**ARTICLE II**

**DISTRICT MAPS AND GENERAL PROVISIONS**

Section 21. **ESTABLISHMENT OF DISTRICTS**

For the purpose of this ordinance, all land inside of Stark County, including the incorporated Cities of Toulon and Wyoming and the incorporated Villages of Bradford and LaFayette, is hereby designated on the Zoning Maps as being in one of the following districts:

 Zoning Districts

AG-1 District Agricultural

 R-1 District One (1) and Two (2) Family Residential

 R-2 District Multiple-Family Residential

 R-3 District Country Homes

 C-1 District General Retail

 C-2 District Service Retail

 I-1 District Light Industrial

 I-2 District Heavy Industrial

Section 22. **BONDARIES OF DISTRICTS**

The boundaries of said districts are hereby established as shown upon the Zoning Maps of Stark County, unincorporated communities; and the Cities of Toulon and Wyoming, and the Villages of Bradford and LaFayette, Illinois, which maps accompany and are hereby made a part of this ordinance. These Zoning Maps of Stark County, Illinois, and all notations, references and other matters shown thereon shall be as much a part of this ordinance as if they were fully described herein.

22.01. The said Zoning Maps shall be on file and available for public reference in the office of the Enforcing Officer, complete with amendments which are adopted as provided here.

22.02. Any land, the classification of which is not shown thereon, and land hereafter disconnected from a city, village, or un-incorporated town shall be classified as the AG-1 Agricultural District until otherwise classified by amendment within ninety (90) days of such disconnection and after a public hearing before the Board of Appeals and recommendation by the Planning Commission as hereinafter provided in Article XVI.

22.03. No building shall be erected or altered, nor shall any building or premises be used for any purpose other than a use permitted in the district in which such building or premises is located.

22.04. No lot which is now or may hereafter be built upon as herein required may be so reduced in area that the yards and open spaces will be smaller than prescribed by the ordinance, and no yard, court or open space provided about any building for the purpose of complying with the provisions thereof shall again be used as a yard, court or other open space for any other building.

22.05. If Uncertainty arises with respect to the boundaries of the various Districts as shown on the Zoning maps, the Enforcing Officer shall determine the boundaries in accordance with the following rules:

22.051. District boundaries unless otherwise indicated are the centerlines of streets, highways, alleys, railroads or easements; or the boundary lines of sections, quarter sections or even division thereof; tracts or lots, or such lines extended.

22.052. Where a district boundary line divides a lot in single ownership, the regulations of either district may apply to the entire lot, but not more than twenty-five feet (25’) beyond the boundary line.

22.053. In areas not subdivided into lots and blocks, the district boundary lines on the Zoning Maps shall be determined by scale to the nearest fifty feet (50’).

Section 23 **GENERAL PROVISIONS**

23.01. Except as provided by this ordinance and except after obtaining written permission from the Enforcing Officer, it shall be unlawful within the Cities of Toulon and Wyoming and the Villages of Bradford and LaFayette, unincorporated communities, and outside of all cities and villages of the County:

23.011. To establish any use of a building, structure or land, either by itself or in addition to another use.

 23.012. To expand, change or re-establish any non-conforming use.

 23.013. To erect a new building or structure or part thereof.

23.014. To rebuild, structurally alter, add to or relocate any building or structure or part thereof.

23.015. To reduce the open space or plot area required for a building or structure or to include any part of such open space or plot area as that required for any adjoining building or structure.

23.02. Accessory Uses. Unless otherwise prohibited or restricted, a permitted use also allows uses and buildings incidental thereto if located on the same site or building plot. However, such accessory uses and buildings shall not be established or erected prior to the establishment or construction of the principal use or building and shall be compatible with the character of the principal use.

23.03. Temporary Uses. Permitted anywhere is a temporary yard for a contractor’s plant required for highway construction, if not nearer than eight hundred feet (800’) to any residence other than that of the owner or lessor of the site.

23.04. Exemptions. The powers effectuated by this ordinance shall not be exercised so as to:

23.041. Deprive the owner of any existing property of its use or maintenance for the purpose to which it is lawfully devoted at the time of enactment of this ordinance or subsequent amendments thereto.

23.042 Impose regulations or require payments for permits with respect to land used or to be used for agricultural purposes as defined in Section 12.03 herein, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings used or to be used for such agricultural purposes upon such land except that such building for agricultural purposes may be required to conform to building or setback lines.

23.043. Specify or regulate the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any similar distributing equipment of a public utility as defined in “An Act Concerning Public Utilities” enacted by the General Assembly of the State of Illinois.

23.05. General Exceptions. The exceptions, variations and regulations of Section 28 shall be applicable in all districts, and special reference in the various articles of this ordinance to these particular requirements is not required.

Section 24. **CONTINUANCE OF NON-CONFORMING USES**

Any lawful use of land, building or structure existing at the time of adoption of this ordinance, or subsequent amendment of this ordinance, may be continued with the following limitations:

24.01. Non-Conforming Use Not To Expand. Any building or structure containing a non-conforming use may not be expanded nor substantially remodeled.

 The board of Appeals may approve any remodeling and incidental repairs which do not tend to prolong the life of the non-conforming use.

24.02. Non-conforming Use Not To Rebuild. Any building or structure containing a non-conforming use, which has been damaged due to the extent of fifty percent (50%) of its current fair value, as estimated immediately prior to damage, except for advertising signs or billboards, shall not be repaired or reconstructed except in conformity with this ordinance.

24.03. Discontinued Non-Conforming Use Not To Re-establish After Six Months. Any non-conforming use of a building, structure or land which is discontinued for a period of six (6) months or more shall not be continued again and any future use thereof shall be inconformity with the provisions of this ordinance.

24.04. Non-Conforming Uses Not To Be Substituted. A non-conforming use may not be substituted for any other non-conforming use or any conforming use.

Section 25. **OFF-STREET PARKING**

25.01 Hard surfaced off-street automobile parking shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or alley. Following are minimum requirements for specific uses:

 25.011. Dwellings – Two (2) spaces for each dwelling.

25.012. Hotels, including clubs, lodging houses, summer resorts and cabins, boarding and rooming houses, dormitories, sororities, fraternities and all other similar places offering overnight accommodations – at least one (1) off-street parking for each two (2) guest rooms.

25.013. Tourist and motel accommodations – One (1) space for each room offered for tourist accommodations.

25.014. Hospitals, including sanitariums, asylums, orphanages, convalescent homes, homes for the aged and infirm, institutions of a charitable or philanthropic nature and all other similar institutions – At least one (1) off-street parking space for each two (2) patient beds, plus at least one (1) additional off-street parking space for each doctor employed by the hospital or who is on the active medical staff authorized to practice at the hospital, plus at least one (1) additional off-street parking space for each three (3) employees (including nurses).

25.015. Places of Public Assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, theatres, exhibition halls, town halls, convention halls, auditoriums, athletic fields, sports arenas, stadiums, gymnasiums, amusement parks, race tracks, fairgrounds, circus grounds, churches, morgues, mortuaries, mausoleums, crematories, community buildings, libraries, museums and all other similar places of relatively infrequent public assembly – At least one (1) off-street parking space for each five (5) seats provided for patrons’ use or at least one (1) off-street parking space for each two hundred (200) square feet of gross floor area used or intended to be used for service to the public as customers, patrons, students, members, communicants or clients, whichever requires the greater number of parking spaces.

25.016. Schools, in addition to the requirements of Section 25.015 including academies, colleges, universities, elementary schools, junior high schools, high schools and all other similar institutions of learning – nunneries, religious retreats, fire and police stations, cemeteries, experimental and proving grounds, grain storage, public utility substations, booster stations, radio and television relay towers, repeater stations, sawmills, seed processing plant, sewage treatment plant or waterworks – At least one (1) off-street parking space for each three (3) employees including administrators, teachers and building maintenance personnel.

25.017. Airports and landing field, golf courses and golf driving ranges, greenhouses, gun clubs, fish and game preserves, boat liveries, kennels, public parks, picnic grounds, television and radio stations, riding academy or commercial stable, veterinary establishment, truck gardening, home occupations and all other places of similar use – At least one (1) off-street parking space for each two (2) patrons, clients or members using the facility. The number of parking spaces shall be determined by the greatest number of patrons, clients or members to use the facility at the time of its peak use.

25.018. Wholesale, storage and manufacturing establishments – One (1) space for each five (5) employees.

25.019. Retail establishments –One (1) space for each four hundred (400) square feet of gross floor area.

25.020. Office uses – One (1) space for each three hundred (300) square feet of gross floor area.

25.02. If off-street parking for non-residential uses as required above cannot be provided on the same lot on which the principal use is conducted, the Zoning Enforcing Officer may permit such space to be provided on other off-street property provided such space is within four hundred feet (400’) of an entrance to such principal use. Such off-street parking space shall thereafter be deemed to be required open space associated with this permitted use and shall not be reduced or encroached upon in any manner.

25.03. Whenever there is a change in use, or an increase in floor area, or in the number of employees, and such change or increase creates a need for three (3) or more off-street parking spaces, then additional off-street parking spaces shall be provided on the basis of the requirements for the new use.

Section 26. OFF-STREET LOADING

Every building or structure used for other than residential uses, except for those in the existing developed part of the county, unincorporated communities, or cities and villages included in this ordinance which are adapted or constructed after the adoption of this ordinance shall provide adequate space for loading and unloading of vehicles off the street or alley.

Section 27. **OBSTRUCTIONS TO VISION AT INTERSECTIONS PROHIBITED**

On any corner lot in all districts except the C-1 General Retail District, there shall be no obstruction to traffic visibility within thirty-five feet (35’) of the intersection of the two (2) street property lines of the corner lot.

Section 28. EXCEPTIONS AND VARIATIONS OF HEIGHT AND AREA

The district regulations hereinafter set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

28.01. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not to exceed sixty feet (60’) and churches and temples may be erected to a height not exceeding seventy-five feet (75’), if the building is set back from each yard line at least one foot (1’) for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

28.02 No accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises, when such use is permitted in the district.

28.03 For the purpose of yard regulations, a two (2) family, a group house or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.

28.04 When a lot which is an official lot of record at the time of adoption of this ordinance does not comply with the area, yard or other requirements of this ordinance, an application may be submitted to the Board of Appeals for a variation from the terms of this ordinance in accordance with the procedure outlined in the “Board of Appeals”, Article XII. Such lot may be used as a building site, provided that, in the opinion of the Board of Appeals, the yard and other requirements of the district are complied with as closely as possible.

28.05. Exceptions to Yard Requirements

28.051. Allowable Projections of Residential Structures into Yards. Architectural features of residential buildings such as window sills, cornices, roof overhangs may project into the required yard provided such projection is not more than four feet (4’) and does not reach closer than four feet (4’) to any lot line.

28.052. Allowable Projections of Business Structures over Sidewalk. Signs, awnings, canopies, marquees are permitted to overhang the sidewalk in the C-1 General Retail District only, providing that overhanging signs are a minimum of eight feet (8’) above the sidewalk at any point and that all other structures are a minimum of six feet eight inches (6’8”) above the sidewalk at any point.

28.053. Allowable Projection of Accessory Building into Rear Yard. One (1) story accessory buildings may project only into rear yards abutting on an alley providing such projection extend not closer than five feet (5’) to the rear lot line.

28.06. The height limitations of this ordinance shall not apply to power plants, silos, cooling towers, church spires, belfries, cupolas, elevator bulkheads and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyors, flag poles, radio towers, masts, aerials and necessary mechanical appurtenances.

**ARTICLE III**

**PROVISIONS GOVERNING AGRICULTURAL AG-1 DISTRICT**

Preamble: The intent of this ordinance in establishing an agricultural district is to allow maximum freedom of operation for bona fide agricultural purposes and to protect such use from encroachment by other special uses which are subject to the regulations and requirements specified in Section 33.

Section 31. **BONA FIDE AGRICULTURAL USES**

Whenever a farm dwelling or mobile home is to be constructed as an agricultural use on a tract or plot comprising less than tree (3) acres, or property comprising less than three (3) acres and containing a farm dwelling, is to be transferred for agricultural uses, a signed statement shall be secured by the Enforcing Officer upon a form prescribed by the Enforcing Officer attesting the authenticity of the agricultural use. It shall be determined agricultural if: (1) a majority of the total cash income of the applicant is or shall be derived from pursuit of the occupations enumerated herein, on the premises involved, or (2) the applicant is a member of the immediate family of a bona fide farmer owning land contiguous to or on the opposite frontage to the premises involved, or (3) the applicant is recognized as engaged in bona fide agricultural pursuits by the Township Board of the township concerned. Such signed statement shall be filed in the records of the Enforcing Officer.

Section 32. **USES PERMITTED IN THE AG-1 AGRICULTURAL DISTRICT**

 (No public hearing required)

32.01. Other than bona fide agricultural uses within any AG-1 Agricultural District, no building or premises shall be used or arranged or designed to be used except for one (1) or more of the following uses, which shall be subject to all regulations and requirements for permit of this ordinance and which do not violate county and state nuisance ordinances.

 32.011. Churches.

 32.012. Dwellings – Single family or two (2) families to include subterranean structures...

 32.013. Greenhouses.

32.014. Home Occupations – Provided that not more than one (1) sign with a maximum of ten (10) square feet may be displayed setting forth such occupation and that a gravel, crushed rock or other improved access road shall be provided off the public right-of-way.

32.015. Hospitals and institutions of an educational, charitable or philanthropic nature provided that such buildings shall not be located upon sites containing an area of less than five (5) acres, may not occupy over thirty percent (30%) of the total area of the lot, that the building shall be set back from all yard lines a distance

of not less than two feet (2’) for each foot of building height.

 32.016. Hunting and Fishing.

 32.017. Lakes (artificial, three (3) acres or less).

 32.018. Monasteries, nunneries, religious retreats, homes for the aged, orphanages.

32.019. Any exploratory drilling operation or actual production well for gas or oil or other natural resources provided it is not within three hundred feet (300’) of a residence.

32.020. Picnic Grounds provided that the minimum area of such tract shall be then thousand (10,000) square feet, and that one (1) sign with an area of not more than twenty (20) square feet may be displayed thereon, that a gravel, crushed stone or other improved access road shall be provided.

32.021. Schools.

32.022. Signs (unilluminated or unlighted) as follows:

32.0221. Nameplates not exceeding one hundred forty-four (144) square inches in area on either side for each dwelling unit.

32.0222. Bulletin boards for churches and identification signs for schools or other permitted uses, not exceeding twenty-four (24) square feet in area when located on the premises of such use.

32.0223. Signs offering for sale land, lots, houses, livestock, seed corn, not exceeding fifty (50) square feet in area.

32.0224. Signs permitted by law within highway right-of-way.

32.0225. Signs shall conform to the yard requirements of the District in which placed.

 32.023. Town Halls.

ADD: 32.024 Uses Permitted in the AG-1 Agricultural District

 32.0241 Stand-alone Solar Energy System owned by the land owner

AMENDED designed to generate energy that will be consumed on the

5-8-2018 property.

Section 33. **SPECIAL USES IN THE AG-1 AGRICULTURAL DISTRICT**

 (A public hearing required)

33.01. To provide for the location of special classes of uses which are deemed desirable for the public welfare within this district, but which are potentially incompatible with uses herein permitted in it, a classification of “special uses” is hereby established.

33.02. The Board of Supervisors may allow a special use after public hearing by the Board of Appeals and subject to such protective restrictions that it deems necessary, authorize the location, extension or structural alterations of any of the following buildings or uses.

33.03. Before issuance of permit for any of the following buildings or uses, the Board of Supervisors shall at its next meeting after the application if filed, refer the proposed application to the Planning Commission, which Commission shall be given thirty (30) days after referral in which to make an advisory report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public health, public safety or general welfare. No action shall be taken upon any application for a proposed building or use above referred to until or unless the report of the Planning Commission has been filed; provided, however, that if no report is received from the Commission within thirty (30) days after referral, it shall be assumed that approval of the application has been given by the Commission.

33.04. The following special uses may be permitted, subject to the above provisions:

33.041 Airports, public and private, subject to the requirements of the Illinois Aeronautical Department.

33.042. Circuses – Provided that they shall not operate more than fifteen (15) consecutive days, nor sell beer or alcoholic beverages, and that they shall be located not closer than one thousand feet (1000’) to any dwelling except that of the owner or lessor of the site.

33.043. Cemeteries, mausoleums, crematories or columbarium’s in cemeteries of not less than fifty (50) acres.

33.044. Children’s fairgrounds, including pony riding and miniature railroads.

33.045. Commercial Resort.

33.046. Community buildings (Grange Halls, etc.).

33.047. Extraction of clay, coal, dirt, gravel, sand, stone, topsoil, oil or other natural resources, provided it is not closer than three hundred feet (300’) to any residence.

33.048. Fairgrounds, race tracks and county farms.

33.049. Fishing, commercial, in artificial or existing lakes or ponds, including sale of food and fishing fees, soft drinks, non-illuminated for night use.

33.050. Forest Preserves, Conservation Districts, marinas, public parks, commercial camp grounds.

33.051. Golf courses and golf driving ranges.

33.052. Propane gas and grain storage, commercial, if not closer than three hundred feet (300’) to a residence other than that of the owner or lessor of the site.

33.053. Junk yards or auto wrecking yards.

33.054. Lakes (artificial) over three (3) acres.

33.055. Libraries and museums.

33.056. Livestock auction barns and yards, with restaurant facilities.

33.057. Motels and tourist courts – Provided that gravel or other improved surface access roads shall be constructed to parking areas and that parking areas off the public right-of-way shall be furnished at the rate of one (1) parking place for each dwelling unit.

33.058. Open air illumination for outdoor games such as baseball, football or other uses where glare and noise might unreasonably affect surrounding property or highway traffic.

33.059. Private clubs and lodges.

33.060. Private pistol or rifle ranges.

33.061. Removal of ledge rock with required approval for blasting, quarrying and crushing of stone.

33.062. Railroad trackage, including roundhouses and repair shops.

33.063. Rooming and boarding or tourist houses providing lodging and/or meals for more than six (6) persons.

33.064. Sanitariums.

33.065. Sawmills.

33.066. Seed Processing Plants.

33.067. Sewage Treatment Plants.

33.068. Signs (illuminated).

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33.069. Skeet or trap shooting if not closer than one thousand three hundred twenty feet (1320’) to any residence or farm group.

33.070. Temporary asphalt plants and crushed rock storage.

33.071. Trailer park or mobile home parks subject to state regulations – Provided each unit contains a gross floor area of four hundred (400) square feet or more and resting in whole on a permanent foundation, and further provided that all other area regulations for dwellings in this district be observed in addition to sewage disposal and water supply regulations for residential use.

33.072. Veterinarian office, animal hospitals, animal boarding and kennels.

33.073. Storage areas or yards for anhydrous ammonia fertilizers, except packaged fertilizers – Provided these areas are at least one-fourth (1/4) mile from a structure containing humans except a structure belonging to the lessor or owner of the fertilizer plant or area, and at least fifty feet (50’) from owner’s property line.

33.074. Water Works.

AMENDED 11/13/1990

33.075 Temporary mobile home – provided each unit contains a gross floor area of four hundred (400) square feet or more, and will be removed within one year from the date the temporary mobile home permit is issued.

AMENDED 5/10/2005

33.076 Wind Energy Conversion Systems (WECS) commercial radio or television towers, cellular telephone, or microwave transmission or relay station towers.

AMENDED 5/8/2018

 33.077 Solar Farm Energy System (SFES) of any ownership and size.

1. Before a Special Use Permit is issued the applicant shall submit a site plan

 With existing conditions showing the following:

1. Existing property lines and the names of adjacent property owners and current use of those properties.
2. Existing public and private roads, showing widths of the roads and any associated easements.
3. Existing buildings

2. Plan of proposed conditions:

1. Location and spacing of solar panels
2. Location of access roads and access points.
3. Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.

3. A detailed list of costs showing the itemized total construction costs of the facility separated by parcel.

4. A description of the method of connecting the array to a building or substation.

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Section 34. **REQUIRED LOT AREA AND LOT WIDTHS IN AG-1 AGRICULTURAL DISTRICT**

34.01 Each dwelling structure shall be located on a lot or tract in such a manner as to comply with the yard regulations of this district and such lot or tract shall have a minimum area of one and a half (1-1/2) acres and a minimum width at the setback or front yard line, whichever is applicable, of one hundred fifty feet (150’), with the following exceptions which shall be deemed to conform with the regulations of this district:

34.011. Any dwelling existing at the time of passage of his ordinance upon a lot which does not meet the required lot area and width standards for this district.

34.012. Those dwellings which may be transferred shall be located on one and one-half (1-1/2) acres.

34.013. Lots or tracts of record at the time of passage of this ordinance, which are less than one and one-half (1-1/2) acres in area or less than one hundred fifty feet (150’) in width, may be used for the erection of a single-family dwelling or two (2) family dwelling, provided that two (2) or more contiguous lots in common ownership of record at the time of passage of this ordinance shall be combined in one (1) parcel to approach the required area insofar as possible, that the intent of the yard regulations of this district be reasonably observed, and that the area of parcel so obtained is not reduced in transfer.

34.02. In determining the required minimum lot sizes and set-back distances in agricultural districts, there shall not be included in this compliance determination any portion of the premises which are subject to any public right-of-way.

AMENDED 5/8/2018

34.03. Minimum lot size-NO solar farm shall be erected on any lot less than 5 acres in size

Section 35. **HEIGHT REGULATIONS IN AG-1 AGRICULTURAL DISTRICT**

No dwelling shall exceed thirty feet (30’) in height unless each side yard is increased over the required minimum by five feet (5’) for every five feet (5’) or fraction thereof of additional height over thirty feet (30’). In no case shall the building height exceed fifty feet (50’). Dwellings shall not have a height of less than eight feet (8’) over a majority of the area of the ground floor except that the eight foot (8’) requirement shall not apply until two (2) years after the start of construction.

AMENDED 5/8/2018

35.01. Solar Energy System (SES) height requirements shall not be greater than the allowable height of any structure within the zoning district in which the SES is to be installed.

 Solar Farm Energy System (SFES) shall not exceed 30 feet in height when oriented at maximum tilt. Perimeter fencing having a maximum height of eight (8) feet shall be installed around the boundary of the Solar Farm Energy System. The fence shall contain appropriate warming signage that is posted such that is clearly visible on the site.

Section 36. **YARDS REQUIRED IN AG-1 AGRICULTURAL DISTRICT**

Except as required in the Setback Regulations, Article X, no building shall be erected within fifty feet (50’) of the right-of-way line of any public road or highway, or within fifteen feet (15’) or one foot (1’) for each foot of building height, whichever is the greater, of any lot line.

AMENDED

5/10/2005

36.01 Wind Energy Conversion System (WECS), commercial radio or television towers, cellular telephone, or microwave transmission or relay station towers.

 Setback Requirements Setback

 Residence……………………………………………. 1000 feet

 Public roads (right of way)………………….. 1.10 times height

 Property line……………………………………….. 1.0 times height

 Other structures…………………………………. 1.10 times height

 A waiver of the setback requirements from the adjacent property line or other structures may be granted by the Stark County Zoning Enforcement Officer upon written affidavit of the adjacent property owner. The written affidavit will indicate a waiver by the adjacent property owner of their property owner. The written affidavit will indicate a waiver by the adjacent property owner will be included in the application for the special use permit required for the WECS project. The waiver will be restricted to the

single tower for which the application for special use is filed.

Any waiver of the above setback requirement shall run with the land and be recorded as part of the chain of title of the deed of the subject property recorded in the county’s public records.

For WECS, height for setback requirements for public roads and other structures shall be measured from the top surface of the WECS foundation at the base of the tower to the tip of the rotor blade at its highest point. For WECS, height for setback requirements for property lines shall be measured at its highest point. For WECS, height for setback requirements for property lines shall be measured from the top surface of the WECS foundation at the base of the tower to the center of the hub. Setback distance shall be measured from the center of the WECS tower foundation. For commercial radio or television towers, cellular telephone, or microwave transmission or relay stations tower, height shall be measured from the top surface of the foundation at the base of the tower to the tip of the highest point of the tower, and setback distance shall be measured from the center of the tower foundation.

**ROADS**

Roads – Any proposed public roads that will be used for construction purposes shall be identified and approved by the Township Road Commissioner and the County Engineer prior to the start of construction.

Any road damage caused by the transport of the facility’s equipment, the installation, or the removal, must be completely repaired to the satisfaction of the Township Road Commissioner and the County Engineer. The Township Road Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond *or other financial assurance acceptable to the County* in an amount to be fixed by the Township Road Commissioner or the County Engineer to insure the township or the County that future repairs are completed to their satisfaction.

AMENDED 5/8/2018

36.02. Setback Requirements for Solar Energy Systems (SES):

 Shall meet the structure setback requirements as stated in Article III, Section 36 of the Stark County Zoning Ordinance, unless otherwise stated herein:

 The SES shall maintain perimeter setbacks including side and rear yard setbacks of (15) feet in an Agricultural District if the system is used for personal or farm use and the amount of excess energy sold to other users is less than the amount consumed by the property owner. No SES shall be permitted to be located in the required front yard.

36.03. Setback Requirements for Solar Farm Energy Systems (SFES)

 The front side and rear yard setbacks shall be a minimum of fifty (50) feet from the property lines which form the outside perimeter of a SFES project area and Solar panels will be kept at least 300 feet from a residence that is not part of a Special Use.

ROADS

Roads- Any proposed public roads that will be used for construction purposes shall be identified and approved by the Township Road Commissioner and the County Engineer prior to the start of construction.

Any road damage caused by the transport of the Solar Farm Energy Systems equipment, the installation, or the removal, must be completely repaired to the satisfaction of the Township Road Commissioner and the County Engineer. The Township Road Commissioner and County Engineer shall choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized road limits. Further, a corporate surety bond or other financial assurance acceptable to the County in an amount to be fixed by the Township Road Commissioner or the County Engineer to insure the township or the County that future repairs are completed to their satisfaction.

Section 37. **PARKING REGULATIONS FOR AG-1 AGRICULTURAL DISTRICT**

Not less than two (2) parking spaces shall be provided per dwelling unit on the lot or in a building.

Section 38. **GROUND FLOOR AREA REQUIRED IN AG-1 AGRICULTURAL DISTRICT**

One (1) story dwelling shall have a total ground floor area of not less than eight hundred twenty-five (825) square feet measured from the exterior faces of exterior walls, including utility rooms, but excluding open porches, garages and terraces. Dwellings having more than one (1) story shall have not less than seven hundred eighty (780) square feet of ground floor area measured as prescribed for one (1) story dwellings.

Mobile homes shall have a minimum of four hundred (400) square feet.

Section 39. **ADVERTISING DEVICES AS A SPECIAL USE**

 (A public hearing is required)

Posters, painted bulletins and advertising signs, hereafter called advertising devices, may be established in the AG-1 Agricultural District, except where the district lies within an incorporated city or village, after a public hearing by the board of Appeals and advisory report by the Planning Commission and approval by the Stark County Board of Supervisors subject to the following general requirements and such other requirements as the Board of Supervisors believes proper for the individual circumstances.

39.01. They shall be placed not closer than three hundred feet (300’) from the right-of way line of the nearest highway.

39.02. They shall be placed not closer than five hundred feet (500’) to the property line of any church, school, hospital or similar public or semi-property existing at time device is placed.

39.03. They shall be placed not closer than five hundred feet (500’) to the nearest dwelling existing at time device is placed.

39.04. The advertising copy shall be placed on one (1) device only and not continued to two (2) or more.

39.05. They shall be placed in a manner to respect the public interest in respect to natural scenery and with discretion and good taste with respect to frequency and concentration.

39.06. All devices must be placed on property properly leased or owned by the company placing its devices.

39.07. No advertising device shall be painted or posted directly upon the surface of any building.

39.08. Permits for any device placed as a Special Use shall be for a period not to exceed three (3) years for wooden structures and five (5) years for steel structures. All devices shall be properly maintained by painting and structural repairs.

39.09. Before a special permit is issued the applicant shall submit a copy of the contract showing right to maintain device on the property for a length of time not to exceed that approved by the Board of Supervisors. This contract shall be filed in the office of the Enforcing Officer together with the permit signed by the applicant setting forth special conditions relative to the Special Use required by the Board of Supervisors.

39.10. Exceptions: Signs designating time of meeting, location or notice of meetings pertaining to the Chamber of Commerce, Kiwanis, Rotary, clubs, churches or other similar

organizations and groups may be placed as separate signs in the AG-1 Agricultural

district under requirements specified above or these signs may be incorporated into one (1) sign and placed in the AG-1 Agricultural District at a distance of not less than fifty feet (50’) from the right-of-way line of the highway with approval of the Board of Supervisors, without a public hearing.

**ARTICLE IV**

**PROVISIONS GOVERNING RESIDENCE (R-1 AND R-2) DISTRICTS**

Preamble: The purpose of the Residence Districts is to provide an area for (residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.)

Section 41. **USES PERMITTED IN THE R-1 DISTRICT** – Provided the use does not violate state or county nuisance ordinances

 (No public hearing required)

41.01. Single-family and two (2) family residence dwellings, leasing of rooms to not more than two (2) families and home occupations.

41.02. Home agricultural uses including nurseries and raising of farm products (not to include livestock or sale of products on premises).

**AMENDED**

**5/11/1993**

41.03. Churches, schools, libraries, museums, art galleries, parks, playgrounds, community centers, cemeteries, public services, utility buildings, and day care homes.

41.04. Accessory buildings and uses.

41.05. Unlighted real estate signs, non-conforming business use signs and public building or church sign or bulletin boards pertaining to the property on which they are placed and not having over twelve (12) square feet of sign area.

**AMENDED**

**5/8/2018**

41.06. Solar Energy Systems (SES)

Section 42. **USES PERMITTED IN THE R-2 DISTRICT**

 (No public hearing required)

 42.01. Any use permitted in the R-1 district.

42.02. Multiple-family dwelling, tourist homes and lodging uses with accommodations for not more than fifteen (15) persons.

42.03. Clubs, lodges, hospitals, sanitariums, medical and dental clinics, rest homes and nursing homes.

**AMENDED**

**5/8/2018**

42.04. Solar Energy Systems (SES)

Section 43. **SPECIAL USES IN THE R-1 AND R-2 DISTRICTS**

(A public hearing is required)

The following uses are permitted as special uses in the R-1 and R-2 Districts when authorized by the Board of Supervisors after a public hearing by the Board of Appeals and an advisory report by the Planning Commission in accordance with procedures

specified in Article IX, Special Exceptions. Such special use shall be subject to the following requirements and any other requirements the Board of Supervisors feels necessary to further the purpose of the Residence Districts as stated in the preamble.

43.01. Mobile Home and Trailer Parks with permanent accommodations for mobile homes providing that (a) such park will have permanent accommodations for a minimum of five (5) mobile homes, (b) mobile home accommodations will include for each mobile home individual underground sewer and water connections, concrete trailer platform, hard surface drives to be shared by not more than two (2) mobile homes leading directly to a public improved street, (c) the plan of development will provided a minimum of thirty-six hundred (3,600) square feet per trailer space, and (d) trailer spaces will not be located any closer to the bounding property lines of the park than the appropriate yard requirements for the district would allow. Mobile home parks shall comply with “An Act in relation to the licensing and regulation of Trailer Coach Parks”, State of Illinois Department of Public Health.

43.02. An individual mobile home provided it contains a minimum gross floor area of four hundred (400) square feet and is set on and resting in whole on a permanent foundation, and further provided that all other regulations for residences in R-1 or R-2 Districts are observed in addition to sewage disposal and water supply regulations for residential use.

43.03. Subterranean Home provided that all regulations of R-1 or R-2 Districts are observed.

**AMENDED**

**11/13/1990**

43.04. Temporary mobile home –provided each unit contains a gross floor area of four hundred (400) square feet or more, and will be removed within one year from the date the temporary mobile home permit is issued.

**AMENDED**

**5/11/1993**

43.05. Care facilities, including the following:

 (1) Child care centers.

 Day care centers.

 Day nurseries

 Nursery school

**AMENDED**

**5/8/2018**

 43.06. Solar Farm Energy System (SFES)

Section 44. **REQUIRED LOT AREA AND LOT WIDTH IN THE R-1 AND R-2 DISTRICTS**

 **IN THE R-2 DISTRICT:**

 Min. Lot Area Min. Lot Width

 Per Family Per Structure

 (Sq. Ft.) (Ft.)

 Single Family Dwelling

 With both public 10,000 75

 Water and public sewer

 With neither public water 20,000 100

 Supply nor sewer

 Two (2) Family Dwelling

 With both public water 7,500 100

 And public sewer

 With neither public water 15,000 150

 Nor sewer

 **IN THE R-2 DISTRICT:**

 All dwellings in this district must be served with both public water and public sewer.

 Min. Lot Area Min. Lot Width

 Per Family or Per Structure

 Rental Unit at Front Bldg.

 (Sq. Ft.) Line (Ft.)

 Single Family Dwelling 7,500 65

 Two (2) Family Dwelling 4,500 75

 Multiple-Family Dwelling 2,500 100

 Rooming or Lodging House 1,500 50

Section 45. **BUILDING HEIGHT REGULATION IN RESIDENCE DISTRICTS**

No building shall exceed two (20 Stories or thirty feet (30’) in height, unless each side yard is increased over the required minimum by five feet (5’) for every five feet (5’) or fraction thereof, of additional height over thirty feet (30’). In no case shall the building height exceed fifty feet (50’).

Section 46. **YARDS REQUIRED IN RESIDENCE DISTRICTS**

Except as required in the Setback Regulations, Article X, all structures to be constructed, altered or moved in the R-1 and R-2 Districts shall provide yards of the following minimum depths.

 46.01. Front Yard – Twenty-five feet (25’) from right-of-way.

46.02. Side Yard – Five feet (5’) minimum, one (1) side yard; twelve feet (12’) minimum, sum of two (2) side yards.

46.03. Rear Yard – Twenty feet (20’) or twenty percent (20%) of the lot depth, whichever is greater.

46.04. Yards of Corner Lots – Corner lots shall provide a front yard on each street side, not. However, to reduce the buildable width of the lot below thirty-tow feet (32’).

46.05. Front yards shall be not less than twenty-five feet (25’) unless forty percent (40%) or more of the frontage is improved with buildings that have observed a greater or lesser depth of front yard, in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the front property line of the residence upon either side of the proposed structure or, if there be residences upon only one side, then beyond the straight line projected from the front of the two (2) nearest residences, but this regulation shall not be interpreted to require a front yard of more than fifty feet (50’), nor to permit a front yard of lesser depth than that of the nearest building. Where the street is curved, the line shall follow the curve of the street rather than being a straight line.

Section 47. **OFF-STREET PARKING**

There shall be provided in the R-1 and R-2 Districts adequate off-street parking in

accordance with the schedule in Article II.

**ARTICLE V**

**PROVISIONS GOVERNING R-3 COUNTRY HOME DISTRICT**

Preamble: The purpose of the Country Home District is to provide areas for acreage lots for rural type living.

Section 51. **USES PERMITTED IN THE R-3 COUNTRY HOME DISTRICT** – Provided the use does not violate state or county nuisance ordinances.

 (No public hearing required)

51.01. Agriculture, but not including the disposal or feeding of garbage, and provided that no poultry or livestock shall be housed or confined within one hundred feet (100’) of any dwelling except that of the owner or lessor of the tract.

51.02. Churches.

51.03. Dwellings, single-family.

51.04. Golf courses.

51.05. Home Occupations, provided that no more than one (1) nameplate attached to the dwelling structure and unlighted, with a maximum area of four (4) square feet may be displayed setting forth such occupation.

51.06. Lakes (artificial) three (3) acres of less.

51.07. Schools, except business or commercial schools.

51.08. Signs, one (1) per tract, but not more than twenty (20) square feet in area, pertaining only to the lease or sale of a building or premises.

Section 52. **SECONDARY USES PERMITTED IN THE R-3 COUNTRY HOME DISTRICT**

(No public hearing required)

In addition to the uses listed above, the buildings and premises may be used for the following purposes provided that they are secondary to the primary use only and not carried on as business.

 52.01. Greenhouses.

 52.02. Guest Houses.

 52.03. Hobby or play structures.

52.04. Kennels, if not within one hundred feet (100’) of any dwelling other than that of the owner or lessor of the site.

52.05. Servant Quarters.

52.06. Stables, if not within fifty feet (50’) of any property line and not within one hundred feet (100’) of any dwelling other than that of the owner or lessor of the site.

Section 53. **SPECIAL USES IN THE R-3 DISTRICT**

 (A public hearing is required)

The following uses are permitted as special uses in the R-3 District when authorized by the Board of Supervisors after a public hearing by the Board of Appeals and an advisory report by the Planning Commission in accordance with procedures specified in Article IX, Special Exceptions. Such special use shall be subject to the following requirements and any other requirements the Board of Supervisors deems necessary to further the purpose of the Residence district as stated in the preamble.

 53.01. Lakes (artificial) more than three (3) acres.

53.02. Radio and television relay stations, booster stations, repeater stations and public utility substations, etc., but not including power generation or gas manufacturing plants.

53.03. Water works.

Section 54. **REQUIRED LOT AREA AND LOT WIDTHS IN COUNTRY HOME DISTRICT**

Every tract of land or lot upon which a single family dwelling is to be constructed shall have and area of not less than one and one-half (1-1/2) acres and a width at the setback or front yard line of not less than one hundred feet (100’), except that a smaller lot officially of record at the time of passage of this ordinance may be occupied by a single-family dwelling, provided that two (2) or more contiguous lots in common ownership of record at the time of passage of this ordinance shall be combined in one (1) parcel to approach the required area insofar as possible, that the intent of the yard regulations of this district be reasonably observed, and that the area of parcel so obtained is not reduced in transfer.

Section 55. **BUILDING HEIGHT REGULATIONS IN COUNTRY HOME DISTRICT**

Dwellings, guest houses or servant quarters, greenhouses and stables shall not exceed thirty-five feet (35’) in height, nor be less than eight feet (8’) above grade over a majority of the area of the ground floor.

Section 56. **YARDS REQUIRED IN COUNTRY HOME DISTRICT**

Except as required in the Setback Regulations, Article X, no building shall be constructed within fifty feet (50’) of a street, road or highway right-of-way line or within fifteen feet (15’) or one foot (1’) for each foot of building height, whichever is the greater, of any lot line.

Section 57. **GROUND FLOOR AREA REQUIRED IN COUNTRY HOME DISTRICT**

 Ground floor area per dwelling as required in AG-1 Agricultural District.

**ARTICLE VI**

**PROVISIONS GOVERNING COMMERCIAL (C-1 AND C-2) DISTRICTS**

Preamble: The purpose of the C-1 General Retail District is to provide for a wide range of retail facilities and services of such a nature as to be fully compatible in the proximity they must enjoy in the central business district of a city, village or unincorporated town.

The purpose of the C-2 Service Retail District is to provide for those retail businesses and services which require a location other than in the central business district, being either highway oriented, requiring larger tracts of land not normally available in the central business district, or to provide local neighborhood retail shopping facilities to that residential area immediately adjacent.

Section 61. **USES PERMITTED IN THE C-1 GENERAL RETAIL DISTRICT** – Provided that they do not violate state or county nuisance ordinances.

 (No public hearing required)

 61.01. Any use permitted in the R-1 and R-2 Districts.

61.02. Major Retail Outlets: Furniture, department, clothing, shoe and variety stores, hardware, appliance, paint and wallpaper stores.

61.03. Food, Drug and Beverage: Grocery stores, supermarkets, meat markets, drug stores, liquor stores, bakery in conjunction with retail sales, restaurants, tea rooms and taverns, including light food processing, frozen food lockers and dairies.

61.04. Specialty Shops: Gift shops, magazine, book, stationery outlets, florist shops, camera and photography shops, sporting goods.

61.05. Service and Recreation: Laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shop with no more than ten (10) full-time regular employees, places of amusement and assembly.

61.06. Business and Professional Offices: Medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance and utility companies.

61.07. Automotive and Related Uses: New and used car sales, service and repair, gasoline filling stations, motorcycle and bicycle shops, cab and bus stands and depots.

61.08. Accessory uses or Buildings.

61.09. Business and advertising signs pertaining to the business on the property on which the sign is located providing that (a) illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential districts or into the public way, and (b) that any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green or amber illumination.

**AMENDED**

**5/8/2018**

61.10. Solar Energy System (SES)

Section 62. **USES PERMITTED IN THE C-2 SERVICE RETAIL DISTRICT**

 (No public hearing required)

 62.01. Any use permitted in the C-1 General Retail District.

62.02. Building Trades or Equipment: Building concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments (providing no construction, millwork or concrete block manufacture is done on premises).

62.03. Vehicle Drive-In and Heavy Vehicle Service: Farm implement sales, drive-in theaters, drive-in restaurants and refreshment stands, express, cartage and trucking facilities, large item machinery or bulk sales and storage not including outdoor storage.

62.04. Heavy Service and Processing Facilities: Laundry and dry cleaning plants, linens, towels, diaper and similar supply services, animal pounds, kennels and veterinary establishments.

**AMENDED**

**7/8/2003**

62.05. The planting, growing, production, harvesting, keeping or maintenance of viticultural activities including the distillation and sale of ethyl alcohol from grape products on a commercial basis, wholesale or retail.

**AMENDED**

**5/8/2018**

62.06. Solar Energy System (SES)

Section 63. **REQUIRED LOT AREA AND LOT WIDTH IN THE COMMERCIAL DISTRICTS**

Each residential use to be accommodated in the c-1 and c-2 Commercial Districts shall meet the minimum lot area and minimum lot width requirements of the R-2 Residence District.

Section 64. **BUILDING HEIGHT REGULATION IN COMMERCIAL DISTRICTS**

64.01. In the C-1 General Retail district no building shall exceed three (3) stories or forty-five feet (45’).

64.02. In the C-2 Service Retail District no building shall exceed two (2) stories or thirty feet (30’).

Section 65. **YARDS REQUIRED IN THE COMMERCIAL DISTRICTS**

Except as required in the Setback Regulations, Article X, all buildings to be constructed, altered or moved in the Commercial Districts shall meet the following minimum requirements.

 65.01 Yards Required in the C-1 General Retail District:

 Front Yard – no minimum yard required.

Side Yard – no minimum yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining Residence District.

Rear Yard – twenty feet (20’). Where a rear lot line abuts an alley, one-half (1/2) of the width of such alley may be considered toward meeting the rear yard requirements.

 65.02. Yards required in the C-2 Service Retail District:

 Front Yard – twenty five feet (25’).

 Side Yard – ten feet (10’).

Rear Yard – twenty feet (20’). Where a rear lot line abuts an alley, one-half (1/2) of the width of such alley may be considered toward meeting the rear yard requirement.

Section 66. **OFF-STREET PARKING AND LOADING**

There shall be provided in the C-1 and C-2 Commercial Districts off-street parking in accordance with the schedule in Article II, Section 25, and off-street loading in accordance with the following:

Off Street Loading

Every building or structure used for other than residential uses, and constructed after the adoption of this ordinance shall provide space on the property to be used exclusively for loading and unloading of vehicles. Such space shall be in accordance with the following schedule.

Required Spaces Building Gross Floor Area

1. 0 – 8,000 Sq. Ft.
2. 8,000 – 25,000 Sq. Ft.
3. 25,000 – 40,000 Sq. Ft.
4. 40,000 – 100,000 Sq. Ft.
5. 100,000 – 250,000 Sq. Ft.
6. 250,000 – 4000,000 Sq. Ft.

For buildings over 400,000 Sq. Ft., six (6) spaces plus one (1) additional space for each additional 200,000 Sq. Ft.

For the purpose of determining adequacy of loading area, each space shall be not less than ten feet (10’) in width, forty-five feet (45’) in length, and fourteen feet (14’) in height.