstruct pedestrian or vehicular traffic. No sales and display area is permitted in any required yard or within any parking area.

b. A portion of the parking area may be used for outdoor sales and display on a temporary basis only, in terms of both display structure and goods displayed or sold (no permanent display structures permitted in parking areas). Such temporary outdoor sales cannot exceed a total of one hundred twenty (120) days per calendar year. No more than twenty percent (20%) of the required parking area for the existing commercial use may be used for the temporary outdoor sales and display.

c. All outdoor display areas shall be designed with a landscape yard along any public street, a minimum of ten (10) feet in width and planted with vegetation. These screening requirements are not intended to prohibit openings reasonably necessary for access drives and walkways.

2. Outdoor Storage. This section governs Outdoor Storage as an accessory use. Outdoor Storage as the principal use of the property is governed by § 16.56.030QQ. (Storage Yard). The storage of agricultural equipment and materials on properties used for agricultural purposes are not subject to these restrictions. The storage of construction equipment and materials on properties under active construction are not subject to these restrictions.

a. The following uses are permitted accessory outdoor storage: agricultural implement sales and service; asphalt/concrete batch facility; auction house; auto dealership; auto rental; earth extraction/mining; feed, tack, grain, and seed sales; freight terminal; garden center; greenhouse business; heavy retail sales ~~and service~~; light industrial; heavy industrial; landscape business with outdoor storage; landscape waste composting facility; lumber yard; marina; nursery; offsite services business; recreational vehicle sales; recycling collection or processing facility; residential; restricted landing area; retail goods establishment; salvage yard; sawmill; waste transfer facility; wholesale establishment; or oil, gas, or water well - commercial.

b. In all zoning districts outdoor storage, other than commercial vehicle storage and recreational vehicle storage on properties used for residential purpose (see subsection K.2.c.-d. below), shall meet the following provisions, unless otherwise regulated or prohibited by this Ordinance or the McHenry County Public Health Ordinance:

(1) Outdoor storage does not include manufacturing, assembly, repair work, or other commercial activity. Such activity may only take place inside an enclosed building that meets applicable building codes.

(2) No outdoor storage shall be located in an effective street yard. Outdoor storage must be reasonably screened from view off the property by any combination of buildings, ~~solid~~ privacy fencing, or solid landscaping. The fencing or landscaping shall have a minimum height of six (6) feet at time of installation. Storage is prohibited outside the screened area.

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N. Solar Panel.

1. General Requirements. The installation and construction of solar panels is subject to the following development and design standards:

a. A solar panel may be building-mounted or freestanding.

b. Solar panels shall be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

c. All electrical interconnections to the grid shall conform to the National Electrical Code. Prior to issuance of a building permit, applications for grid-connected solar panels shall include a copy of an approved interconnection agreement with the local utility or a letter from the local utility indicating that an interconnection agreement is not required.

d. Advertising signs are prohibited. The manufacturer and equipment information, warning signs, or ownership information is allowed.

e. Accessory solar panels must be secondary to the principal use and must first supply energy to the subject property on which it is located.

f. Any accessory solar panels which combined are rated to produce 500kW or more of electric energy shall require a Conditional Use Permit and shall follow all of the use standards of § 16.56.030.PP.2, 3, 4, & 5 for Solar Farm. for COMMERCIAL SOLAR ENERGY FACILITY.

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TABLE 16.56.050-C. ZONING DISTRICTS BULK AND SETBACK REGULATIONS (DETACHED ACCESSORY STRUCTURES)						
	Max Building Height	Max. Lot Coverage ¹	Minimum Inset Side Setback ²	Minimum Rear Setback	Front or Land Locked Lot/Panel/Perimeter Setback	
A-1	24' (Less than 5 stories)	None (Less than 5 stories)	50'	10'	10'	10'
A-2	24' (Less than 5 stories)	None (Less than 5 stories)	50'	10'	10'	10'
B-1	22'	25%	10'	10'	10'	10'
B-2	22'	25%	10'	10'	10'	10'
B-3	22'	25%	10'	10'	10'	10'
R-1	14' (Flat or Pitched Roof Design)	14' (Flat or Pitched Roof Design)	50'	10'	10'	10'
R-2	14' (Flat or Pitched Roof Design)	14' (Flat or Pitched Roof Design)	50'	10'	10'	10'
R-3	14' (Flat or Pitched Roof Design)	14' (Flat or Pitched Roof Design)	50'	10'	10'	10'
U-1	22'	25%	10'	10'	10'	10'
U-2	22'	25%	10'	10'	10'	10'
U-3	22'	25%	10'	10'	10'	10'
Q1	20'	50'	10'	10'	10'	10'
Q1	20'	50'	10'	10'	10'	10'
Q1	20'	50'	10'	10'	10'	10'
Q1	20'	50'	10'	10'	10'	10'

¹ In all zoning districts, except for the R-1, R-2, and R-3 Districts, there is no height limitation for detached accessory structures that are converted from existing legally constructed agricultural exempt structures, when such conversion does not increase the height of the structure.

² For regulation on detached accessory structures located within the Legacy Neighborhood Overlay District, refer to [Article 16.60 of the Legacy District Bulk & Setback Regulations](#), as well as [§ 16.60.030 \(C\) for Legacy District Supplemental Standards](#).

Remove this table from end of Section and relocate as noted above (following 16.56.050.A.2)

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CHAPTER 16.60: SITE DEVELOPMENT STANDARDS

Section

16.60.010 General development standards

16.60.020 Exterior lighting

16.60.030 ~~Permitted encroachments~~ Landscape and Screening Standards

16.60.040 Environmental performance standards

16.60.050 Street naming and numbering

~~16.60.060 (Reserved)~~

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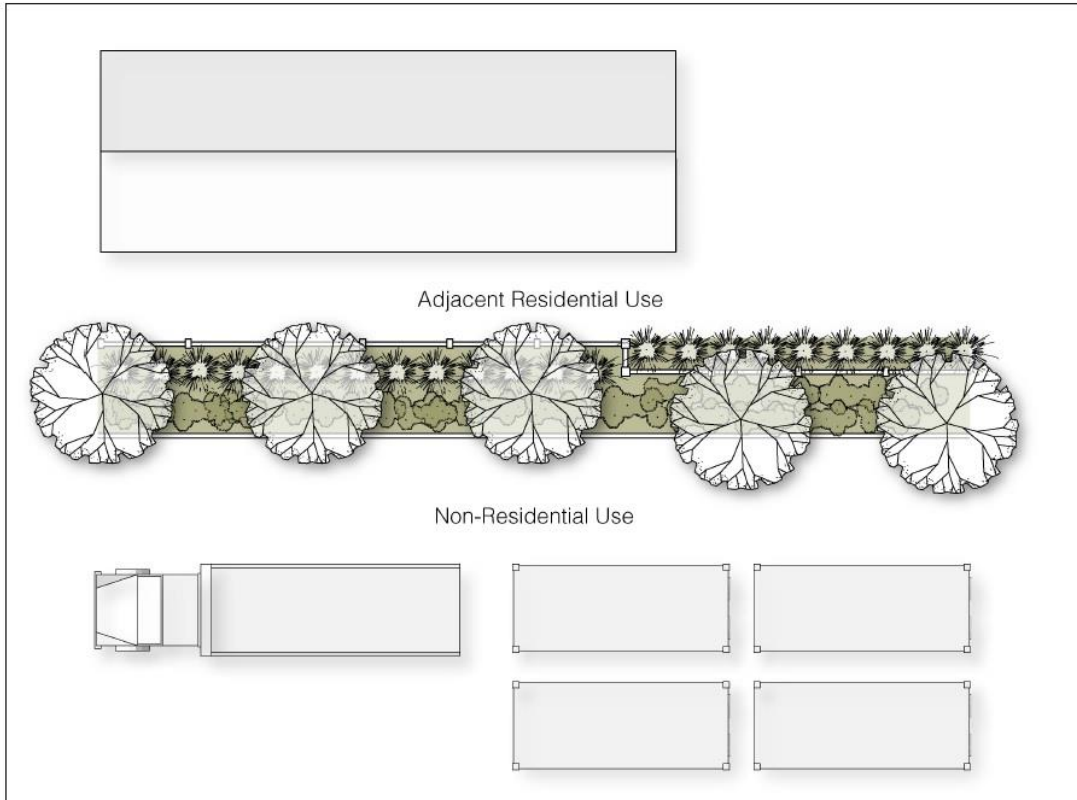
§ 16.60.030 LANDSCAPE AND SCREENING STANDARDS ~~PERMITTED ENCROACHMENTS.~~

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E. Buffer Yards. This section establishes standards for the dimensions and improvement requirements of buffer yards between land uses and/or zoning districts within the rear or interior side yard. (See Figure 16.60-5: Buffer Yard Landscape)

Figure 16.60-5: BUFFER YARD LANDSCAPE

Figure 16.60-5: BUFFER YARD LANDSCAPE



1. As of the effective date of this Ordinance, buffer yards are required for new commercial or industrial construction or uses that abut a property with an existing residential use in a residential zoning district or the A-2 District, unless separated by a street or alley. When new commercial construction locates next to an existing residential use, the new commercial construction shall provide the buffer yard. If a new residential use locates next to an existing commercial use, the existing commercial use is not required to provide a buffer yard and is not considered nonconforming. Agricultural buildings and uses are not required to provide buffer yards.

2. Buffer yards are required along the interior side and rear lot lines. Buffer yards may be located within required setbacks, but shall be reserved for the planting of material and installation of screening as required by this section. No parking, accessory buildings, or other structures are permitted within the buffer yard area.

3. All plantings in the buffer yard shall meet the following standards:

a. The buffer yard planting area shall be a minimum of five (5) feet in width in addition to the area provided for the required fence or wall.

b. Shade trees shall be planted on an average of one (1) tree for every twenty-five (25) linear feet of yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements or design scheme, but the total number of trees planted shall be no less than the amount required by a linear planting spaced twenty-five (25) feet apart.

c. An opaque masonry wall (stone, stucco or brick), ~~solid~~ [privacy](#) fence, or dense evergreen hedge, at least six (6) feet in height, is required along one hundred percent (100%) of the yard length. The fence may be located on the inside of the landscape plantings (adjacent to the non-residential use) or may be located on the outside of the landscape plantings (adjacent to the existing residential use in a residential zoning district or the A-2 District).

d. Shrubs shall be planted on an average of one (1) shrub for every three (3) feet of yard length. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements or design scheme, but the total number of shrubs planted will be no less than the amount required by a linear planting spaced three (3) feet apart.

F. Screening Requirements.

1. Refuse Disposal Dumpsters and Refuse Storage Areas. All refuse containers shall be fully enclosed on three (3) sides by an opaque masonry wall (stone, stucco or brick) or wall of the principal structure six (6) feet in height, or a ~~solid~~ [privacy](#) fence, and the enclosure shall be gated. The materials used for screening, including the enclosure, shall complement the architecture of the principal structure. An extension of an exterior principal structure wall may be used as one of the screening walls for a refuse container, provided that such wall meets the minimum six (6) foot height requirement and is of the same building materials as the principal building. Such wall may not be the gated enclosure.

2. Loading Berths. Where feasible, loading berths should be located and oriented so as not be visible from the street and adjacent properties, while still allowing access to the use it is serving. In addition, loading berths in all zoning districts shall be screened from view, unless such screening is determined unnecessary by the Zoning Enforcement Officer. Such screening shall consist of an opaque masonry wall (stone, stucco or brick), a ~~solid~~ [privacy](#) fence, or dense evergreen hedge, at least six (6) feet in height.

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~~§ 16.60.060 [RESERVED.]~~

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CHAPTER 16.64: OFF-STREET PARKING AND LOADING

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§ 16.64.030 PARKING LOT AND STRUCTURE CONSTRUCTION AND DESIGN STANDARDS.

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H. Parking Lot Landscape. Parking lot landscape, when required by this Ordinance, must meet all requirements of § 16.60.030 ([Landscape and Screening Standards](#) ~~Permitted Encroachments~~).

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TABLE 16.64-1: REQUIRED OFF-STREET PARKING

sf = square feet // GFA = gross floor area

Government Facility	1 per 250sf GFA
Grain Elevator, Commercial	1 per 500sf GFA - indoor space only
Greenhouse Business	1 per 500sf GFA - indoor space only
Group Home	1 per 2 residents (including live-in care providers/staff)
Halfway House	1 per 2 occupants
Heavy Retail Sales and Service	1 per 500sf GFA
Heliport	1 per 1,000sf GFA of terminal building
Homeless/Domestic Violence Shelter	1 per 2 employees on maximum shift plus .5 per bed
Horse Arena	No Minimum
Horse Racing Spectator Sport	1 per 3 persons based on maximum capacity
Horse Stable	No Minimum

...

CHAPTER 16.72: SIGNS

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§ 16.72.100 TEMPORARY STRUCTURAL SIGNS.

- A. All uses in all districts are permitted one (1) temporary structural sign per street frontage in addition to the signs allowed in § 16.72.110B. (Ground Signs).
- B. Temporary structural signs must meet the requirements of § 16.72.110B. except as otherwise expressly permitted or restricted by this section.
- C. Temporary structural signs do not require a sign permit. Temporary structural signs may be required to obtain a building permit for their structural or electrical components.
- D. Temporary structural signs may be erected for a limited period of display not exceeding one hundred twenty (120) days and shall be removed following the allowed display period.
- E. Temporary structural signs shall be set back a minimum of five (5) feet from any side lot line and five (5) feet from any front lot line. No part of a temporary structural sign may encroach onto a public right-of-way.
- F. Temporary structural signs located adjacent to roads identified as Regional Transportation Corridors (see ~~Appendix D~~[Appendix C](#)) are limited to thirty-two (32) square feet in size and ten (10) feet in height.
- G. Temporary structural signs located adjacent to roads not identified as Regional Transportation Corridors (see ~~Appendix D~~[Appendix C](#)) are limited to sixteen (16) square feet in size and ten (10) feet in height.

...

§ 16.72.110 PERMANENT SIGNS.

Permit required.

A. Awnings and Canopies.

1. Awning and canopy signs are permitted for non-residential uses in the commercial, office, and industrial zoning districts.

2. Printing on any awning or canopy sign is limited twenty-five percent (25%) of the awning surface.

3. Awnings and canopies must comply with the requirements of § 16.60.030 ([Landscape and Screening Standards](#)~~Permitted Encroachments~~).

...

§ 16.72.120 TEMPORARY OFF-PREMISES COMMERCIAL ADVERTISING MESSAGES.

A. One exempted sign or device, as specified in § 16.72.090 (Exempted Signs and Devices), or one allowed temporary structural sign, as regulated in § 16.72.100 (Temporary Structural Signs), or one permanent sign, as regulated in § 16.72.110 (Permanent Signs) may be utilized to display off-premises commercial advertising message(s) for one display period of not more than one hundred twenty (120) days per calendar year per lot or parcel.

B. For the purpose of documenting the display period, property owners shall notify the Zoning Enforcement Officer prior to posting any temporary off-premises commercial advertising message.

C. The display area for temporary off-premises commercial advertising messages located adjacent to roads identified as Regional Transportation Corridors (see ~~Appendix D~~ [Appendix C](#)) are limited to thirty-two (32) square feet in size and must meet all other requirements of this ordinance.

D. The display area for temporary off premises commercial advertising messages located adjacent to roads not identified as Regional Transportation Corridors (see ~~Appendix D~~ [Appendix C](#)) are limited to sixteen (16) square feet in size and must meet all other requirements of this ordinance.

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CHAPTER 16.76: SUBDIVISION STANDARDS

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§ 16.76.060 EASEMENTS.

The following easements are required by this Ordinance and provisions shall be made through a homeowners association, deed restriction, covenant, or other acceptable means to maintain all easements.

A. Utility Easements. Easements shall be provided for utility services including, but not limited to, sanitary sewer, storm sewer, water, gas, telecommunication, cable television, and electric. The location of a utility easement is determined by the appropriate utility company, with the exception of utility easements for properties that front on a county highway. In such case, a utility easement running the full length of the County highway frontage is required outside of, but immediately adjacent to, the County highway right-of-way. Such easements shall be a minimum of twenty (20) feet in width and the plat shall include notes to indicate that such easements are provided for utility services. The developer shall provide underground utilities unless specific site conditions make the installation of underground utilities impractical.

B. Stormwater Management Easements. When a subdivision is traversed by a waterway, intermittent stream or drainage way, a stormwater easement shall be provided conforming

substantially with the lines of same. Such easement shall be of sufficient size to protect said waterway, intermittent stream or drainage way, and to permit ingress and egress for maintenance. Such easement shall meet the requirements of the Stormwater Management Ordinance and shall be shown on the recorded final plat.

1. An on-site wastewater treatment system restriction line shall be shown in conjunction with each stormwater management easement demarcation line, in accordance with the Public Health Ordinance.

2. Drainage and stormwater retention and detention easements shall be adequately maintained to provide for removal of accumulation of vegetation, silt, debris, or other material which may interfere with the flow characteristics of drainage ways or the essential features of retention or detention facilities. In subdivisions of five (5) lots or more, all stormwater detention/retention areas shall be platted as a separate outlot that is not part of an individual building lot, and owned and maintained by a homeowners association, property owners association, approved open space management entity, or government agency.

3. No construction of structures, dams, embankments, or channels, except as indicated on the engineering drawings, and no planting of trees, shrubbery or other flow-impeding vegetation, or ~~solid~~ privacy fences that hinders the flow of water or otherwise inhibits the intended purpose, are permitted within any drainage or stormwater retention or detention easements.

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~~§ 16.76.100 SCHOOL LAND DONATION REQUIREMENTS.~~

~~—A.— General Requirement. As a condition of approval of a final plat or of a planned development, each subdivider may be required to make a school district contribution and dedicate land for school purposes to serve the immediate and future needs of the residents of the development, or required to make a cash contribution in lieu of actual land donation, or a combination of both. The school land donation and/or cash contributions required shall be made in accordance with the criteria and formulas of § 16.60.060 (School Land Donations Or Cash Contribution In Lieu Of Donation).~~

~~—B.— Land Donation at Preliminary Plat. If the school district(s) have indicated that they want a school land donation, the school site(s) shall be shown on the preliminary plat with calculations showing the amount of land required to be dedicated for school sites in accordance with the requirements of § 16.60.060 (School Land Donations Or Cash Contribution In Lieu Of Donation). The subdivider shall also furnish a copy of the proposed preliminary plat to each school district in which the proposed subdivision is located and the school district will have thirty (30) days to submit its report to the Staff Plat Review Committee, recommending approval or disapproval of the site shown.~~

~~—C.— Land Donation or Cash Contribution in Lieu of Land Donation at Final Plat. All land donations are due upon final plat approval. Areas dedicated for school use shall be indicated on the final plat. Cash contributions are due at the time of building permit issuance. The final plat shall include a statement that school land donations have (or have not) been made at the time of subdivision. The statement shall further indicate that a fee in lieu of donation will (or will not) be required at the time of issuance of a residential building permit.~~

~~—D.— Cash Contribution in Lieu of Land Donation at Building Permit. Where a school land donation has not been provided at the time of approval of the subdivision or of a planned development or on other lands not subdivided, the County retains the right to require a fee in lieu of donation at the time of issuance of a residential building permit. The cash contributions shall be made in accordance with the criteria and formulas of § 16.60.060 (School Land Donations Or Cash Contribution In Lieu Of Donation).~~

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APPENDICES

Appendix

~~Appendix A: (Reserved)~~~~Appendix B~~[Appendix A](#): Overlay districts reference maps

~~Appendix C~~[Appendix B](#): Best management practices for wind energy systems

~~Appendix D~~[Appendix C](#): Road classification map

~~APPENDIX A: [RESERVED.]~~

~~APPENDIX B~~ APPENDIX A: OVERLAY DISTRICTS REFERENCE MAPS.

~~Appendix B~~ [Appendix A](#) Overlay District Reference Maps available in PDF format for ease of printing, click [HERE](#)

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~~APPENDIX C~~[APPENDIX B](#): BEST MANAGEMENT PRACTICES FOR WIND ENERGY SYSTEMS.

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~~APPENDIX D~~[APPENDIX C](#): ROAD CLASSIFICATION MAP.

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