

Title 8, Chapter 7, Article 2: Defined Terms

Add the following:

Definitions:

Solar Energy Systems, Commercial: Any device or combination of devices or elements which rely on power obtained by harnessing the energy of the sun's rays, intended primarily to be sold to wholesale or retail markets.

Solar Energy Systems, Private: Any device or combination of devices or elements which rely on power obtained by harnessing the energy of the sun's rays, intended primarily to be used as an onsite power source, however, incidental energy output may be delivered to a power grid to offset the cost of energy on site.

Use Type	Zoning Districts								Use Standards
	Residential				Nonresidential				
	AG	R-1	R-2	RP	CON	C	M	I	
<u>Detached Accessory Dwelling Unit; Manufactured Homes</u>	<u>S</u>	<u>S</u>	-	-	-	-	-	-	<u>8-5B-52</u>
<u>Detached Accessory Dwelling Unit</u>	<u>S</u>	<u>S</u>							<u>8-5B-52</u>

8-5B-52: Detached Accessory Dwelling Unit & Detached Accessory Dwelling Unit; Manufactured Homes:

A. Purpose and Intent:

To provide an opportunity to offer cost effective independent accessory housing options in close proximity to the principal dwelling.

The following standards are in place to ensure that the detached accessory dwelling units are compatible with the character of the area, share infrastructure and common spaces with the principal residence on the parcel and shall not be split from the parcel on which the principal residence sits.

B. Development Standards:

1. Generally, the development standards stated in this section are applicable to a detached accessory dwelling unit and a detached accessory dwelling unit; manufactured home unless specifically stated otherwise. If not addressed in this section, the base zone development standards apply.
 - a. No more than one detached accessory dwelling unit shall be established on a parcel and shall only be allowed as an accessory to a principal residence on the property.
 - b. Manufactured homes when used as a detached accessory dwelling unit shall not be older than fifteen (15) years at the time of placement.
 - c. Special Use Permits issued for a detached accessory dwelling unit; manufactured home shall expire three (3) years from issuance date and may be extended in accordance with 8-2D-7 of this ordinance. If no extension is received the unit shall be removed from the property.
 - d. Home occupations are prohibited in a detached accessory dwelling unit.
 - e. A detached accessory dwelling unit shall only be allowed on a zoning lot of five (5) acres in size or more

- f. The gross floor area of an accessory dwelling unit shall be no less than four hundred (400) square feet and no greater than nine hundred (900) square feet.
- g. Detached accessory dwellings shall be located no more than one hundred fifty (150) feet from a principal dwelling (to be measured from outside of structure to outside of structure).
- h. Detached accessory dwellings shall utilize the existing driveway that is serving the principal residence and shall be metered off of the existing electric and water supply.
- i. Detached accessory dwellings shall not be used as guest accommodations.

8-7-2: Defined Terms

Definition:

Detached Accessory Dwelling Unit:

A Detached Accessory Dwelling Unit (DADU) is a self-contained housing unit that typically has their own kitchen, bedroom(s), bathroom(s) and living space, which is a freestanding structure on the same parcel as the principal dwelling unit.

8-5B-37: TEMPORARY USES:  

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.

~~A.~~

A Type 1 Temporary Uses:

1 The following temporary uses shall be allowed:

Seasonal sale of agricultural produce including, but not limited to, farmers' markets.

B Type 2 Temporary Uses:

1 Uses Allowed By Permit Only: The following uses shall be allowed by temporary use permit only:

Commercial sales events/activities, not conducted in an enclosed building or on the premises of a regular place of business. The total duration of event/activity shall not exceed fourteen (14) weeks.

WECS test towers subject to the following:

- a All test towers shall be eighty meters (80 m) or less in height.
- b All test towers shall be set back from public roads, third party transmission lines, communication towers and primary structures a distance of 1.1 times the test tower height.
- c All test towers shall be set back a distance of one and one-tenth (1.1) times the tower height from adjacent property lines.
- d At the expiration of the temporary use permit, the test tower must be taken down and the area reclaimed if necessary.
- e Temporary permit for a test tower may only be issued for no longer than a three (3) year time period.
- f The provisions of items b and c of this use shall not apply to test towers if the applicant submits with the application for this temporary use, a statement wherein the applicant indicates what the actual setbacks will be from structures and property lines and such statement shall be duly acknowledged before a notary public by the applicant, owner and lessee (if applicable) of the primary structure referred to in item b of this use and the owner of the adjacent property referred to in item c of this use indicating that said owner(s) of the structure or property has no objections to the applicant having test towers located in the location set forth in the statement.
- g WECS test towers that do not meet the above requirements may apply for a special use permit in accordance with [chapter 2, article D](#) of this title. (Ord. 2009-3, 5-12-2009)

2 Application And Review Procedures:

- a Approval Of Type 2 And Type 3 Temporary Uses By The Zoning Administrator: The zoning administrator may approve type 2 and type 3 temporary use permits after determining that the use will comply with all of the standards of this subsection.

- (1) Contents Of All Applications: An application for a temporary use permit The application shall be made to the zoning administrator on a form available from the zoning administrator and shall be accompanied by: a
- (a) A site plan or map showing the location of the structures, improvements, parking areas and other features that exist or are proposed on the site
 - (b) Owner authorization: When the applicant for a special event is not the owner of the property on which the event will occur, the applicant must submit proof of the owner's authorization which shall be in writing, dated, signed by the owner and contain sufficient information so as to identify the property and the proposed special event.
 - (a)(c) A fee as established by the county board. ~~The application shall be made to the zoning administrator on a form available from the zoning administrator.~~
- (2) Review And Approval Process: A complete application shall be submitted to the zoning administrator at least thirty (30) days prior to the requested start-, with the exception of Amusement Events/Festivals requiring at least sixty (60) days prior to the requested start date. The zoning administrator shall submit copies of the application to the Jo Daviess County Environmental Health Department, Sheriff Department, County Highway Department and emergency responders for review. The zoning administrator shall make a determination whether to approve, approve with conditions, or deny the permit within fifteen-twenty (1520) working days after the date of application. Any applicant denied a permit by the zoning administrator shall be notified in writing, of the reasons for the denial and of the opportunity to appeal the denial to the zoning board of appeals at their next regularly scheduled meeting.
- 3 Requirements: The following provisions shall apply to all type 2 and type 3 temporary uses:
- a Land Use Compatibility: The special event must be compatible with the purpose and intent of this section and the zoning district in which it will be located. The special event shall not impair the normal, safe and effective operation of a permanent use on the same site. The special event shall not endanger or be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to parking and access points.
 - b Traffic Circulation: The special event, as determined by the county engineer, shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls. The special event application shall be reviewed and agreed to by all affected road authorities, and by the sheriff's department for public safety.
 - c Off Street Parking: Off street parking shall be provided in a manner as determined by the zoning administrator to meet the needs of the requested special event.
 - d Setback From Road Right Of Way: Temporary Structures and equipment used in conjunction with a special event need not comply with the setback requirements of the applicable district in which the special event is located unless otherwise required by the zoning administrator for public safety reasons. However, structures or equipment shall not block the view of operators of motor vehicles on the public

streets and shall conform to the requirements of the sight triangle as specified in section 8-4A-6, "Sight Triangle", of this title.

- e Public convenience and litter control: Adequate portable sanitation stations, potable water and on site solid waste containers shall be provided.
- f Event staff shall be provided by the applicant to provide for traffic coordination to protect the public health and safety.
- g If food will be served to the public or available for public purchase, food vendors must comply with Jo Daviess County Health Department food service regulations.
- h If alcohol will be served to the public or available for public purchase and consumption, all applicable licenses and permits shall be procured through the local/state and federal agencies.
- i All amusement events/activities shall begin activities after 9:00am and shall cease activities by midnight.
- ej It shall be the responsibility of the applicant to see that the area used for the event is maintained in a condition that provides for the public health, safety, and welfare for event attendees and neighbors alike. In the event that authorized personnel from the Jo Daviess County Sheriff's Office determine that the activity is a threat to the public health, safety, and welfare, the Jo Daviess County Sheriff's Office shall have the right to close the event to ensure the health, safety, or general welfare of attendees or neighbors.
- ek Other Conditions: The zoning administrator may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses. The zoning administrator may refuse to issue a permit if the event is too large to be safe for the site, neighborhood, roadway or other infrastructure. In the event that authorized personnel from the Jo Daviess County Sheriff's Office determine that the activity is a threat to the public health, safety and welfare, the Sheriff's Office shall have the right to close the event to ensure the health, safety or general welfare of attendees or neighbors.

C Type 3 Temporary Uses:

1The following uses shall be allowed by temporary use permit only:

Amusement Events/Festivals:

A temporary use permit is required for Amusement Events/Festivals when one or more of the following are triggered:

The event will have alcohol either served or brought on premise and have an anticipated attendance of 500 people or more

The event is scheduled for more than one calendar day

The event will have an anticipated attendance of 500 people or more

The purpose and intent of this Subsection is to allow short term use of land, that are not otherwise permitted in the Use Table of this Ordinance, for special amusement events/festivals, when not conducted on premise and associated with a permitted business, while protecting nearby property owners, residents and business from activities that may be disruptive, obnoxious or otherwise incompatible. No more than two (2) events in any calendar year with regard to any particular property and shall

not last longer than four (4) consecutive days with the exception of a haunted house/barn/forest or similar seasonal activity, which shall not last longer than a specific period of time not exceeding sixty (60) days.

Events/Festivals may be held either in an enclosed existing structure, not to exceed occupancy load as established in the adopted International Residential/Building Code, or in an open area with or without temporary tent structures.

Garage sales, auctions and Private, non-commercial events on the sponsor's property such as private weddings, family reunions and graduation celebrations not intended to be open to the public are not considered activities intended for public amusement. Events/Festivals do not include gatherings at any regularly established permanent place of worship, fairgrounds or any permanent established place of business when held in conjunction with and at the site of business.

Agricultural themed public events:

Application and review process stated in subsections B2 and B3 of this section is applicable to all type 3 temporary uses. (Ord. 2011-8, 11-8-2011)

D. Type 4 Temporary Uses:

1. 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 use during rehabilitation of the original residence or construction of a new residence. The temporary emergency shelter permit shall be limited to a period of twelve (12) months. Upon expiration of the twelve (12) month period, an application may be presented to the zoning board of appeals requesting an extension of up to six (6) months. Extension application must show necessary cause of the requested extension. The zoning board of appeals may grant the extension for no longer than six (6) months.

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

- a. Name(s) and address(es) of occupants.
- b. Site plan showing location of proposed use.
- c. Description (make, model and year) of mobile home or recreational vehicle.
- d. Reason for application.
- e. Statement that a change in the usage, name or number of occupants, or location will be reported to the zoning administrator immediately.

f. Sign off from the environmental health department concerning septic and well.

Type 4 temporary use structure may be placed no closer than five feet (5') to a side and rear property line and maintain a setback of fifty three feet (53') from the centerline of the roadway or twenty feet (20') from the right of way line, whichever is greater.

Failure to comply with any of the above or any additional conditions placed on a permit by the zoning administrator shall be sufficient for the permit to be revoked.

The mobile home or recreational vehicle shall be removed by the permit holder on or before the date of the expiration of the permit. Failure to do so may result in a fine as established in sections [8-2G-1](#) and [8-2G-2](#) of this title. (Ord. 2015-7, 11-10-2015)

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8-5B-1: ACCESSORY USES: 

Small scale events such as Garage sales, auctions and Private, non-commercial events on the sponsor's property such as private weddings, family reunions and graduation celebrations not intended to be open to the public and events such as gatherings at any regularly established permanent place of worship, fairgrounds or any permanent established place of business when held in conjunction with and at the site of business, when accessory to the permitted principal use on the property are permitted under 8-5B-1 Accessory uses.

DEFINITION

Amusement Events/Festivals:

Activities intended for public amusement which may or may not require some sort of remittance to enter the activity area or partake in the activity and is open to the general public where patron attend for social or pleasure rather than business reasons. Uses that fall under Agri-Tourism and Agricultural themed public events shall not be treated as Amusement Events/Festivals. For the purpose of this definition “Events/Festivals” includes but is not limited to: circus, carnival, fair, flea market, craft fair, trade show, concert, athletic competition, haunted house/barn, and any similar activity not involving the erection of any permanent structure or facility. Large Scale Events/Festivals when utilizing more than five (5) acres of land shall be considered Large Scale and are not permittable under Chapter 5 Article B, 37, with the exception of a Haunted forest and historical reenactments.

Amusement Events/Festivals, Large Scale:

Those uses identified under Amusement Event/Festivals when utilizing more than five (5) acres of land mass.

Use Type	Zoning Districts								Use Standards
	Residential				Nonresidential				
	AG	R-1	R-2	RP	CON	C	M	I	
Commercial uses:									
Adult entertainment establishment								S	8-5B-2
Agricultural processing	S					S	S	S	
Agricultural sales and service	S					P	P	P	
Animal care, general	S					S	P		
Animal care, limited	S					P	P		
Auction rooms	S					P			
Bank or financial institution						P			
Bed and breakfast	S	S	S	S		S			8-5B-5
Car wash						P	P	P	
Catering establishment						P			
Childcare facility						P			
Childcare institution		S	S						
Construction sales and service						S	P	P	
Daycare center		S	S						8-5B-12
Daycare home	P	P	P	P					8-5B-12
Festivals/Events, Large Scale	S	S		S					