

DIVISION 6

SUPPLEMENTARY DISTRICT REGULATIONS

16-6-1 Purpose and Intent:

Unless otherwise stated, the regulations hereafter established shall apply within all districts established by this Ordinance. These general regulations supplement and qualify the district regulations appearing elsewhere in this Ordinance.

16-6-2 Yard and Setback Exceptions:

A. Front Yard:

Where forty percent (40%) or more of the frontage on one side of the street between two intersecting streets in areas developed in a "lot and block" configuration is improved with buildings that have observed a front yard line with a variation in depth of not more than ten feet (10'), the average of such front yard lines shall establish the minimum front yard depth for the entire frontage; however, in no case shall a front yard of more than that as stipulated for the applicable classification of road or street in the district in which the property is located be required.

Where a lawfully approved and recorded subdivision plat clearly and graphically indicates a front yard setback that is less than presently required, the setback clearly indicated on the plat shall determine the minimum setback required.

Where lots have a double frontage, a required front yard shall be provided for on both streets, except that the buildable depth of such lot shall not be reduced to less than forty feet (40'), in which latter event the Zoning Administrator may waive this requirement as to the street which will least affect surrounding property values.

B. Side Yard and Rear Yard:

Where a lawfully approved and recorded subdivision plat clearly and graphically indicates a side or rear yard area requirement that is less than presently required, the yard area requirement that is clearly and graphically indicated on the plat shall determine the minimum yard area required; however, this provision shall not apply to written subdivision covenants that may delineate less than-presently allowed yard areas.

C. Structural Projections:

Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a minimum yard more than thirty inches (30"). For the purposes of this provision, mechanical units are not considered to be structures.

D. Fire Escapes/Balconies:

An open fire escape may project into a required side yard not more than half the width of such yard, but not more than five feet (5') from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four feet (4') into a required rear yard.

E. Sight Distance Triangle:

On a corner lot in any district, development shall conform to the requirements of the sight distance triangle in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and eight feet (8') above the grades at the back of the curb of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points forty feet (40') from their point of intersection or at equivalent points on private streets, except that the site distance triangle may be increased when deemed necessary for traffic safety by the County Board.

F. Commercial/Manufacturing Rear Yards:

No rear yards shall be required in "B-1", "B-2", "B-3" and "I-1" Districts nor any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway track connection.

G. Through Lots:

A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.

16-6-3 Maximum Lot Coverage:

In computing the amount of lot coverage, the amount of coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three feet (3') of a roof overhang. Roads, driveways, parking lots and swimming pools shall not be included in maximum lot coverage requirements.

16-6-4 Access Regulations:

A. Access to Business and Industrial Districts:

No land which is located in a residential district shall be used for a major access route to any land which is located in any business or industrial district; provided, however, that this Section shall not prohibit pedestrian walks and driveway connections between residential districts and neighborhood shops when incorporated as a part of a Mixed Use Development District.

B. Street Access:

All lots shall directly abut a street other than an alley unless a permanent easement of access to a public street was of record prior to the adoption of this Ordinance.

16-6-5 Reserve (Flag) Lots:

Reserve (flag) lots may be created subject to the following standards:

A. No more than two (2) reserve (flag) lots may be created to facilitate creation of two but not more than three lots/parcels out of a parcel that has sufficient area but insufficient width to be divided.

- B. A reserve (flag) lot(s) may be used to eliminate access to collector or arterial roads, or when the buildable area of a parcel is restricted due to the presence of a natural resource or irregular property shape.
- C. The access strip of a reserve (flag) lot shall directly access a publicly dedicated street right-of-way.
- D. The access strip of a reserve (flag) lot shall be not less than twenty feet (20') in width at its narrowest point.
- E. The minimum street/road setback on a reserve (flag) lot shall be established at a distance equal to the required street/road setback from the property line that is most parallel to the street/road lot line (road right-of-way line), or equal to the side lot setbacks if the access strip of a reserve (flag) lot is in excess of eighty feet (80') in length. The lot width at this minimum required setback shall be not less than otherwise required by this Ordinance.
- F. The area within the access strip of a reserve (flag) lot shall not be counted as lot area for the purpose of meeting the minimum lot area requirements of this Ordinance.
- G. If required by the highway authority having jurisdiction over the road on which the reserve (flag) lot(s) will take access, the access strip of the lot, or portion thereof, shall contain an access easement to allow the adjoining lot to share access to the road. In no case shall the access strip of a reserve (flag) lot serve as any access easement for more than three (3) dwelling units.

16-6-6 Accessory Buildings, Structures and Uses:

- A. No accessory building or structure shall be constructed and/or occupied prior to the time of completion of the construction of the principal building to which it is accessory.
- B. No garage or shed, unless it is structurally a part of the principal building, shall be erected or altered, nor moved to a location within six feet (6') of the nearest wall of the principal building.
- C. No accessory building shall encroach upon the side yard of a corner lot which is adjacent to a road or street, nor upon that side yard of a reversed corner lot which is adjacent to a road or street, nor upon the rear yard of a through (double frontage) lot.
- D. Accessory building size limitations.
 - 1. No accessory building shall have more than one story; however, usable space under a gable, hip or gambrel roof where the interior height from the floor to the underside of the roof does not equal or exceed 7 feet for more than forty percent (40%) of the floor space shall not be considered a second story. The total cumulative area of all accessory buildings, the maximum sidewall height, and the maximum height (see Section 16-2-2 of this Chapter for definition of "Building, Height of") of an accessory building is based on the size of the parcel as indicated in the tables below, except as provided for in paragraph D4 of this Section. When calculating the cumulative area of all accessory buildings or total building height, fractions of 0.5 or less may be disregarded and fractions in excess of 0.5 shall be rounded to the next whole number.

Lot Size (Acres)	Maximum Building Sidewall Height	Maximum Building Height
0-1.5	12 feet	24 feet
More than 1.5 and less than 3	14 feet	26 feet
3 or more	16 feet	28 feet

2. Application to Existing Structures. The maximum size limitations shall not apply in respect to the continued use of an existing detached accessory building(s), nor prevent the restoration of such building(s) damaged or destroyed by fire, explosion, act of God, or public enemy provided the following conditions are met:
 - a. The original building(s) was/were in compliance with the regulations existing at the time of the original building(s) was/were built;
 - b. A variance was granted which allowed for the deviation from the dimensional requirements; and
 - c. The building(s) shall comply with the applicable yard requirements at the time of reconstruction unless a variance has been granted or the reconstruction conforms to the provisions of Division 4 (Non-Conforming Buildings, Structures and Uses) herein.

Accessory buildings in commercial and industrial districts shall not exceed the maximum height permitted for a principal building in the applicable zoning district unless otherwise authorized.

- E. Attached accessory buildings. In all districts, except as otherwise provided, attached accessory uses and buildings shall be subject to, and must conform to, all regulations applicable to the principal building.
- F. The maximum height of a flag pole shall not exceed the maximum height allowed for any permitted structure in the zoning district in which it is erected.
- G. Private Swimming Pools: Private swimming pools shall be a permitted residential accessory use, provided it conforms with the regulations of this Ordinance and other applicable ordinance of Ogle County. Any swimming pool with a design capacity of more than 5,000 gallons shall obtain a zoning certificate and shall be provided with a barrier (meaning a fence, a wall, a building wall or a combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool) which complies with the following:
 1. The top of the barrier shall be at least forty eight inches (48") above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be four inches (4") measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (4").
 2. Openings in the barrier shall not allow passage of a four inch (4") diameter sphere.

3. Solid barriers, which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty five inches (45"), the horizontal members should be located on the swimming pool side of the fence. Spacing between vertical members should not exceed one and three-fourths inches (1 ³/₄") in width. Where there are decorative cutouts, spacing within the cutouts should not exceed one and three-fourths inches (1 ³/₄") in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty five inches (45") or more, spacing between vertical members shall not exceed four inches (4"). Where there are decorative cutouts, spacing within the cutouts shall not exceed one and three-fourths inches (1 ³/₄") in width.
6. Maximum mesh size for chain link fences shall not exceed one and three-fourths inches (1 ³/₄") square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-fourths inches (1 ³/₄").
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three fourths inches (1 ³/₄").
8. Access gates to the pool shall comply with Paragraphs 1 through 7 above, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward, away from the pool, and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty four inches (54") from the bottom of the gate, (a) the release mechanism shall be located on the pool side of the gate at least three inches (3") below the top of the gate and (b) the gate and barrier shall have no opening greater than one-half inch (¹/₂") within eighteen inches (18") of the release mechanism.
9. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (a) the ladder to the pool or steps shall be capable of being secured, locked or removed to prevent access, or (b) the ladder or steps shall be surrounded by a barrier which meets Paragraphs 1 through 8 above. When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a four inch (4") diameter sphere.
10. All pools shall be completed within 12 months of the issuance of the Zoning Certificate.

Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.)

Where swimming pools are equipped with a powered safety cover that complies with ASTM F1346-91, the areas where those swimming pools are located shall not be required to comply with the above barrier requirements.

H. No mobile home, recreational vehicle, or trailer shall be used as an accessory storage building or for other than its intended purpose on any land within the AG-1 Agricultural District which the principal use is residential, or any residence district (R-1, R-1, R-3 or R-4).

I. Permitted Accessory Buildings, Structures and Uses:

The following accessory buildings, structures and uses may be permitted in accordance with the following, but in no case shall any accessory building or structure be located in any required easement, or in a location that would violate the Ogle County Health Code with respect to a well and/or septic system component:

1. Garages, sheds, storage buildings, carports, gazebos, and other similar buildings/structures: A garage, shed, storage building, carport, gazebos, or other similar building/structure may not be located within the required building setback from any road or street. A garage, shed, storage building, carport, gazebos, or other similar building/structure that is greater than 216 square feet in area shall be located not less than ten feet (10') from a side or rear lot line, or not less than the required side or rear yard area for the principal building, whichever is less. A garage, shed, storage building, carport, gazebos, or other similar building/structure that is 216 square feet in area or less shall be located not less than five feet (5') from a side or rear lot line.
2. Private swimming pools: Private swimming pools may not be located within the required building setback from any road or street. Private swimming pools shall be located not less than ten feet (10') from a side lot line, or not less than the required side yard of the principal building, whichever is less. Private swimming pools shall be located not less than ten feet (10') from a rear lot line. Any structure appurtenant or accessory to a swimming pool, such as a deck or patio, whether structurally attached or not, shall be considered part of the swimming pool for the purposes of the above provisions.
3. Decks and patios: Decks/patios may not be located within the required building setback from any road or street. Decks/patios shall be located not less than ten feet (10') from a side lot line, or not less than the required side yard of the principal building, whichever is less. Decks/patios shall be located not less than ten feet (10') from a rear lot line.
4. Open entrances and entrance porches: Open, unenclosed entrances or entrance porches may project not more than 8' into the required building setback from any road or street, but may not be located closer than 3' to a property line or road right-of-way line.
5. Entrance stairs, steps and stoops: Open, unenclosed entrance stairs, steps and stoops when necessary for access may project into any required setback or yard area provided: a) the platform/landing is not larger than 6' in width and 4' in depth; b) the platform/landing is not less than 3' to any property line or road right-of-way line; and, c) no part of the steps extends into any adjacent road right-of-way or closer than 3' to any side or rear property line.
6. Accessibility ramps and structures: Ramps and related landing(s) when necessary to allow an "environmentally limited person" (a person with a disability or condition who is restricted in the use of the built environment) to access an existing residential structure at which said environmentally limited person resides may project into any required setback or yard area provided: a) the ramp and related landing(s) is/are not larger than 8' in depth; and, b) the ramp and related landing(s) is/are not less than 3' to any property line or road right-of-way line.

7. Towers: Towers, such as private wind energy conversion system towers, private communications towers and similar structures, shall be located not less than 1.1 times the tower height from any public road right-of-way line, overhead utility transmission lines, communication towers, and adjacent property lines. When supported with guy-wires, said guy-wires shall not be located less than five feet (5') from any public road right-of-way line, overhead utility transmission lines, communication towers, and adjacent property lines.
8. Awnings or canopies for commercial buildings: Awnings or canopies for commercial buildings shall be allowed within the required building setback (front yard), provided that the awning or canopy is not greater than ten feet (10') in depth (projecting from the building), and no part of any awning or canopy shall project into any public road right-of-way.

16-6-7 Temporary Uses:

A. Temporary Use Permit:

The Zoning Administrator is authorized to issue a permit for a temporary use provided it meets the requirements of this Section. The permit shall be issued for a specified period of time and may contain health, safety and traffic restrictions, and may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances.

B. Temporary Uses Permitted:

1. Christmas Tree Sales: Christmas tree sales for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the applicable yard setback requirements provided that no display will encroach within the required setback for any district by more than fifty percent (50%) and no display or equipment shall be located within the forty (40) foot sight distance triangle of a road or street intersection as defined in this Ordinance.
2. Contractor's Offices: Temporary buildings or trailers may be used as construction offices, field offices or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed from said tract within thirty (30) days after completion of the project development. Temporary buildings or trailers must also be removed from said tract within thirty (30) days after voluntary suspension of work on the project or development or after revocation of building permits, or on order by the Zoning Administrator upon a finding by him that said temporary structure is deemed hazardous to the public health and welfare.
3. Real Estate Offices: Temporary real estate offices of sales offices may be established in a display dwelling unit. Mobile homes shall not be utilized for real estate offices.
4. Amusement Activities: The Zoning Administrator is authorized to issue a permit for the operation or conducting of an amusement activity on a temporary basis within any zoning district. The Zoning Administrator may request a report be submitted with respect to any public health aspect of the proposal and with respect to any traffic or public safety aspect of the proposal if appropriate. For the purpose of this paragraph, "amusement activity" includes a circus, carnival, fair, turkey shoot, art display, trade or animal show, concert, dance, rally, parade, athletic competition, haunted house/barn, corn maze, pumpkin patch and any similar activity not involving the erection of any permanent structure or facility. The permit shall be issued for a specific period of time not exceeding ten (10) days with

the exception of a haunted house/barn and/or corn maze, pumpkin patch or similar seasonal activity, which shall be issued for a specific period of time not exceeding sixty (60) days. The permit shall contain such conditions as are necessary for protection of public health, safety and traffic, and the Zoning Administrator may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances.

This permit is in addition to any Zoning Certificate, air pollution device, construction or operating permit, or other permit or license required by law for any proposed activity or facility. No more than two (2) temporary amusement activity permits shall be issued in any calendar year with regard to any particular property; provided, however, that this limitation with respect to the number of temporary amusement activity permits shall not apply to public property, nor to property not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies. These provisions are applicable to the period of time and the number of temporary permits for turkey shoots that can be held and shall not apply to turkey shoots conducted on all Saturdays and Sundays falling within the months of October, November and December of each year.

16-6-8 Number of Buildings Permitted Per Lot:

Every single-family dwelling hereafter erected or structurally altered shall be located on a separate zoning lot. At the discretion of the Zoning Administrator, a survey may be required to prove dimensions and area of said zoning lot before a Zoning Certificate may be issued. In no case shall there be more than one (1) single-family dwelling on one (1) zoning lot except for accessory buildings or uses, as defined herein. A residential lot must have frontage on a road or street.

16-6-9 Two Uses on a Zoning Lot:

Where two (2) or more permitted or special uses, each requiring a minimum lot area, are provided on the same lot, the required lot area for such uses shall be the sum of the area required for each individual use.

16-6-10 Lot Area and Dimension:

A. Contiguous Parcels:

When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the zoning district in which they are located, are held in one (1) ownership, they shall be used as one (1) zoning lot for such use.

B. Lots or Parcels of Land of Record:

Any single lot or parcel of land, held in one ownership, which was of record at the time of adoption of this Ordinance that does not meet the requirements for minimum lot width and area may be utilized for a permitted use, provided that interior side yards or usable open spaces are not less than seventy-five percent (75%) of the minimum required dimensions of areas.

16-6-11 Division of Zoning Lots:

- A. Any tract defined as a zoning lot by this Ordinance, unless otherwise exempted herein, shall not hereafter be divided unless all resulting parcels from such division conform with all applicable yard, lot size and other bulk regulations of the zoning district in which the tract is located and, therefore, by definition, constitute individual zoning lots themselves. Where such division occurs on or after the effective date of this Ordinance, the following shall apply:

1. Person or persons responsible for such action shall be subject to Division 9 of this Ordinance;
 2. Any non-conforming lot will be considered such as the result of action by the property owner or other controlling interests and development thereon will be restricted in accordance with this Ordinance; and
 3. No permit for the construction of a new residential (including farm dwelling), commercial, manufacturing or other non-agricultural building shall be issued for any lot, whether conforming or non-conforming as described above, created as a result of such division.
- B. The Zoning Administrator shall have recorded with the Ogle County Recorder, at such time when a Zoning Certificate for the construction of a farm or non-farm dwelling is issued for an "AG-1" Agricultural District zoning lot, a document indicating that the geographic boundaries of such zoning lot have been defined by said zoning certificate and that any division of such zoning lot shall conform with this Ordinance.

16-6-12 Existing Special Uses:

Where a use is classified as a "special use" and exists at the date of the adoption of this Ordinance, it shall be considered a lawful special use, without further action of the Zoning Administrator, the Planning, Assessment & Zoning Committee, or the Ogle County Board.

16-6-13 Uses Not Specifically Permitted in District:

When a use is not specifically listed in the sections devoted to "permitted uses", it shall be assumed that such uses are hereby expressly prohibited unless by a written recommendation of the Zoning Administrator and approved by the Planning, Assessment & Zoning Committee, it is determined that said uses is similar to and not more objectionable than uses listed. Such uses(s) may then be permitted.

16-6-14 Special Flood Hazard Areas:

Any activity that is located in a Special Flood Hazard Area shall comply with the Ogle County, Illinois, "Flood Damage Prevention Ordinance" (Chapter 16.0, Division 10 of the *Ogle County Code*).

16-6-15 Sanitary Facilities:

Private sewage disposal systems shall be constructed and located as set forth in the Ogle County Private Sewage Disposal Code (Chapter 10, Division 4 of the *Ogle County Code*).

16-6-16 Home Occupations:

The use of a principal residential building for financial gain or support shall not be conducted unless a home occupation permit has been obtained from the Zoning Administrator. Certain limited home occupations can be useful to both the general community and the resident-proprietor. In attempting to cater to both, reasonable restrictions on business activities conducted in principal residential buildings located in "AG-1", "IA", "R-1", "R-2" and "R3" districts are hereby established to ensure that the business remains incidental to the principal residential use.

A. Permitted Home Occupations.

The following examples of uses are permitted; any use(s) not listed shall require approval of the Zoning Administrator:

Auctioneer (office).

Accounting.

Antique shop.

Architectural service.

Art restoration.

Cement lawn ornaments (resale).

Ceramics (limit 1 kiln up to six [6] cubic feet).

Child care home.

Consulting service.

Contracting - electrical, carpenter, plumbing, heating, painting (limit one [1] vehicle).

Drafting and graphic services.

Dressmaking, sewing, tailoring, contract sewing (one [1] machine).

Electronic assembly (small scale only - no trucks larger than 3/4 ton).

Engineering service.

Financial planning, investment service.

Flower arrangement.

Gardening, landscaping (office) - (equipment limited to 25 h.p.).

Home crafts.

Home share lodging establishment subject to the following:

- 1) The lodging room shall accommodate no more than two (2) persons per night;
- 2) No meals may be provided to guests of the establishment;
- 3) Manual fire extinguishing equipment shall be provided on each floor in accordance with NFPA10 - Standards for the Installation of Portable Fire Extinguishers;
- 4) All combustibles or flammable liquids shall be stored in approved containers. No combustible storage shall occur in or under stairways;
- 5) All trash containers shall be metal;
- 6) No cooking facilities shall be permitted in guest rooms;
- 7) All hallways and stairways shall be adequately lighted;
- 8) No portable heating devices shall be permitted in guest rooms;
- 9) The owner of the home share lodging establishment shall submit a complete floor plan of the establishment to the local fire department or fire protection district;
- 10) Smoke detectors and carbon monoxide (CO) detectors shall be provided pursuant to the

Illinois Smoke Detector Act and Illinois Carbon Monoxide Alarm Detector Act;

- 11) The owner of the home share lodging establishment shall provide proof of adequate liability insurance.
- 12) The Zoning Administrator or his designee shall conduct an inspection of the premises prior to issuance of a Zoning Certificate authorizing the Home Occupation to determine compliance with the above requirements.
- 13) The Zoning Certificate authorizing the Home Occupation shall be valid for a period of twenty-four (24) months, after which a new Zoning Certificate shall be secured in the same manner as the initial Zoning Certificate.

House cleaning service (limit one [1] vehicle).

Insurance office.

Pet grooming (dogs and/or cats) - (limit two [2] animals per day).

Real estate office.

Sales representative office.

Security service, security systems, auto security systems (limit one [1] vehicle).

Tax preparation.

Tutoring, music lessons, religious instruction (limit four [4] people or less per day).

Writing, computer programming.

B. Prohibited Uses.

The following examples of uses, and any other uses as determined by the Zoning Administrator, are prohibited as home occupational uses:

Ambulance service.

Appliance repair.

Automobile and machinery repair, parts sales, upholstery or detailing service, washing service including business working at customer's home.

Boarding house, bed and breakfast establishments, time share condominium.

Health salons, gyms, dance studios, aerobic exercise studios, massage parlors.

Medical, dental, veterinary office.

Palm reading, fortune telling.

C. Application for Home Occupation Permit.

An application for a home occupation permit shall be filed with the Zoning Administrator in such form and in such manner as may be required.

D. Performance Requirements for a Home Occupation Permit.

All applicants shall certify by affidavit that all of the following performance requirements will be met in conducting the home occupation or profession:

1. No person other than a member of the immediate family residing on the premises shall be employed in connection with the occupation or profession.
2. A sign may be attached to the dwelling with a maximum area of three (3) square foot.
3. There shall be no display that would indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of the dwelling except a sign as allowed above.
4. No material or equipment shall be used that may constitute a hazard, create a nuisance, or interfere with the reception of broadcast signals.
5. All material, equipment, merchandise or work-in-process shall be wholly enclosed within the dwelling or accessory building.
6. The entrance to the space devoted to the home occupation shall be from within the dwelling and the portion of the dwelling devoted to such occupation shall not exceed thirty percent (30%) of the gross floor area of the dwelling.
7. The occupation or profession shall not generate excess traffic or create parking congestion.
8. Home occupations not meeting the above criteria shall not be permitted except as otherwise provided for within a business or industrial district, or as a special use herein.

E When an application for a home occupation permit has shown that all requirement of this Section will be met, the Zoning Administrator shall, within twenty (20) days receipt of such application, approve and authorize the issuance of a home occupation permit.

F Enforcement.

1. The Zoning Administrator shall have the power to revoke any home occupation permit for any violation of the above performance requirements, or for any misrepresentation on the application.
2. Upon a decision to revoke a home occupation permit, the Zoning Administrator shall transcribe forthwith a written notice of revocation and thereafter forward it to the permit holder by registered mail to the address listed on the application for said permit. Such notice shall include finding(s) of fact and conclusion(s).

16-6-17 Temporary Model Homes:

Temporary model homes shall be used primarily to offer for sale or rental dwelling units located within the same subdivision or planned development in which the model home is located. The following regulations shall govern the operation of a model home:

- A. Upon request by the Zoning Administrator, the owners of the property upon which the model home is located shall provide information relating to the use of the model home, including but not limited to, a record of sales or rentals made from the model home.

- B. Building materials may be stored within the model home, but not upon the lot on which the model home is situated.
- C. Sales offices, rental offices and construction offices may be contained in a model home; provided, that the appearance of the model home is not substantially different from the of the other dwelling units in the subdivision or planned development.
- D. A temporary off-street parking lot may be permitted if recommended by the Planning, Assessment & Zoning Committee and approved by the County Board.
- E. Exterior floodlights may be used to illuminate the model home; provided, that lights are sufficiently screened so that private dwelling units and traffic are not adversely affected by the floodlights. The exterior floodlights shall be turned off not later than 10:00 P.M.

16-6-18 Modular Dwellings:

It is the intent of this Ordinance to allow modular dwellings meeting the definition of “Dwelling, Single Family” as defined herein. There shall be a similarity in exterior appearance between such residentially designed modular dwellings and dwellings which have been constructed under these and other lawful regulations on adjacent lots in the same zoning district.

Modular dwellings shall meet the following required conditions:

- A. Modular dwellings shall not include a mobile home as defined herein.
- B. A modular home shall conform to the requirements of the Illinois Department of Public Health and shall be on the list of Illinois approved manufacturers of modular dwellings.
- C. Recent photographs or brochures showing the front, side and rear of the modular dwelling shall be submitted with filing the application requesting the issuance of a Zoning Certificate that demonstrate compliance with the following appearance standards.
 1. The roof of the modular dwelling shall be pitched at a ratio of not less than 3" of rise (vertical distance) in 12" of run (horizontal distance) or greater, and covered with durable material that is residential in appearance, but not limited to, approved wood, asphalt composition shingles, or wood shake shingles, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
 2. Exterior siding shall be residential in appearance and cannot have a high-gloss finish including, but not limited to, clapboard, simulated clapboard such as conventional vinyl or metal siding, wood shingles, brick veneer or similar material but excluding smooth, ribbed or corrugated metal or plastic panels.
 3. The towing devices, hitches, axles and wheels shall be removed.
 4. The modular dwelling shall be located on a permanent, frost-free perimeter foundation. “Permanent, frost-free perimeter foundation” means a closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground below frost level.
 5. At each door (entrance or exit) of the modular dwelling there shall be provided a permanent stoop that is not less than thirty-six inches by thirty-six inches (36" x 36").

6. The modular dwelling shall be oriented on a zoning lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the dwelling unit is not less than fifty percent (50%) of the dwelling units long dimension.
 7. The zoning lot shall be landscaped to ensure compatibility with surrounding properties.
 8. The home shall not be less than twenty-four feet (24') in width.
- D. All modular dwellings when located in the unincorporated area of Ogle County in addition to the above shall also be in compliance with all applicable codes and ordinances.

16-6-19 Airports and Surrounding Territory:

Airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and to the following:

- A. Height of buildings or structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the State of Illinois Department of Aeronautics shall be in accordance with the requirements set forth in the approach plan.
- B. Height of buildings or structures, in areas ten thousand (10,000) lineal feet beyond the boundaries of airports that do not have an established approach plan shall be governed by the following:
 1. For an airport having the longest runway less than three thousand nine hundred fifty (3,950) lineal feet in length, structures located just beyond the boundaries of the airport shall not be in excess of fifteen feet (15') in height, and for every two hundred (200) lineal feet of additional distance from the airport boundaries, the height of building structures may be increased by not more than ten feet (10').
 2. For an airport having a runway of three thousand nine hundred fifty (3,950) lineal feet or more in length, buildings or structures just beyond the boundaries of the airport shall not be in excess of fifteen feet (15') in height; and for every two hundred (200) lineal feet of additional distance from the airport boundaries, the height of structures may be increased by not more than five feet (5'); and where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four feet (4') in every two hundred (200) lineal feet of additional distance from airport boundaries, for the first ten thousand (10,000) lineal feet, and for the area covered in the next forty thousand (40,000) lineal feet, the height of structures may be increased by not more than five feet (5') in every additional two hundred (200) lineal feet.
 3. Buildings or structures exceeding the limiting heights shall be considered obstruction to air navigation unless found not to be objectionable after special aeronautical study. Such buildings or structures may be specifically authorized as a variation after public hearing by the Zoning Board as provided by law.
 4. Any developments to be located in Sections 1, 2, 3 and 4 in Scott Township shall be in compliance with the Greater Rockford Airport F.A.R. updated Part 150 Noise Compatibility Study dated May 1994.

16-6-20 Location of New Livestock Management Facilities and New Livestock Waste-Handling Facilities:

New livestock management facilities and new livestock waste handling facilities shall not be located in close proximity to populated areas so as to cause air pollution. Adequate odor control methods and technology shall be practiced by operators of new and existing livestock management and livestock waste handling facilities so as not to cause air pollution (see Title 35: Environmental Protection, Subtitle E: Agriculture Related Pollution, Chapter I: Pollution Control Board, and Chapter II: Environmental Protection Agency, State of Illinois Rules and Regulations as amended).

16-6-21 Mobile Homes, Recreational Vehicles and Mobile Offices:

Recreational vehicles, as defined herein, shall not be occupied for dwelling purposes except in lawfully established commercial campgrounds; mobile homes, as defined herein, shall not be occupied for dwelling purposes except in lawfully established mobile home parks or mobile home subdivision. However, the temporary use of a recreational vehicle or mobile home for dwelling purposes, or a mobile office for temporary office use may be permitted when an application for a permit has been approved by the Planning, Assessment & Zoning Committee and signed by the Zoning Administrator, and one or more of the following conditions have been met:

A. Construction:

When the applicant desires to build a dwelling and said dwelling will not be occupied within a two (2) year period. An extension, if necessary for good cause demonstrated by the applicant, may be granted after review by the Planning, Assessment & Zoning Committee.

B. Recreation:

When the applicant desires to use a recreational vehicle on private property strictly for recreational purposes and not for permanent habitation, and the location of the recreational vehicle does not hinder the use, degrade or affect the value and appearance of adjoining properties, and adequate water supply and sewage disposal facilities are provided and approval obtained from the Ogle County Health Department, said use of a recreational vehicle may be permitted.

C. Mobile Office:

When the applicant desires to use a mobile office, as defined herein, on private property strictly for commercial or industrial office purposes and not for habitation, and the location of the mobile office for more than sixty (60) days does not hinder the use, degrade or affect the value or appearance of adjoining properties, and adequate water supply and sewage disposal facilities are provided and approval obtained from the Ogle County Health Department, said use of a mobile office may be permitted.

D. In the event of a fire or natural disaster which results in the partial or total demolition of a residence, making it unfit for human habitation, the Zoning Administrator may, upon application from the owner of such residence, issue a temporary emergency shelter permit for the use of a mobile home or recreational vehicle for each family during rehabilitation of the original residence or construction of a new residence. The temporary emergency shelter permit shall be limited to a period of six (6) months. Upon expiration of the six (6) month period, an application may be presented to the Planning, Assessment & Zoning Committee when one (1) or more of the conditions in Paragraph A (above) are met.

All applications for a permit shall be accompanied by an affidavit, stating as follows:

1. Name(s) and address(es) of occupants.
2. Location of proposed use.
3. Description (make, model and year) of mobile home, recreational vehicle or mobile office.
4. Reason for application.
5. Statement that a change in the usage, name or number of occupants, or location will be reported to the Zoning Administrator immediately.

Failure to comply with any of the above or any additional conditions placed on a permit by the Planning, Assessment & Zoning Committee shall be sufficient for the Planning, Assessment & Zoning Committee to revoke the permit.

The mobile home, recreational vehicle or mobile office shall be removed by the permit holder on or before the date of expiration of the permit, unless the permit holder has received an extension as provided above.

16-6-22 Screening:

Screening shall be designed, planted or constructed and maintained in accordance with the following general guidelines:

- A. Permanent screening during all seasons shall be required of business, industrial and residential district uses in the following instances:
 1. A screen shall be required for an industrial and/or agribusiness use when it is adjoining a residence or business district.
 2. A screen shall be required for a business use when it is adjoining a residential district.
 3. A screen shall be required for a residential use when constructed adjacent to a business or industrial use after the effective date of this Ordinance.
- B. No screening shall interfere with sight requirements for safe ingress and egress.
- C. One (1) of the following screening types or a combination of the following screening types shall be used:
 1. A dense, compact screen of plantings to be maintained at the dimensions specified within a five (5) year time span.
 2. A solid fence (less than fifty percent view through the fence) to be maintained at the dimensions specified.
 3. A ground contoured earthen berm to be maintained at the dimensions specified. D.
Vegetation and grassed earth beams shall be used whenever possible.
- E. Earthen beams shall have a side slope not less than four feet (4') horizontal distance for each one foot (1') of vertical distance.

F. Screening shall be six feet (6') in height excluding vegetation growth.

16-6-23 Affidavit Requirement for Dwellings to be Constructed Within One Thousand Feet (1,000') of an Active Quarry:

All applicants for a Zoning Certificate to construct a dwelling to be located within one thousand feet (1,000') of an active quarry as measured from the nearest property line of the zoning lot or parcel on which quarrying can lawfully take place on the date the Zoning Certificate for said dwelling is applied for shall certify by affidavit (see Appendix IV) that they are aware of the existing quarry operation and possible noise, dust, odors, vibrations, traffic, etc. associated with a quarry operation, and that if a residential use is established, such use has no additional rights granted to it than are granted to said quarry operation. Said affidavit shall be recorded with the property deed in the Office of the Ogle County Recorder, of which proof of recordation shall be required by the Zoning Administrator prior to issuance of a Zoning Certificate.

16-6-24 Separation Between New Dwellings and an Active Livestock Management Facility:

No non-farm dwelling constructed after the effective date of this Ordinance shall be located within one fourth (1/4) mile (1,320 feet) of an active livestock management facility as measured from the nearest pen or enclosure housing any animals at any time within the year prior to the date the Zoning Certificate for said dwelling is applied for.

16-6-25 Regulation of Telecommunications Carrier Facilities and AM Broadcast Towers and Facilities:

Telecommunications facilities and AM broadcast towers and facilities shall be subject to the requirements of 55 ILCS 5/5-12001.1 (*Authority to regulate certain specified facilities of a telecommunications carrier and to regulate, pursuant to subsections (a) through (g), AM broadcast towers and facilities.*).

16-6-26 Open Storage of Junk:

Junk, as herein defined, shall not be stored in an open area. However, this provision shall exclude lawfully established junk yards and other uses engaged in collecting and/or processing of scrap iron or other metals.

16-6-27 Regulation of Commercial Wind Energy Facilities and Commercial Solar Energy Facilities

Commercial Wind Energy Facilities and Commercial Solar Energy Facilities shall be subject to requirements of 55 ILCS 5/5 12020, as amended (*Authority to regulate certain specified facilities of commercial wind energy facilities and commercial solar facilities and to regulate pursuant to subsections (a) thru (u), commercial wind energy facilities and commercial solar facilities.*).