

AMENDATORY ORDINANCE
AMENDING CHAPTER 350 OF THE McLEAN COUNTY CODE
THE McLEAN COUNTY ZONING ORDINANCE

WHEREAS, the McLean County Zoning Board of Appeals in case ZA-15-01 has proposed that certain portions of the text of the McLean County Zoning Ordinance regarding a Brewery/Distillery; Facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment; Solar Farms; a Contractor Shop and Office; and Private Clubs be amended; and

WHEREAS, notice was published on the 9th of May, 2015, informing the public of a scheduled public hearing to consider changes to the McLean County Zoning Ordinance in case number ZA-15-01 in accordance with all applicable provisions of the laws of the State of Illinois and County of McLean; and,

WHEREAS, the McLean County Zoning Board of Appeals, after due notice as required by law, held a public hearing on said proposal identified as Case ZA-15-01 and has recommended that the said zoning ordinance be amended: and

WHEREAS, the County Board of McLean County, Illinois deems it necessary and proper and in the public interest to so amend said Zoning Ordinance of said County; now, therefore,

BE IT ORDAINED that the McLean County Zoning Ordinance be and hereby is amended according to the attached Exhibit A.

Adopted by the County Board of McLean County, Illinois this 16th day of June 2015

ATTEST:

APPROVED:

Kathy Michael, County Clerk
McLean County, Illinois

Matt Sorensen, Chairman
McLean County Board

EXHIBIT A

Chapter 350 of the McLean County Code
The McLean County Zoning Ordinance

(Additions are indicated by text and stricken material by ~~text~~)

Brewery – Text Amendment proposal

§ 350-26 DEFINITIONS.

<u>Brewery/Distillery</u>	<u>A facility comprising building or buildings used for the manufacturing, blending, fermenting, processing, and packaging of alcoholic beverages and may include a tasting room, retail space, and food service as an accessory use on the site.</u>
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§ 350-42 USE TABLE.

USE TYPE	ZONING DISTRICTS						
	RESIDENTIAL			NONRESIDENTIAL			
	A	R-1	R-2	C	M-1	M-2	Use Standards
<u>Brewery/Distillery</u>				<u>S</u>	<u>P</u>	<u>P</u>	<u>ZZ</u>

§ 350-43 USE STANDARDS.

ZZ. Brewery/Distillery: The following standards shall apply.

- (1) All structures, outdoor use areas, or loading areas shall be located at least 100 feet from an R-1 or R-2 District or any lot containing a dwelling as a principle use.
- (2) No loading or distribution activities shall take place outside of an enclosed building between the hours of 9:00 PM and 7:00 AM when a building is located within 500 feet of an R-1 or R-2 District or any lot containing a dwelling as a principle use.
- (3) No outdoor amplified sound will be permitted after 11:00 PM within 500 feet of an R-1 or R-2 District or any lot containing a dwelling as a principle use.

***¹ Three asterisks denotes text which has not been reproduced for efficiency purposes.

- (4) Food sales/service, waste water/sewage disposal and potable water supplies shall meet the requirements of the County Health Department.
- (5) Facility shall provide approval for access points and change in access use from the road authority.
- (6) The facility shall meet the Performance Standards of the Zoning Ordinance. No use or activity shall create any amount of noise that is in violation of the applicable standards and regulations governing noise levels specified by the Illinois Environmental Protection Agency.

Facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment – Text Amendment proposal

§ 350-26 DEFINITIONS.

<u>Facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment</u>	<u>A facility that accepts general construction or demolition debris for transfer, storage, or treatment in accordance with 415 ILCS 5/22.38.</u>
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§ 350-42 USE TABLE.

USE TYPE	ZONING DISTRICTS						Use Standards
	RESIDENTIAL			NONRESIDENTIAL			
	A	R-1	R-2	C	M-1	M-2	
<u>Facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment</u>						<u>P</u>	<u>AAA</u>

§ 350-43 USE STANDARDS.

AAA. Facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment. The following standards shall apply:

- (1) Screening: The operation shall be conducted wholly within a building or within an area screened by a fence or wall as follows: The fence or wall shall be at least eight feet in height, shall be of uniform height, shall be

installed so as to insure maximum safety to the public, and shall obscure construction or demolition debris or equipment from normal view of the public, as approved by the Director of Building and Zoning.

- (2) All structures shall be located at least 100 feet from an R-1 or R-2 District or any lot containing a dwelling as a principle use.
- (3) All structures where treatment of construction or demolition debris takes place shall be located at least 300 feet from an R-1 or R-2 District or any lot containing a dwelling as a principle use.
- (4) Paving and Dust Control: 50 feet of driveways from a public road shall be paved with an approved concrete or asphalt/concrete surface so as to limit adjoining lots and public roads from the nuisance caused by wind-borne dust or mud on a public road. All roads, driveways, parking lots and loading and unloading areas not required to be paved shall be kept in a reasonably dust/mud-free condition, using application of dust-inhibitors or mud removal, if necessary so as to limit the nuisance caused by wind-borne dust or mud from adjoining lots and public roads. The operator shall be required to provide additional dust control, and possibly paving, if requested to do so by the Director of Building and Zoning.
- (5) Storm Water Management: A storm water management plan shall be provided.
- (6) Waste water/sewage disposal and potable water supplies shall meet the requirements of the County Health Department.
- (7) Facility shall provide approval for access points and change in access use from the road authority.
- (8) A tipping fee, as provided in §205 of this Code, shall be paid to the County.
- (9) A fire safety plan approved by the appropriate fire district authority shall be provided.
- (10) The facility shall meet the Performance Standards of the Zoning Ordinance. No use or activity shall create any amount of noise that is in violation of the applicable standards and regulations governing noise levels specified by the Illinois Environmental Protection Agency.

Utility Major – Text Amendment proposal

§ 350-26 **DEFINITIONS.**

Utility, Major	Generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service, wind <u>and solar</u> power generating facilities including wholesale generators and or qualifying facilities. (6-18-02) The term “utility” shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities; or other uses defined herein. In addition, utilities that are exempt as specified in Article 1 of these regulations shall not be considered to be major utilities as defined herein.
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§ 350-43 **USE STANDARDS.**

- OO. Utility, Major (if not a regional pollution control facility or otherwise exempted in Article 1 of these regulations): Major utilities, that are not regional pollution control facilities or otherwise exempted in Article 1 of these regulations, shall not be located within 200 feet of a boundary line of an R-1 or R-2 district.

- (3) The following standards shall apply to Solar Farms:
- (a) Setbacks: The facility shall be set back 50 feet from the front and rear property lines and 30 feet from the side property lines.
 - (b) Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of a facility.
 - (c) An erosion control plan shall be provided.
 - (d) A storm water management plan shall be provided.
 - (e) All areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade tolerant grass or other vegetation for the purpose

of soil stabilization or other methods approved by the Director of Building and Zoning.

- (f) Solar panels shall require construction permits from the Department of Building and Zoning. Solar panels that are part of a solar power generating facility shall require engineering certified by a registered engineer or other certified professional before an occupancy permit will be issued.
- (g) If a facility ceases to produce electricity on a continuous basis for 24 months, the equipment must be removed, and the site restored to original condition.
- (h) Facility shall provide approval for access points and change in access use from the road authority.

Contactor Shop and Office – Text Amendment proposal

§ 350-26 DEFINITIONS.

Contractor Shop and Office	A building and/or property where materials and equipment used by construction contractors are stored and repaired. The contractor's office may also be located within the building or on the same property.
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Private Club – Text Amendment proposal

§ 350-42 USE TABLE.

USE TYPE	ZONING DISTRICTS						
	RESIDENTIAL			NONRESIDENTIAL			
	A	R-1	R-2	C	M-1	M-2	Use Standards
Club, Private				P	S	<u>S</u>	