**ARTICLE VII**

**PROVISIONS GOVERNING INDUSTRIAL (I-1 AND I-2) DISTRICTS**

Preamble: The purpose of the I-1 Light Industrial District is to provide for commercial uses, storage and any manufacturing use not normally creating a nuisance discernible beyond its property.

The purpose of the I-2 Heavy Industrial District is to provide for industrial uses not allowed in any other district providing that, within this district, uses of a hazardous nature or those producing extensive smoke or odor shall not be located so that the general hazard or nuisance affects a large segment of the community.

Section 71. **USES PERMITTED IN THE I-1 LIGHT INDUSTRIAL DISTRICT** – Provided that they do not violate state and county nuisance ordinances.

 (No public hearing required)

 71.01. Any use permitted in the C-1 and C-2 Commercial Districts except residential uses.

71.02. Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing, pole yards, building material storage, trucking storage.

71.03. Manufacturing: Manufacture or processing of small items including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors, generators, appliances and other electronic devices; textile products manufacture, furniture manufacture, food manufacture or processing including hatcheries, canning, freezing, storage and bottling.

71.04. Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibrations, or noise detectable at the lot line. Such uses shall not be established without an application for a permit which shall be accompanied by a certification by a registered engineer or architect indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt vibration or noise. In the event of the denial of such permit, an applicant shall have a right of appeal to the Zoning Board of Appeals, in accordance with the “Board of Appeals” Article.

**AMENDED**

**5/8/2018**

71.05. Solar Energy System (SES)

Section 72. USES PERMITTED IN THE I-2 HEAVY INDUSTRIAL DISTRICT – Provided that they do not violate state and county nuisance ordinances

 (May require a public hearing)

 All uses not otherwise prohibited by law except residential uses, provided, however, that the following uses will be permitted as special uses in the I-2 District when authorized by the Board of Supervisors after public hearing by the Board of Appeals and an advisory report by the Planning Commission: A pollution control facility, anhydrous ammonia and other fertilizer storage and manufacture, bag cleaning, boiler and tank works, central mixing plant for cement, mortar, plaster or paving materials, coke oven, curing, tanning and storage of raw hides and skins, distillation of bones, coal, wood or tar, fat rendering, forge plant, foundry or metal fabrication plant, gasoline or oil storage

above ground in excess of five hundred (500) gallons, slaughter house or stockyards,

 smelting plant, and the manufacture of acetylene, acid, alcohol or alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terracotta or tile, candles, disinfectants, dyestuffs, fertilizers, linseed oil, paint, oil turpentine, varnish, soap and tar products, or any other use which in the opinion of the Board of Appeals would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust or other objectionable conditions beyond the confines of its property. The Board of Appeals shall recommend Board of Supervisor’s approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the Heavy Industrial District in which it is located. Such special uses shall be subject to any requirements the Board of Supervisors feels necessary to further the purpose of the Industrial District as stated in the preamble.

72.01 Salvage and wrecking operations, if located not less than two hundred feet (200’) from any R-District, provided all operations are conducted within an area enclosed on all sides with a tight painted fence not less than eight feet (8’) high and provided further that such operation shall not be visible from the nearest street or highway.

**AMENDED**

**5/8/2018**

72.02. Solar Energy Systems (SES)

Section 73. **REQUIRED LOT AREA AND LOT WIDTH IN INDUSTRIAL DISTRICTS**

Each use to be established in the I-1 or I-2 Districts shall provide a minimum lot area of five thousand (5,000) square feet and a minimum lot width of fifty feet (50’).

Section 74. **BUILDING HEIGHT REGULATION IN INDUSTRIAL DISTRICTS**

 No building in the I-1 or I-2 District shall exceed fifty feet (50’) in height.

Section 75. **YARDS REQUIRED IN INDUSTRIAL DISTRICTS**

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

 75.01. Front Yard – fifty feet (50’).

 75.02. Unless otherwise stated:

Side yard – ten feet (10’) except where a side yard abuts a residential district in which case a side yard of twenty-five feet (25’) shall be provided.

 75.03. Rear Yard – twenty-five feet (25’).

Section 76. **OFF STREET PARKING AND LOADING**

There shall be provided in the I-1 and I-2 Districts adequate off-street parking in accordance with the schedule in Article II and off-street loading in accordance with the off-street loading portion of Section 66, Off-Street Parking and Loading.

**ARTICLE VIII**

**LARGE SCALE DEVELOPMENT PLAN**

(A public hearing is required)

Section 81. The owner or owners of any tract of land comprising an area of not less than thirty (30) acres may submit to the Board of Supervisors a development plan for the entire tract of land for residential and allied purposes. The development plan shall be referred to the Planning Commission for study and report and for public hearing by the Board of Appeals to be held within thirty (30) days after the plan is received and after public notice in a newspaper having county-wide circulation. The recommendations of the Planning Commission shall be accompanied by a report to the Board of Supervisors within sixty (60) days stating reasons and findings of facts showing whether or not the proposed community unit plan meets the following conditions:

 81.01. That property adjacent to the area included in the plan will not be adversely affected.

81.02. That the plan is consistent with the intent and purposes of this ordinance to promote health, safety, morals and general welfare.

81.03. That the buildings shall be used only for country homes, single-family dwellings, two (2) family dwellings or multiple dwellings and the usual accessory uses such as garages, storage space or community activities, including churches and adequate local commercial areas.

Section 82. If the board of Supervisors approves the plans, permits may be issued even though the use of the land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located, provided that the permitted commercial uses shall be limited to those uses allowed in a C-1 district and that they shall not occupy more than ten percent (10%) of the gross land area of the development, and further provided that side and rear yards and lot area are not reduced by more than ten percent (10%).

**ARTICLE IX**

**SPECIAL EXCEPTIONS**

(A public hearing is required)

Section 91. The Board of Supervisors, may by special permit after public hearing by the Board of Appeals and an advisory report by the Planning Commission 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 in any district from which they are prohibited by this ordinance. Within thirty (30) days after application for the special permit, a notice of public hearing shall be published in a newspaper having county-wide circulation.

91.01. Any public building erected and used by a department of a municipal, county, state or federal government.

91.02. Hospitals, clinics and institutions, except institutions for criminals and those for persons that are insane or have contagious diseases; provided, however, that such buildings may occupy not over fifty percent (50%) of the total area of the lot or tract and will not have any serious and depreciating effect upon the value of the surrounding property, and provided further, that the building shall be set back from all minimum yard lines heretofore established an additional distance of not less than two feet (2’) for each foot of building height. Specific requirements for these buildings in any district regulations shall take precedence over the above regulations.

91.03. Commercial amusement or recreational development for temporary or seasonal periods.

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

91.05. Parking lots on land not more than three hundred feet (300’) from the boundary of any commercial, business or industrial district under such conditions as will protect the character of surrounding property.

91.06. Pollution control facility.

91.07. Before issuance of any special permit for any of the above buildings or uses, the Board of Supervisors shall refer the proposed application to the Planning Commission, which Commission shall be given thirty (30) days 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, it shall be assumed that approval of the application has been given by the Commission.

**ARTICLE X**

**SETBACK REGULATIONS**

Section 101. No building, structure, concrete or masonry wall, no fence which cannot be viewed through at street intersections or other improvement shall be erected or structurally altered so that any part thereof is nearer than fifty feet (50’) to the right-of-way line of a state or federal highway route or nearer than seventy-five feet (75’) to the centerline of any county highway or nearer than sixty feet (60’) to the centerline of a township road. If there is conflict between the setback regulations and the front yard regulations, the setback regulations shall govern.

101.01. Locations for advertising signs and billboards must be approved for line of sight safety by the County Superintendent of Highways. If compliance with the setback regulations is not originally required, a waiver shall be given stating that if the necessity for compliance arises, the company constructing the sign will move it without expense to the county.

101.02. This regulation shall not be interpreted to reduce the buildable width or depth of a lot in a single ownership subdivided and recorded by law at the time of the passage of this ordinance to less than thirty-five feet (35’). In locations where the building line restrictions set forth herein will create an undue hardship or in locations wherein the majority of existing buildings are not in conformity with these restrictions, appeals may be made for a variation in which the setback regulation may be modified.

**ARTICLE XI**

**WATER AND SEWAGE DISPOSAL REGULATIONS**

Section 111. Every residential building, business, trade or industry hereafter established and requiring water supply and sewage disposal facilities shall provide such facilities conforming to the suggested standards of the Illinois Department of Public Health and any new water supply and sewage disposal facilities or alterations to existing facilities shall conform also to such standards. The suggested standards of the Illinois Department of Public Health for sewage disposal are contained in circulars numbered 4.002 (Septic Tanks) and 4.704 (Sewage) and for water in circulars numbered 4.718 (Well Installation) and 4.719 (Well Construction).

**ARTICLE XII**

**BOARD OF APPEALS**

Section 121. **CREATION OF MEMBERSHIP**

A Zoning Board of Appeals herein referred to by the term “Board of Appeals” is hereby authorized to be established. Such Board of Appeals shall consist of five (5) members appointed by the Chairman and confirmed by the members of the County Board of Supervisors. The five (5) members of the first Board of Appeals appointed shall serve terms of one (1), two (2), three (3), four (4) and five (5) years respectively. Thereafter, as terms expire, each appointment shall be for five (5) years. Vacancies shall be filled by the Chairman of the County Board for the unexpired terms only, subject to confirmation by the County Board at its next meeting. The County Board shall have the power to remove any member of the Board of Appeals for cause after a public hearing upon giving ten (10) days’ notice thereof. At the time of appointment to the Board of Appeals, not more than one (1) of the members shall be a resident within the limits of any one (1) township. The Chairman of the County Board of Supervisors shall name one (1) of the members of the Board of Appeals as Chairman upon his appointment and in case of vacancy, shall name the Chairman.

Section 122. **MEETINGS**

122.01. Regular meetings of the Board of Appeals shall be held at such time and place within the county as the board of Appeals may determine. Special meetings may be held at the call of the Chairman or as determined by the Board of Appeals. Such Chairman, or in his absence, the acting Chairman, may administer oaths and compel attendance of witnesses. All meetings of the Board of Appeals shall be open to the public.

122.02. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon every question or if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or appeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Board of Appeals and shall be a public record. Four (4) members of the Board of Appeals shall constitute a quorum and the concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Enforcing Officer in any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance or to recommend any variation or modification in such ordinance to the County Board. In the performance of its duties, the Board of Appeals may incur such expenditures as shall be authorized by the County board of Supervisors. The Board of Appeals shall adopt its own rules of procedure not in conflict with the Statute (Chapter 34 of the Illinois Revised Statute, Sections 3151 to 3162) or this ordinance.

Section 123. **APPEALS: HOW TAKEN**

123.01. Any person aggrieved or any officer, department, board, or bureau of the county may appeal to the Board of Appeals to review any order, requirement, decision or determination made by the Enforcing Officer.

123.02. Such appeal shall be made by filing with the Enforcing Officer and the Board of Appeals a notice of appeal specifying the grounds thereof. The Enforcing Officer shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken.

123.03. An appeal stays all proceedings in furtherance of the action appealed from, unless the Enforcing Officer certifies to the Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals, or by a court of record, on application, on notice to the Enforcing Officer and on due cause shown.

123.04. The Board of Appeals shall fix a reasonable time for hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person, by agent, or by attorney.

Section 124 **JURISDICTION**

124.01. The Board of Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the Enforcing Officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

124.02. The Board of Appeals may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Board of Appeals may decide to be fitting and proper in the premises, and to what end the Board of Appeals shall also have all the powers of the officer from whom the appeal is taken.

124.03. When a property owner shows that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulties or particular hardship, then the Board of Appeals may in the following instances only, make such variations of the strict application of the terms of this ordinance as are in harmony with its general purpose and intent when the Board of Appeals is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variation:

124.031. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.

124.032. To permit the reconstruction of a non-conforming building which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value by fire or Act of God, or the public enemy, where the Board of Appeals shall find some compelling public necessity requiring a continuance of the non-conforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.

124.033. To make a variation, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical conditions, when the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property; provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the regulations and provisions contained in this ordinance.

124.034. To waive the parking requirements in the business or industrial districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

124.035. To permit a building to be erected, reconstructed, altered or enlarged so that the building lines will extend beyond the distance specified in this ordinance into side yards or into front yards, provided that such variance may not be granted (a) unless fifty percent (50%) of the buildings in the block extend beyond the distance from the front street line specified in this ordinance, in which case the building line may be permitted to extend as near to the front street line as such non-conforming building, or, (b) unless the lot is irregular in shape, topography or size, or (c) unless the street line of the lot is directly opposite the street line of a lot which is irregular in shape, topography or size.

124.04. Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the District Map; such power and authority being reserved to the Board of Supervisors.

124.05. The Board of Appeals may impose such conditions and restrictions upon the use of the premises benefited by a variance as it may deem necessary.

Section 125. **NOTICE OF HEARING**

No variation of the terms of this ordinance shall be granted by the Board of Appeals unless an application for a permit has been made to the Enforcing Officer and a duly

advertised public hearing has been held by the Board of Appeals as prescribed by

Statute. The notice of hearing shall contain the address or location of the property for which the variation or other ruling by the Board of Appeals is sought, as well as a brief description of the nature of the appeal.

Section 126 **APPEALS TO COURT**

All final administrative decision of the Board of Appeals rendered under the terms of this ordinance shall be subject to judicial review pursuant to the provisions of the “Administrative Review Act” approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

**ARTICLE XIII**

**PERMITS**

Section 131. **PERMITS PROCEDURE**

131.01. Applications for permits shall be filed in written form with the Enforcing officer, shall state the legal description of the property, the name and address of the owner, the applicant and the contractor, the estimated costs, and shall describe the uses to be established or expanded, and shall give such information as may be required by this ordinance for its proper enforcement.

131.02. All application shall be accompanied by a dimensioned drawing of the building plot showing the location of buildings and structures, lot area to be used, auto parking areas and water supply and sewage disposal facilities.

131.03. Concrete, stone, wood, masonry or other fences in a required front yard, exceeding forty-eight inches (48”) in height and which cannot be viewed through, shall require permits. The Enforcing Officer shall require permits for any fences or other structures within the sight triangle established by the center of intersection of two (2) points seventy-five feet (75’) from it, each point being on the center line of an intersection road, and shall deny permits for those which could obstruct vision in said sight triangle.

131.04. Each permit issued for a main building also shall cover any accessory structures or buildings constructed at the same time on the same premises and such permit shall be posted in plain sight on the premises for which it is issued until completion of construction or occupancy.

131.05. Any work or change in use authorized by permit but not substantially started within ninety (90) days shall require a new permit. Such work or change in use authorized by said permit shall be completed within one hundred twenty (120) days after permit granted. Additional thirty (30) day periods to complete said work or change may be granted by the Enforcing Officer if circumstances interfering with completion are beyond the control of the applicant in the opinion of the Enforcing Officer. A permit shall be revoked by the Enforcing Officer when he shall find from personal inspection or from competent evidence that the rules or regulations under which it has been issued are being violated.

AMENDMENT:

5/10/2005

131.051. Any work or change in use related to WECS and authorized by permit but not substantially started within 24 months shall require a new permit. Such work or change in use authorized by said permit shall be substantially completed within 36 months after the permit is granted.

**AMENDED**

**5/8/2018**

131.052. Any work or change in use related to SFES and authorized by permit but not substantially started within 12 months shall require a new permit. Such work or change in use authorize by said permit shall be substantially completed within 24 months after permit is granted.

131.06. All applications and a copy of all permits issued shall be systematically filed and kept by the Enforcing Officer in his office for ready reference.

131.07. To partially defray expenses of administering the ordinance, a fee shall be charged for each permit and collected by the County Treasurer who shall account for the same to the County of Stark. A fee of five dollars ($5.00) shall be charged for each permit, plus an additional fifty (50) cents for each five hundred dollars ($500.00) of improvement or fraction thereof, except the maximum fee for a permit shall be two hundred dollars

($200.00) and that permits with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings and structures used or to be used for agricultural purposes shall be issued free of charge and further provided that nothing herein contained shall except residential structures on farms from paying, unless the residence is occupied by a farmer.

AMENDMENT

5/10/2005

5/8/2018

1. To partially defray expenses of administering this ordinance, the following fees will be charged and collected by the Zoning Administrator who will account for such fees to the County of Stark.

Permits with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or to be used for agricultural purposes shall be issued FREE OF ANY CHARGE.

1. Any application for an amendment, special use, or variance, which is filed by, or in behalf of, or against the owner or owners of the property affected (which requires a public hearing), shall be accompanied by the following fees:

Variance…………………………………………………………………………… ~~$150.00 $~~250.00

Special Use Permit or Map Amendment (rezoning)…… ~~$250.00~~ $50.00/acre

 Minimum $250.00

 Maximum $5,000.00

Text Amendment…………………………………………………………………. $250.00

Appeal ………………………………………………………………………………….. $~~150.00 $~~250.00

Building permits must be obtained from the Zoning Administrator.

Building Permit Fees shall apply as follows:

Single Family/or multiple family dwelling ………………………………. $0.10/sq. ft.

 (Living Area) Minimum of $150.00

Single Family/or multiple family addition alteration ………………. $0.10/ sq. ft.

 (Living Area) Minimum of $75.00

Commercial/Industrial ……………………………………………………………. $0.10 sq. ft.

(Including addition/alteration/accessory structure) Minimum of $250.00

Accessory building/Porches or Decks ……………………………………… $0.05/ sq. ft.

(Garage attached or detached, shed, pole barn) Minimum of $50.00

Communication Towers …………………………………………………………. $25.00/ ft.

(Measured from top of tower to top of foundation)

WECS Towers …………………………………………………………………………. $25.00.ft.

(Measured from WECS foundation to center of hub)

Tower Addition/ Alteration …………………………………………………… $1,200.00

(Permit fee to add equipment to an existing tower)

AMENDED

5/8/2018

Solar Energy Systems……………………………………………………………..$0.10/sq.ft.

 Minimum of $150.00

Solar Farm Energy Systems……………………………..

 0-10 kw $100.00

 11-50 kw $250.00

 51-100 kw $500.00

 101-500 kw $1000.00

 501-1000 kw $2500.00

 1001-2000 kw $5000.00

 (Over 2000kw…$100 for each additional 1-100kw not to exceed

 $15,000)

If construction starts before a building permit is issued, the fee will be increased by fifty percent (50%), and in accordance with Article XIV, Section 141.04.

In addition to the above fees, the applicant shall reimburse the County for all costs of publication, prior to the date of hearing before the Zoning Board of Appeals.

131.08. No permit shall be required for:

131.081. Routine maintenance or repair of buildings, structures, or equipment, such as repainting or re-roofing a building, relining a blast furnace or re-ballasting a railroad track.

131.082. Alterations of existing buildings (but not a new building) having a replacement value of less than three hundred dollars ($300.00).

131.083. Construction of a service connected to a municipally owned and operated utility

**ARTICLE XIV**

**ENFORCEMENT AND PENALTIES**

Section 141. **ADMINISTRATION**

141.01. This ordinance shall be administered and enforced by the County Zoning Enforcing Officer appointed by the Stark County Board of Supervisors, who is hereby designated and herein referred to as the “Enforcing Officer”.

141.02. Proper authorities of the County or any person affected may institute any appropriate action or proceedings against a violation as provided by statute.

141.03. The Enforcing Officer will inspect all projects upon completion to insure a compliance with this ordinance. In case of non-compliance or a violation, the Enforcing Officer will institute the appropriate action as provided by this ordinance.

141.04. Any persons, firms or corporations, or agents, employees or contractors of such, who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of any of the provisions of this ordinance shall be subject to a fine of not more than two hundred dollars ($200.00) or imprisonment for not more than six (6) months, or both, for each offense, and each day a violation continues shall constitute a separate offense.

AMENDED

5/10/2005

 Any persons firms or corporations, or agents, employees or contractors of such, who violate, disobey, omit neglect, or refuse to comply with or resist enforcement of any of the provisions of this ordinance shall be subject to a fine of not less than two hundred twenty five dollars ($225.00) or imprisonment for not more than six (6) months, or both, for each offense, and each day a violation continues shall constitute a separate offense.

141.05. The WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include: removal of all structures (includes transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer’s estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also recite an agreement between the applicant and the county that:

1. The financial resources for decommissioning shall be in the form of a surety Bond *or other financial assurance acceptable to the County*, or shall be deposited in an escrow account with an escrow agent acceptable to the Zoning Enforcement Officer, not more than (10) years after the WECS project commences operation. Commercial operation begins when a single tower begins production.
2. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
3. The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
4. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
5. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the county’s right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned be applicant or applicant’s successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

**AMENDED**

**5/8/2018**

 141.06 DECOMMISSIONING PLAN FOR SOLAR FARM ENERGY SYSTEMS

A Decommissioning plan shall be required to be submitted when applying for the building permit, to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Stark County may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure the proper decommissioning. In the event that the State of Illinois enacts a law with regarding to the decommissioning of a solar farm, the strictest requirements shall prevail.

**ARTICLE XV**

**BUILDINGS UNDER CONSTRUCTION**

Section 151 To avoid undue hardship, nothing in this ordinance shall be deemed to require change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing that work shall be diligently carried on until completion of the building involved.

**ARTICLE XVI**

**AMENDMENTS**

(A public hearing is required)

Section 161. **PROCEDURES**

161.01. The Board of Supervisors of Stark County may from time to time amend, supplement or change by ordinance the boundaries of districts or regulations herein established. Any amendment, supplement or change shall first be submitted to the Enforcing Officer who shall immediately refer it to the Planning Commission for its recommendations and report. No such ordinance shall be adopted until after a duly advertised public hearing is held by the Board of Appeals, as prescribed by statute. The notice of hearing on an amendment shall be held in the Stark County Courthouse or in the township where property affected is located, in addition to publication in a newspaper as required by law, and shall be mailed to each municipality within one and one-half (1-1/2) miles thereof, fifteen (15) days in advance of the hearing. Within a reasonable time after the hearing, the Board of Appeals shall make a report to the County Board of Supervisors. The favorable vote of at least three-fourths (3/4) of all of the members of the Board of Supervisors shall be necessary to pass an amendment in the following instances:

161.011. When a written protest against the proposed amendment is filed with the County Clerk, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered or by the owners of twenty percent (20%) of the frontage immediately adjoining or across and alley therefrom or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered; or

161.012 When a land affected by a proposed amendment lies within one and one-half (1-1/2) miles of the limits of a zoned municipality and a written protest against the proposed amendment is passed by the City Council or President and Board of Trustees of the Zoned municipality with the limits nearest adjacent and filed with the County Clerk.

161.02. In all other instances except those just above listed, a majority vote of the members of the Board of Supervisors present at the meeting at which the amendment is considered shall be necessary to pass an amendment.

161.03. In the case of general amendments to the text of the County Zoning Ordinance, the hearing may be held in the County Courthouse. Within a reasonable time after the hearing, the Board of Appeals shall make a report and the Planning Commission shall make an advisory report to the County Board of Supervisors.

161.04 Petitions by interested persons to re-zone or re-classify any property and the reasons in support thereof, shall be filed with the Enforcing Officer, along with a fee of twenty-five dollars ($25.00) to partially defray the expense of investigation and consideration, which fee shall be collected by the County Treasurer, who shall account for the same to the

County. They must also pay the cost of publications. The petition shall then be transmitted to the County Board of Supervisors, which shall then follow the procedure in Section 161.

**ARTICLE XVII**

**VALIDITY**

Section 171. If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**ARTICLE XVIII**

**INTERPRETATION, PURPOSE AND CONFLICTS**

Section 181. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare.

Section 182. It is not intended by this ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties, provided, however, that wherever this ordinance imposes greater restrictions upon the use of buildings, structures or land, or requires more restrictions upon the use of buildings, structures or land, or requires more restrictive building lines, then the provisions of this ordinance control.

**ARTICLE XIX**

**CONFLICTING ORDINANCES**

Section 191. All ordinances, resolutions or parts thereof in conflict with this ordinance are hereby repealed insofar as they conflict with the provisions of this ordinance.