

**CHAPTER 40**

**ZONING CODE**

**ARTICLE I**

**GENERAL PROVISIONS**

**40-1-1**            **TITLE.** This Code shall be known and cited as the Monroe County, Illinois Zoning Code.

**40-1-2**            **INTENT AND PURPOSE.** It is the intent and purpose of this Zoning Code to assist in the achievement of balanced development within the County. The County requires an approach to the use, administration and enforcement of development regulations that protects existing property owners in equity and social experience; that recognizes developers' problems, yet, maintains high development standards; and that produces development resulting in balanced growth. When reviewing parcels for rezoning and approving plats, the County shall consider: Impact to and suitability of roadway system abutting and accessing the property, availability to provide public utilities and emergency services, impact on adjacent properties and area in general, effect on watershed and storm water volumes, encouragement of additional development area, general terrain and geology of area, and effect on general purpose of Comprehensive Plan. Roadway suitability issues to be addressed include number of proposed accesses, sight distance, roadway width, surface condition and geometric deficiencies. The assessment shall be taken in consideration when making recommendations to the County Board. All reviews shall be on a case by case basis. This Zoning Code, in regulating and guiding the use of land is designed:

- (A)            To promote and protect the public health, safety, morals, comfort and general welfare of the people;
- (B)            To fix reasonable standards to which buildings or structures shall conform;
- (C)            To encourage the development and arrangement of land uses and structures that will yield the greatest social and economic benefits for County citizens;
- (D)            To provide adequate light, air, privacy and safe convenient access to property;
- (E)            To lessen and avoid congestion in the public streets and highways;
- (F)            To prohibit uses, buildings or structures incompatible with the character of such districts respectively;
- (G)            To establish minimum requirements and standards for development and redevelopment within the area of the County's jurisdiction to achieve reasonable initial costs and to reduce future maintenance costs of public and private improvements and services;
- (H)            To serve as an implementing tool of comprehensive planning;
- (I)            To conserve the values of property throughout the County and to protect the character and stability of agricultural, residential, business and industrial areas, and to promote the orderly and beneficial development of such areas; and
- (J)            To provide for the elimination of incompatible and non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district.

**40-1-3**            **JURISDICTION.** This entire Code shall be applicable throughout the unincorporated portion of the County. Moreover the articles of this Code pertaining to zoning shall be applicable within the corporate limits of municipalities which have not adopted their own Zoning Code.

**40-1-4**        **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of the County, and every requirement imposed in this Code shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

**40-1-5**        **EXISTING PERMITS.** This Code does not abrogate any building permit, certificate of occupancy, variance, license, or other lawful permit issued prior to the effective date of this Code. However, all prior conditions attached to any building permit, certificate of occupancy, variance, license, or other lawful permit shall continue to apply.

**40-1-6**        **DISCLAIMER OF LIABILITY.**

(A)            Except as may be provided by statute or ordinance, no officer, board member, agent, or employee of the County shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.

(B)            Any suit brought against any officer, board member, agent, or employee of the County, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the State's Attorney until the final determination of the legal proceedings.

**40-1-7**        **EFFECTIVE DATE.** The original Zoning Code was passed by the Monroe County Board of Commissioners and became effective July 7, 1969.

The latest Revised Zoning Code shall take effect **ten (10) days** after it is adopted as provided by law.

**40-1-8**        **CONSTRUCTION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A)            Words and phrases shall have the meaning respectively ascribed to them in Section 40-1-9 unless the context clearly indicates otherwise; terms not defined in Section 40-1-9 shall have their standard English dictionary meanings;

(B)            Words denoting the masculine gender shall be deemed to include the feminine and neuter genders;

(C)            Words used in the present tense shall include the future tense;

(D)            Words used in the singular number shall include the plural number, and the plural the singular;

(E)            The term "shall" is mandatory; the term "may" is discretionary;

(F)            The term "the County" shall mean Monroe County, Illinois;

(G)            The words "lot," "parcel," "tract," and "site" shall be synonymous;

(H)            The words "extend," "enlarge," and "expand" shall be synonymous;

(I)            The words "abutting," "adjacent," and "contiguous" shall be synonymous;

(J)            References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection;

(K)            A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited; and

(L)            The words "Code" and "Ordinance" shall be synonymous.

**40-1-9**        **SELECTED DEFINITIONS.**

**Abandonment.** An action to give up one's rights or interests to property.

**Abutting.** Having a common lot line or district line.

**Access Way.** A curb cut, ramp, driveway or other means for providing vehicular access to an off-street parking or loading area.

**Accessory Use.** Any structure or use that is:

- (A) subordinate in size or purpose to the principal structure or use which it serves;
- (B) necessary or contributing to the comfort and convenience of the occupants of the principal structure or use served; and
- (C) located on the same lot as the principal structure or use served.

**Administrator.** See Zoning Administrator.

**Adult Use Entertainment Establishment.** Any adult bookstores, adult entertainment cabarets, adult motion picture theaters, adult novelty stores, and other similar uses as defined in Ordinance No. 99-16 of this County.

**Agriculture.** Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, apiculture, aquaculture, floriculture, viticulture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agriculture activities conducted on the premises.

**Alley.** A public access way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street.

**Alter.** To change in size, shape, or use of a structure.

**Amendment.** A change in the provision of this Code (including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

**Anchor.** Any approved device designed to be implanted in the ground and to which the mobile home tie-down equipment is attached so as to prevent the home from shifting or toppling over as a result of high winds.

**Animal, Farm.** The species of fowl, ovine, caprine, bovine, porcine, equine, that have been domesticated for agricultural purposes.

**Animal Hospital.** Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

**Animal, Shelter.** A facility, which may include buildings and/or structures, where non-domesticated animals are given short term medical care by qualified persons prior to their release in the wild.

**Apartment.** A suite of rooms or a room in a building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

**Appeal.** A procedure whereby any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of this Code may seek relief under the procedure contained herein.

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**Area, Gross.** The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.

**Area, Net.** The entire area within the boundary lines of the tract proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and/or public purposes.

**Attached.** As applied to buildings, attached means having a common wall and/or common roof.

**Auditorium.** A room, hall, or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays, and other presentations.

**Automobile, Sales.** The use of any building, land area or other premise, for the display and sale of new or used automobiles, panel trucks or vans, trailers or recreational vehicles, including any warranty repair work or other repair service conducted as an accessory use.

**Automobile and Trailer Sales Area.** An open area, other than a street, used for the display or sale of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

**Automobile, Servicing and Parts.** The use of any building, land area or other premise for the sale and installation of parts such as tires, batteries, mufflers, and brakes; routine maintenance such as oil change and lubrication; or other incidental repair; but excludes the outdoor storage of damaged vehicles.

**Automobile Wrecking/Salvage Yard.** Any place where three or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being immediately restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and are not being immediately restored to operating condition; and including the commercial salvaging of any other vehicles, goods, articles or merchandise.

**Awning.** Any roof-like structure made of cloth, metal, or other material attached to a building and erected over a window, doorway, etc. in such a manner as to permit its being raised or retracted to a position against the building when not in use.

**Basement.** A story having **one-half (1/2)** or more of its height below the average level of the adjoining ground.

**Bed and Breakfast Establishment.** Shall mean an operator occupied residence providing accommodations for a charge to the public with no more than **five (5)** guest rooms for rent, in operation for more than **ten (10)** nights in a **twelve (12)** month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. They shall comply with all State and County Health Codes.

(A) **Operator.** Shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this Act to reside in the bed and breakfast establishment, or on contiguous property.

(B) **Guest Room.** Shall mean a sleeping room intended to serve no more than **two (2)** transient guests per night.

**Billboard.** See Article VI of Zoning Code (Street Graphics).

**Block.** An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way), or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

**Board of Appeals.** The Board of Appeals of Monroe County, Illinois.

**Boarding House.** A residential building or portion thereof--other than a motel or hotel--containing lodging rooms for accommodations of **three (3) to ten (10)** persons who are not members of the keeper's family, and where lodging or meals or both are provided by prearrangement and for definite periods, but not on an overnight or per-meal basis to the transient public.

**Buffer Strip.** An area of land--undeveloped except for landscaping, fences, etc.--used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

**Building.** Any covered structure permanently affixed to land and designed or used to shelter persons or chattels.

**Building Height.** The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to mean height level between eaves and ridge for gable, hip, or gambrel roofs. Chimneys, towers, cooling towers, and similar projections (other than signs) shall not be included in calculating building height.

**Building Line.** The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way.

**Bulk.** Any one or more combination of the following structural or site design characteristics:

- (A) size or height of structure;
- (B) location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (C) lot area; and
- (D) yards or setbacks.

**Canopy.** A roof-like structure similar to an awning, except that it cannot be raised or retracted to a position against the building.

**Centerline.**

- (A) The centerline of any right-of-way having a uniform width;
- (B) the original centerline, where a right-of-way has been widened irregularly;
- (C) the new centerline, whenever a road has been relocated.

**Certificate of Zoning Compliance, Initial.** A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Code and may, therefore, proceed.

**Certificate of Zoning Compliance, Final.** A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code and may, therefore, be occupied or used.

**Changeable Copy Sign.** See Article VI of Zoning Code (Street Graphics).

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**Church.** A building wherein persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith.

**Clinic.** An establishment wherein licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

**Club/Lodge.** A nonprofit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**Clubhouse.** A structure containing less than **nine hundred (900) square feet** which is occupied less than **ninety (90) days** within a calendar year. All clubhouse waste water systems must be approved by the Monroe County Health Department.

**Commercial Animal Feeding Facility.** A structure or enclosed area used for feeding cattle, hogs or other livestock (not including poultry or fowl) in lots of **one hundred (100)** animal units or more and not otherwise connected with a farming operation.

**Commercial Poultry Feeding Facility.** A structure or enclosed area used for feeding and raising poultry or fowl in excess of **five hundred (500)** domestic fowl and not otherwise connected with a farming operation.

**Commercial Use/Establishment.** Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or the other business (wholesale).

**Comprehensive Plan.** The plan or any portion thereof adopted by this County to guide and coordinate the physical and economic development of the county. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways; bridges; public buildings or uses; utilities; schools; residential, commercial, or industrial land uses; parks; drainage facilities; etc.

**Conforming.** In compliance with the applicable provisions of this Code.

**Convenience Store.** Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multiple-family complex, mobile home park, or similar development.

**Conventional.** As applied to a dwelling or residential development, conventional means built on-site largely piece-by-piece, and attached to a permanent foundation in accordance with the adopted Building Code.

**Corrective Action Order.** A legally-binding order to effect compliance with this ordinance, issued by the Administrator in accordance with the procedures set forth herein.

**County.** Monroe County, Illinois.

**County Board.** The County Board of Monroe County, Illinois.

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**County Engineer.** Generally, the County Superintendent of Highways; but in certain instances, another licensed professional engineer designated by the County Board to perform specified professional engineering services for the County.

**Dairy.** Any premises where five or more dairy animals are kept, milked and maintained; the term "dairy animal" meaning either cows or goats.

**Day Care Center.** See Nursery School.

**Density, Gross.** The total number of dwelling units divided by the total project area.

**Density, Net.** The total number of dwelling units divided by the total amount of residential acreage, not including the area for street and alley rights-of-way or public uses.

**Detached.** As applied to buildings, detached means surrounded by yards on the same lot as the building.

**Dimensions.** Refers to both lot depth and width.

**District.** A portion of the territory of the County outside the limits of cities, villages and incorporated towns which have in effect, municipal zoning ordinances within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code.

**Drainageway.** A water course, gully, dry stream, or ditch which naturally carries storm water runoff or which is fed by street or building gutters or by storm water sewers.

**Drive-In Restaurant.** An establishment principally used for the sale of fast order food. Fast order food means food that is:

- (A) primarily intended for immediate consumption;
- (B) available after a short waiting time; and
- (C) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

**Drive-In Theater.** A tract of land developed with facilities for projecting motion pictures on an outdoor screen for viewing from the patrons' automobiles parked on the premises.

**Driveway.** A minor way commonly providing vehicular access to a garage or off-street parking area.

**Dwelling.** A building or portion thereof designed or used primarily as living quarters for **one (1)** or more families, but not including hotels, motels, or other accommodations for the transient public.

**Dwelling, Multiple-Family.** A building or portion thereof containing **three (3)** or more dwelling units.

**Dwelling, Row.** A dwelling whose walls on **one (1)** or **two (2)** sides are in common with the walls of adjoining dwellings and are party or lot line walls.

**Dwelling, Single-Family.** A detached dwelling containing **one (1)** dwelling unit and intended for the occupancy of **one (1)** family.

**Dwelling, Two-Family.** A dwelling containing **two (2)** dwelling units.

**Dwelling Unit. One (1)** or more rooms designed or used as living quarters by **one (1)** family. A dwelling unit always includes a bathroom and a kitchen.

**Easement.** A right to use another person's property, but only for a limited and specifically-named purpose.

**Enclosed.** As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

**Enlarge.** To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

**Erect.** To build, construct.

**Establishments.** Either of the following:

- (A) an institutional, business, commercial, or industrial activity that is the sole occupant of **one (1)** or more buildings; or
- (B) an institutional, business, commercial, or industrial activity that occupies a portion of a building such that:
  - (1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
  - (2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

**Existing.** Actually constructed, under permit to be constructed, or in operation on the effective date of this Code.

**Family.** Either:

- (A) A single individual living upon the premises as a separate housekeeping unit; or
- (B) A collective body of persons living together upon the premises as a single housekeeping unit in a domestic relationship based upon birth, marriage, or adoption; or
- (C) A group of not more than **five (5)** unrelated persons living together on the premises as a single housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity, or hotel).

**Farm or Farmland.** (See also Agriculture.) A farm is a parcel of land or an aggregate of adjoining parcels containing not less than **forty (40)** acres, in common ownership, that is used principally for the commercial, soil dependent cultivation of agricultural crop production and/or for the raising of livestock.

**Farmer.** The operator of a farm spending **fifty percent (50%)** or more of his/her work time annually in farming or ranching. Land rented to or otherwise assigned to a tenant for operation shall be considered as the operation of the tenant, not the owner.

**Farm Residence.** The dwelling(s) of the owner, farm operator or full-time farm employees of the farmer. Buildings occupied as residences by those not engaged in agricultural operations shall not be considered to be used for agricultural purposes.



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**Flood, Base.** The flood having a **one percent (1%)** chance of being equalled or exceeded in any given year. The base flood is also known as the **one hundred (100)** year flood.

**Flood Elevation, Base.** The elevation in relation to Mean Sea Level of the crest of the base flood.

**Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) the overflow of inland waters, and/or,
- (B) the unusual and rapid accumulation or runoff of surface waters from any source.

**Floor Area.** The area included within outside walls of a building, including habitable penthouses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.

**Floor Area Ratio.** The ratio of total floor area, in square feet, of all buildings on a lot or parcel to total lot area in square feet.

**Flush-Mounted Sign.** See Article VI of Zoning Code (Street Graphics).

**Freestanding Sign.** See Article VI of Zoning Code (Street Graphics).

**Frontage.** The lineal extent of the lot abutting a street or public roadway, or the lineal extent of the lot abutting a public parking area if the lot has no street frontage.

**Garage - Parking, Private.** A building or portion thereof for the storage of **one (1)** or more motor vehicles for persons living on the premises.

**Garage - Parking, Public.** A building or portion thereof used by the public for the storage or parking of motor vehicles for compensation or otherwise.

**Garages, Repair Shop.** Any building, premise or land in which or upon which a business, service, or industry principally engaged in the repair of vehicles for compensation or otherwise; which may include engine replacement and rebuilding; body, frame, or fender straightening; and painting of vehicles.

**Gasoline, Service Station.** See Service Station.

**Gone on Record.** As used herein, the term "gone on record" means officially adopted by the legislative body of a municipality, township, county, State, or other governmental entity; or officially adopted by a department of the State (e.g., IDOT). Generally, materials which are on record may be found in the Office of the Recorder of Deeds, but certain other legal materials such as State Regulations or municipal ordinances which cannot be found in the Recorder of Deeds Office shall nonetheless be deemed on record.

**Grade.** The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym of slope.

**Greenhouse.** See nursery.

**Hardship.** A situation in which the strict application of the provisions of this Code will result in a condition which is difficult for the person(s) so affected by the provisions to endure, and is not caused by actions of such person(s).

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**Home Occupation.** Any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Code.

**Hospital.** Any building or portion thereof used for diagnosis, treatment, and care of human ailments, including sanitariums, but not including clinics, rest homes, convalescent homes or nursing homes.

**Hotel.** A building designed or used for occupancy normally as the temporary lodging place of individuals, having at least **six (6)** guest rooms; where a general kitchen and dining room may be provided but where there are no cooking facilities in any guest room.

**Immobilize.** To permanently remove the wheels, tongue, and hitch from a mobile home, and to place any mobile home on a permanent foundation.

**Improvements.** Site grading or any street, curb and gutter, sidewalk drainage ditch, sewer, catch basin, newly-planted tree, off-street parking area, or other facility necessary for the general use of property owners in a subdivision.

**Intensify.** To increase the level or degree of.

**Junk Yard.** A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastics, rags, and rubber tires. A lot on which **three (3)** or more inoperable vehicles are stored shall be deemed a junk yard. A junk yard includes an automobile wrecking yard.

**Kennel, Commercial.** Any building, lot or structure used or intended to be used for the housing of dogs or domesticated animals over **four (4)** months of age, not including domesticated livestock. Commercial activities may include but need not be limited to, public boarding, wholesaling of dogs or domesticated animals and the sale of items or products related to dogs or domesticated animal care.

**Kennel, Private.** Any building, lot or structure used or intended to be used for the housing of dogs or domesticated animals, not including domesticated livestock. All dogs or domesticated animals kept must be owned or co-owned or under contract to the owner or lessor of the site.

**Land Use Plan.** The long-range plan for the desirable use of land in the County or municipalities as officially adopted and as amended from time to time by the County Board or appropriate corporate authority (see Comprehensive Plan).

**Laundries.**

(A) **Laundromat.** A business that provides home-type washing, drying and ironing machines for hire to be used by the customers on the premises.

(B) **Commercial Industrial Laundry.** A business that provides washing, drying and ironing services operated by the employees on the premises.

**Loading Space.** An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

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**Lot.** A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A lot may or may not coincide with a lot of record.

**Lot Area.** The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

**Lot, Corner.** A lot having at least **two (2)** adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

**Lot Coverage.** The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

**Lot Depth.** The average horizontal distance between the front lot line and the rear lot line of a lot.

**Lot Line, Front.** The lot boundary abutting the street.

**Lot Line, Rear.** An interior lot line which is most distant from and most nearly parallel to the front lot line.

**Lot Line, Side.** Any boundary of a lot which is not a front lot line or a rear lot line.

**Lot of Record.** An area of land designated as a lot on a plat of subdivision recorded with the Recorder of Deeds of Monroe County, Illinois, in accordance with State Law.

**Lot Size Requirements.** Refers to the lot area, width, and depth requirements of the applicable district.

**Lot, Through.** A lot having a pair of approximately parallel lot line that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

**Lot Width.** The mean horizontal width of a lot measured at right angles to the side lot lines.

**Maintenance.** The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep the structure in sound condition.

**Maintenance Bond.** A surety bond, posted by the developer and approved by the County, guaranteeing the satisfactory condition of installed improvements for a specified time period following their dedication.

**Marquee.** See Article VI of Zoning Code (Street Graphics).

**Mobile Home.** As defined by this Ordinance a mobile home is a factory-fabricated single family home built on a permanent chassis that consists of wheel, undercarriage, and towing hitch assemblies. The length of a mobile home (excluding garages, carports, porches, or attachments) is in excess of three times its width. Mobile homes must have a minimum of nine hundred (900) square feet of floor area and must contain a complete kitchen and sanitary facilities. All mobile homes must be permanently attached to a full perimeter permanent foundation, extending below the frost depth. All wheels and towing devices must be removed. As with all residences, a mobile home must have a minimum 3/12 pitch roof with residential style siding and roofing and a 6" minimum eave overhang. Mobile homes moved into Monroe County must meet the HUD Federal Mobile Home Construction and Safety Standards or the adopted Monroe County Building Code.

**Mobile Home Park.** A tract of land or **two (2)** or more continuous tracts of land upon which **five (5)** or more independent mobile homes are located for permanent habitation either free of charge or for revenue purposes.

**Mobile Home Park License.** A permit issued by the Administrator authorizing the operation of a mobile home park in accordance with all applicable regulations.

**Mobile Home Park Manager.** The person primarily responsible for the operation of a mobile home park.

**Mobile Home Space.** A portion of a mobile home park designed and improved for the placement of **one (1)** mobile home and for the private use of the occupants of that home.

**Mobile Home Stand.** The part of the mobile home space that includes the concrete slab of runners on which the home is placed.

**Modular Home.** As defined by this Ordinance (**Ord. 12-10**) a modular home is a factory-fabricated single family home built in one or more sections. The average length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes must be placed on a full perimeter permanent foundation, extending below the frost depth. All wheels and towing devices must be removed. A modular home must have a minimum 3/12 pitch roof with residential style siding and roofing, 6" minimum eave overhang, and must have a minimum living area of not less than nine hundred (900) square feet. Modular homes must meet either the National Manufactured Home Construction and Safety Standards (HUD Code) or the adopted Monroe County Building Code.

**Noisome and Injurious Substances, Conditions and Operations.**

- (A) Creation of unreasonable physical hazard, by fire, explosion, radiation or other cause, to persons or property
- (B) Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground, so as to contaminate any water supply, including underground water supply
- (C) Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin
- (D) Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety, or welfare of any person(s)
- (E) Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property, or excessive soil, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused
- (F) Creation or causation of any unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused
- (G) Creation or maintenance of any unreasonable reflection or direct glare, by any process, lighting or reflective material at or beyond any property line of the premises on which the reflective or direct glare is created or caused
- (H) Creation or maintenance of any unreasonably distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained
- (I) Any public nuisance

**Nonconforming.** As applied to a lot, structure, or use, "nonconforming" means:

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- (A) lawfully existing on the effective date of this Code, but
- (B) not in compliance with the applicable provisions thereof or amendments thereto.

**Nonconforming Street Graphic.** See Article VI of Zoning Code (Street Graphics).

**Nuisance.** Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

**Nursery.** A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which the activities are conducted.

**Nursery School.** An establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary school age.

**Nursing Home.** A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

**Office.** Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

**Owner As Related To Mobile Home Parks.** The person having legal title to, or effective control of, all land constituting the mobile home park in question.

**Parking Area/Lot, Off-Street.** Land that is improved in accordance with this Code and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An off-street parking area, depending on the circumstances of its use, may be either a principal use or an accessory use; and may be either open to public use or reserved for private use for a specified group.

**Parking Space, Off-Street.** An area at least **twenty feet (20')** long and **ten feet (10')** wide within an off-street parking area or garage, used for the storage of **one (1)** passenger motor vehicle.

**Pawn Brokers.** As defined in the **Illinois Compiled Statutes (205 ILCS 510/1)**. **(Ord. No. 03-04; 03-17-03)**

**Percolation Test.** A subsurface soil test at a depth of a proposed seepage system or similar component of sewage disposal system to determine the water absorption capability of the soil.

**Permanent Foundation.** A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation, except where Flood Plain requirements prevail.

**Permitted Use.** Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to the district(s) and use(s).

**Person.** Any agent, individual, firm, association, organization, partnership, corporate body, or similar entity.

**Planned Unit Development.** A tract of land which is planned as a whole for development under single ownership or control in accordance with this Code, and which, by virtue of such unified planning

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and development, provides greater amenities, convenience, or other benefits (especially open space) than would normally be had through the development of diverse smaller tracts under multiple ownership. A planned unit development may be a planned unit commercial or planned unit residential development.

**Premises.** A lot and all the structures and uses thereon.

**Principal Building/Structure/Use.** The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

**Projecting Sign.** See Article VI of Zoning Code (Street Graphics).

**Property Line.** See "Lot Lines."

**Reconstruct.** As applied to nonconforming signs or structures, reconstruct means to rebuild after partial or total destruction.

**Recreational Vehicle.** A term encompassing any type of vehicle used primarily for pleasure such as travel trailers, motor homes, boats, snowmobiles, etc.

**Refuse.** Garbage (food wastes) and trash, but not sewage or industrial wastes.

**Relocate.** To move to another portion of a lot or to a different lot.

**Repair.** To restore to sound condition, but not to reconstruct.

**Replace.** See Article VI of Zoning Code (Street Graphics).

**Reserve.** To set aside a parcel of land in anticipation of its acquisition by the County (or other governmental entity) for public purpose.

**Reserve Strip.** A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

**Residence.** A site-constructed building designed for use as a residence. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a residence shall not exceed a ratio of 3 to 1. All residences must be placed on a full perimeter permanent foundation extending below the frost depth unless located in a Special Flood Hazard Area, and must have a minimum 3/12 pitch roof. All residences must have a minimum of **nine hundred (900)** square feet of living area and must be built to the adopted Monroe County Building Code.

**Residential Metal Roofing.** Only approved residential metal roofing shall be of the non-exposed fastener style. Exposed shall be allowed at the ridge line, on the trim work and to secure the bottom ends of the roof sheets.

**Restrictive.** Tending to keep within prescribed limits.

**Retail.** Refers to the sale of goods or services directly to the consumer rather than to another business.

**Right-of-way, Public.** A strip of land which the owner/subdivider has dedicated to the County or other unit of government for streets, alleys, and other public improvements.

**Roof Line.** The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**Rooming House.** See Boarding House.

**Sanitarium.** See Hospital.

**Sanitary Landfill.** A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency. At a sanitary landfill the refuse is periodically covered with topsoil.

**Sanitary Station.** Facilities designed to be used for the sanitary disposal of sewage from the holding tanks of travel trailers.

**Screening.** Trees, shrubs, walls, solid fences, etc. used as means of visual and noise control.

**Service Building.** The building in a travel trailer park containing laundry, toilet, and bathing facilities.

**Service Station.** Any building, land area or other premise, or portion thereof, used or intended to be used for the retail dispensing of vehicular fuels; including the sale and installation of lubricants, tires, batteries, and similar accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs. Accessory uses may include convenience store and food service.

**Service Use/Establishment.** Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

**Setbacks.** The minimum horizontal distance between a lot line and:

- (A) the nearest wall of a building or side of a structure facing such lot line; or
- (B) the edge of the area of operation of a principal use involving no building or structure.

**Setback Line.** A line that is roughly parallel to the front, side, or rear lot line establishing the minimum space to be provided as the front, side, or rear yard. (See Building Line.)

**Sewerage System, Private Central.** A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

**SFHA or Special Flood Hazard Area.** Those lands within the jurisdiction of the County that are subject to inundation by the base flood.

**Shopping Center Identification Sign.** See Article VI of Zoning Code (Street Graphics).

**Sign.** See Article VI of Zoning Code (Street Graphics).

**Sign Area.** See Article VI of Zoning Code (Street Graphics).

**Sign Area Allowance.** See Article VI of Zoning Code (Street Graphics).

**Sinkhole.** Any natural depression formed as a result of subsurface removal of soil or rock materials and causing the formation of a collapse feature that exhibits internal drainage. The existence of a sinkhole shall be indicated by the uppermost closed depression contour lines, with hash-marks on the contour lines, on the USGS **7½ (seven and one-half)** minute quadrangle topographic maps or as determined by field investigations.

**Skirting.** The covering affixed to the bottom of the exterior of a mobile home to conceal the underside thereof.

**Soil and Water Conservation District.** The Monroe County Soil and Water Conservation District.

**Special Use.** A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

**Special Use Permit.** A permit issued in accordance with the provisions of this Code to regulate development of a special use.

**Stable, Commercial.** A structure and/or land use operation to keep equine for hire, and to solicit and promote business for services as a primary source of income. Such stable can also be used for boarding and giving lessons.

**Stable, Private.** An accessory structure, and/or land use situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

**Street.** A public or private way for motor vehicle travel. The term street includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

**Street Frontage.** The lineal extent of the lot abutting a street or public roadway, or the lineal extent of the lot abutting a public parking area if the lot has no street frontage.

**Street, Private.** Any street providing access to abutting property that is not maintained by and dedicated to this County or other public entity.

**Stringent.** Binding, exacting.

**Structure.** Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

**Structure, Temporary.** Any structure that is not attached to a permanent foundation.

**Tattoo Parlor.** Any establishment, having a fixed place of business, where designs, letters, scrolls, figures, symbols or any other marks are placed upon or under the skin with ink or any other substance resulting in the colorization of the skin by the aid of needles or any other instrument designed to touch or puncture the skin. **(Ord. No. 03-04; 03-17-03)**

**Temporary Occupancy Permit.** A permit issued in accordance with the provisions of this Code and valid for not more than **one (1)** year, which allows the occupation of a temporary structure.



**Tie-Down Equipment.** Any approved device(s) used to attach a mobile home to anchors so as to keep the home securely on its stand.

**Topography.** The relief features or surface configuration of an area of land.

**Travel Trailer.** Any mobile structure built on a chassis and designed for temporary occupancy. A travel trailer may or may not contain complete sanitary facilities.

**Travel Trailer Park.** A tract of land or **two (2)** or more contiguous parcels on which facilities are developed for accommodating travel trailers for temporary occupancy during **one (1)** or more seasons of the year.

**Travel Trailer Space.** A portion of a travel trailer park designed and improved for the parking of **one (1)** travel trailer.

**Use.** The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

**Use, Temporary.** A use established for a fixed period of time with the intent of discontinuing such use upon the expiration of the time period.

**Utility Substation.** A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

**Variance, Sign.** A relaxation of the requirements of this Code that are applicable to a particular sign.

**Variance, Subdivision.** A relaxation of the strict application of the design and improvement standards set forth in this Code.

**Variance, Zoning.** A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

**Window Sign.** See Article VI of Zoning Code (Street Graphics).

**Wholesale.** Refers to the sale of goods or services by one business to another business.

**Yard.** Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal building.

**Yard, Front.** A yard which is bounded by the side lot lines, front lot lines, and the building line.

**Yard, Rear.** A yard which is bounded by the side lot lines, rear lot lines, and the building line.

**Yard, Side.** A yard which is bounded by the rear yard line, front yard line, side yard, and side lot line.

**Yard Line.** A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot at any point than the required depth or width of the yard.

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**Zoning Map.** The map(s) and any amendments thereto designating zoning districts, and incorporated into this Code by reference.

**Zoning Administrator.** The officer, or person, designated by the County Board of Commissioners and charged with the responsibility of administering standards.

### ARTICLE II

#### ZONING DISTRICT REGULATIONS

##### DIVISION I - GENERAL PROVISIONS

**40-2-1 ZONING DISTRICTS - INTENT AND PURPOSE.** For the purpose of the entire County of Monroe outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances is hereby divided into the following zoning districts:

<u>District</u>	<u>Minimum Size</u>	
	<u>Designation</u>	<u>In Acres *</u>
Agricultural	A-1	None
Agricultural/Single-Family Residential	A-2	15
Single-Family Residential	R-1	15
Single-Family Residential	R-2	15
Single-Family Residential	R-3	10
Single-Family Residential	R-4	5
Mobile Home	R-MH	5
Multiple-Family Residential	R-MF	5
Neighborhood Business	B-1	2
Highway Business	B-2	5
General Business	B-3	5
Light Industrial	I-1	10
Heavy Industrial	I-2	20
Special Food Hazard Areas	F-1	None
Conservation	C-1	None

\* The "minimum zone district area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The "minimum area requirement" is not satisfied merely because the areas of numerous noncontiguous parcels, when aggregated, happen to equal or exceed the minimum area indicated above.

**40-2-2 ZONING MAP AND DISTRICT BOUNDARIES.** The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the County. This

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official zoning map, including all notations and other information hereto, is hereby made a part of this Code by reference. The official zoning map shall be kept on file in the office of the Administrator.

**40-2-2.1 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.** In determining with precision what territory is actually included with any zoning district, the Administrator shall apply the following rules:

(A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below they shall be deemed the district boundary:

- (1) Center line of any street, alley, or highway
- (2) Lot line
- (3) Railroad tracks
- (4) Stream
- (5) Section lines, quarter section lines, quarter-quarter section lines, survey lines

(B) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

(C) The regulatory flood elevation at any point in question shall determine where the flood hazard overlay boundary is located on the land.

**40-2-3 DE-ANNEXED TERRITORY.** Any territory hereafter de-annexed from a municipality shall automatically be in the County zone classification most closely corresponding to the zone classification while under the municipal zoning jurisdictions until duly changed by an amendment to this Code.

**40-2-4 UNLISTED USES PROHIBITED.** Whenever any use is not specifically listed as permitted or special within a particular zoning district, the use shall be deemed prohibited in that district. However, if the Land Use Committee, following consultation with the Administrator, finds that the unlisted use is similar to and compatible with the listed uses, they may make a written ruling to that effect, and classify the use as a use permitted by right. The Committee's decision shall become a permanent public record.

**40-2-5 TEMPORARY USES.** Except as specifically provided otherwise in this Code, no temporary structure shall be used or occupied for any purpose, and no land shall be used for any temporary enterprise except by written permission of the Administrator.

**40-2-6 RESERVED.**

### DIVISION II - "A-I" AGRICULTURAL DISTRICT

**40-2-7 PURPOSE OF DISTRICT.** The Agricultural District of Monroe County encompasses areas where soil, water, vegetal, and topographical resources generally provide

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conditions well suited to the raising of crops and domestic animals. The district is designed to prevent the intrusion of non-agricultural land use and development which would hinder agricultural pursuits by reason of congestion on public roads, chemical and biological pollution of air and water, environmental conditions, soil erosion, and the depletion of natural cover causing runoff of storm water onto and across agricultural land. The district is designed to protect and preserve the areas of high agricultural productivity and is intended to preserve conditions suitable to agricultural purposes. Anyone applying for a permit for a residence in this Agriculture Zoned District must sign a certificate that they are aware that there might be a sight, smell, or sound of agriculture business in the area. **(Ord. No. 03-04; 03-17-03)**

### **40-2-8**      **CONDITIONS OF USE.**

- (A) See Schedule 2A: AREA AND BULK REGULATIONS.
- (B) Living area shall be a minimum of **nine hundred (900) square feet.**

**40-2-9**      **USES PERMITTED BY RIGHT.** All uses commonly classified as agriculture, apiculture, horticulture, or forestry including crop and tree farming, truck farming, gardening, nursery operations, dairy farming, livestock raising, animal and poultry breeding, raising and feeding of animals, forestry operations together with building and the operations of machinery or vehicles, but not including stockyards or agricultural product processing plants other than for agricultural use. **(See Section 40-3-16)**

- (A) Clubhouses
- (B) Farm residences, existing prior to **July 1, 1995**, may be sold off of an existing agricultural zoned plot, provided at least **two and one-half (2.5)** acres is deeded with the residence. These residences must meet exception 9 of the State Plat Act.
- (C) Fish and game preserves
- (D) Greenhouses and nurseries, wholesale
- (E) Governmental use facilities and buildings for the County
- (F) Lakes, including fee fishing, provided that no building, parking lot, or other intense use activity is located nearer than **five hundred feet (500')** to any dwelling on another lot and must meet setbacks from the lot line, whichever is greater
- (G) Modular homes
- (H) Non-commercial recreational activities
- (I) Parks, forest preserves, and recreational areas, when publicly owned and operated
- (J) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities or maintenance facilities
- (K) Single-family detached residences

### **40-2-10**      **SPECIAL USES.**

- (A) Agricultural implement and machinery sales, service and repair
- (B) Airports or aircraft landing fields
- (C) Animal feed, storage, preparation, grinding, and mixing--wholesale and retail
- (D) Animal hospitals, provided that adequate safeguards, structural, mechanical, and location shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions and operations
- (E) Bed and Breakfast Establishments
- (F) Blacksmith or welding shops
- (G) Churches, rectories, and parish houses

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- (H) Commercial recreation areas or camps
- (I) Construction-related equipment, limited storage of
- (J) Fairgrounds
- (K) Fertilizer sales, including bulk storage and mixing
- (L) Golf courses, and country clubs, of regulation size, but not commercially operated driving ranges or miniature golf courses; and provided that no clubhouses or accessory buildings shall be located nearer than **five hundred (500') feet** to any dwelling on another zoning lot
- (M) Governmental facilities and uses, other than Monroe County
- (N) Grain elevators and storage, commercial
- (O) Greenhouses and nurseries, retail--including landscaping operations
- (P) Gun clubs, if located not nearer than **one thousand feet (1000')** to any residence other than that of the owner or lessee of the site and if not so operated as to withdraw the land from its primary agricultural use
- (Q) Home occupations, that do not comply with Section 40-4-7
- (R) Hospitals, clinics, and sanitariums
- (S) Kennels, commercial
- (T) Livestock depots and sales yards
- (U) Living quarters for persons employed in agricultural or related activities that are conducted on the premises
- (V) Marinas
- (W) Mineral extraction and storage
- (X) Mobile Homes
- (Y) Oil Wells
- (Z) Private clubs or lodges, private recreation areas or camps, except those the chief activity of which is customarily carried on as a business
- (AA) Propane and fuel oil sales
- (BB) Public service uses, other than the County, including utility substations, filtration plants, pump stations, water reservoirs, police and fire stations
- (CC) Sanitary and natural material landfills to include any combustible or non-combustible materials
- (DD) Sawmills
- (EE) Schools and colleges for academic instruction
- (FF) Stables, commercial
- (GG) Storing explosives of any kind
- (HH) Wineries (Ordinance 12-07 – signed on 8/20/12)

### **40-2-11 PERMITTED ACCESSORY USES.**

- (A) Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land
- (B) Home occupations, that comply with Section 40-4-7
- (C) Kennels, private, however, such use is limited to **ten (10)** or less dogs or domesticated animals over the age of **four (4)** months
- (D) Permitted signs, see Article VI of Zoning Code (Street Graphics)
- (E) Stables, private

**40-2-12 PERMITTED TEMPORARY USES.** It is the intent of the following to regulate the operation of certain transitory or seasonal uses as follows:

- (A) Auctions

- (B) Carnivals, circuses and similar amusement enterprises provided that adequate off-street parking is available and that traffic congestion or hazard would not be created in conjunction with the location or access thereto (Permit required, see Section 40-4-28)
- (C) Garage/yard sales, limited to three (3) per calendar year
- (D) Outdoor festivals, music or religious gatherings (Permit required, see Section 40-4-28)
- (E) Sawmills, temporary
- (F) Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and that traffic congestion or hazard would not be created in conjunction with the location or access thereto

**DIVISION III**

**"R-1 -- R-4" SINGLE-FAMILY RESIDENTIAL DISTRICTS**

**40-2-13 PURPOSE OF DISTRICT.** The Single-Family Residential Districts of Monroe County, as differentiated herein, and the district locations as depicted on the Monroe County Zone District map, reflect the wide variety of physical and social characteristics found in Monroe County, to the extent that the range of such conditions and characteristics can be divided into meaningful categories. It is the purpose of these regulations to encourage the creation and maintenance of stable and enduring residential areas by establishing limitations on the use and character of development so as to take advantage of, or to avoid conflict with, natural topography, existing or planned community facilities and social needs of the county.

**40-2-14 CONDITIONS OF USE.**

- (A) See Schedule 2A: AREA AND BULK REGULATIONS.
- (B) Living areas shall be a minimum of **nine hundred (900)** square feet.

**40-2-15 USES PERMITTED BY RIGHT.**

- (A) Governmental uses, facilities and buildings of the County
- (B) Modular homes
- (C) Single-family detached residences

**40-2-16 SPECIAL USES.**

- (A) Apartments (except in R-1 where they are prohibited) with a minimum of **six hundred (600)** square feet of living area
- (B) Bed and Breakfast Establishments
- (C) Cemeteries and mausoleums in conjunction therewith
- (D) Churches, rectories, and parish houses
- (E) Clubhouses
- (F) Day care or nursery schools
- (G) Golf courses of regulation size, provided that no clubhouse, parking lot or accessory building shall be located nearer than **five hundred feet (500')** to any dwelling unit or other zoning lot
- (H) Governmental uses of entities other than Monroe County
- (I) Home occupations
- (J) Hospitals, sanitariums, nursing homes, and institutions for children and the aged
- (K) Parks, forest preserves and recreational areas, when publicly owned and operated
- (L) Private recreational areas or campus, when not operated for profit

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- (M) Public libraries, community centers or grounds
- (N) Railroad rights-of-way and trackage
- (O) Schools: Public, denominational or private, elementary and high, including playgrounds, garages for school buses, and athletic fields auxiliary thereto
- (P) Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations
- (Q) Farm animals

### **40-2-17**      **ACCESSORY USE.**

- (A) Accessory uses clearly associated with and consistent with the principal use of the lot or tract of land
- (B) Boats and Camping Trailers: The storage of not more than one boat and/or unoccupied camp trailer in rear yard only
- (C) Construction: Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations; provided all other regulations of the County are complied with, but in no case shall such office be continued beyond the duration of construction of the project for one year
- (D) Permitted signs
- (E) Pets: Keeping of not more than **five (5)** domestic household pets, over the age of **four (4)** months, provided farm kennels are not maintained, and provided no animal, reptile, bird or similar classification or species normally considered wild, as opposed to domesticated, is maintained or kept
- (F) Private: Tool sheds, garages or carports, greenhouses, tennis courts, patios, swimming pools
- (G) Servants' accommodations for professional servants, caretakers, watchmen, or custodians, but not as a separate detached one-family dwelling on the same lot
- (H) Vegetable gardens

### **40-2-18**      **RESERVED.**

## **DIVISION IV**

### **"R-MH" MOBILE HOME DISTRICT**

**40-2-19**      **PURPOSE OF DISTRICT.** The R-MH Mobile Home District is primarily intended to delineate areas suitable for the placement of mobile homes on individual lots and for the establishment of mobile home parks. This district is also intended to preserve all other "urban" residential districts.

### **40-2-20**      **CONDITIONS OF USE.**

- (A) See Schedule 2A: AREA AND BULK REGULATIONS.
- (B) Living areas shall be a minimum of **nine hundred (900)** square feet.

### **40-2-21**      **USES PERMITTED BY RIGHT.**

- (A) Governmental uses, facilities and buildings of Monroe County
- (B) Mobile homes
- (C) Modular homes
- (D) Single-family detached residences

- 40-2-22**      **SPECIAL USES.**
  - (A)            Clubhouses
  - (B)            Mobile home courts and parks
  - (C)            Same as for the Single-Family Residential Districts

- 40-2-23**      **ACCESSORY USE.**  
Same as for Single-Family Residential Districts

- 40-2-24**      **RESERVED.**

**DIVISION V**

**"R-MF" MULTIPLE FAMILY RESIDENTIAL DISTRICT**

**40-2-25**      **PURPOSE OF DISTRICT.** The R-MF Multiple Family Residential District is established to stabilize, conserve, and promote the redevelopment of existing neighborhoods that predominantly consist of multiple-family dwellings built either at low/medium or at relatively high densities. These districts are also intended to promote the development of designated areas with new multiple-family housing so as to accommodate all persons desiring this type of residential environment.

- 40-2-26**      **CONDITIONS OF USE.**  
See Schedule 2A: AREA AND BULK REGULATIONS.

- 40-2-27**      **USES PERMITTED BY RIGHT.**
  - (A)            Same as for Single-Family Residential Districts
  - (B)            Multiple-family residences
  - (C)            Row houses not to exceed **eight (8)** attached in a single instance
  - (D)            Townhouses, condominiums and cooperatives
  - (E)            Two-family and three-family residences

- 40-2-28**      **SPECIAL USES.**
  - (A)            Same as for Single-Family Residential Districts
  - (B)            Boarding and rooming houses
  - (C)            Clubhouses

- 40-2-29**      **ACCESSORY USES.**  
Same as for Single-Family Residential Districts.

- 40-2-30**      **RESERVED.**



**DIVISION VI**

**"B-1" NEIGHBORHOOD BUSINESS DISTRICT**

**40-2-31**     **PURPOSE OF DISTRICT.**     The B-1 Neighborhood Business District encompasses small commercial enclave located within predominantly residential areas. Only selected small-scale retail sales and service facilities that constitute a convenience to residents of the immediate neighborhood may locate in this district. These establishments must be designed and operated in such a way that they are compatible with an essentially residential environment.

**40-2-32**     **CONDITIONS OF USE.**

(A)            See Schedule 2A: AREA BULK REGULATIONS.

(B)            **DESIGN STANDARDS:** The lot on which the neighborhood shopping unit is situated shall be landscaped and maintained in conformity with the general character of the surrounding area. There shall be provided and maintained along rear lines and side lines of the lot a planting or other appropriate screen of a size and density adequate to provide visual screening from adjacent properties. Yard requirements for a lot on which a neighborhood shopping unit is located shall not be less than the yard requirements of the most restrictive abutting zoning district.

(C)            There shall be no manufacturing, processing, or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises. Not more than **five (5)** persons (exclusive of manager, clerks, and drivers) shall be engaged in the manufacture, processing, or treatment of products. Such uses, operations, or products shall not cause objectionable odor, dust, smoke, noise, vibrations, or other similar nuisance.

(D)            All buildings shall meet all Building Codes adopted by the County of Monroe and the American Disability Act (ADA) and will be required to receive an "occupancy permit" before they are put into service or if there is any change of use.

**40-2-33**     **USES PERMITTED BY RIGHT.**

- (A)            Bed and Breakfast Establishments
- (B)            Churches
- (C)            Governmental uses
- (D)            Medical facilities
- (E)            Office uses
- (F)            Professional/Customer services
- (G)            Restaurants/Taverns
- (H)            Retail sales

**40-2-34**     **SPECIAL USES.**

- (A)            Car washes
- (B)            Gasoline service stations
- (C)            Mini/Self storage warehouses
- (D)            Recreational uses

**40-2-35**     **ACCESSORY USES.**

- (A)            Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land
- (B)            Off-Street parking and loading

(C) Residences that are only occupied by the owner or operator of the establishment and not for rental purposes, and further provided for each dwelling unit there shall be an additional off-street parking space in addition to those required by this Code.

(D) Storage of merchandise or inventory usually carried in stock, provided that such storage shall be located on the lot with the retail, service, or commercial use, and shall be within a completely enclosed building

**40-2-36      RESERVED.**

**DIVISION VII**

**"B-2" HIGHWAY BUSINESS DISTRICT**

**40-2-37      PURPOSE OF DISTRICT.** The B-2 Highway Business District is intended to accommodate and regulate highway oriented commercial developments and compatible uses. Since such enterprises draw their patrons primarily from the motoring public, they typically require direct access to major roads and large lots for off-street parking and loading.

**40-2-38      CONDITIONS OF USE.**

(A) See Schedule 2A: AREA AND BULK REGULATIONS.

(B) There shall be no manufacture, processing, or treatment or products other than those which are clearly incidental and essential to the retail business conducted on the same premises. Not more than **ten (10)** persons (exclusive of manager, clerks, and drivers) shall be engaged in the manufacturing, processing, or treatment of products.

(C) **Uses:** Operation, or products in this District shall not cause objectionable odor, dust, smoke, noise, vibration, or other similar nuisances.

(D) **Buffer Area:** Wherever a "B-2" District abuts any Residential District a **ten (10) foot** wide planting screen, consisting of suitable shrubbery and trees, shall be planted. Such screen shall consist of shrubbery and trees at least **five feet (5')** in height when planted and shall be maintained at not less than **twenty feet (20')** in height when full grown or as reviewed by the Administrator and approved by the Land Use Committee.

(E) All buildings shall meet all Building Codes adopted by the County of Monroe and the American with Disability Act (ADA) and will be required to receive an "occupancy permit" before they are put into service or if there is any change of use.

**40-2-39      PERMITTED USES.**

(A) Any uses permitted and any special uses permitted in the B-1 District

(B) Auto Sales and Auto Service

(C) Funeral Chapels and Mortuaries

(D) Greenhouses

(E) Lumber Yards

(F) Manufactured Housing/Recreational Vehicle Sales

(G) Mini/Self Storage Warehouses – up to **thirty thousand (30,000) square feet** in area

(H) Motels

(I) Recreational Uses

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(J) Processing, manufacturing and fabricating provided it meets the requirements of **Section 40-2-38**, subsection (B).

**40-2-40**      **SPECIAL USES.**

- (A) Single and Multiple Family Dwelling Units
- (B) Utility Substations

**40-2-41**      **ACCESSORY USES.**

- (A) Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land
- (B) Off-street parking and loading
- (C) Storage or merchandise or inventory usually carried in stock provided the such storage shall be located on the lot with the retail, service, or commercial use, and shall be within a completely enclosed building

**40-2-42**      **RESERVED.**

### DIVISION VIII

#### "B-3" GENERAL BUSINESS DISTRICT

**40-2-43**      **PURPOSE OF DISTRICT.** The B-3 General Business District has been established to provide for areas in which pedestrian oriented, comparative shopping facilities which offer a wide range of retail goods and services to the general public are encouraged to locate. Uses incompatible with such activities are prohibited within this district.

**40-2-44**      **CONDITIONS OF USE.**

- (A) See Schedule 2A: AREA AND BULK REGULATIONS.
- (B) Dwelling units and lodging rooms are not permitted below the second floor, except for the business owner or operator of a motel, hotel, or similar use.
- (C) The sale of foodstuffs or articles intended for human consumption shall be conducted wholly within an enclosed building.
- (D) There shall be no manufacturing, processing, or treatment of products other than those which are incidental and essential to the retail business conducted on the same premises. Not more than **five (5)** persons (exclusive of manager, clerks, and drivers) shall be engaged in the manufacture, processing, or treatment of products.
- (E) Uses, operations, or products in this District shall not cause objectionable odor, dust, smoke, noise, vibration, or other similar nuisances.
- (F) When existing buildings located in this district have already established a building line at a depth less than required by Schedule 2A, then all new buildings may conform to the same building line, except for the first **fifty feet (50')** of the District frontage adjacent to a Residential District, whereupon there shall be provided a front yard of not less than **twenty-five feet (25')**.
- (G) All buildings shall meet all Building Codes adopted by the County of Monroe and the American with Disability Act (ADA) and will be required to receive an "occupancy permit" before they are put into service or if there is any change of use.

**40-2-45      USES PERMITTED BY RIGHT.**

- (A) Any use permitted by right in B-1 but not including a use requiring a special use permit
- (B) Clubs and Lodges
- (C) Funeral Chapels and Mortuaries
- (D) Galleries and Studios
- (E) Libraries or Museums
- (F) Meeting Halls

**40-2-46      SPECIAL USES.**

- (A) Any Special Use as identified in the B-1 District
- (B) Single and multiple family dwelling units
- (C) Utility Substations

**40-2-47      ACCESSORY USES.**

- (A) Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land
- (B) Off-street parking and loading
- (C) Storage of merchandise or inventory usually carried in stock provided that such storage be located on the lot with the retail, service, or commercial use, and shall be within completely enclosed buildings

**40-2-48 - 40-2-49      RESERVED.**

**DIVISION IX**

**"I-1" LIGHT INDUSTRIAL DISTRICT**

**40-2-50      PURPOSE OF DISTRICT.** The Light Industrial District of the County delineates areas where a satisfactory correlation of factors such as adequate transportation facilities, accessibility for employees, efficient land assembly, adequate topographical conditions, and adequate provisions of public utilities required by light industry may be achieved. It is intended that this particular district will generally provide for light industry of an assembly nature, research and development, manufacturing and fabrication or warehousing and wholesaling activity. It is also intended that "adult bookstores", "adult entertainment cabarets", "adult motion picture theaters", "adult novelty stores", and any other adult use or entertainment establishment allowed by law and ordinance will be located in this particular district. **(See Chapter 8 for licensing of Adult Uses.)**

**40-2-51      CONDITIONS OF USE.**

- (A) Any production, processing, cleaning, servicing, testing, repairing, or storage of goods, materials, or products shall take place without creating disturbing influences to the use and occupancy of adjoining properties.
- (B) All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise approved. Storage of equipment and supplies in this district may be open to the sky but shall be enclosed by a wall or fence, including gates, at least **eight feet (8')** high and if abutting a Single-Family or Multiple-Family District an approved landscaped

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screen shall be provided. Open off-street loading facilities and open off-street parking facilities for the storage of motor vehicles may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required to protect adjacent uses or residential districts.

(C) **Railroad Siding Frontage:** No yards shall be required for those portions of lots which front on railroad sidings.

(D) **Buffer Areas:** A **ten (10) foot** wide planting screen, consisting of suitable shrubbery and trees, shall be planted wherever an industrial use abuts any other use district. Such screen shall consist of shrubbery and trees at least **five (5) feet** in height when planted and shall be maintained at not less than **twenty (20) feet** in height when full grown or as reviewed by the Administrator and approved by the Land Use Committee. The planting screen must be planted no later than **thirty (30) days** after completion of primary structure.

(E) See Schedule 2A: AREA AND BULK REGULATIONS.

### **40-2-52** **USES PERMITTED BY RIGHT.**

- (A) Equipment Storage and Repair
- (B) Laboratories
- (C) Manufacturing and fabricating excluding explosives and flammable material
- (D) Material Processing/Cleaning
- (E) Mini/Self Storage Warehouses
- (F) Research and Development excluding explosives and flammable material
- (G) Service Stations
- (H) Utility Substations
- (I) Warehouses/Freight Terminals

### **40-2-53** **SPECIAL USES.**

- (A) Adult Use Entertainment Establishments (See Chapter 8)
- (B) Airports
- (C) Dwelling units for watchmen when located on the premises where they are employed in such capacity
- (D) Port facilities
- (E) Stadiums/Auditoriums/Arenas
- (F) Pawnbrokers (**Ord. No. 03-04; 03-17-03**)
- (G) Tattoo Parlors (**Ord. No. 03-04; 03-17-03**)

### **40-2-54** **ACCESSORY USES.**

- (A) Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land
- (B) Off-street parking and loading
- (C) Storage of merchandise or inventory usually carried in stock
- (D) Temporary buildings for construction purposes - for a period not to exceed the duration of such construction

### **40-2-55** **RESERVED.**

## DIVISION X

### "I-2" HEAVY INDUSTRIAL DISTRICT

**40-2-56**      **PURPOSE OF DISTRICT.**    The I-2 Heavy Industrial District encompasses areas where a satisfactory correlation of factors such as adequate transportation, efficient land assembly, adequate topographical characteristics, and adequate availability of utilities required by industry may be achieved. It is intended that this district will provide for any type of manufacturing that meets the requirements and conditions of this Code, and which may be carried out in a manner that will not endanger the public health, safety and general welfare. It is further intended to insure the County will achieve a favorable position with respect to regional and national competition for production and distribution of manufactured goods.

**40-2-57**      **CONDITIONS OF USE.**

(A)            Any production, processing, cleaning, servicing, testing, repairing, or storage of goods, materials, or products shall take place without creating disturbing influences to the use and occupancy of adjoining properties.

(B)            All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise approved. Storage of equipment and supplies in this district may be open to the sky but shall be enclosed by a wall or fence, including gates, at least **eight feet (8')** high and if abutting a Single-Family or Multiple-Family District an approved landscaped screen shall be provided. Open off-street loading facilities and open off-street parking facilities for the storage of motor vehicles may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required to protect adjacent uses or residential districts.

(C)            **Railroad Siding Frontage:** No yards shall be required for those portions of lots which front on railroad sidings.

(D)            **Buffer Areas:** A **twenty foot (20')** wide planting screen, consisting of suitable shrubbery and trees, shall be planted wherever and industrial use abuts any other use district. Such screen shall consist of shrubbery and trees at least **five feet (5')** in height when planted and shall be maintained at not less than **twenty feet (20')** in height when full grown or as reviewed by the Administrator and approved by the Land Use Committee.

(E)            See Schedule 2A: AREA AND BULK REGULATIONS.

**40-2-58**      **USES PERMITTED BY RIGHT.**

(A)            Any use permitted in the "I-1" District

(B)            Industrial/Manufacturing Operations which are not detrimental to the public health, safety and general welfare

(C)            Mineral Extraction

(D)            Railroad classification yards, terminal facilities and maintenance facilities

**40-2-59**      **SPECIAL USES.**

(A)            Dwelling units for watchmen when located on the premises where they are employed in such capacity

(B)            Oil wells, provided they meet other requirements as established by this Code

(C)            Salvage yards

(D)            Sanitary landfills

(E)            Storage of flammable materials

**40-2-60**      **ACCESSORY USES.**

(A)            Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land

- (B) Off-street parking and loading
- (C) Storage of merchandise or inventory usually carried in stock
- (D) Temporary buildings for construction purposes for a period not to exceed the duration of such construction

**40-2-61**      **RESERVED.**

**DIVISION XI**

**"C-1" CONSERVATION DISTRICT**

**40-2-62**      **PURPOSE OF DISTRICT.** The Conservation District of Monroe County encompasses various areas of rough topography, soil types, geological features and other characteristics which impose significant constraints on compact urban development. It is the intent and purpose of this district to require appropriate densities for preservation of natural amenities, reduction in the cost of public services and facilities, and to avoid damage to environmentally sensitive areas.

**40-2-63**      **CONDITIONS OF USE.**  
See Schedule 2A: AREA AND BULK REGULATIONS.

**40-2-64**      **USES PERMITTED BY RIGHT.**  
All uses permitted in A-1 except oil wells

**40-2-65**      **SPECIAL USES.**  
All uses permitted in A-1 and R-1 Districts

**40-2-66**      **RESERVED.**

**DIVISION XII**

**"F-1" SPECIAL FLOOD HAZARD AREAS**

**40-2-67**      **PURPOSE.** The F-1 Special Flood Hazard Areas delineate areas which, in the absence of flood protection measures, are subject to periodic flooding that may result in hazards to persons and damage to property. The regulations of this District are intended to avoid such hazards.

**40-2-68**      **LOCATION OF DISTRICT.** The location of the F-1 Special Flood Hazard Areas shall be coextensive with the "A" Zones and shown on the Flood Insurance Rate Map, Community Panel Numbers 0025 through 0200 (Community #170509) dated March 17, 2003 and amendments thereto; as filed in the office of the County Clerk and the Administrator.

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**40-2-69**      **PERMITTED USES, SPECIAL USES.** This overlay district has no effect on the classification -- whether permitted by right, special, or prohibited -- of uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on all allowable uses.

**40-2-70**      **CONDITIONS OF USE.** This applies to all the regulations contained in Monroe County Ordinance 03-03, An Ordinance Regulating Development in Special Flood Hazard Areas.

### DIVISION XIII

#### "A-2" AGRICULTURAL DISTRICT

**40-2-71**      **PURPOSE OF THE DISTRICT.** The "A-2" Agricultural District of Monroe County recognizes that some of the land indicated for agricultural purposes in the Comprehensive Plan Land Use Map will not be farmed because of a variety of conditions including topography, karst terrain, flooding, wetlands, vegetation, man-made facilities and barriers, including essential services and public facilities. Further, that all areas of high agricultural productivity in the County have not been designated in the Comprehensive Plan and zoned exclusively for agriculture because of existing urban development. This district is primarily for areas undergoing transition from agriculture to more intensive residential uses, to serve as a buffering district between the "A-1" and the residential districts.

**40-2-72**      **CONDITIONS OF USE.**

- (A) See Schedule 2A: AREA AND BULK REGULATIONS.
- (B) Living area shall be a minimum of **nine hundred (900)** square feet.

**40-2-73**      **USES PERMITTED BY RIGHT.**

- (A) Agricultural uses, limited to the growing of crops, truck farming, and the raising of grazing animals, see Section 40-3-16
- (B) Clubhouses
- (C) Fish and game preserves
- (D) Governmental use facilities and buildings for Monroe County
- (E) Lakes, including fee fishing, provided that no building, parking lot, or other intense use activity is located nearer than **five hundred feet (500')** to any dwelling on another lot, and must meet setbacks from the lot line, whichever is greater
- (F) Modular homes
- (G) Non-commercial recreational activities
- (H) Residential alternatives for developmentally disabled, having 1-8 residents
- (I) Single-family detached residences

**40-2-74**      **SPECIAL USES.**

- (A) Animal hospitals and animal shelters, provided that adequate safeguards, structural, mechanical and location shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions and operations
- (B) Athletic fields
- (C) Bed and breakfast establishments
- (D) Cemeteries and mausoleums
- (E) Churches, rectories and parish houses
- (F) Commercial recreational areas or camps



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- (G) Day care and nursery schools
- (H) Golf courses, and country clubs, driving ranges without overhead lighting, or miniature golf courses; and provided that no clubhouses or accessory buildings shall be located nearer than **five hundred feet (500')** to any dwelling on another lot
- (I) Greenhouses and nurseries, wholesale and retail, including landscaping operations
- (J) Home occupations that do not comply with Section 40-4-7
- (K) Hospitals, clinics, and sanitariums
- (L) Kennels, commercial
- (M) Private clubs or lodges, private recreation areas or camps, except those the chief activity of which is customarily carried on as a business
- (N) Public service uses, other than the County, including utility sub-stations, filtration plants, pump stations, water reservoirs, police and fire stations
- (O) Residential alternatives for developmentally disabled, having more than **eight (8)** residents
- (P) Schools and colleges for academic instructions
- (Q) Wineries (Ordinance 12-07 – signed on 8/20/12)

### **40-2-75**      **PERMITTED ACCESSORY USES.**

- (A) Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land
- (B) Accommodations for professional servants, caretakers, watchmen, or custodians, but not as a separate detached one-family dwelling on the same lot
- (C) Home occupations that do not comply with Section 40-4-7
- (D) Kennels, private, however, such use is limited to **ten (10)** or less dogs or domesticated animals over the age of 4 months
- (E) Permitted signs
- (F) Stables, private

**40-2-76**      **PERMITTED TEMPORARY USES.** It is the intent of the following to regulate the operation of certain transitory or seasonal uses as follows:

- (A) Auctions
- (B) Carnivals, circuses and similar amusement enterprises provided that adequate off-street parking is available and that traffic congestion or hazard would not be created in conjunction with the location or access thereto. Permit required, see Section 40-4-28
- (C) Christmas tree sales
- (D) Garage/yard sales, limited to three (3) per calendar year
- (E) Outdoor festivals, music or religious gatherings. Permit required, see Section 40-4-28
- (F) Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and that traffic congestion or hazard would not be created in conjunction with the location or access thereto.

## **DIVISION XIV**

### **INCENTIVE OVERLAY DISTRICT**

## Zoning Code 40-5-3

**40-2-77 PURPOSE.** The Incentive Overlay District is intended to provide developers and land owners an opportunity to design higher density residential developments in areas capable of supporting such densities. This is intended to encourage compatible residential development in and around the existing communities with municipal services. The Incentive Overlay District shall be permitted only in areas where all of the following requirements can be met:

- 1) It is within 1½ miles of the current corporate limits of the City of Waterloo and the City of Columbia;
- 2) It lies in an area of the County which is in an "A-2" Agricultural Zoning District;
- 3) It is not in an area identified "K-1" Karst Susceptible on the Monroe County Zone District Map; and
- 4) It is not in an area identified as "F-1" Special Flood Hazard Areas on the Monroe County Zone District Map.

**40-2-78 DENSITY CREDITS.** Developments within the "A-2", Agricultural District covered by the Incentive Overlay District can request density credits which would enable them to request smaller lot minimums to reduce the required **two and one-half (2½)** acre lot size down in increments. Multiple credits may be granted to a developer down to the minimum **one-third (1/3)** acre lot within ¾ mile of the city limits of Waterloo and Columbia, and **one-half (1/2)** acres lot within 1½ mile of the city limits of Waterloo and Columbia.

**40-2-79 CRITERIA.** The Zoning Administrator shall, upon receiving documentation of compliance with any of the following criteria, provide a reduction in minimum lot size in accordance with the following:

- (A) Provide a central collection system for wastewater to the development: worth **43,560** square feet reduction in lot minimum size (without this central collection system for wastewater, the minimum lot size obtainable is **one (1)** acre, regardless of the number of density credit criteria met);
- (B) Provide potable water to the development: worth **32,670** square feet reduction in lot minimum size;
- (C) Have entered into a pre-annexation agreement with the most appropriate adjacent community for the development: worth **14,670** square feet reduction in lot minimum size. **(Ord. No. 03-04; 03-17-03)**

**40-2-80 LOT SIZE AND SETBACK REQUIREMENTS.** Developments taking density credits must comply with lot size requirements and minimum setback requirements for resulting lot sizes as follows:

For lot sizes of **2.00** acres up to **2.50** acres comply with A-2 District requirements

For lot sizes of **.75** acres up to **1.99** acres comply with R-1 District requirements

For lot sizes less than **.75** acres comply with R-2 District requirements

**(Ord. No. 03-04; 03-17-03)**

### ARTICLE III

#### GENERAL DEVELOPMENT REGULATIONS

##### DIVISION I - MISCELLANEOUS

## Zoning Code 40-5-3

### **40-3-1 GENERAL PROHIBITION.** Hereafter, it shall be unlawful to:

- (A) erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;
- (B) to create any lot; or
- (C) to use, occupy, or develop any lot or part thereof, except in conformity with the provisions of this Code.

### **40-3-2 AGRICULTURAL EXEMPTION.** The provisions of this Article shall not be exercised so as to impose regulations with respect to:

- (A) land used or to be used primarily for agricultural purposes; OR
- (B) the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or intended to be used for primarily agricultural purposes upon agricultural land, provided, that buildings or structures to be used for agricultural purposes shall be required to meet the district setback requirements.

In the event that part of a tract of land ceases to be used solely for agricultural purposes, then all of the provisions of this Code shall apply to that part.

### **40-3-3 ACCESSORY USES.** Any accessory use shall be deemed permitted in a particular zoning district if such accessory use is:

- (A) accessory to a principal structure or use that is allowed in that zoning district as of right (permitted uses) or by virtue of the fact that a special use permit has been granted; and
- (B) in compliance with the restrictions set forth in Schedule 2A: AREA AND BULK REGULATIONS.

### **40-3-4 ACCESSORY USE RESTRICTION.** No accessory building shall be used for residential purposes.

### **40-3-5 BUILDING ACCESS REQUIRED.** No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public or private street or road.

### **40-3-6 BUILDING, EMERGENCY AND TEMPORARY OCCUPANCY.** No temporary structure (including trailers or mobile homes) shall be used or occupied for any residential, commercial, or industrial use except as specifically permitted or required by this Code. However, the Administrator may, upon application therefor, permit the use of such temporary structure for a period not to exceed **one (1)** year, subject to such conditions as the Land Use Committee deems to be compatible with the character of the area in which the structure is located and in compliance with reasonable consideration of the general health, safety, and welfare. Such occupancy shall be contingent on an emergency resulting from fire, explosion, or disaster, or in conjunction with personal hardship, construction, demolition, or related conditions.

### **40-3-7 BUILDING, EXCEPTIONS TO HEIGHT LIMITS.**

- (A) **Necessary Appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations by

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**fifteen (15) feet** of the district in which they are located if they comply with all other pertinent County ordinances any appurtenances exceeding **fifteen (15) feet** would require a variance.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by the street line of such corner lots and a line joining the two points each of which is one street line and **thirty (30) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2)** and **ten (10)** feet above the level of adjacent street. (See Exhibit 3-2).

**40-3-8** **BUILDING, ONE PRINCIPAL BUILDING PER LOT.** Except as otherwise specifically provided in this Code, only one principal building shall be permitted on a lot.

**40-3-9** **BUILDING, USE AND BULK.** No building, structure, or premises shall be used or occupied and no buildings or parts thereof or other structures shall be constructed, erected, raised, moved, placed, reconstructed, extended, enlarged, or altered and no building shall be occupied by more families and/or persons than prescribed for such building, structure, or premises for the district in which it is located and as otherwise regulated herein, except in conformity with this Code.

**40-3-10** **LOT, CONTIGUOUS PARCELS.** When **two (2)** or more parcels of land, each of which lacks adequate area and/or minimum dimensions to qualify for a permitted use under the requirements of the district in which they are located are contiguous, and are held in one ownership, they shall be used as one zoning lot for such use.

Lots that were divided into tracts of **2.5 acres** or more prior to July 3, 1995, with a recorded deed or platted lot would be permitted, so long as they can meet the **200-foot** frontage and setback requirements.

**40-3-11** **LOTS, CORNER AND THROUGH.** Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage, unless otherwise regulated herein.

**40-3-12** **LOT, DIVISION OF.** No zoning lot shall hereafter be divided into **two (2)** or more zoning lots unless all zoning lots resulting from each such division shall conform with all the applicable regulations of the zoning district in which the property is located.

**40-3-13** **FRONT SETBACKS IN CERTAIN BUILT-UP AREAS.** Except as specifically provided otherwise, in any Residential or Business zoning district, where lots having **fifty percent (50%)** or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10)** feet, the minimum required front setbacks on that block shall be the average of the existing front setbacks; provided, however, that in any built-up area, no front setback less than **fifteen (15)** feet shall be permitted, nor shall any front setback greater than **fifty (50)** feet be required.

**40-3-14** **LOT, FRONTAGE REQUIREMENTS.** Any lot in any district shall have minimum frontage abutting a public street or road; the width of the lot shall be at least **fifty (50)** feet. The only exception to these requirements may be in a Planned Unit Development.

**40-3-15**     **LOTS, MEETING MINIMUM REQUIREMENTS.** Except as specifically provided otherwise elsewhere in this Code, every lot must meet the minimum area, minimum dimensions, and minimum setback requirements of the district in which it is located independently; that is, without counting any portion of an abutting lot.

**40-3-16**     **THE GRAZING OF DOMESTIC AND EXOTIC ANIMALS.** The grazing of domestic livestock is permitted provided there is a minimum of **2½ (two and one-half)** acre lot. Any accessory structure for such livestock shall not be located closer than **two hundred (200)** feet from any residential dwelling on a neighboring property or **fifty (50)** feet from a property line, whichever is greater.

**DIVISION II - NON-CONFORMITIES**

**40-3-17**     **REQUIREMENTS.** The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, non-conformities are frequently responsible for heavy traffic on residential streets, the overtaking of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations of this Section are intended to alleviate such existing/potential problems by encouraging the gradual elimination of non-conformities.

**40-3-18**     **NON-CONFORMING LOTS.** Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the district in which it is located may, nonetheless, be developed for any use permitted in that district if such vacant lot was recorded in the County Recorder of Deeds office prior to the enactment of this Code (or pertinent amendment thereto) and is at least **fifty (50)** feet wide.

**40-3-19**     **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if one or more of those lots does not meet the minimum lot width, depth, or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

**40-3-20**     **NON-CONFORMING STRUCTURES.** Any otherwise lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code, because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions:

(A)           **Maintenance.** A non-conforming structure may be maintained by ordinary repairs.

(B)           **Enlargement, Alterations.** A non-conforming structure may be enlarged and/or altered, provided that:

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- (1) such enlargement and/or alteration is confined within the lot line of the property in question as such lot lines existed on the effective date of this Code; and
- (2) such enlargement and/or alteration does not increase or worsen the non-conforming characteristics of the structure.

(C) **Reconstruction.** A non-conforming structure that is damaged or destroyed shall not be rebuilt if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6)** months from the date the damage occurred and is diligently prosecuted to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

(D) **Relocation.** A non-conforming structure shall not be moved to another lot unless, after relocation, it will conform to all the regulations of the district where it will be located.

**40-3-21 NON-CONFORMING USES.** Any otherwise lawful use existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A) **Expansion/Intensification.** A non-conforming use which does not occupy a structure (such as a nursery) may be expanded/intensified, but only within the confines of the lot lines as such lines existed on the effective date of this Code. A non-conforming use which occupies a structure may be expanded or intensified, but only within that structure and/or within any conforming addition to the structure. (FOR RULES CONCERNING EXPANSION OF NON-CONFORMING STRUCTURES, SEE SUBSECTION 40-3-20(B).)

(B) **Reestablishment.** A non-conforming use which is destroyed or damaged may be reestablished. However, if the owner of the damaged/destroyed use proposes to expand, relocate, or change it, then the other pertinent paragraphs of this Section shall control. Moreover, if no significant steps have been taken to reestablish the use within one (1) year from the date the damage/destruction occurred, then the use shall be considered abandoned and subject to the provisions of paragraph (E) of this Section.

(C) **Relocation.** A non-conforming use shall not be moved, in whole or in part, unless upon relocation it will conform to all pertinent regulations of the district in which it will be located.

(D) **Change of Use.** A non-conforming use may continue, but shall not be changed except to a use that is of greater conformity.

(E) **Discontinuance.** When a non-conforming use has been intentionally discontinued for a period of **twelve (12)** consecutive months, it shall not thereafter be resumed, and any subsequent use of the premises shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

**40-3-22 NON-CONFORMITIES UNDER PERMIT AUTHORITY.** The regulations of this Section shall not affect the terms of any permit issued prior to the effective date of this Code or

any pertinent amendment thereto provided that the work authorized by such permit is completed within a reasonable time.

**40-3-23      RESERVED.**

**DIVISION III**

**PERFORMANCE STANDARDS AND YARDS**

**40-3-24      GENERAL PERFORMANCE STANDARDS.**

(A) Any lot shall be properly graded for drainage and maintained in good condition, free from trash and debris, with all ground cover (grass, etc.) maintained.

(B) Noise emanating from any use shall not be of such volume or frequency as to be unreasonably offensive at or beyond the property line. Unreasonably offensive noises, due to intermittence, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

(C) No obnoxious, toxic, or corrosive matter, smoke, fumes, or gases shall be discharged into the air or across the boundaries of any lot in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare or to cause injury or damage to property or business.

**40-3-25      YARDS, EXISTING BUILDING REQUIREMENTS.** No yards now or hereafter provided for a building existing on the effective date of this Code shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this Code for equivalent new construction except as otherwise specifically provided for herein.

**40-3-26      YARDS, INTRUSIONS INTO.** To the extent indicated below, the following feature of principal buildings may intrude into required yards without thereby violating the minimum setback requirements.

<u>FEATURE</u>	<u>MAXIMUM INTRUSION</u>
(A) Cornices, chimneys, plants, or similar architectural features	Two feet (2')
(B) Fire escapes	Four feet (4')
(C) Patios	No limit
(D) Porches, if unenclosed and at ground level	Six feet (6')
(E) Balconies	Four feet (4')
(F) Canopies, roof overhangs	Four feet (4')

**40-3-27      YARDS, LOCATION, REQUIRED OPEN SPACE.** All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group unless otherwise specifically provided for herein.

**40-3-28**     **YARDS, MAINTENANCE OF COURTS AND OTHER OPEN SPACES.** The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the owner of the property on which it is located if the building is vacant. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

**40-3-29**     **FRONTAGE ROAD IMPROVEMENT REQUIREMENTS.** Frontage road improvements meeting the following guidelines are to be made by developer/owner when property is rezoned to other than an "A" Agriculture District.

- (A) Additional road right-of-way as required by the Subdivision Code Section 34-5-6 shall be provided.
- (B) Frontage road widening shall be in accordance with the Subdivision Code Figure 3 "STANDARD WIDENING & GRADING SECTION."
- (C) Completion of frontage improvement is not required to be completed until subject property is developed or redeveloped.
- (D) Work shall be covered by bond or letter of credit in the amount of **one hundred fifty percent (150%)** of the estimated improvement cost, before issuance of a site development and/or building permit unless work is completed and approved before issuance of the permit.
- (E) The additional road right-of-way dedication shall be made before issuance of a site development and/or building permit.

**ARTICLE IV**

**SUPPLEMENTAL DEVELOPMENT REGULATIONS**

**40-4-1** **ANIMAL HOSPITALS.** All animals shall be kept in a completely enclosed, soundproof building and further adequate safeguards (structural, mechanical, and locational) shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions, and operations as defined in Section 40-3-24.

**40-4-2**     **CHURCHES AND PLACES OF FORMAL WORSHIP.** In any district where churches are permitted, the following additional requirements shall be met:

- (A) For each **seventy-five (75)** seats (where benches are provided, each **twenty-four inches (24")** of the bench shall constitute a seat) or fraction thereof (not including Sunday School accommodations), the site shall contain at least **one-half (1/2)** acre of land.
- (B) Each principal building shall be located at least **twenty-five feet (25')** from all property lines.

**40-4-3**     **DRIVE-IN THEATERS.** In any district where drive-in theaters are permitted, the establishment of such theaters shall be subject to the following requirements:

- (A) Projection screens and parking areas shall not be closer than **fifty feet (50')** from any street right-of-way line and not closer than **one hundred feet (100')** from any Residential District.



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- (B) The projection surface of motion picture screens shall not be visible from any major traffic street.
- (C) Loudspeakers shall be limited to the individual type which are designed to be heard by the occupants of one car only.
- (D) Entrances and exits shall connect only to major arterial or collector streets and shall be designed so as not unduly to interfere with or unnecessarily impede traffic flow.
- (E) Entrance and exit waiting space for cars shall be provided to accommodate not less than **five percent (5%)** of the theater's parking capacity.
- (F) Fences and/or appropriate plant screening as approved by the Land Use Committee shall enclose the drive-in theater.
- (G) All aisles and parking areas shall utilize at a minimum a dust palliative or its equivalent.

**40-4-4**      **FENCES, WALLS, AND HEDGES.** Fences, walls, or hedges for any purpose shall in all districts conform to the following:

- (A) For the purpose of minimizing traffic hazards at street intersections by improving visibility for converging vehicles, obstructions higher than **two feet (2')** above the adjacent top of the curve elevation shall not be permitted to be planted, placed, or erected on any corner lot within the triangular portion of land designated as "restricted area" shown on Exhibit 3-2.
- (B) No barbed wire or other such sharp pointed fence and no electrically charged fence shall be erected or maintained except in agricultural, conservation, and industrial districts.
- (C) No permanent fence or retaining wall shall be constructed or erected within any public street or alley right-of-way unless authorized by the County Board of Commissioners. Fences erected on public easement or across ditches shall be so constructed that drainage shall not be obstructed and, in event of necessity for removal of such fence for maintenance or other purpose, removal and/or replacement of such fence or other improvement shall be the responsibility of the property owner.
- (D) Fences, walls, and hedges in any district may be located along lot lines, provided such fences, walls, and hedges exceeding **six feet (6')** in height shall be subject to the minimum yard requirements of the district in which such fences are located.

**40-4-5** **GARAGES, REPAIR.** In repair garages, all repair work, servicing, storage of parts and equipment and the dismantling of vehicles shall be done completely within an enclosed building, or shall be enclosed by a solid fence at least **eight feet (8')** in height or a planting screen of at least **five feet (5')** in depth and **eight feet (8')** in height.

**40-4-6**      **SERVICE STATION.** In districts where service stations are permitted, the establishment of such uses shall be subject to the following requirements:

- (A) All gasoline pumps, lubrication or similar devices and other service facilities shall be located at least **twenty feet (20')** from any street right-of-way line, or side or rear lot line.
- (B) All fuel and oil storage, pumps, or other such fuel or lubricant dispensing devices shall be located at least **twenty feet (20')** from any street right-of-way line, or side or rear lot line.
- (C) No access drive shall be within **two hundred feet (200')** of a fire station, school, public library, church, park, or playground.
- (D) All devices for dispensing or selling milk, ice, cold drinks, and the like shall be located within, or immediately adjacent to the principal building.
- (E) Whenever a service station has been abandoned, all underground storage tanks shall either be removed or filled with some acceptable material approved by the Land Use

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Committee. A service station shall be considered abandoned when the owner, tenant, or the lessor has not sought to continue the use of a period exceeding **twelve (12)** months.

(F) All waste and trash receptacles shall be in a screened, enclosed area except for minor receptacles adjacent to gasoline pumps.

(G) State Fire Marshall permit is required.

**40-4-7 HOME OCCUPATIONS.** A "home occupation" means any business, profession, or occupation conducted for gain or support entirely within any dwelling. No home occupation shall be established or conducted without the submission of a site plan, a letter of intent to the zoning administrator and obtaining a permit from the zoning administrator issued in conformity with the following regulations:

(A) **Employees.** A home occupation shall employ no more than one individual who is unrelated to the immediate family residing on the premises. Such occupation shall be clearly incidental and secondary to the principal use of the dwelling as a residence.

(B) **Floor Space.** The total area used for a home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling, or **three hundred (300) square feet**, whichever is less.

(C) **Dwelling Alterations.** In any Residential District, a principal residential building shall not be altered, to accommodate a home occupation, in such a way as to indicate from the exterior of the dwelling that the residence is being used for any purpose other than a residence.

(D) **Outdoor Storage.** Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited.

(E) **Nuisances.** A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical interference noticeable at or beyond the lot lines.

(F) **Parking.** A home occupation, including studios or rooms for instructions, shall provide an additional off-street parking area adequate to accommodate needs created by the home occupation of not less than **two (2)** parking spaces plus the parking spaces required for the dwelling unit.

(G) **Signs.** See Article VI of the Zoning Code (Street Graphics), A home occupation may have **one (1)** non-illuminated sign, not exceeding **four (4)** square feet in area.

(H) **Deliveries.** All receipt and delivery of merchandise, goods or equipment shall be made by either carrier service or passenger automobile owned by the resident and no such receipt, delivery or transaction, except emergency service, shall be made between the hours of 9:00 p.m. and 8:00 a.m.

(I) **Occupancy.** Home occupations shall not permit instruction or counseling of more than **five (5)** individuals at a time other than persons residing on the premises.

(J) **Code Requirements.** Home occupations shall comply with the building code adopted by the County of Monroe and the American with Disability Act (ADA) before a permit is issued.

**40-4-7.1 HOME OCCUPATIONS IN ACCESSORY BUILDINGS.** The purpose of this Section is to encourage small business opportunities within the County. The intention is for the business, when ready for expansion, to relocate to a more appropriate zoning district. The following regulations apply:

(A) Must meet the requirements for the Home Occupation except for the location within the accessory building and approved as a Special Use

(B) Permitted only in an A-1 or A-2 District

(C) Accessory Building for Home Occupations must not exceed **five hundred (500)** square feet in size of floor space, however, exceptions to this may be permitted by the Board

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of Appeals in the Special Use Permit process when it has been determined that greater floor space area will not be detrimental to the subject or adjacent properties.

(D) Expansion of the business, as approved as a Special Use, must occur into a more appropriate zoning district.

(E) Home occupations shall comply with the building code adopted by the County of Monroe and the American with Disability Act (ADA) before a permit is issued.

(F) Permit time period limited to a minimum of **two (2)** years to a maximum of **five (5)** years.

**40-4-8 HOSPITALS AND SANITARIUMS.** In any district where hospitals are permitted the following requirements shall be met:

(A) The minimum site for any hospital or sanitarium shall be **five (5)** acres, provided that for a hospital or sanitarium containing more than **fifty (50)** beds, the minimum shall be the greater of: **five (5)** acres, or the number of acres determined by the following formula:

$$\text{Number of Beds} \quad \times \quad \frac{\text{Ground Floor Area}}{\text{Total Floor Area}} \quad \div \quad 5 \quad = \quad \text{Site Size in Acres}$$

(B) All principal buildings shall be located at least **twenty-five feet (25')** from all lot lines.

(C) The site shall have a minimum length and width dimension of **two hundred feet (200')**.

**40-4-9 JUNK YARDS.** In any district where junk yards are permitted the establishment and/or maintenance of such uses shall be subject to the following requirements:

(A) All storage of parts and equipment and the dismantling of vehicles shall be done within a completely enclosed building or within an area enclosed by a solid fence not less than **eight feet (8')** in height, or a planting screen **ten feet (10')** in depth and expected to attain a height of at least **ten feet (10')**.

(B) Any junk yard shall be located not less than **five hundred feet (500')** from any residential district boundary.

**40-4-10 LIGHTING CONTROLS.** Any light used for the illumination of signs, parking areas, swimming pools, or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorist.

**40-4-11 MINERAL EXTRACTION.** The Zoning Board of Appeals may issue a special use permit for mineral extraction activities in any district where such activities are permitted. Mineral extraction shall include surface mining of coal, clay, soil, stone, or any other mineral or material; and the extraction of natural gas.

**40-4-11.1 GENERAL REQUIREMENTS.** Any mineral extraction development shall be subject to the following additional requirements:

(A) No open pit or shaft shall be less than **five hundred feet (500')** from an existing residence or Residential District established by this Code.

(B) All building or structures for screening, crushing, washing, mixing, storage shall be located not less than **one thousand feet (1,000')** from an existing residence or any Residential District established by this Code.

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(C) Applicable Federal and State requirements shall be met with inspections made as necessary by the County to determine compliance.

(D) A valid State permit shall be required for issuance of a special use permit for mineral extraction development under this Code. Revocation of the State permit shall be sufficient cause for revoking any special use permit issued for the same mineral extraction development.

(E) The application for a special use permit shall include two copies of a preliminary site plan of the proposed site, at a scale of not less than **two hundred feet (200')** equal **one inch (1")**, showing:

- (1) Existing topography of the site at **five (5)** foot contour intervals;
- (2) Present use of the land and all natural features such as natural water courses and drainage areas, forested areas, historic sites and the like;
- (3) Ownership of the subject property and the abutting properties at the time of filing for the special use permit;
- (4) A plan for the proposed use of the land indicating the type and location of transportation facilities available and the intended use or loading of these facilities by the mineral extraction operation; the type and location of utilities and power facilities by the mineral extraction operation; the type and location of utilities and power facilities to be used; and such other data as is necessary to explain and define the intended operation;
- (5) A plan shall be made for reshaping and final grading of the land after the operation has ceased which shall show final contours (at an interval of **five feet (5')** and drainage plan.

(F) The plan for reshaping and final grading of the site shall provide that the land can be readily used for urban and/or agricultural purposes.

(G) Any sediments, pollutants, or water borne wastes added to any surface water as a result of the extractive operation shall be removed by an acceptable engineering process before such water is discharged into any drainageway, stream, lake, or other waterway. The water shall be treated to comply with adopted Federal, State, and/or local water quality standards.

### **40-4-11.2 OIL DRILLING, INJECTION WELLS OR CONVERSION WELLS.**

(A) **Oil Drilling and Injection Wells or Conversion Certificates.** No oil well drilling or injection wells in connection therewith; are permitted within the County of Monroe in an A-1, I-1 & I-2 District unless granted under a Special Use Permit. Production well means a well drilled for the production of oil or gas, or well drilled for a water supply for use in connection with an enhanced oil recovery project.

(B) **Certificates.** Certificates shall be issued by Special Use. An application for Special Use Exception along with a filing fee of **Thirty-Five Dollars (\$35.00)** must be submitted to the Zoning Administrator. The application must include a copy of the drilling permit previously obtained from the State of Illinois, Department of Mines and Minerals, or other agency of the State of Illinois empowered to issue the required permits, copy of lease, copy of deed, and three photos of site. Also two copies of a survey map (aerial photo and topographic to include a distance of **one thousand (1,000) feet** radius from the well head) showing the following information with a scale of no smaller than **one inch (1")** to equal **four hundred (400) feet:**

- (1) Location of proposed production well, to include name of well, and any other production wells. General location of pipelines, public roads in surrounding areas as they relate to the production well. Furthermore, showing the location of any storage tanks, utilities, power lines both above and below ground level, and buildings located upon the real estate including residences, outbuildings, or other structures. The

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surrounding area relates to immediate **1000'** radius and neighboring property owners within **2000'** radius;

- (2) The location of any natural water sources including lakes, wetlands, ponds, creeks, rivers, and/or any other natural openings in the ground such as a natural geological phenomenon known as "sink holes" or karst areas;
- (3) The location of all man-made water sources such as wells or cisterns, and any water conduit devices, such as public water supply mains;
- (4) As accorded within Illinois State Statutes and the Illinois Revenue Code, all oil well purchasers and investors who produced oil in Monroe County will send to the Monroe County Tax Assessor's office a listing of those producers within Monroe County's jurisdiction. Failure to file or satisfy a tax lien on the oil production will result in well certificate forfeiture. Any new owners, operators, or permittee will be informed by the applicant on the State Permit of this requirement and must contact the Assessor's Office and Zoning Office at the time of the sale.
- (5) The Property Owner and Illinois State Permittee will both be required to sign for the Special Use Permit. However, the signature by owner does not constitute responsibility or the approval of the state permittee. If the owner or permittee is an individual, the application shall be signed by the individual. If the owner or permittee is a partnership, the application shall be signed by a general partner. If the owner or permittee is a corporation, the application shall be signed by an officer of the corporation.
- (6) The state permittee of the oil well site will be required to obey all local health, safety, aesthetic, and environmental regulations. All cleanup will be performed by the state permittee or forfeiture of state bond will result to enhance cleanup effort. Any additional cost to the County due to permittee's negligence shall be paid by said permittee. If any activities conducted by the state permittee result in violation of any state or county ordinances or regulations, subsequent prosecution will be conducted by the Monroe County State's Attorney.
- (7) Well Certificate fee will be **One Hundred Dollars (\$100.00)** per well.
- (8) The operator will present the Zoning Office a photo copy of any State security deposit or bond and an annual report of the monies paid to the Illinois Plugging and Restoration Fund. Any new owner/operator will be informed of this requirement, and must contact Zoning Office at the time of sale.

(C) **Extreme in Topography.** The application shall furthermore include an explanation of any extremes in topography such as location of bluffs, sinkholes, ravines, or other extreme topographical variances within the real estate.

(D) **Minimum Distance Requirement.** The drilling of an oil well shall not occur within **three hundred thirty feet (330')** from the nearest external boundary lines of the drilling unit, within **one hundred five feet (105')** of a public road right-of-way, within **two hundred feet (200')** of any residence located on the property, within **one hundred feet (100')** of any other building located on the specified site or property. Provided, however, that the owner of the real estate can ask for a variance to waive the minimum distance requirement for residences or other buildings set forth under this paragraph by notifying the Zoning Administrator.

(E) **Discontinuance.** If a well or tank site is not used for more than **two (2)** years, it will be considered abandoned and if in violation of Mines and Minerals regulations (Ill. Oil &

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Gas Act Sec. 240.1130) or County regulations, it shall be plugged and/or cleaned up. If failure to follow any of the regulations, penalties (Section 40-8-52) would apply and the tank permit and/or well certificate will be revoked.

(F) **Danger to Public Health and Welfare or Property Damage.** Upon the inspection of the oil wells and/or oil storage site referred to herein in an A-1, I-1 & I-2 zoned districts of Monroe County if the County Zoning Administrator or other officer designated by the County Board shall, after inspection of the site, determine that there is an imminent threat to public health and welfare or that there is imminent threat of property damage due to the topographical condition, then the regulatory penalties as dictated by the State's Attorney would apply with possible revoking of the permit and/or well certificate.

(G) **Flood Plain Regulations.** If oil site is located in a flood plain, refer to Section 40-4-11.4.

### **40-4-11.3 OIL STORAGE TANK SITES.**

(A) **Oil Storage Site Permits.** Oil Storage Tank Site Permits in the County of Monroe will only be issued through a Special Use Permit. There shall be submitted with all applications for a building permit for purposes of erecting oil storage tanks and accompanying apparatus, **three (3)** photos of site, list of landowners and landowners' addresses, copy of deed or lease of property, and **two (2)** copies of a layout or site plan, with a scale of **one (1) inch** to equal **four hundred (400) feet**, showing the following:

- (1) General location of the oil tanks, pipelines, and public roads in the surrounding areas as they relate to the oil well which was drilled pursuant to the permit set forth in Section 40-4-11.2. In addition the site plan shall show the location of any storage tanks, power lines and buildings located upon the real estate which is set forth in the well certificate including the residence, outbuildings or other buildings upon the property, if any. Surrounding area relates to immediate **1000'** radius, and neighboring property owners within **2000'** radius with a scale of one (1) inch to equal **400 feet**;
- (2) The location of any natural water sources on the real estate set forth in the Well Certificate, including lakes, wetlands, ponds, creeks, rivers, and/or any other natural openings in the ground such as a natural geological phenomenon known as "sinkholes", or karst areas;
- (3) The location of all man-made water sources such as wells or cisterns, and any water conduit devices, such as public water supply mains;
- (4) The location of any power lines or other utility lines within the site or within **one hundred feet (100')** from the site;
- (5) Three photos of the location of the proposed site from three different angles;
- (6) Size/Volume of storage tanks to be erected; oil spill confinement area (SF); and height of earthen dike/berm. (This plan will represent a relationship of the three variable Vol/Area/Height required to meet size requirements of Section 40-4-11.3(C).)

(B) **Extreme in Topography.** The application shall furthermore include an explanation of any extremes in topography such as location of bluffs, ravines, sinkholes, or other extreme topographical variances within the real estate which is set forth in the well certificate.

(C) **Distance and Size Requirements.**

- (1) The application shall provide that a properly constructed earthen dike around the oil tank storage site shall be sufficient to retain the maximum amount of oil, water or other liquid equal to **one and one-**

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**half (1 1/2)** times the storage capacity of the largest tank it contains, and be bermed at least **eighteen (18") inches** above the ground surface. The dike shall be continually maintained and reservoir within shall be kept free from vegetation, water, or oil. (Refer to specifications of Illinois Oil & Gas Act for minimum requirements.)

- (2) The oil tank storage site shall be a minimum of **sixty feet (60')** from any power line or power source located upon the premises or adjacent to the site which is not used as an on site power source.
- (3) All water lines and oil lines or other transmission lines listed upon or used on the site shall be buried at a distance of at least **thirty-six (36) inches** below the surface of the ground.
- (4) The oil tank storage site shall be a minimum of **five hundred (500)** feet from any residence, church, school, or other regular gathering place, and a minimum of **two hundred (200)** feet from any other building, excluding a tank storage shed, and a minimum of **two hundred (200)** feet from any County, State or Federal maintained road, and a minimum of **three hundred (300)** feet from surrounding property owners boundary lines. The owner of the real estate can ask for a variance to waive the minimum distance requirements for residences or other buildings set forth under this paragraph by notifying the Zoning Administrator.
- (5) A fence or wall will be constructed **six (6)** feet in height and placed around the storage site with a posted sign. (DANGER), (KEEP OUT), (NO TRESPASSING). A sign will be posted to show current name of lessee and owner/or operator and section, township and range of storage site. All fenced areas will be locked.
- (6) The site shall be maintained, area mowed, clean of debris, unused equipment, and all abandoned and unused tanks will be removed and properly disposed of.
- (7) Tanks must be free from rust and painted a solid color with exterior paint.
- (8) Any abandoned equipment or abandoned vehicles used in the drilling or production process must be removed or stored in an appropriate outbuilding.
- (9) All well and tank locations shall be kept free of dead grass, brush, weeds, and other flammable material, and so maintained at all times.

(D) **Cost.** The operator shall pay a fee for the building permit under this Section of **One Hundred Dollars (\$100.00)** per tank.

(E) **Danger to Public Health and Welfare or Property Damage.** Same as Section 40-4-11.2(F).

(F) **Discontinuance.** Same as Section 40-4-11.2(E).

(G) **Flood Plain.** If site is located in a flood plain, applicant must also follow Section 40-4-11.4.

(H) **Definitions.**

(1) **FPE.** Flood Plain Elevation

(2) **Permittee.** Means the person or entity holding the Illinois State permit and listed on the Illinois State bond as principal

(3) **Property Owner.** Those responsible holders of Real Estate within Monroe County

(4) **Tank.** A tank or other receptacle into which oil or water is gathered, produced, or stored

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- (5) **Tank Storage Site.** An area comprising a tank or tanks; a berm or dike; storage facilities related to oil production or exploration; and related fencing when required

**40-4-11.4 OIL DRILLING & TANK SITES IN FLOOD PLAIN.** Oil drilling, injection wells or conversion wells and tank site facilities in a flood plain area must comply with Sections 40-4-11.2 and 40-4-11.3 and regulations listed below:

- (A) Require a Floodproof Certificate
- (B) The well head can stay at grade level provided that it is floodproof and pump-jack should be placed on a **fifteen (15) foot** platform or **one (1) foot** above FPE.
- (C) Any additional cost to the County due to the applicant or permittee cleanup that exceeds Illinois State deposit shall be paid by said permittee. This shall include oil requirements stated in 40-4-11.2 and 40-4-11.3.
- (D) Oil storage tank sites shall include said earthen dike, but constructed to withstand a typical wet floodplain environment or flood.
- (E) Oil storage tanks must be elevated no less than **fifteen (15) feet** from grade or **one (1) foot** above the FPE by non-erodible methods to include a rock base berm or tanks need to be anchored to withstand any flood waters.
- (F) Oil well caps and mechanisms must be stored and secured on site for emergency use in times of flooding. Monroe County reserves the option to conduct unscheduled inspections by Zoning Administrator. Any site found in violation may be fined not less than **Two Hundred Dollars (\$200.00)** or no more than **Five Hundred Dollars (\$500.00)** per week.
- (G) Oil storage facilities should have a prepared oil evacuation plan in the event of possible evacuation by flood waters. A site ponding gauge should be installed on site and be visible from boundary fence. When ponding gauge shows **six (6) inches** from base, the oil evacuation plan should be implemented.
- (H) All regulations under the model ordinance for the State of Illinois and Monroe County regulating development in Special Flood Hazard Areas will also apply.

**40-4-11.5 SURFACE MINING.** The County Board shall exercise its authority under the Illinois "Surface-Mined Land Conservation and Reclamation Act" to review all proposed surface mine reclamation plans for mines within Monroe County.

As set forth in State Law whenever any land in the County is proposed to be surface-mined, the prospective mine operator shall file a reclamation plan for public inspection at the County Courthouse not less than **sixty (60) days** prior to any action on the plan by the Department of Mines and Minerals. Within **forty-five (45) days** of receiving the plan, the County Board may:

- (A) request that a public hearing be conducted in the County by the Department of Mines and Minerals; and
- (B) propose the uses for which surface-mined land is to be reclaimed.

**40-4-12 MOBILE HOMES ON PRIVATE LOTS.** Mobile homes on individual lots (as opposed to mobile home parks) may be permitted in R-MH Mobile Home District provided they comply with all the following supplemental regulations:

- (A) **Same Lot Size/Setbacks.** No mobile home shall be placed on any individual lot unless the district's minimum lot size and setback requirements are strictly observed.



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(B) **One Per Lot.** Not more than **one (1)** mobile home shall be placed on any individual lot.

(C) **Stand.** All mobile homes on individual lots must be placed on a full permanent perimeter foundation with wheels and towing devices removed.

(D) **Anchors.** Anchors capable of withstanding a vertical tension force of **four thousand eight hundred pounds (4,800 lbs.)** shall be installed at the corners of every mobile home stand or as otherwise necessary for protection against high winds. Every mobile home shall be securely tied down to such anchors.

**40-4-13 MOBILE HOME, PARKING FOR INSPECTION AND SALES.** A mobile home may be parked for inspection and sale on any automobile or trailer sales lot but mobile homes shall not be parked for inspection and sales to the general public within any mobile home park.

**40-4-14 MOBILE HOME PARKS ALLOWED ONLY BY SITE PLAN APPROVAL.**

(A) Except as provided otherwise in paragraph (B), upon the effective date of this Code, no mobile home park shall be developed, expanded, or altered except upon approval of the site plans therefor. No such site plan shall be approved unless, at a minimum, the proposed project:

- (1) is or will be located in the "R-MH" zoning district; and
- (2) complies with all applicable regulations of this Article; and
- (3) conforms to the requirements of:
  - (a) "An Act to provide for, license, and regulate mobile homes and mobile home parks", as now or hereafter amended; and
  - (b) "Rules and Regulations for Mobile Home Parks," Illinois Department of Public Health, Consumer Protection Division as now or hereafter amended.

(B) A mobile home park developed before the enactment of this Code may be altered (but not expanded) even though it is not located in the "R-MH" zoning district, but only upon approval of the site plans for the alterations. Such site plans may be approved only if the Administrator determines that the proposed alterations will bring the park more nearly into compliance with all applicable requirements.

**40-4-15 MOBILE HOME PARK SITING REQUIREMENTS.** The lot on which any mobile home park is situated shall meet the requirements of the subsections below:

**40-4-15.1 MINIMUM AREA/SETBACKS.**

(A) **Minimum Area.** Two (2) acres.

(B) **Minimum Width.** Two hundred fifty feet (250').

(C) **Minimum Depth.** Two hundred fifty feet (250').

**40-4-15.2 SUITABILITY OF SITE GENERALLY.**

(A) **Natural Conditions.** No mobile home park shall be located on land that is unsuited for development due to flooding, inadequate drainage, karst topography, poor soils, or similar constraints.

(B) **Vermin Problems Nuisances.** Mobile home parks shall be located away from marshes, landfills, or other potential breeding places for insects and rodents. Moreover, mobile home parks shall not be exposed to objectionable smoke, noise, odors, lights, or other nuisances.

**40-4-16 INDIVIDUAL MOBILE HOME PARK SPACE REQUIREMENTS: SIZE AND ARRANGEMENT.**

- (A) Every mobile home space shall meet the following requirements:
- (1) **Minimum Area. Eight Thousand (8,000) square feet.**
  - (2) **Minimum Depth. One Hundred (100) feet.**
  - (3) **Minimum Width. Seventy (70) feet.**
- (B) Mobile homes (as well as any other structures) within any park shall be placed so that no part of any mobile home or structure is closer than:
- (1) **ten feet (10')** to any park street;
  - (2) **twenty-five feet (25')** to any lot line of the park; or
  - (3) **twenty feet (20')** to any part of any other mobile home.
- (C) No structure in any mobile home park shall be more than **twenty feet (20')** in height.

**40-4-17 INDIVIDUAL MOBILE HOME PARK SPACE IMPROVEMENT STANDARDS.** Every mobile home space or mobile home thereon (as the case may be) shall comply with the requirements of the subsections below.

**40-4-17.1 MOBILE HOME STAND.** Each space shall have a stand extending the full length of the underside supports of the mobile home. The stand shall be so located in relation to the abutting road as to facilitate placement and removal of the home. The stand shall consist of either **six inch (6")** thick reinforced concrete runners or a **four inch (4")** thick reinforced concrete slab, with wheels and towing devices removed.

**40-4-17.2 ANCHORS, TIE-DOWN EQUIPMENT.** All individual mobile home spaces shall be improved in accordance with the following anchor and tie-down equipment standards; or in accordance with the provisions of the State of Illinois Tie-Down Act of 1980, as amended, whichever standard is more restrictive. The Administrator shall determine which standard is more restrictive.

(A) **Anchors.** An anchor capable of withstanding a vertical tension force of **four thousand eight hundred pounds (4,800 lbs.)** in the type of soil on the site shall be installed at each corner of the mobile home stand or as otherwise necessary for protection against high winds.

(B) **Tie-Down.** Each mobile home shall be supplied with appropriate tie-down equipment, namely:

- (1) one set of frame ties attached to the frame beneath the home to prevent its sliding downwind off its supports for every **ten feet (10')** length of the home; and
- (2) at least two sets of over-the-top-ties positioned not more than **five feet (5')** from each end of the home to prevent overturning.

(C) **Manager's Responsibility.** The manager of any mobile home park shall be responsible for making sure that the tie-down equipment is securely attached to the anchors.

**40-4-17.3 OFF-STREET PARKING SPACES.** There shall be **two (2)** off-street parking spaces on each mobile home space. Each parking space shall measure at least **ten feet (10')** by **twenty feet (20')**.

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**40-4-17.4 SKIRTING.** Each mobile home shall be skirted with fire-resistant material to enhance the appearance of the park and to prevent rodent harborage. The skirting shall be equipped with an inspection door at least **twenty-four inches (24")** wide to allow access to the underside of the home.

**40-4-18 NURSERY SCHOOLS/DAY CARE CENTERS.** In any district where nursery schools or day care centers are permitted, the following additional requirements shall be met:

(A) For each child, at least **fifty (50)** square feet of floor space shall be provided in addition to that provided for sleeping purposes.

(B) For each child, at least **one hundred (100)** square feet of outdoor, enclosed (fenced) play area shall be provided.

**40-4-19 NURSING HOMES.** In any district where nursing homes are permitted, the following requirements shall be met:

(A) The minimum site for any nursing home shall be **two (2)** acres; provided that for a nursing home containing more than **forty (40)** beds, the minimum site area shall be the greater of: **two (2)** acres, or the number of acres determined by the following formula:

$$\text{Number of Beds} \times \frac{\text{Ground Level Floor Area}}{\text{Total Floor Area}} \div 20 = \text{Site Size in Acres}$$

(B) All principal buildings shall be located at least **twenty-five (25')** from all lot lines.

(C) The site shall have a minimum length and width dimension of **two hundred feet (200')**.

**40-4-20 PLANT NURSERIES AND GREENHOUSES.** In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

(A) No fertilizer, compost, manure, or other odor or dust producing substance shall be stored within **fifty feet (50')** of any property line.

(B) Along any side or rear lot line, there shall be provided and maintained a planting or other appropriate screen of such size and density as to provide visual screening from adjacent residential properties.

**40-4-21 PUBLIC BUILDINGS.** In any district where publicly-owned buildings are permitted the following additional requirements shall be met:

In any district, other than the I-1 and I-2 Districts, where publicly-owned buildings are permitted there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least **six feet (6')** in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least **twenty-five feet (25')** from any front or side property line.

**40-4-22 PUBLIC UTILITY STATIONS, EXCHANGES AND ESSENTIAL SERVICES.** Electrical substations, gas regular stations, telephone exchange facilities, sewage treatment plants, water storage facilities or similar facilities in any Residential Zone District shall meet all of the following

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requirements and in other zone districts shall meet all requirements except (A), (E), and may be required to meet (G).

(A) No public office, or principal repair or storage facilities shall be maintained in connection with such substations or exchanges.

(B) The building housing any such facility shall be designed and constructed to conform to the general character of the neighborhood.

(C) The area on which the facility is located shall be landscaped and a landscaping plan shall be submitted.

(D) Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot shall be as follows: lot width shall not be less than the total width of the building plus the total of the minimum required side yard; lot depth shall not be less than the depth of the building plus the minimum required front yard plus the **five foot (5')** minimum rear yard.

(E) Where facilities or equipment are located outside the completely enclosed building, no such facilities or equipment shall be located closer than **fifteen feet (15')** to any side or rear lot line.

(F) If transformers are exposed, there shall be provided an enclosing fence or wall at least **eight feet (8')** in height.

(G) All parcels or lots on which substations, exchanges, equipment, or transformers are located shall meet the following minimum landscaping standards; a planting screen of at least **ten feet (10')** in depth and expected to reach a height of at least **ten feet (10')** shall be provided and maintained.

**40-4-23** **SANITARY LANDFILL.** In any zone district where a sanitary landfill is permitted a special use permit shall be required. The following additional requirements shall apply:

(A) A plan including the following items shall be submitted as part of the special use permit application:

- (1) Maps of the site at a scale of **one inch (1")** equals **two hundred feet (200')** or a smaller scale if necessary for clarity. If map size would exceed **thirty-six inches (36")**, the next appropriate map scale may be used.
- (2) Existing topography of the site at **five foot (5')** contour intervals, spot elevations in places too flat to be adequately defined by contours, and all natural features such as natural water courses and drainageways.
- (3) Ownership of the subject property and the abutting properties. The present use of the land and of adjoining land uses shall be stated.
- (4) A statement from a qualified soil scientist, geologist, or engineer stating the expected severity of ground water and/or surface water pollution that will be generated, shall be required for sanitary landfill operations.
- (5) A section of the plan shall be devoted to the reshaping, final grading and expected drainage pattern of the site when completely filled. This section shall include a map showing final contours at intervals of not more than **five feet (5')** and spot elevations in places too flat to be adequately defined by contours.
- (6) Final grading shall be implemented concurrently with landfill operations. The landfill plan shall designate which sections of the landfill parcel will be filled and final graded to accomplish concurrent implementation of the final plan with ongoing landfill operations. Those sections final graded shall be immediately seeded with foliage

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and/or grasses capable of minimizing erosion and preventing the siltation of streams.

- (7) The plan shall provide that the land can be readily used for urban and/or agricultural purposes after the landfill operation has ceased.
- (B) The sanitary landfill site shall be completely fenced with a solid or wire mesh fence not less than **six feet (6')** in height and, if wire, with a mesh small enough to prevent windblown landfill materials from escaping the site.
- (C) All topsoil shall be stored and retained on the site and re-spread during final grading of the site.
- (D) A performance bond equal to the amount of the assessed valuation of the property for tax purposes shall be posted with the County to insure reshaping of the topography in conformance with the plan. If the sanitary land is to be conducted on only a portion of the total parcel at any one time the portion to be used may be so designated on the plan and the performance bond posted for the part or parts to be so used.
- (E) No sanitary landfill shall be operated within **one thousand (1,000)** linear feet of any Residential District or any existing residential subdivision except when most unusual circumstances exist.
- (F) A permit from the Illinois Environmental Protection Agency shall be required. **(See Chapter 32 of Revised Code.)**
- (G) All other pertinent County Ordinances.

**40-4-24** **SCHOOLS, PRIVATE AND PAROCHIAL.** In any district where private or parochial schools are permitted, the following additional requirements shall be met:

- (A) The site shall have a minimum for **four (4)** acres and **one (1)** additional acre, for each **one hundred fifty (150)** pupils in excess of **two hundred (200)**.
- (B) Each principal building shall be located at least **twenty-five feet (25')** from all property lines.

**40-4-25** **SEWERS, SEPTIC TANKS.** In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) **When Public Sewers Are Available.** Whenever the public sanitary sewerage system is reasonably available all sewage shall be discharged into such system, whether or not a private sewerage system already exists or is more convenient.

(B) **When Public Sewers Are Not Available.** Whenever the public sewerage system is not reasonably available, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, as amended from time to time
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time
- (3) Pertinent current regulations issued by the Illinois Environmental Protection Agency

The Administrator shall not issue any occupancy permits unless satisfied that these requirements will be met.

**40-4-26 SWIMMING POOLS.** No public or private swimming pool in any district shall be located in any front yard, side yard or rear yard setback areas. No swimming pool shall be located closer than **ten feet (10')** of any principal building.

In addition, every swimming pool that is more than **three feet (3')** deep shall be enclosed by a wall or fence at least **four feet (4')** in height. The passage through such wall or fence shall be equipped with a gate.

**40-4-27 TRAVEL TRAILERS AND PARKS.** Travel trailers and travel trailer parks shall meet the following requirements:

(A) **Parking, Outside of a Park.** The parking of not more than **one (1)** unoccupied travel trailer, recreational vehicle and/or utility trailer (not exceeding **ten feet (10')** wide and **thirty-five feet (35')** long) in the side or rear yard or in a completely enclosed garage only is hereby permitted, provided that no living quarters or businesses shall be maintained in any such trailer or vehicle, and provided further that the parking of such trailer or vehicle shall comply with the yard requirements for accessory buildings of the zone district in which it is located.

(B) **Travel Trailer Parks.** Travel trailer parks shall be permitted only by special use permit. A condition of the special use permit shall be in compliance with all applicable regulations of the State of Illinois, including but not limited to, "The Illinois Recreational Area Licensing Act", as now or hereafter amended. The site plan submitted for special use permit approval shall include necessary services such as water supply, service buildings, sewage disposal and facilities for travel trailers.

**40-4-28 TEMPORARY USES.** It is the intent of the following to govern the operation of certain transitory or seasonal uses. The Administrator, upon the receipt of an application for a temporary use permit, shall notify any other County Department which may be affected by the use.

(A) **Permits For Temporary Use.** Applications for a temporary use shall be made to the Administrator at least **seven (7)** days before the starting date of the Temporary Use, and shall contain the following information:

- (1) The common known address of the property to be used, rented or leased for the temporary use and legal description
- (2) A description of the proposed use
- (3) The applicant's name and the property owner's name, if different from the applicant
- (4) Sufficient information to determine that the following are in compliance with the ordinances in effect:
  - (a) Provisions for waste disposal (solid and human);
  - (b) Provisions for temporary food services;
  - (c) Security personnel;
  - (d) Paved or graded ingress and egress for emergency, police and regulatory traffic;
  - (e) General liability and dram shop insurance based on anticipated number of participants;
  - (f) Yard requirements;
  - (g) Adequate parking;
  - (h) Traffic control; and
  - (i) Provisions for clearing debris.

Said permit shall be issued only if the above criteria are met to the satisfaction of the Administrator.

**40-4-29 KARST TOPOGRAPHY REGULATIONS.** Areas within the County are underlain by carbonate bedrock such as limestone and dolomite. The dissolving of the bedrock causes surface depressions, open drainage passages, and the development of irregular, sub-surface rock topography known as karst. These conditions make such areas unstable and susceptible to subsidence and surface collapse. Fractures in the limestone may channel runoff water to public or private water supplies, making those sources especially susceptible to groundwater contamination.

Therefore, the purposes of enacting this chapter are to reduce the frequency of structural damage to public and private improvements by sinkhole collapse or subsidence and to protect, preserve and enhance a sensitive and valuable potable groundwater resource areas of karst topography, thus protecting the public health, safety and welfare and insuring orderly development within the County.

(A)

**Placing Substances And Objects In Sinkholes.**

- (1) No person shall place or cause to be placed any substance or objects, other than those approved by the Bi-County Health Department, in any sinkhole. This specifically precludes any trash, garbage, or refuse material. If an accidental spill of any toxic, petroleum, or hazardous material occurs it shall be reported to the Illinois Emergency Management Agency (IEMA) immediately.
- (2) Any property that has a sinkhole present that has been used as a site for dumping trash, garbage, or refuse will be prohibited from obtaining building permits, zoning change requests, or land subdivision approvals until the sinkhole has been cleaned out and approved by the Bi-County Health Department.

(B)

**Alteration Of Sinkholes.** The filling, grading or excavation of sinkholes is prohibited unless an Erosion Control Site Plan is approved by the County. The Erosion Control Site Plan is to be submitted to the Monroe County Soil and Water Conservation District (SWCD). The SWCD will review the submitted Plan and make recommendations to the County Engineer. The County Engineer will either approve or disapprove the Plan.

(C)

**Development In Sinkholes.** No building construction will be permitted in a sinkhole unless:

- (1) Site plans are approved by the County. Site plans are to be submitted to the Monroe County Soil and Water Conservation District (SWCD) for review. The SWCD will then make recommendations to the County Engineer. The County Engineer may either approve or disapprove the Site Plan.
- (2) If after review of the site plan the County Engineer may determine that more detailed information is needed, a sinkhole evaluation may be required. A sinkhole evaluation which addresses geologic, engineering, and environmental factors to the proposed development is to be performed by a professional with experience and expertise in karst topography. This evaluation shall, among other things, determine the proposed development's effect on ground water and the effect on surrounding property. After review of this evaluation and with the consultation of the Monroe County Soil and Water Conservation District, the County Engineer may either approve or disapprove the site plan as submitted.

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(D) **Reporting Sinkholes.** Whenever a new sinkhole appears or it becomes apparent that a sinkhole has not yet been identified, it shall be reported to the Monroe County Soil and Water Conservation District.



**ARTICLE V**

**OFF-STREET PARKING AND LOADING**

**40-5-1**      **APPLICABILITY OF REGULATIONS.** Off-Street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Zoning Code.

**40-5-2**      **EXISTING PARKING/LOADING FACILITIES.**

(A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced below the requirements and standards for similar new structures or uses.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/ loading facilities need not be provided.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, or similar changes, additional parking and loading facilities commensurate with such increased intensity shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for the new use.

**40-5-3**      **PARKING LOT STANDARDS.**

All off-street parking shall conform to the standards indicated in the subsections which follow:

(A)      **Spaces.** Each required parking space shall be at least **ten feet (10')** wide and **twenty feet (20')** long, and shall have at least **seven feet (7')** of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.

(B)      **Interior Aisles.** Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least **twenty-two feet (22')** wide. One-way aisles designed for **sixty degree (60°)** parking shall be at least **eighteen feet (18')** wide.

(C)      **Access Way.**

(1) Parking lots shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.

(2) No access way to any parking lot shall be located within **thirty feet (30')** of any corner formed by the intersection of the rights-of way of two or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent hazards.

(3) Parking lot access ways and public streets shall be aligned to form--as closely as feasible--right angles.

(4) The access way to every parking lot located in any business or industrial district shall be at least **twenty-four feet (24')** wide unless two one-way drives, each **twelve feet (12')** wide, are provided.

- (5) The access way to every parking lot located in any residential district shall be at least **ten feet (10')** wide; but if the parking lot contains more than **eight (8)** parking spaces or if the access way is longer than **one hundred feet (100')**, access shall be provided either by one two-way drive at least **twenty feet (20')** wide or by two one-way drives, each at least **ten feet (10')** wide.

(D) **Lighting.** Any light(s) used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the parking lot boundary lines to the greatest extent practicable.

(E) **Parking Lot Surface.** All open off-street parking and loading areas in a Business District should be surfaced. Materials shall be in accordance with Illinois Department of Transportation specifications for concrete or asphalt pavement or A3 seal coat with base material suitable for the intended use. An exception shall be provided for service vehicles, which will be permitted to park on rock surfaces.

(F) **Parking Lot Maintenance.** Parking and loading areas in a Business District shall be maintained in a clean and orderly condition free of surface defects. The County Board shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed.

**40-5-4 LOCATION OF PARKING.** All off-street parking shall be located in conformity with the following requirements:

(A) **For Dwelling.** Parking spaces accessory to dwelling shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.

(B) **For Business/ Industrial Use.**

- (1) Every off-street parking space accessory to any business or industrial use shall be located within **five hundred feet (500')** of the use served; provided, that no portion of any parking lot for such use shall extend into any residential district.
- (2) In any Business or Industrial District, off-street parking facilities for different buildings, or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all other pertinent regulations are observed.

**40-5-5 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES.** All off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size of Space.** Every required off-street loading space shall be at least **twelve feet (12')** wide and **forty-five feet (45')** long, exclusive of aisle and maneuver space, and shall have vertical clearance of at least **fourteen feet (14')**. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) **Access Way.** Every off-street space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve feet (12')** wide.

(C) **Buffer Strips.** No loading space or area for vehicles over **two (2) ton** cargo capacity shall be developed closer than **fifty feet (50')** to any lot located in any residential district unless such space/area is screened by walls, a solid fence, or closely planted shrubbery at least **ten feet (10')** in height and of sufficient density to block the view from the residential property.

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(D) **Location.** Every off-street loading space that is required or provided shall be located on the same parcel of land as the use served, and not closer than **fifty feet (50')** to the intersection of the rights-of-way of **two (2)** or more streets, and not on required front yards.

**40-5-6 COMPUTATION OF REQUIRED PARKING/LOADING SPACES.** In computing the number of parking spaces required by this Code, the Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee parking" means "one parking space shall be required per **one and one-half (1-1/2)** employees," unless otherwise stated.

(B) In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed one parking space.

(D) If computation of the number of parking or loading spaces required by this Code results in a fractional space, any fraction of **one-half (1/2)** or more shall be counted as **one (1)** space.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

**40-5-7 NUMBER OF PARKING AND LOADING SPACES REQUIRED.** Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading spaces shall be provided as is required for the most similar listed use. The Administrator shall make the determination of similarity.

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
<b>(A) Dwellings, Lodging:</b>		
Hotels, motels, boarding houses, lodges	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Mobile homes	2 spaces per mobile home	Not applicable
Multiple-family dwellings		
1 Bedroom or less	1.5 spaces per dwelling unit	Not applicable
2 or more bedrooms	2 spaces per dwelling unit	Not applicable

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Single-family and two-family dwellings	2 spaces per dwelling unit	Not applicable
<b><u>Use</u></b>	<b><u>Parking Spaces Required</u></b>	<b><u>Loading Spaces Required (if any)</u></b>

**(B) Educational, Institutional, Recreational:**

Churches, auditoriums	1 space per 4 seats in the largest seating area	Not applicable
Hospitals	1 space per 2 beds, plus employee parking	To 50,000 sq. ft. of floor area.. 1 space; 50,001-100,000 sq.ft...2 spaces; 100,001-200,000 sq. ft....3 spaces
Libraries, museums	1 space per 500 sq. ft. of floor area	On review by the Administrator
Nursing homes	1 space per 5 beds	To 50,000 sq. ft. of floor area...1 space; 50,001-100,000 sq. ft...2 spaces; 100,001-200,000 sq. ft...3 spaces
Schools		
Elementary and junior high	1 space for every 20 students that the building is designed to accommodate, plus employee parking	On review by the Administrator
Senior high	1 space for every 4 students over 16 years old that the building is designed to accommodate, plus employee parking	On review by the Administrator
Trade schools	1 space for every 3 students that the building is designed to accommodate, plus employee parking	On review by the Administrator

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<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
<b>(C) Commercial, Office, Service:</b>		
NOTE: All commercial and service uses, unless specifically indicated otherwise below:	1 space per 300 sq. ft. of floor area	To 10,000 sq. ft. of floor area... 1 space; more than 10,000 sq. ft....1 space plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq.ft.
Banks, savings and loans		
Walk-In	1 space per 300 sq. ft. of floor area, plus employee parking	To 30,000 sq. ft. of floor area..none required; 30,001-100,000 sq. ft...1 space; more than 100,000 sq. ft.. 1 space plus 1 additional space per 10,000 sq. ft. of floor area in excess of 100,000 sq. ft.
Drive-in	4 spaces per teller or customer service stall.	
Beauty and barber shops	2 spaces per chair, plus employee parking	Not applicable
Bowling alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not applicable, except as required for affiliated uses
Car washes	5 spaces per wash lane	Not applicable
Furniture and appliance stores	1 space per 600 sq.ft. of floor area	To 25,000 sq. ft. of floor area... 2 spaces; more than 25,000 sq. ft. of floor area... 2 spaces plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.

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<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Home occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling	Not applicable
Offices generally, but not medical/dental	1 space per 300 sq. ft. of floor area	To 30,000 sq. ft. of floor area...none required; 30,001-100,000 sq.ft...1 space; more than 100,000 sq.ft...1 space plus 1 additional space per 100,000 sq. ft. of floor area in excess of 100,000 sq. ft.
Offices medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional whichever is greater	Not applicable
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 sq. ft. or more of floor area
Restaurants, refreshment stands		
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	(Both sit-down and drive-in:) 1 space per structure having 10,000 sq. ft. or more floor area
Drive-in	On review by the Administrator	
Service stations	2 spaces per service stall, plus employee parking	Not applicable
Taverns	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more of floor area

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<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Theaters		
Indoor	1 space per 4 seats in the largest seating area	Not applicable
Drive-in	On review by the Administrator	Not Applicable
Vehicle Sales	1 space per 600 sq. ft of enclosed floor area; plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles.....1 space per 2,500 sq. ft. of open lot area; Above 10,000 sq. ft...4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of floor area and open lot area...2 spaces; more than 25,000 sq. ft. of floor area and open lot area.... 2 spaces plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.
(D) <b><u>Industrial:</u></b>		
Any manufacturing, warehousing, or other industrial use.	Employee parking (1.5 spaces per employee) plus 1 space per company vehicle, plus 1 visitor space per 25 employees on the major shift	To 20,000 sq. ft. of floor area ....1 space; 20,001-50,000 sq. ft.... 2 spaces; 50,001-90,000 sq. ft....3 spaces; above 90,000 sq. ft.....3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.

**ARTICLE VI**

**STREET GRAPHICS**

**DIVISION I - GENERALLY**

**40-6-1**      **GENERAL SIGN REGULATIONS.** All signs hereafter constructed, erected, painted or otherwise established, moved, altered or changed within the County's limits of jurisdiction shall comply with the following regulations and any Illinois State regulations.

**40-6-2**      **PURPOSE.** It is the intent and purpose of the sign regulations to provide for the use of signs as means of communication and for directing persons to desired destinations; to improve traffic and pedestrian safety by reducing sign distraction, obstructions, and other hazards; create a more attractive business climate; to minimize possible adverse effects of signs on public and private property; to maintain the aesthetic environment and to provide reasonable requirements and consistent enforcement. The sign regulations are adopted under the zoning enforcement authority of Monroe County in furtherance of the general purposes set forth in the Zoning Code.

**40-6-3**      **DEFINITIONS.**

**ADMINISTRATOR:** The Zoning Administrator of this County or a duly authorized representative.

**ALTER:** To change the size, shape, height, or other similar characteristics of a street graphic.

**ANIMATED SIGN:** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**APPEAL:** A procedure whereby any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of this Code may seek relief from the Zoning Board of Appeals.

**AREA OF SPECIAL STREET GRAPHICS CONTROLS:** Any portion of the territory of this County designated by Monroe County where, due to the special needs/characteristics of such area, a special street graphic sign or permit is required to erect any new street graphic or to alter, enlarge, relocate, or reconstruct any existing street graphic.

**AWNING:** Any roof-like structure made of cloth, metal, or other material attached to a building and erected over a window, doorway, etc. in such a manner as to permit its being raised or retracted to a position against the building when not in use.

**BANNER:** Any sign of light weight fabric or similar material that is mounted to a pole or a building by a frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.



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**BEACON:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**BILLBOARD:** Any single or double-faced street graphic that is permanently fixed or placed on particular premises and that is used for the display of messages or advertising not associated with the establishment located on said premises. A billboard typically has provision for changing the message/advertising thereon.

**BUSINESS SIGN:** See commercial message.

**CANOPY SIGN:** A roof-like structure similar to an awning, except that it cannot be raised or retracted to a position against the building. A marquee is not a canopy.

**CHANGEABLE COPY SIGN:** A sign which has provision for changing the message thereon either manually or electronically, without altering the face or surface of the sign. A sign on which the message changes more than **eight (8)** times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Code. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Code.

**COMMERCIAL MESSAGE:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

**CORRECTIVE ACTION ORDER:** A legally-binding order to effect compliance with this Code, issued by the Administrator in accordance with the procedures set forth herein.

**COUNTY ROAD:** Designated as a Federal-Aid Secondary road, maintained by the County Highway Department.

**DIRECTIONAL SIGNS:** Means of communication for directing persons to desired destinations. No advertising shall be permitted on any directional sign.

**ESTABLISHMENT:** Either of the following:

(A) an institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or

(B) an institutional, business, commercial, or industrial activity that occupies a portion of a building such that:

(1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole, and

(2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

**FLUSH-MOUNTED/WALL SIGN:** Any sign attached to or erected against any wall, awning, canopy, or marquee with the exposed face of said sign in a place approximately parallel to the plane of the wall, etc. and not projecting more than **twelve (12)** inches. Such signs shall not be painted directly on any exterior wall.

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**FREESTANDING SIGN:** Any sign supported by one or more uprights, poles, or braces placed in or upon the ground in a permanent manner, independent from any building or other structure.

**FRONTAGE:** The lineal extent of the lot abutting a street or public roadway, or the lineal extent of the lot abutting a public parking area if the lot has no street frontage.

**INTERSTATE HIGHWAY:** Means any highway, including a tollway, designated by the Illinois Department of Transportation and approved by the United States Department of Transportation as a part of the national system of interstate and defense highways.

**LOT:** Any tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. The term lot may or may not be synonymous with lot of record.

**MARQUEE:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**MARQUEE SIGN:** Any sign attached to, in any manner, or made a part of a marquee.

**MESSAGE:** A communication of identification or advertising information visually perceived. Said communication may consist of words, abbreviations, numbers, symbols, pictures, geometric shapes, etc.

**NON-CONFORMING STREET GRAPHIC:** Any permitted street graphic which existed on the effective date of this Code (or amendment thereto), but which does not comply with the regulations set forth therein.

**OFF-PREMISES ADVERTISING SIGN:** See billboard.

**ON-PREMISES SIGNS:** Means those signs which advertise activities conducted on the property on which they are located.

**PORTABLE SIGN:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

**PREMISES:** Any lot plus all the structures and uses thereon.

**PRIMARY HIGHWAY:** Means any highway, other than an interstate highway, designated by the department and approved by the United States Department of Transportation as a part of the federal-aid primary system.

**PROJECTING SIGN:** Any sign which is supported by an exterior wall of a building or suspended beneath any awning, canopy, or marquee with the exposed face of said sign in a plane approximately perpendicular to the plane of the wall, etc., and projecting more than **three (3)** feet beyond the surface of building or wall.

**RECONSTRUCT:** To reerect a street graphic after it has been damaged or destroyed.

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**RELOCATE:** To move a street graphic to another portion of the premises or to different premises.

**REPLACE:** To substitute a street graphic for an existing street graphic.

**ROAD DISTRICT ROAD:** Designated by a township route number and listed by a County name. Road is maintained by road district official.

**ROOF LINE:** The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette, on the side of the building where the street graphic is located.

**ROOF-MOUNTED SIGN:** Any sign erected or maintained on the roof of any building.

**SHOPPING CENTER IDENTIFICATION SIGN:** Any sign identifying a building or group of buildings that is under single ownership or control, that provides common off-street parking facilities, and that is occupied by two or more retail sales establishments.

**SIGN:** Means any outdoor sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or structure, which is designated, intended or used to advertise or inform, and of which any part of the existing or intended advertising or informative contents is or will be visible from any place located inside or outside a building, which is visible from any lot line or roadway, interstate, or primary highway.

**SIGN AREA:** The area of the one imaginary square or rectangle that would completely enclose all parts of a sign including the background.

**SIGN AREA ALLOWANCE:** The total of the areas of all signs which a particular establishment is permitted to display under the terms of this Code.

**SPECIAL USE STREET GRAPHIC SIGN PERMIT:** A permit issued by the Board of Appeals/Planning Board in accordance with the provisions of this ordinance to regulate the design and placement of street graphics in areas of special controls.

**STREET GRAPHIC:** Any on-premises identification or advertising sign, or any billboard or off-premises advertising sign, visible from the public right-of-way or from any parking area used by the general public.

**STREET GRAPHIC SIGN PERMIT:** A permit issued by the Administrator to regulate the erection, expansion, alteration, relocation, or reconstruction of street graphics in all parts of this County except in areas of special controls and exempt signs, following the requirements of this Code.

**STREET FRONTAGE:** See frontage.

**SUBDIVISION SIGN:** An entrance sign advertising a recorded platted subdivision, for sale and/or development thereof, with such sign erected upon the subject property, as distinguished from a real estate sign.

**SUSPENDED SIGN:** A sign that is suspended from the under side of a horizontal plane surface and is supported by such surface.

**TEMPORARY SIGN:** Any sign that is used only temporarily and is not permanently mounted. A sign, banner, or display of cloth canvas, cardboard, wall board, or other light temporary material, with or without a structural frame.

**UTILITY COMPANY SIGN:** Signs that serve as an aid to public safety or that show the location of public telephones, underground cables, etc.

**VARIANCE:** A relaxation of the requirements of this Code that are applicable to a particular street graphic.

**WINDOW SIGN:** A sign visible from the exterior of a building which is painted on, affixed to, or suspended immediately behind a window. A permanent window sign is one that is intended to remain on display for **thirty (30)** days or more; a temporary window sign is one that is intended to remain on display for a shorter time period.

**40-6-4      CALCULATION OF SIGN AREA.** The area of every sign shall be calculated as follows:

(A)            If a sign is enclosed by a box or outline, the total area (including the background) within that outline shall be deemed the sign area.

(B)            If a sign consists of individual letters, parts, or symbols, the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols shall be deemed the sign area.

(C)            In calculating sign area, only one side of any double-faced sign shall be counted.

(D)            The area of signs of unusual shapes--such as globes, cylinders, or pyramids--shall be computed as one-half of the total of the exposed surfaces.

(E)            All distance shall be measured to the nearest integral foot; **six (6)** inches or more shall be deemed **one (1)** foot.

(F)            No sign or part thereof, including supports, braces or otherwise, shall be located nearer than **ten (10)** feet to any lot line or right-of-way line, unless otherwise specifically permitted or as further restricted by this Code.

(G)            See Appendix A-B-C-D.

**40-6-5      SIGN AREA ALLOWANCE.**

(A)            **Computation of Area.**

**IMPORTANT:** Within the limitations and restrictions as further provided in this Code, the total of the areas of all signs which a particular establishment is permitted to display shall be computed according to the following formula:

**One and one-half (1½)** square feet of sign area per **one (1)** foot of lineal street frontage for the first **one hundred (100)** feet of such frontage.

No establishment in any zoning district shall display more than **one hundred fifty (150)** square feet of signs.

(B)            **Special Situations.**

(1)            If any establishment has frontage on **two (2)** or more streets, each side having frontage shall be considered separately for purposes of determining compliance with the provisions of this Code. However, the sign area allowances shall not be aggregated so as to allow any such establishment to

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display on any **one (1)** frontage a greater area of signs than this section would otherwise permit.

- (2) The side of an establishment adjacent to an off-street parking area shall be deemed frontage unless the establishment has no other frontage.

(C) **Calculation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) existing grade prior to construction or
- (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

- (D) See Appendix A-B-C-D-E.

**40-6-6 MOVEMENT PROHIBITED.** No sign or other street graphic shall be animated, revolve, rotate, or mechanically move in any manner.

**40-6-7 ILLUMINATION.** Illumination of signs and other street graphics is permitted, subject to the following requirements:

(A) Only white light is permitted in residential zoning districts and within **two hundred (200)** feet thereof.

(B) No red, yellow, green, or other colored light shall be used at any location in such a manner as to confuse or interfere with vehicular traffic.

(C) No sign shall have blinking, flashing, animated or fluttering lights or other illuminating devices which have a changing light intensity, brightness, color, or intermittent or moving lights except those giving public service information such as, without limiting the generality of the foregoing, time, weather, date and temperature, only that portion of the sign is exempt.

(D) The light from any illuminated sign or other street graphic shall be shaded, shielded, or directed so as to avoid the creation or continuation of any nuisance or traffic hazard.

(E) No exposed reflective type bulb, and no strobe light or incandescent lamp which exceeds **fifteen (15)** watts, shall be used on the exterior surface of any sign in such a manner as to expose the face of the bulb, light, or lamp to any public street or to adjacent property.

**40-6-8 STREET GRAPHICS NOT TO BE HAZARDOUS.**

(A) No sign or other street graphic shall be erected, relocated, or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B) No sign or other street graphic shall be erected or maintained in such a manner that it interferes with, or is likely to be confused with any authorized traffic sign, signal, or device. Accordingly, no street graphic shall contain the word stop, go, caution, danger, warning, or similar words. (See also, Section 40-6-7(B).)

(C) No sign shall be constructed, erected or otherwise placed on any lot in such manner that it would endanger or cause a hazardous condition to persons or property.

(D) No sign shall be erected in such manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device; directional or informational sign; or to interfere with a driver's view of approaching, merging or intersecting traffic.

**40-6-9**      **STRUCTURAL AND MAINTENANCE REQUIREMENTS.** Every sign or other street graphic shall be maintained in a neat and attractive condition by its owner/or property owner. The street graphic supports shall be kept painted/treated to prevent rust or deterioration.

## **DIVISION II**

### **REGULATIONS BASED ON TYPE OR LOCATION OF STREET GRAPHICS**

**40-6-10**      **STRICTLY PROHIBITED STREET GRAPHICS.** The following street graphics are strictly prohibited everywhere in this County:

(A) Pennants, streamers, ribbons, strings of light bulbs, spinners, and similar street graphics.

(B) Signs attached to trees, fences, or public utility poles, other than warning signs issued by public utilities.

(C) Defunct Signs, including the posts or other supports therefor, that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.

(D) Signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is licensed and used in the normal day-to-day operation of the business and not permanently parked.

(E) All other signs not expressly permitted by this Code.

(F) Roof-mounted signs and portable signs (excluding murals or signs painted on exterior of building, search lights and beacon lights, balloons or inflated signs, when permitted by a special use). See Non-Exempt Special Use Signs (Sec. 40-6-5(B).)

(G) No sign or display shall contain words or pictures of obscene, indecent, or immoral character that offend the public morals and decency of the County.

**40-6-11**      **APPLICABILITY.** No sign as defined herein shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered except in conformance with the provisions of this section and after issuance of a Sign Permit by the County, except as provided under Exempt Signs and Exempt Changes to Signs herein.

**40-6-12**      **EXEMPT SIGNS.** The types of signs listed below, and any change thereto that does not convert them into non-exempt signs, shall be exempt:

**Exempt Street Graphics.** Every sign or other street graphic enumerated below that complies with the indicated requirements may be erected in any zoning district of this County without a permit. The area of said signs/street graphics shall not be debited against the displaying establishment's sign area allowance.

(A) **Agriculture Products** temporary signs, for the sale of agricultural products, on farm property, may be allowed for a period not to exceed **ninety (90)** days, and shall not exceed **thirty-two (32)** square feet of sign area. Seed, chemical or sign for test plot not to exceed **three (3)** square foot is permitted.

(B) **Agricultural Entrance Sign** not to exceed **thirty-two (32)** square feet in sign area is permitted.

(C) **Construction Signs** identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall not exceed **thirty-two (32)** square feet in area, shall be confined to the site of the construction, and shall be removed upon completion of the project or within one (1) year of installation, whichever date is earlier.

(D) **Informational Signs** erected for the convenience of the public, such as signs identifying entrances, exits, parking areas, no-parking areas, restrooms, public telephones, walkways, and similar features or facilities. Such signs shall not exceed **three (3)** square feet in area.

(E) **Flags** of any country, state, or unit of local government.

(F) **Garage Sale Signs** advertising a garage or yard sale on private residential property. Such signs shall not exceed **four (4)** square feet in area, shall be confined to the premises on which the sale is conducted, and posted no more than **four (4)** days in any **ninety (90)** day period.

(G) **Governmental or Public Signs**, such as traffic control signs, railroad crossing signs, legal notices, signs indicating the location of underground cables, etc.

(H) **Holiday Decorations** such as Christmas lights and ornaments, provided that such decorations must be removed within a reasonable time after the holiday.

(I) **Home Occupation and Special Use Occupation Signs** identifying only the name and occupation of the resident. Home occupation signs shall be non-illuminated, and shall not exceed **four (4)** square feet in area when granted a home occupation/special use permit.

(J) **House Numbers and/or Name of Occupant Signs** located on the lot to which the sign pertains. Such signs shall not exceed **three (3)** square feet in area for single-family dwellings or **six (6)** square feet for multiple-family dwellings.

(K) **Institutional Signs** for a public, charitable, or religious institution. Such signs shall be located on the premises of the institution, shall not obstruct the vision of motorists, and shall not exceed **twenty-four (24)** square feet in area.

(L) **Integral Signs** carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(M) **Interior Signs** located in the interior of any buildings or within an enclosed lobby or court of any building or group of buildings, provided such signs are not visible from the exterior of said buildings.

(N) **Planned Unit Development** In any zoning district where a Planned Unit Development exists or occurs, only **one (1)** sign on a free-standing structure or building at each major access point of the development, extending not more than **one (1)** foot from such building or structure, and not exceeding **forty (40)** square feet shall be permitted to identify the development.

(O) **Political Campaign Signs** announcing candidates seeking public office and/or political issues and other pertinent information. Such temporary signs shall be confined to private property. In any zoning district, political signs shall not exceed **four (4) feet** in any length or width.

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Political campaign signs shall not be permitted more than **thirty (30) days** prior to an election and shall be removed within **seven (7) days** after the election.

(P) **Property Regulation Signs** shall not exceed **three (3)** square feet in area.

(Q) **Public Interest Signs** publicizing a charitable or non-profit event of general public interest. Such temporary signs shall be erected only on private property. Such temporary signs shall not exceed **sixteen (16)** square feet in area; such signs shall be permitted only for **fourteen (14)** days before and **seven (7)** days after the event.

(R) **Real Estate Signs** indicating the sale, rental, or lease of the premises on which they are located. Such signs on residential property shall not exceed **six (6)** square feet in area; on other property such signs shall not exceed **sixteen (16)** square feet. Not more than one real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7)** days after the sale, rental or lease.

(S) **Street Banners or Temporary Signs Advertising a Public Entertainment or Event**. Such street graphics may be placed only in locations approved by the Zoning Administrator during the period **fourteen (14)** days before and **seven (7)** days after the event.

(T) **Subdivision Entrance Sign (Temporary or Permanent)**.

(1) **Maximum Sign Area**. **Forty (40)** square feet with a maximum greatest dimension of **eight (8)** feet.

(2) **Maximum Number of Signs**. In any subdivision for which a plat has been recorded with the County, non-illuminated subdivision signs may be erected subject to the following requirements:

(a) Not more than **two (2)** temporary or **two (2)** permanent entrance signs shall be permitted for any subdivision held in single or common ownership.

(b) Temporary subdivision signs may be displayed for a period of time not to exceed **two (2)** years from the date of issuance of the permit for the first building in the subdivision or for the duration of the project, whichever is less, unless an extension for a specific additional period of time is granted by the Zoning Administrator.

(3) **Height of Signs**. No subdivision sign shall exceed **ten (10)** feet in height above the finished grade.

(U) **Utility Company Signs** that serve as an aid to public safety or that show the location of public telephones, underground cables, etc.

**40-6-13 NON-URBAN, RESIDENTIAL DISTRICT.** Upon the effective date of this Code, no signs, or other street graphics except those listed in Section 40-6-12 shall be erected in the Agricultural District or in any residential district.

**40-6-14 NON-EXEMPT/SIGNS REQUIRING A SIGN PERMIT.**  
**Business, Industrial Districts.** No establishment located in any business district or in the Industrial District shall display a total area of signs in excess of its signs area allowance. (See Section 40-6-5) Additionally, signs in any business district or in the Industrial District shall conform to the requirements indicated in the subsections below.

(A) **Flush-Mounted Wall Signs.** For aesthetic and safety reasons, flush-mounted signs are the preferred type of sign in this County. No flush-mounted sign shall:



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- (1) project more than **twelve (12)** inches from the wall or surface to which it is attached (if such wall/surface is not vertical, the projection shall be measured from the closest point of the wall/surface to the sign); or
- (2) shall not extend above the roof lines of the building to which it is attached.

**One (1)** sign is allowed per business and not more than **ten percent (10%)** of wall frontage. For buildings housing multiple businesses, wall sign area for each business shall be determined by building frontage of individual business. **(See Also Appendix D.)**

(B) **Projecting Signs.** No establishment in any zoning district shall display more than **one (1)** projecting sign on any street front. No projecting sign shall:

- (1) project more than **three (3)** feet from the building to which it is attached; or
- (2) not extend above the roof line of the building to which it is attached; or
- (3) project over a street, alley, or driveway, or closer than **two (2)** feet to the curb or edge of any vehicular way; or
- (4) extend below a point **eight (8)** feet above the ground or pavement; or
- (5) exceed **nine (9)** square feet in area; or
- (6) extend above a point **twelve (12)** feet above the ground or pavement.

**(See Also Appendix A.)**

(C) **Signs on Awnings, Canopies, or Marquees.** Signs mounted flush against any awning, canopy, or marquee shall be considered flush-mounted signs, and shall comply with regulations of Subsection 40-6-14(A). Signs suspended beneath any awning, canopy or marquee shall be considered projecting signs, and shall comply with the regulations of Subsection 40-6-14(B).

(D) **Window Signs.** Any establishment may display window signs. Permanent window signs shall cover no more than **twenty percent (20%)** of any window. Permanent window signs shall be debited against the displaying establishment's sign area allowance, but temporary window signs shall not.

(E) **Shopping Center Identification Signs.** A shopping center, as an entity, may erect an identification sign in accordance with the provisions of this Code if the total gross floor area of all the establishments located in the center exceeds **fifty thousand (50,000)** square feet. A shopping center identification sign shall not exceed **one hundred fifty (150)** square feet in area.

(F) **Freestanding Signs.** Not more than **one (1)** freestanding sign shall be displayed on any street front of any lot. All freestanding signs shall comply with the following regulations:

- (1) No part of any freestanding sign shall intrude into or project over any public right-of-way. All structural supports of any freestanding sign shall be situated at least **ten (10)** feet from the public right-of-way line.
- (2) No freestanding sign shall be erected closer than **twenty (20)** feet to any side or rear lot line.
- (3) No freestanding sign shall exceed **one hundred (100) square feet** in area or **twelve (12)** feet in any dimension; provided, that this paragraph shall not apply to shopping center identification signs. (See subsection 40-6-14(E).)
- (4) When attached to a post or other supports, the top edge of a freestanding sign shall not extend more than **twenty (20)** feet above the ground or pavement or extend below a point of **five (5)** feet

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above ground level at the base of the sign provided its location does not allow pedestrians or traffic to pass under. If susceptible to pedestrian traffic then top edge shall not extend below a point of **eight (8)** feet above ground level at the base of the sign, and if susceptible to vehicular traffic then **thirteen feet six inches (13'6")**, or (Section 40-6-8, C & D).

**(See Also Appendix C.)**

(G) **Roof-Mounted Signs.** Roof-mounted signs are strictly prohibited everywhere in this County.

**40-6-15** **NON-EXEMPT/SPECIAL USE SIGNS.** Signs requiring Special Use Conditions:

(A) **Off-Premises Directional Signs.** All off-premises directional signs shall meet the following requirements and are only permitted for means of communication and for directing persons to desired destinations:

- (1) Only one sign per intersection shall be permitted per business/applicant
- (2) Sign area shall not exceed **twelve (12)** inches high by **thirty (30)** inches wide
- (3) Sign shall not intrude into or project over any public right-of-way and will be mounted by the County with brown and white lettering
- (4) Would allow **one (1)** row with **six (6)** inch lettering or **two (2)** rows with **four (4)** inch lettering
- (5) Up to **four (4)** different directional signs may be mounted on the same support and double sided
- (6) All off-premises directional signs shall be permitted only after receiving temporary Land Use Approval, not to exceed **three (3)** years and subject to a fee of **One Hundred Fifty Dollars (\$150.00)** per sign
- (7) Cannot be placed on primary roads unless zoned Industrial or Business, but may be placed facing the secondary road at an intersection in any zoned district of the County
- (8) Not for use of advertising
- (9) Application must be accompanied with a letter of intent

(B) **Promotional or Grand Opening Sign.** These portable signs to include only search lights, beacon lights, balloons or inflated signs can be placed at a business location by land use approval, temporarily for a period of **seven (7)** days per calendar year.

(C) **Murals.** Murals or signs painted on exterior of building by a Special Use Permit.

(D) **Billboards.** Billboards are strictly prohibited everywhere in this County except by Special Use Permit in the zoned Industrial Districts. No billboard erected shall:

- (1) Be stacked on top of another billboard; or
- (2) Be located closer than **one hundred (100)** feet to any public right-of-way; or
- (3) Be located closer than **one thousand (1,000)** feet to any other billboard on the same side of the roadway; or no more than one (1) billboard per parcel; or
- (4) Extend more than **twenty (20)** feet above the ground or pavement; or
- (5) Exceed **one hundred fifty (150)** square feet in area.

An approved Special Use Permit is valid for a period of **ten (10) years** from date of issuance. After said **ten (10) years** the sign permit is voided and the applicant must reapply. The Special Use Permit fee is **Five Hundred Dollars (\$500.00)**.

**DIVISION III - PERMITS**

**40-6-16**      **STREET GRAPHICS PERMITS.** Upon the effective date of this Code, no sign, billboard, or other street graphic--except those listed in Section 40-6-12--shall be erected, expanded, altered, relocated, or reconstructed without a street graphic permit issued by the Administrator.

**40-6-17**      **APPLICATION.** Every applicant for a street graphic permit shall submit to the Administrator upon forms provided by the Zoning Administrator following the information listed below and in Appendix A-B-C or D.

Items of Information:

- (A) name, address, and telephone number of the applicant;
- (B) name and address of the owner of the premises on which the street graphic is to be erected, if different from (A);
- (C) location of the building, structure, or lot where the proposed street graphic is to be erected, and the zoning district classification of said premises;
- (D) description of the proposed street graphic indicating proposed location, dimensions, area, overall height, illumination, and method of support/attachment, and graphic wording;
- (E) relationship of the proposed street graphic to nearby traffic control devices;
- (F) amount of street frontage that the establishment which proposes to display the street graphic has, and the total area of all existing signs on said premises; and
- (G) such other information as the Administrator shall reasonably require to determine full compliance with this Code.

See also, Section 40-6-20, Schedule of Fees.

**40-6-18**      **SUSPENSION, REVOCATION, AND DENIAL.** A Sign Permit shall become void if the sign authorized thereby has not been completely installed within **twelve (12)** months of the date the permit was issued.

The Zoning Administrator shall give written notice to the applicant of denial of a Sign Permit Application together with the reasons for the denial.

The Zoning Administrator may suspend or revoke, in writing to the permittee, any Sign Permit on the basis of misstatement of fact.

**40-6-19**      **REMOVAL OF UNSAFE, ABANDONED, OR UNLAWFUL SIGN.** Any sign other than an outdoor advertising sign as defined herein that no longer identifies a business, activity, event or service conducted or product, service or entertainment sold on the premises where the sign is located shall be considered abandoned and shall be removed.

If upon inspection the Zoning Administrator finds that a sign is abandoned, unsafe, or in any way not in compliance with County ordinances, he or she shall issue a written order to the permittee stating the nature of the violation and requiring the repair, replacement, or removal of the sign within **fourteen (14)** days of the date of the order.

If after **fourteen (14)** days of issuance an order has not been complied with, or if a sign constitutes an immediate hazard to the public safety, the Zoning Administrator will submit the violation to the States' Attorney for Penalties (See Section 40-8-52).

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**40-6-20**      **STREET GRAPHICS FEES.** Processing/conducting of the listed permits.

<b><u>PERMIT/PROCEDURE</u></b>	<b><u>FEE</u></b>
Registration of Existing Street Graphic	None
Street Graphic Permit	\$20.00
Special Street Graphic Permit:	
Balloons, inflated, etc.	\$20.00
Directional Signs - 3 years	\$150.00
Billboards - 10 years	\$500.00
Appeal	\$35.00
Variance	\$35.00
Amendment	\$35.00

### **DIVISION IV - NON-CONFORMING SIGNS**

**40-6-21**      **NON-CONFORMING STREET GRAPHICS.** Signs existing at the time of the enactment of this Code and not conforming to its provisions but which were constructed in compliance with previous regulations shall be regarded as legal non-conforming signs. Non-conforming signs which are structurally altered, relocated or replaced shall at that time be made to comply.

**Restrictions.** A non-conforming street graphic that does not pose an imminent peril to life or property may remain and be maintained by ordinary repairs, but shall not be:

- (1) altered or enlarged in such a way as to increase its non-conformity;
- (2) replaced by another non-conforming street graphic (provided that changing message on a changeable copy sign shall not be deemed a violation of this provision);
- (3) relocated unless it is made to conform with this Code; or
- (4) reconstructed after incurring damage in an amount exceeding **fifty percent (50%)** of its market value at the time of loss as determined by the Administrator.

Provided, that whenever any street graphic is non-conforming solely because it is appurtenant to a non-conforming business/industrial use located in the Non-Urban District or in any residential district, the Administrator shall apply paragraphs (2), (3) and (4) of restrictions only to the extent necessary to achieve compliance with the regulations applicable to street graphics appurtenant to business/industrial uses located in any business district or in the industrial district.

## **ARTICLE VII**

### **PLANNED UNIT DEVELOPMENT**

**40-7-1**      **INTENT AND PURPOSE.** This Article establishes provisions for rezoning of land within the County to provide for a Planned Unit Development (PUD). The purpose of this

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Article, Planned Unit Development, is to achieve the objectives enumerated in Section 40-1-2 (the general intent and purpose of the Code) and the following additional objectives:

(A) to provide a regulatory mechanism whereby the County can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the County's issuance of the necessary zoning, subdivision, and/or building permit;

(B) to permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;

(C) to preserve the natural topography, scenic features, mature trees, and historic structures existing on sites proposed for development;

(D) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;

(E) to ensure the provision of useable common open space in planned developments, and to spur installation of amenities therein;

(F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

### **40-7-2 COMPLIANCE WITH CODES GENERALLY REQUIRED. IMPORTANT:**

Except as specifically provided otherwise in this section, planned unit developments (including all structures and uses therein) shall, at a minimum, be built in conformity with all applicable codes and ordinances including this (Zoning) Code and the Subdivision Code.

**40-7-3 DISTRICTS WHERE ALLOWED.** Planned unit developments may be built in any Residential or Commercial Zoning District, but only upon the issuance of a special use permit by the County Board of Commissioners.

**40-7-4 PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS.** The planned unit development concept is intended to afford both the developer and the County considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this section, PUDs may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(A) **Mixed Uses.** PUDs may include all types of residential structures and any other uses approved by the Board of Commissioners; provided, in approving such mixed uses, the Board of Commissioners may attach any conditions necessary to protect the public welfare.

(B) **Lot and Structure Requirements.** In PUDs the Board of Commissioners may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PUD are appropriately interrelated and property abutting the PUD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

(C) **Location of Parking/Loading Spaces.** By permission of the Board of Commissioners, off-street parking and loading spaces in the PUDs need not be located in accordance with generally applicable requirements. The minimum number of spaces, however, shall not be less than the number required as per Article V of the Zoning Code.

**40-7-5**      **PRELIMINARY DEVELOPMENT PLANS.** Every applicant for preliminary PUD approval shall comply with the procedural requirements of this section. The required procedures are as follows:

- (A)            filing development plan with the Administrator;
- (B)            review of the development plan by the Planning Commission;
- (C)            public hearing by the Board of Appeals as per the requirement of Division IV in Article VIII;
- (D)            recommendation by the Zoning Board of Appeals to the Board of Commissioners regarding approval/rejection of the development plan; and
- (E)            action by the Board of Commissioners on the development plan.

**40-7-6**      **APPLICATION, INFORMATION REQUIRED.** Every applicant for approval of a preliminary PUD development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below:

- (A)            **Written Documents:**
  - (1)          legal description of the total site for proposed developments;
  - (2)          names and addresses of all owners of property within or adjacent to the proposed PUD;
  - (3)          statement of the planning objectives to be achieved by the PUD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
  - (4)          development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;
  - (5)          statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.;
  - (6)          data indicating:
    - (a)        total number and type of proposed dwelling units;
    - (b)        gross and net acreage of parcel;
    - (c)        acreage of gross usable open space; and
    - (d)        area of any commercial uses.
- (B)            **Graphic Materials:**
  - (1)          existing site conditions including contours at (5) foot intervals and locations of water courses, flood plains, unique natural features, and wooded areas;
  - (2)          proposed lot lines and plot designs;
  - (3)          proposed location, size in square feet, and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
  - (4)          location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common, open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
  - (5)          existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership -- public or private -- should be included where appropriate);

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- (6) existing and proposed pedestrian circulation system and proposed treatments of points of conflict;
- (7) existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
- (8) general landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
- (9) enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent area; and
- (10) any additional information required by the County to evaluate the character and impact of the proposed PUD.

**40-7-7 ADVISORY REPORT, CRITERIA CONSIDERED.** The Planning Commission shall submit to the Zoning Board of Appeals a written advisory report concerning acceptance/rejection of the development plan. In deciding what their advice should be, the Planning Commission shall consider the following criteria:

(A) the extent to which the proposed development is consistent with the County's Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;

(B) the extent to which the proposed development deviates from the regulations that are generally applicable to the property (including but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations;

(C) whether the proposed design of the PUD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;

(D) the compatibility of the proposed PUD with adjacent properties and surrounding area; and

(E) any other reasonable criteria that the Planning Commission may devise.

**40-7-8 PUBLIC HEARING BY ZONING BOARD OF APPEALS.** After the Planning Commission has submitted their advisory report, the Board of Appeals shall hold a public hearing as per the requirements of Sections 40-8-25 and 40-8-26. Within a reasonable time following the hearing, the Board of Appeals shall file a report of the hearing and its advisory report with the County Board of Commissioners accompanied by the advisory report of the Planning Commission.

**40-7-9 DECISION BY BOARD OF COMMISSIONERS.** After the Zoning Board of Appeals has submitted the advisory reports, the Board of Commissioners, by resolution, shall either approve or disapprove the preliminary PUD development plan. The Board of Commissioners shall not approve any preliminary PUD development plan unless:

(A) the State's Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and

(B) the proposed PUD, as evidenced by the development plan, complies with all applicable codes and ordinances. (Deviations to the extent permitted under **Section 40-7-4** shall not be deemed as non-compliance).

**40-7-10**      **FINAL DEVELOPMENT PLANS.**      With respect to the preparation, submission, and review of PUD final development plans, the developer and this County shall comply with the regulations of the following subsections:

(A)      **Filing, Information Required.**      Not later than one (1) year after the approval of the preliminary development plan, the applicant shall file his final development plan for the first stage of the proposed PUD. Said final development plan shall contain in final form all the items of information listed in **Section 40-7-6** plus the following:

- (1)      proof that the developer has acquired legal title to all land within the PUD or has executed a binding agreement with all the owners of such land giving him effective control over its development;
- (2)      legal description of each lot to be individually owned and each parcel to be held in common;
- (3)      articles of incorporation and bylaws of the Homeowners' Association;
- (4)      restrictive covenants and any other legal instruments required by the State's Attorney guaranteeing the proper upkeep and use of the common open space and recreational facilities therein; and
- (5)      legal instruments dedicating streets and other improvements to this County or conveying same to the Homeowners' Association (as the case may be).

(B)      **Advisory Report.**      Not later than **sixty (60)** days after the application for final development plan approval is filed, the Planning Commission -- following consultation with the Administrator, the County Engineer, and the State's Attorney -- shall submit a written advisory report to the County Board of Commissioners. The Commission's advisory report shall fully discuss the extent to which the final development plan conforms to the approved preliminary development plan and to all applicable codes and ordinances.

(C)      **Action By.**      At their next regularly scheduled meeting following submission of the Planning Commission's advisory report, the Board of Commissioners shall, by resolution, either approve or disapprove the PUD final development plan. The Board of Commissioners shall not approve any final development plan unless:

- (1)      the developer has posted a performance bond or deposited funds in escrow in the amount the County Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and
- (2)      the State's Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
- (3)      the proposed PUD, as evidenced by the final development plan, complies with all applicable codes and ordinances and substantially conforms to the approved preliminary development plan.

**40-7-11**      **CHANGES IN APPROVED PLANS.**      No changes shall be made to any approved PUD development plan except as follows:

(A)      **Minor** changes if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(B)      All other changes shall require a public hearing before the Zoning Board of Appeals and a resolution by the Board of Commissioners.

(C)      No approved change shall have any effect until it is recorded with the Monroe County Recorder of Deeds as an amendment to the recorded copy of the development plan.



**40-7-12**      **FAILURE TO BEGIN DEVELOPMENT.** If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the development plan shall lapse upon written notice to the applicant from the Board of Commissioners and shall be of no further effect. However, in its discretion and for good cause, the Board may extend for a reasonable time the period for the beginning of construction. If a final development plan lapses as per this section:

- (A)            the special use permit shall be automatically revoked;
- (B)            any building permits shall automatically become null and void; and
- (C)            all regulations applicable before the PUD was approved shall automatically be in full effect.

**ARTICLE VIII – STORMWATER REGULATIONS**

**DIVISION I – GENERAL PROVISIONS AND REGULATIONS**

**40-8-1**      **AUTHORITY AND PURPOSE.** This Code is enacted pursuant to the police powers granted to Monroe County, Illinois by the **Illinois Compiled Statutes, 65 ILCS Sec. 5/1-2-1, 5/11-12-12, 5/11-30-2, and 5/11-31-2.**

The purpose of this Code is to diminish threats to public health and safety, protect property, prevent damage to the environment and promote public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any new development or redevelopment or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth and/or changes the stormwater drainage pattern and/or stormwater flows from that which would have occurred if the land had been left in its natural state. This stormwater runoff and resulting soil erosion could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources. One cause of increases in stormwater runoff quantity or rate and impairment of quality, and loss of valuable topsoil is the new development or redevelopment of the land. This ordinance regulates these activities to minimize adverse impacts. **(See Section 40-8-19 for Definitions.)**

This Code is adopted to accomplish the following objectives:

- (A)            To assure that new commercial and industrial development or redevelopment does not increase the drainage or flood hazards, or create unstable conditions susceptible to soil erosion;
- (B)            To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff and soil erosion;
- (C)            To protect human life and health from the hazards of increased flooding and soil erosion on a watershed basis;
- (D)            To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by stormwater runoff and soil erosion quantities from new development or redevelopment;

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(E) To protect, conserve, and promote the orderly development of land and soil, water, air, animal, and plant resources;

(F) To preserve the natural hydrologic and hydraulic functions of watercourses and flood plains and to protect water quality and aquatic habitats;

(G) To preserve the natural characteristics of stream corridors in order to manage flood and stormwater impacts, improve water and groundwater quality, reduce soil erosion, protect aquatic and riparian habitat, maintain quality forest resources, provide recreational opportunities, provide aesthetic benefits, enhance community and economic development.

**40-8-2 OTHER RELEVANT PERMITTING.** Other permits may be required from State and Federal Agencies when land disturbance activity occurs. It shall be the developers' responsibility to obtain these permits.

**40-8-3 APPLICABILITY.** This Code shall apply to all new commercial and industrial development or re-development in Monroe County, Illinois. Except as otherwise provided in this Code, no person, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, the United States of America, and its agencies or political subdivisions, any agent, servant, officer or employee of any of the foregoing which meets the following provisions or is otherwise exempted in this Code, shall not commence any development activities without first having obtained a development permit from the Building and Zoning Administrator of Monroe County, Illinois, and complying with the following:

(A) Any new development or re-development that will include an area that will meet or exceed **five thousand (5,000) square feet** of total impervious surface (i.e., streets, roof, patio or parking area or any combination thereof); or

(B) Any land disturbance activity in excess of **five thousand (5,000) square feet** which is located in a business or industrial zoning district shall meet the requirements of this Code and proper permits as required herein must be obtained.

**40-8-4 EXEMPTIONS.** A development permit shall not be required for the following:

(A) Any new development, re-development or other activity falling below the minimum standards as set forth in **Section 40-8-3**.

(B) Any site which is within an existing development with an approved Stormwater-Soil Erosion Plan shall be exempt provided that the land coverage is within the existing approved development perimeters.

(C) The agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures.

(D) The maintenance of any existing stormwater drainage/detention component or structure or any existing soil erosion/sediment control component or structure;

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including dredging, levee restoration, tree removal or other function which maintains the original design capacities of the above.

(E) The construction of, improvements to, or the maintenance of any street, road, highway or interstate highway performed by any unit of government whose powers grant such authority.

**40-8-5 EXCEPTIONS.** The County Board of Commissioners may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this Code:

(A) Application for exception shall be made by a verified petition of the applicant for a development permit, stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the development permit application. In order for the petition to be granted, it shall be necessary that the Board find all of the following facts with the respect to the land referred to in the petition:

- (1) That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations or record, that it is impossible or impractical for the applicant to comply with all of the requirements of this Code;
- (2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) That the granting of the exception will not be detrimental to the public welfare, environment or injurious to other property in the vicinity of the subjects property.

(B) Each application for an exception shall be made to the Building and Zoning Administrator. The Administrator and the Monroe County Engineer will review and transmit recommendations to the Board, which shall review such recommendations prior to granting or denying the exception.

(C) The Board shall hold a public hearing on each application for exception, within **thirty (30) days** after receiving the application, in the manner provided with respect to appeals. Within **thirty (30) days** after public hearing, the Board shall either approve the site development permit application with the exceptions and conditions it deems necessary or it shall disapprove such development permit application and exception application or it shall take other such action as appropriate.

**40-8-6 SEPARABILITY.** The provisions and sections of this Code shall be deemed to be separable, and the invalidity of any portion of this Code shall not affect the validity of the remainder.

**40-8-7 RESPONSIBILITY.** The applicant shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and Monroe County, Illinois or its officers or agents will not be made liable for such damage, by (1)

the issuance of a development permit under this Code, (2) compliance with the provisions of that development permit or conditions attached to it by the Building and Zoning Administrator, (3) failure of Monroe County Officials to observe or recognize hazardous or unsightly conditions, (4) failure of Monroe County Officials to recommend denial or to deny a development permit, or (5) exemptions from development permit requirements of this Code.

**40-8-8 - 40-8-1                      RESERVED.**

**DIVISION II – PLAN SUBMITTAL**

**40-8-11                      INFORMATION REQUIRED BY APPLICANT.** Each applicant shall submit the following information, to ensure that the provisions of this Code are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts and benefits of the development on water resources both on-site and off-site, and the effectiveness of the proposed drainage plan in managing stormwater runoff, and meet the provisions of **Section 40-8-2**. The applicant shall certify on the drawings that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with the drainage plan. The following information shall be submitted for both existing and proposed property conditions for all new developments or re-developments that meet or exceed the minimum requirements of **Section 40-8-3**.

**40-8-12                      IMPROVEMENT PLANS REQUIREMENTS.** A stormwater, erosion and sediment control plan meeting the following requirements shall be submitted with the improvement plans:

(A)                      The predominant soil types on the site, their location, and their limitations for the proposed use as defined by the U.S.D.A., Natural Resources Conservation Service shall be shown;

(B)                      The proposed use of the site, including present and planned development, areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades, and street profiles; the stormwater plan as required; kinds and locations of utilities; areas and acreage proposed to be paved, sodded or seeded, vegetatively stabilized, or left undisturbed; and the existing and proposed tree line;

(C)                      The erosion and sediment control plan shall show all measures necessary to meet the requirements of this Code throughout all phases of construction and those remaining permanently after completion of the development of the site, including:

- (1)                      Location and description, including standard details, of all sediment control measures, runoff control measures, including diversions, waterways and outlets, and design specifics of sediment basins and traps including outlet details;

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- (2) Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seed bed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures;
- (3) Location and description of methods to prevent tracking of sediment off site including construction entrance details, as appropriate;
- (4) Description of dust and traffic control measures;
- (5) Locations of stockpiles and description of stabilization methods;
- (6) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, And estimates of the cost of maintenance;
- (7) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared area, and the sequence of installation of temporary sediment control measures (including perimeter controls), installation of stormwater drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the County Engineer of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.
- (8) The location of shoreline of lakes, ponds, and detention basins with normal water level elevation;
- (9) The location of farm drains and tile;
- (10) Location, size, and slope of stormwater conduits and drainage swales;
- (11) The location of depressed storage areas;
- (12) Proposed detention facilities with storage volumes and release rates;
- (13) Direction of storm flows;
- (14) Both existing and proposed flow rates and velocities at critical points in the drainage system;
- (15) Cross section data for open channel flow paths and designated overland flow paths;
- (16) A statement as to the basis of design for the final drainage network components, giving any applicable engineering assumptions and calculations; and
- (17) A statement by the design engineer of the drainage system's provision for handling critical storm event. A drainage statement should be signed by a Registered Professional Engineer, and the owner of the land or a duly authorized attorney, to the effect that the drainage of surface waters will not be changed by the construction of such development or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the owner/developer has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of construction.

**40-8-13 DRAINAGE STANDARDS.** An acceptable drainage plan which meets the criterion presented herein is required before any site work is commenced:

(A) **Minimization of Increases in Runoff Volumes and Rates.** In the selection of a drainage plan for a new development the developer shall evaluate and implement site design features which minimize the increase of runoff volumes and rates from the site. The developers drainage plan submittal shall use site design features which are consistent with the following hierarchy:

- (1) Preservation of regulatory floodplains, flood prone and wetland areas;
- (2) Minimize impervious surfaces on the property, consistent with the needs of the project;
- (3) Attenuate flows by use of open vegetated swales and natural depressions to preserve the existing natural stream channel;
- (4) Infiltration of runoff on site;
- (5) Provide stormwater retention structures;
- (6) Provide wet or wetland detention structures;
- (7) Provide dry detention structures; and
- (8) Construct storm sewers.

(B) The drainage system should be designed to minimize adverse surface and groundwater quality impacts off site and on the property itself. Detention basins shall incorporate design features to capture stormwater runoff and sediment. In particular, designers shall give preference to wet bottom and wetland type designs and all flows from the development shall be routed through the basin (i.e., low flows shall not be bypassed). Detention of stormwater shall be promoted throughout the property's drainage system utilizing channels and impervious surface reduction to reduce the volume of stormwater runoff and erosion.

The drainage system should incorporate multiple uses where practicable. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, fishing, trails, playing fields), wetlands and water quality mitigation.

(C) Drainage plan design criteria, standards, and methods are as follows:

- (1) **Release Rates.** The drainage system for new developments or redevelopments shall be designed to control the peak rate of discharge from the property for the critical storm event to levels which will not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. For new developments or redevelopments the Illinois Department of Transportation (IDOT) "Drainage Manual" will be used to calculate release rates.
- (2) **Detention Storage Requirements.** The design maximum storage to be provided in the detention basin shall be based on the runoff from the runoff difference before and after development from the

critical storm event. All detention basin storage shall be computed using Hydrographic Methods utilizing reservoir routing (also called modified pools or level pool) or equivalent method.

- (3) **Drainage System Design and Evaluation.** The following criteria should be used in evaluating and designing the drainage system:
- (a) The design will provide capacity to pass the critical storm event flow in the minor drainage system and an overload flow path for flows in excess of the design capacity.
  - (b) Whenever practicable, the stormwater systems shall not result in the inter-basin transfer of drainage unless no other alternative exists.
  - (c) **Design Methodologies.** Major and minor conveyance systems as well as detention basins shall be designed as specified in **Section 40-8-13(C)(1)** of the Drainage Standards.
  - (d) **Positive Drainage.** Whenever practicable, all developments should be provided an overland flow path that will pass the critical storm event flow at a stage at least **one (1) foot** below the lowest foundation grade in the vicinity of the flow path. Overland flow paths designed to handle flows in excess of the minor drainage system capacity shall be provided drainage easements. Street ponding and flow depths shall not exceed curb heights.
- (4) **Rainfall.** Unless a continuous simulation approach to drainage system hydrology is used, all design rainfall events shall be based on the Illinois State Water Survey's Bulletin 70. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than or equal to **twelve (12) hours**. The third quartile point rainfall distribution shall be used for the design and analysis of detention basins and conveyance system with critical durations greater than **twelve (12)** and less than or equal to **twenty-four (24) hours**. The fourth quartile distribution shall be used in the design and analysis of systems with durations greater than **twenty-four (24) hours**. The first, third, and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. Refer to Table 13 of Bulletin 70 for rainfall depth, duration, and frequency.
- (5) **Antecedent Moisture.** Computations of runoff hydrographs which do not rely on a continuous accounting of antecedent moisture conditions shall use wet antecedent moisture condition as a minimum.

- (6) **Wet Detention Basin Design.** Wet detention basins shall be designed to remove stormwater sediment, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use. The following requirements should also be met:
- (a) **Wet Basin Depths.** Wet basins shall be at least **three (3) feet** deep, excluding near shore banks and safety ledges. If fish habitat is to be provided they should be at least **eight (8) feet** deep over **twenty-five percent (25%)** of the bottom area to prevent winterkill.
  - (b) **Wet Basin Shoreline Slopes.** The side slopes of wet basins at the normal pool elevation shall not be steeper than **three to one (3:1)** horizontal to vertical. It is recommended that aquatic vegetation be established around the perimeter to provide protection from shoreline erosion.
  - (c) **Permanent Pool Volume.** The permanent pool volume in a wet basin at normal depth shall be equal to the runoff volume from its watershed for the critical storm event as a minimum.
  - (d) **Wet Basin Inlet and Outlet Orientation.** The distance between detention inlets and outlets shall be maximized. Inlets and outlets should be at opposite ends of the basin providing that the orientation does not create undue hardship based on topography or other natural constraints. Designers are encouraged to use baffles or berms in the basin bottom to prevent short circuiting. There shall be no low flow bypass between the inlet and outlet. Paved low flow channels shall not be used. The minimum flow length shall be **ten (10) feet** with a recommended minimum ratio of **two to one (2:1)** for width.
- (7) **Dry Detention Basin Design.** In addition to the other requirements of this Code, dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and as much as feasible to be available for multiple uses. The following requirements should also be met:
- (a) **Dry Basin Drainage.** Dry basins shall be designed so that **eighty percent (80%)** of their bottom area shall have standing water no longer than **seventy-two (72) hours** for any runoff event less than the critical storm event. Grading plans shall clearly distinguish the wet portion of the basin bottom. Underdrains directed to the outlet may be used to accomplish this requirement.



- (b) **Velocity Dissipation.** Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize re-suspension of pollutants.
  - (c) **Dry Basin Inlet and Outlet Orientation** shall be the same as **Section 40-8-13(C)(6) – Wet Detention Basin Design.**
  - (d) **Temporary Stilling/Sedimentation Basin.** A stilling/sedimentation basin should be constructed at each major inlet to a dry basin during construction. The volume of the basin shall be a minimum of **five hundred (500) cubic feet** per acre of impervious surface in the drainage area. Side slopes shall be no steeper than **three (3) feet to one (1) foot** and basin depths shall be a minimum of **three (3) feet** to minimize resuspension.
- (8) **Existing Depressional Areas.** Existing depressional storage volume will be maintained and the volume of detention storage provided to meet the requirements of this Code shall be in addition to existing storage.
- (9) **Minimum Detention Outlet Size.** Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of **twelve (12) inches**. If this minimum orifice size permits release rates greater than those specified in this Section, and regional detention is not a practical alternative, outlets, structures such as perforated risers, or flow control orifices shall be used.
- (10) **Detention in Flood Plains.** The developer shall be responsible for obtaining all required State and Federal permits. The placement of detention basins within the Special Flood Hazard Area is strongly discouraged because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this Code may be fulfilled by providing detention storage within flood fringe areas on the project site provided the following provisions are met:
- (a) **Detention in Flood Fringe Areas.** The placement of a detention basin in a flood fringe area shall require compensatory storage for **one and one-half (1 ½) times** the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of this Section. The applicant shall demonstrate its operation for all streamflow and floodplain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All

floodplain storage lost below the existing **ten (10) year** flood elevation shall be replaced below the existing **ten (10) year** elevation. All floodplain storage lost above the existing **ten (10) year** flood elevation shall be replaced above the existing **ten (10) year** flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse.

- (b) **On-Stream Detention.** On-stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of this Code with respect to water quality and control of the **two (2) year** and **one hundred (100) year, twenty-four (24) hour** events from the property. Further criteria are presented in **Section 40-8-13(D)** of this Code. If on-stream detention is used in watersheds larger than **one (1) square mile**, the applicant will use hydrographic modeling to demonstrate that the design will not increase the water level for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:
- (i) shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
  - (ii) shall not cause or contribute to the degradation of water quality or stream aquatic habitat;
  - (iii) shall include a design calling for gradual bank slopes, appropriate bank stabilization measures, and a presedimentation basin;
  - (iv) shall not involve any stream channelization or the filling of wetlands;
  - (v) shall require the implementation of an effective non-point source management program throughout the upstream watershed which shall include as a minimum: runoff reduction "Best Management Practices" (BMP's) consistent with Section (A) and critical storm event detention/sedimentation basins for all developments;
  - (vi) shall not occur downstream of a wastewater discharge; and
  - (vii) shall not contribute to the duration or flood frequency of any adjacent land.
- (c) **Detention in Floodways.** Detention basins shall be placed in the floodway only in accordance with **Section 40-8-13(C)(10)(b) – On-Stream Detention.**

- (11) **Drainage Into Wetlands, Rivers, Streams, Lakes, Ponds, and Depressional Storage Areas.** Wetlands, lakes, ponds and depressional storage areas shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this Code, the following requirements shall be met for all developments whose drainage flows into wetlands, rivers, streams, lakes, ponds or depressional storage areas:
- (a) **Detention In Wetlands, Rivers, Streams, Lakes, Ponds, or Depressional Storage Areas.** Existing wetlands, rivers, streams, lakes, ponds or depressional storage areas shall not be modified for the purposes of stormwater detention unless it is demonstrated that the proposed modifications will maintain or improve its habitat and ability to perform beneficial functions. Existing storage and release rate characteristics of wetlands, rivers, streams, lakes, ponds or depressional storage areas shall be maintained and the volume of detention storage provided to meet the requirements of this Section shall be in addition to this existing storage.
  - (b) **Sediment Control.** The existing wetlands, rivers, streams, lakes, ponds, or depressional storage areas shall be protected during construction and shall not be filled.
  - (c) **Alteration of Drainage Patterns.** Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetlands, rivers, streams, lakes, ponds or depressional storage areas.
  - (d) **Detention/Sedimentation.** If a detention/sedimentation basin is required, it shall be designed to capture the critical storm event and hold it for a minimum of **twenty-four (24) hours**. This basin shall be maintained throughout the construction process.
  - (e) **Vegetated Buffer Strip.** A buffer strip of at least **twenty-five (25) feet** in width, preferably vegetated with native plant species, shall be maintained or restored around the periphery of a wetland, river, stream, lake, pond or depressional storage area.
  - (f) **Loessal Soils.** Care should be taken to avoid open flow discharges of stormwater over silt (loessal) soils due to high potential for erosion.
  - (g) **Sinkholes, Karst Areas.** Shall be considered as receiving waterways and all pre-detention and erosion requirements shall apply. The filling, grading, and excavation of sinkholes is prohibited unless the plan for work is submitted

by the owner or subdivider to the County Soil and Water Conservation District who will make recommendations to the County Engineer.

If, after the review of the stormwater drainage plan, the County Engineer determines that more detailed information is required, a sinkhole evaluation may be required. A sinkhole evaluation which addresses the geologic, engineering and environmental factors resulting from a new development or redevelopment is to be performed by a professional with expertise in karst topography, who shall certify the results of the evaluation. This evaluation shall be the responsibility of the applicant and performed at no cost to the County. After a review of this evaluation and with the consultation of the County Soil and Water Conservation District, the County Engineer may either approve or disapprove the drainage plan as submitted.

(12) **Street Detention, Parking Lot Detention, and Culvert Drainage.**

- (a) **Street Detention.** If streets are to be used as part of the minor or major drainage system, ponding depths shall not exceed curb heights and shall not remain flooded for more than **eight (8) hours** for any event less than or equal to the **one hundred (100) year, twenty-four (24) hour** event.
- (b) **Parking Lot Detention.** The maximum stormwater ponding depth in any parking area shall not exceed **six (6) inches** for more than **four (4) hours**.
- (c) **Culvert, Road and Driveway Crossings.** Sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert.

- (13) **Infiltration Practices.** To effectively reduce runoff volumes, infiltration practices including basins, trenches, and porous pavement should be located in hydrologic soil groups "A" and "B" as designated by the U.S.D.A., Natural Resources Conservation Service. Infiltration basins and trenches designed to recharge groundwater shall not be located within **seventy-five (75) feet** of a water supply well or building foundation. A sediment settling basin shall be provided to remove coarse sediment from stormwater flows before they reach infiltration basins or trenches. Stormwater shall not be allowed to stand more than **seventy-two (72) hours** over **eighty percent (80%)** of the dry basin's bottom area for the maximum design event to be exfiltrated. The bottom of infiltration basins or trenches shall be a minimum of **four (4) feet** above the seasonally high groundwater and bedrock level. Engineering

calculations demonstrating U.S.D.A., Natural Resources Conservation Service infiltration rates shall be included with the application.

**Vegetated Filter Strips and Swales.** To effectively filter stormwater pollutants and promote infiltration of runoff, sites should be designed to maximize the use of vegetated filter strips and swales. Whenever practicable, runoff from impervious surfaces should be directed onto filter strips and swales comprised of native grasses and forbs before being routed to a storm sewer or detention basin.

(14) **Safety Considerations.** The drainage system components, especially all detention basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events.

(a) **Side Slopes.** The side slopes of all detention basins at critical storm event capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and open channels shall not be steeper than **three to one (3:1)** horizontal to vertical.

(b) **Safety Ledge.** All wet detention basins shall have a level safety ledge at least **four (4) feet** in width **two and one-half (2 1/2)** to **three (3) feet** below the normal water depth.

(c) **Velocity.** Velocities throughout the surface drainage system shall be controlled to safe levels taking into consideration rates and depths of flow.

(d) **Overflow Structures.** All stormwater detention basins shall be provided with an overflow structure capable of safely passing excess flows at a stage at least **one (1) foot** below the lowest foundation grade in the vicinity of the detention basin. The design flow rate of the overflow structure shall be equivalent to the critical storm event flow rate.

(15) **Maintenance Considerations.** The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed side slopes shall be designed to allow lawn mowing equipment to easily negotiate them. Wet basins should be provided with alternate outflows which can be used to completely drain the pool for sediment removal. Pumping may be considered if drainage by gravity is not feasible. Presedimentation basins shall be included, where feasible, for localizing sediment deposition and removal. Site access for heavy equipment shall be provided.

(16) **Supplementary Drainage Design and Erosion Control Provision.**

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- (a) Detention and retention outlet structures are to be set back from adjoining property lines and the outlet velocity controlled within that distance per code requirements. The minimum set back shall be:

<u>OUTLET SIZE</u>	<u>SET BACK</u>
To 18" diameter or equivalent	15 ft.
19" – 24" diameter	20 ft.
25" – 30" diameter	25 ft.
Larger than 30" diameter	30 ft.

Distances may be decreased if a drainage maintenance easement is obtained from the adjoining land owner. Highway/street right-of-way shall be considered as a property line.

- (b) The following note shall be included on all improvement plans: "There shall be no ground disturbance on site other than that necessary for construction of the storm water detention facility until such time that the detention structure is fully completed including permanent or temporary seeding and written approval given to proceed by the County of Monroe. Violation of this provision will result in a **STOP WORK ORDER** and daily fines as prescribed in the County Code.
- (c) The detention outlet structure inlet shall be protected with a rip rap siltation berm (5: clean stone-RAP 6) set at 15 ft. radius around inlet. The height shall be equal to the top elevation of the lowest structure inlet with an 18" minimum height. The detention pond storage volume shall not include that area below the top of the rip rap berm unless plans specify that upon establishment of 90% ground cover on the development site that the detention area is to be cleared of siltation design grade, area seeded, and that rip rap shall be removed. Alternate permanent concrete drop structures providing siltation collection in advance of the inlet may be considered.
- (d) When designing for the post construction outlet flows from the site, the total post construction discharges shall provide for a **ten (10) percent** reduction in the flow rate from the site. (Off site pass through flow does not need to be reduced in outlet rate).
- (e) There shall be a complete set of drainage calculations submitted with the project improvement plans also indicating a certified summary, typical to The Monroe County Subdivision Code Attachment No. 6 "DRAINAGE

DESIGN SUMMARY FORMAT” which provides the following information:

1. Before and After Site Condition
2. Flow Rate Factors
3. Pre & Post Discharge Flow and Velocity
4. Detention/Retention Summary
5. Pre & Post Drainage Area Map

(D) **Accommodating Flows From Upstream Tributary Areas.**

Stormwater runoff from areas tributary to the property shall be considered in the design of the property’s drainage system. Whenever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed. The following requirements should also be met:

(1) **Upstream Areas Not Meeting Code Requirements.** When there are areas not meeting the storage and release rates of this Code, tributary to the applicant’s property, regionalized detention on the applicant’s property shall be explored by the applicant. The following steps shall be followed:

- (a) The applicant shall compute the storage volume needed for his property using the release rates of **Section 40-8-13(C)(1)**, the applicant’s property area, and the procedures described previously.
- (b) Areas tributary to the applicant’s property, not meeting the storage and release rate requirements of this Code, shall be identified.
- (c) Using the areas determined previously plus the applicant’s property area, total storage needed for the combined properties shall be computed.

Allowable release rates shall be computed using the combined property areas. Storage shall be computed as described in **Section 40-8-13(C)(1)**. If tributary areas are not developed, a reasonably fully developed land cover, based on local zoning, shall be used for the purposes of computing storage.

Once the necessary combined storage is computed the County may choose to pay for over sizing the applicant’s detention basin to accommodate the regional flows. The applicant’s responsibility will be limited to the storage for his property as computed previously. If regional storage is selected by the County then a design produced utilizing these adopted standards, shall be implemented. If regional storage is rejected by the County the applicant shall bypass all tributary area flows around the applicant’s basin whenever practicable. If the applicant should route upstream flows through his basin and the upstream areas exceed **one (1) square mile** in size, the applicant should meet the provision for on-stream detention.

- (2) **Upstream Areas Meeting Code Requirements.** When there are areas which meet the storage and release rate requirements of this Code, tributary to the applicant's property, the upstream flows shall be bypassed around the applicant's detention basin if this is the only practicable alternative. Storage needed for the applicant's property shall be computed as described in **Section 40-8-13(D)**. However, if the County decides to route tributary area flows through an applicant's basin, the final design stormwater releases shall be based on the combined total of the applicant's property plus tributary areas. It should be shown that at no time will the runoff rate from the applicant's property exceed the allowable release rate for his/her property alone.

(E) **Early Completion of Detention Facilities.** Where detention, retention, or depressional storage areas are to be used as part of the drainage system for a property, they shall be constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant on a regular basis and before project completion in order to maintain the design volume of the facilities.

(F) **Fee in Lieu of Detention.** At the discretion of the County all new development or redevelopment may pay a fee of **Ten Thousand Dollars (\$10,000.00)** for each acre foot of detention which would be required under this Code rather than installing detention facilities on the property, unless specifically directed to do otherwise by the appropriate local official.

In instances where regional benefits and economies of scale can be achieved, it will be permissible for adjacent properties to utilize a common regional detention basin. Applicants shall have the option of paying a fee of **Ten Thousand Dollars (\$10,000.00)** for each acre foot of detention required so that the County can build regional facilities or they can jointly build the necessary facilities themselves.

**40-8-14 EROSION AND SEDIMENT CONTROL.** The preparation of soil erosion and sediment control plans shall follow the principles outlined in the "Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control", excepting Chapter Six (6) published by the Urban Committee of the Association of Illinois Soil and Water Conservation Districts. The design criteria, standards, and methods shall be prepared in accordance with the requirements of this Code and the standards and specifications contained in "Illinois Urban Manual" prepared for the Illinois Environmental Protection Agency by the U.S.D.A., Natural Resources Conservation Service, which standards and methods are hereby incorporated into this Code by reference. In the event of conflict between the provisions of said manuals and of this Code, this Code shall govern. The following requirements should also be met:

(A) **Erosion and Sediment Control Design Requirements.** New developments or redevelopments shall comply with and meet the following:

- (1) Control measures shall be constructed to control runoff from the property to such an extent possible that sediment is retained on site.



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- (2) Temporary on site control measures required shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on site.
- (3) Disturbed areas shall be stabilized with permanent measures within **seven (7) calendar days** following the end of active disturbance, or redisturbance consistent with the following criteria:
  - (a) Appropriate permanent stabilization measures shall include seeding, mulching, or sodding, with non-vegetative measures as a last resort.
  - (b) Areas having slopes greater than **three to one (3:1)** shall be stabilized with sod, mat, or blanket in combination with seeding or equivalent.
- (4) All temporary and permanent erosion and sediment control practices should be maintained and repaired as needed to assure effective performance of their intended function.
- (5) All temporary erosion and sediment control measures shall be disposed in a proper manner within **thirty (30) days** after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.
- (6) **Site Development Requirements.** On site sediment control measures, as specified by the following criteria, shall be constructed as specified in the referenced handbooks, and be functional prior to initiating clearing, grading, stripping, excavating or fill activities on site.
  - (a) For drainage areas less than **one (1) acre**, filter barriers including filter fences, straw bales, or equivalent control measures shall be constructed to control all onsite runoff. Vegetated filter strips, with a minimum width of **twenty-five (25) feet**, may be used as an alternative only where runoff in sheet flow is expected.
  - (b) For drainage areas more than **one (1) acre** but less than **five (5) acres**, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.
  - (c) For drainage areas greater than **five (5) acres**, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.
  - (d) Sediment basin and sediment trap designs shall provide for both dry detention and wet detention sediment storage. The detention storage shall be composed of equal volumes of wet detention storage and dry detention storage and each shall be sized as specified in **Section 40-8-13(B)**. The release rate of the basin

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- shall be that rate as specified in **Section 40-8-13(B)**. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
- (e) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume or sediment generated in **one (1) year**. For construction periods exceeding **one (1) year**, the **one (1) year** sediment load and a sediment removal schedule may be substituted.
  - (f) For erosion and sediment control measures the alteration of sinkholes by filling, grading or excavation is prohibited.
  - (g) To the extent possible or as otherwise regulated in this Code all desirable trees **eight (8) inches** in diameter and larger shall be protected for their present and future value for erosion protection and other environmental benefits. Trees that have been selected for preservation shall be marked prior to the beginning of any clearing, grading, stripping, excavation, or filling of the site. A "no construction zone" shall be established and marked at the perimeter of the dripline of each tree which is to be preserved.
- (7) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed as specified in **Section 40-8-13(B)**. All constructed or modified channels shall be stabilized within **forty-eight (48) hours**, consistent with the following standards and as required in the referenced handbooks:
- (a) For grades of **four to one (4:1)** to **eight to one (8:1)**, an erosion blanket or equivalent control measure shall be applied in the channel.
  - (b) For grades greater than **eight to one (8:1)**, rock, rip-rap, or an equivalent control measure shall be applied over filter fabric or other type of soil protection, or the grade shall be effectively reduced using drop structures.
- (8) Land disturbance activities in stream channels shall be avoided, where possible, or as specified in **Section 40-8-13(B)**. If disturbance activities are unavoidable, the following requirements shall be met:
- (a) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of nonerosive material, such as rip-rap or gravel.

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- (b) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be stabilized within **forty-eight (48) hours** after channel disturbance is completed, interrupted, or stopped.
  - (c) Whenever channel relocation is necessary, the new channel shall be constructed under dry conditions and fully stabilized before flow is diverted, incorporating meanders, pool and riffle sequence, and riparian planting.
- (9) Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.
  - (10) Soil storage piles containing more than **ten (10) cubic yards** of material shall not be located with a downslope drainage length of less than **twenty-five (25) feet** to a roadway, drainage channel, or sinkhole. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.
  - (11) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent, and shall not be deposited into a sinkhole.
  - (12) Each site shall have graveled or equivalent entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning, not flushing, before the end of each workday and transported to a controlled sediment disposal area.

(B) **Maintenance of Control Measures.** All soil erosion and sediment control measures necessary to meet the requirements of this Code shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

**40-8-15 STOP WORK ORDER; REVOCATION OF PERMIT.** In the event any person holding a development permit pursuant to this Code violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Administrative Officer may suspend or recommend that the County Board consider revoking the development permit.

**40-8-16      SUSPENSION OF PERMIT.** Suspension of a permit shall be by a written stop work order issued by the Administrative Officer and delivered to the permittee or his agent or the person performing the work. The stop work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop work order shall remain in effect until the next regularly scheduled meeting of the County Board of Commissioners or the conditions of resuming work are met.

**40-8-17      HEARING BEFORE REVOCATION OF PERMIT.** No development permit shall be revoked until a hearing is held by the Planning Commission. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

- (A)            The grounds for complaint or reasons for suspension or revocation, in clear and concise language; and
- (B)            The time when and place where such hearing will be held.

Such notice shall be served on the permittee at least **five (5) days** prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing the Planning Commission shall determine whether the permit shall be recommended to the County Board of Commissioners for revocation or that work can proceed.

**40-8-18      PENALTIES.** Any person, partnership or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this Code is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership or corporation shall be punished by a fine of not more than **Five Hundred Dollars (\$500.00)** for each offense. In addition to any other penalty authorized by this Section, any person, partnership, or corporation convicted of violating any of the provisions of this Code shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration. Failure on the part of the subdivider to comply forthwith with any order made under the provisions of this Code will result in injunctive action, notwithstanding the penalty provisions of this Section.

**40-8-19      DEFINITIONS.**

**CRITICAL STORM EVENT.** The critical storm event shall be considered as the **one hundred (100) year, twenty-four (24) hour** event unless engineering evaluation shows that the rainfall for an event of lesser duration creates more runoff for any specific watershed. The storm event, including, but not limited to, rainfall amount and duration, that the County in consultation with the applicant's Licensed Professional Engineer during the preliminary plat stage, will be required for calculations pertaining to the development of stormwater and erosion control plans.

**DRAINAGE PLAN.** A plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental

features, including grading, as well as proposed alterations or changes to the drainage system and environment of the property.

**DRAINAGEWAY.** A watercourse, gully, dry stream, creek or ditch which carries stormwater sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek or ditch.

**FLOOD PLAIN.** That land adjacent to a body of water with ground surface elevations at or below the base flood or the **one hundred (100) year** frequency flood elevation which is subject to inundation. The flood plain as designated by the Federal Emergency Management Agency (FEMA) is also known as the Special Flood Hazard Area (SFHA). This area is the collective combination of the regulatory floodway and the flood fringe. **(See Chapter 11 in County Code)**

**MODIFIED RATIONAL METHOD.** As described in the Illinois Department of Transportation's "Drainage Manual" is based on the principal that the maximum rate of runoff from a given drainage area occurs at that point in time when all parts of the watershed are contributing to the flow. The rainfall generating the peak flow is assumed to be of uniform intensity of the entire watershed with a rainfall duration equal to the time of concentration.

**ONE HUNDRED YEAR EVENT.** A rainfall, runoff, or flood event having a **one percent (1%)** chance of occurring in any given year. A **twenty-four (24) hour** storm duration is assumed unless otherwise noted.

**RETENTION.** A facility natural or man-made, that provides permanent or long term storage of surface runoff accompanied by a low release rate.

**RETENTION BASIN.** A facility, designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

**SINKHOLE.** Any natural depression formed as a result of subsurface removal of soil or rock materials and causing the formation of a collapse feature that exhibits internal drainage. The existence of a sinkhole shall be indicated by the uppermost closed depression contour lines on the USGS **seven and one-half (7 1/2) minute** quadrangle topographic maps or as determined by field investigations.

**TWO-YEAR EVENT.** A runoff, rainfall, or flood event having a **fifty percent (50%)** chance of occurring in any given year. A **twenty-four (24) hour** storm duration is assumed unless otherwise noted.

**WATERSHED.** All land area drained by, or contributing water to, the same stream, creek, ditch, lake, marsh, stormwater facility, groundwater or depressional area.

**WET BASIN.** A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

**WETLANDS.** Wetlands are defined by regulation as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For general, but inclusive locations of designated wetlands, refer to mapping prepared jointly by the U.S. Department of Interior, Fish and Wildlife Service and the Illinois Department of Natural Resources, Office of Resource Conservation; National Wetlands Inventory Mapping, 1987.

**40-8-20 FEES.** By resolution, the County Board of Commissioners shall establish (and may periodically amend) a schedule of fees for the various permits and procedures listed in this Code. Said fees are intended to defray the administrative costs connected with the processing/reviewing of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the County and are non-refundable. A current schedule of filing fees shall be maintained in the Code Official's office and on file with the County Clerk.

## **ARTICLE IX - COMMUNICATION STRUCTURES**

### **DIVISION I - GENERAL PROVISIONS**

#### **40-9-1 DEFINITIONS.**

**Antenna.** Any system of poles, panels, rods, reflecting discs, or similar devices used for the transmission or reception of radio, personal communications service (PCS), or frequency signals. The term shall exclude satellite earth station antennas less than **two (2) meters** in diameter (mounted within **fifteen (15) feet** of the ground or building-mounted) and any receive-only home television antenna.

**Communication Support Structure/Tower.** Any structure, whether freestanding or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting **one (1)** or more antennas, including self-supporting lattice towers, guyed towers, monopole towers, or disguised support structures.

**Disguised Support Structure.** Any freestanding, manmade structure designed for the support of antennas, the presence of which is camouflaged or concealed as an appropriately placed architectural or natural feature. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include but are not limited to clock towers, campaniles, observation towers, water towers, light standards, flag poles and artificial trees.

**Guyed Tower.** A communication support structure which is usually over **one hundred (100) feet** tall, used to support antennas and related equipment, which consists of metal cross strips or bars and is steadied by wire guys in a radial pattern around the tower.

**Lattice Tower.** A wireless communication support structure which consist of **three (3) to four (4) sides** of metal crossed strips or bars to support antennas and related equipment. These towers are freestanding without wires or cables.

**Monopole Tower.** A freestanding structure for a wireless communication facility, which consists of a wireless communication support structure to support antennas and related equipment.

**Residential Zoning District.** A zoning district that is designated under this Zoning Code and is zoned predominantly for residential uses.

**40-9-2      RESERVED.**

**DIVISION II - REGULATIONS**

**40-9-3      REGULATIONS      FOR      COMMUNICATION      SUPPORT  
STRUCTURES AND ANTENNAS.**

(A)      **Purpose.** The purpose of this Section is to set forth minimum standards for the installation and siting of communication support structures and antennas. These standards are specifically intended to:

- (1) Provide for the appropriate location and development of communication support structures and antennas to serve the residents and businesses of Monroe County;
- (2) Minimize adverse visual effects of communication support structures and antennas through proper siting and vegetative screening;
- (3) Avoid potential damage to adjacent properties from communication support structure failure through engineering and careful siting of communication support structures and antennas; and
- (4) Maximize the use of any new or existing communication support structures and reduce the number of communication support structures needed.

(B)      **General.** Communication support structures and antennas may be permitted in all zoning districts by the County Board following a public hearing. Notice of public hearing shall be published at least **fifteen (15) days** before the hearing in a newspaper of general circulation published in the County. The County Board shall make its decision on all requests within **seventy-five (75) days** of the submission of a completed application by the telecommunications carrier.

The following conditions must also be met:

- (1) No public office, or principal repair or storage facilities shall be maintained in connection with the site.
- (2) The building housing any equipment, shall be designed and constructed to conform to the general character of the neighborhood or area.
- (3) Landscaping and Buffer Areas must be a minimum of a **six (6) foot** fence or wall with a **ten (10) foot** planting screen around the outside, fenced area. Shrubbery and trees must be not less than **five (5) feet** in height with expected growth of at least **ten (10) feet**. The screens must be planted within **thirty (30) days** after support structure is completed.
- (4) Antennas, attached to a communication support structure or other tall structures (e.g., smoke-stack, water tower, or building) that do not exceed the height of the structure by more than **fifteen**

**(15) feet**, and support structures **sixty-five (65) feet** or less in height owned by an amateur radio operator licensed by Federal Communication Commission, will be a permitted use.

(C) **Site Plan.** A full site plan, drawn to a scale of **one (1) inch equals fifty (50) feet**, shall be submitted to the Zoning Administrator. The site plan shall be required for all communication support structures and shall show the antennas, communication support structures, building, fencing, buffering, and access. A site plan shall not be required if the antenna is mounted on an existing structure. Included with the site plan shall be plans and specifications for the structure's design as specified by the manufacturer or an engineer licensed by the State of Illinois. The plans and specifications shall include:

- (1) Communication support structure height;
- (2) Type of structure;
- (3) Type of materials;
- (4) Specification for materials used for structural elements of the communication support structure;
- (5) Name of tower manufacturer;
- (6) Soils investigation (where required for footing design); and
- (7) List of the type and location of all antennas, cables and other appurtenances which may or could be installed.
- (8) Minimum lot size shall be as follows:
  - (a) The horizontal separation distance to the nearest lot line shall not be less than the height of the supporting structure; except that if the supporting structure exceeds **ninety-nine (99) feet** in height, the horizontal separation distance to the nearest lot line shall be at least **one hundred (100) feet** or **eighty (80) percent** of the height of the supporting structure, whichever is greater.
  - (b) Communication support structure shall not be closer than **fifty (50) feet** from another principal building. No facility should encroach onto any recorded easement or existing septic system.
- (9) The horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds **ninety-nine (99) feet** in height, the horizontal separation distance to the nearest principal residential building shall be at least **one hundred (100) feet** or **eighty (80) percent** of the height of the supporting structure, whichever is greater.

(D) **Standards for Approval of Communication Support Structures and Antennas.** The following standards apply to all communication support structures and antennas:

- (1) **Accommodate Other Users.** In order to reduce the number of communication support structures needed in the County in the future, the proposed communication support structure shall be



required to accommodate other users, including cellular communication companies and local police, fire and ambulance services.

- (2) **Appearance.** Communication support structures shall be painted in neutral colors or have a galvanized finish in order to reduce the visual impact. No communication support structure may be artificially lighted except when required by the Federal Aviation Administration (FAA).
- (3) **Inspections.** Inspections must meet County building codes and be approved by County Building Inspector.
- (4) **License.** When applicable, all applicants shall demonstrate that they are licensed by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), or any other required licenses by the State of Illinois.
- (5) **Safety.** The applicant shall demonstrate that the proposed communication support structure or antenna is safe and that the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All communication support structures shall be fitted with anti-climbing devices, as approved by the manufacturers. Lighting should be installed only for security and safety purposes.
  - (a) **Radiation Standards.** All proposed communication support structures shall comply with current standards of the Federal Communications Commission for non-ionizing electromagnetic radiation (NIER) and electromagnetic fields (EMF).
  - (b) **High Voltage.**
    1. If high voltage is necessary for the operation of the communication support structure or any accessory structures, "HIGH VOLTAGE - DANGER" warning signs shall be permanently attached to the fence or the wall and shall be spaced not more than **forty (40) feet** apart.
    2. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced not more than **forty (40) feet** apart.
    3. The letters for the "HIGH VOLTAGE - DANGER" and "NO TRESPASSING" warning signs shall be at least **six (6) inches** in height. The **two (2) warning signs** may be combined into **one (1) sign**. The warning signs shall be installed at

least **five (5) feet** above the finished grade of the fence or on freestanding poles if the content of the sign may be obstructed by landscaping.

- (c) **Structurally Unsafe or Unused Structures.**
1. Any communication support structure found, through inspection by the owner or by inspection by the County, to be structurally unsafe and which cannot be brought into compliance within **one hundred eighty (180) days** shall immediately be removed at the owner's expense.
  2. Any communication support structure that is no longer used as a communication support structure for a period of **three (3) years** shall be removed at the owner's expense.
- (6) **Style of Support Structure.** The County would recommend a monopole, self supporting (lattice) tower or disguised support structures or buildings.  
If a guyed tower, is proved necessary, then all guyed cables, or supports must be enclosed within the fenced area.
- (7) **Location.**
- (a) The owner or operator of the communication support structure and/or antenna shall demonstrate, using technological evidence, that the structure or antenna must be located at the proposed site in order to satisfy its receiving and/or distributing function.
  - (b) The owner or operator of the antenna shall also demonstrate that he has contacted the owners of tall structures (e.g., smoke-stacks, water towers, tall buildings, and other communication support structures) within a **one-quarter (1/4) mile** radius of the proposed site, has asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones.
  - (c) The County Board may deny the application if the applicant has not made a good faith effort to mount the antenna on an existing structure.
- (8) **Minimum Height.** The applicant shall demonstrate that the communication support structure and/or antenna is the minimum height required to function satisfactory. No communication support structure or antenna that is taller than this minimum height shall be approved. The communication support structure shall be measured from the ground where the support structure base sits to the top of the highest appurtenance mounted on the tower.

- (E) **Fees.**
- (1) Filing fee for communication support structure as established by the County Board according to current schedule of filing fees must be paid by applicant at the time of filing of application.
  - (2) Additional fees to be paid for building permit for construction and inspection fees for required inspections at site.

**ARTICLE X - ZONING ADMINISTRATION**

**DIVISION I - ZONING BOARD OF APPEALS**

**40-10-1 BOARD ESTABLISHED.** The "**Board**" when used in this subsection shall be construed to mean the Zoning Board of Appeals. The Board shall consist of **five (5)** members appointed by the County Board and all members of the Board shall be residents of separate congressional townships at the time of their appointment. The County Board may provide for the appointment of an additional **two (2)** members to the Board and the additional members shall each serve a term of **five (5)** years. At the end of the term of the **two (2)** additional members the County Board may provide for the appointment of successors or may allow the Board to revert to a membership of **five (5)**. Their terms of office shall be **five (5)** years; provided that the members of the first Board shall serve respectively for the following terms (or until their successors are appointed and qualified): one for **one (1)** year; one for **two (2)** years; one for **three (3)** years; one for **four (4)** years; and one for **five (5)** years each for those following the first appointment. The County Board may remove any member of the Board for cause, after a public hearing thereon. Vacancies shall be filled by the County Board for the unexpired term of any member whose place has become vacant. **One (1)** member of the Board shall be named Chairman by the County Board at the time of his appointment and in case of vacancy, the County Board shall designate the Chairman.

**40-10-2 MEETINGS.** Meetings of the Board of Appeals shall be held at the call of the Chairman or at such times and places within the County as the Board may determine. All hearings conducted by said Board shall be open to the public and the Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member on each question, or in absence or failure to vote, indicating such fact, and shall also keep a record of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement and interpretation, decision or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Code or with the Illinois statutes.

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**40-10-3**     **COMPENSATION.** The members of the Board shall be compensated on a per diem basis with a mileage allowance for travel, the amount to be determined by the County Board.

**40-10-4**     **QUORUM AND VOTE.** The Board shall act in accordance with the procedures specified by law and by this Code. **Four (4)** members of a **five (5)** member Board, or **five (5)** members of a **seven (7)** member Board shall constitute a quorum. The concurring vote of the **four (4)** members of a Board consisting of **five (5)** members or the concurring vote of **five (5)** members of a Board consisting of **seven (7)** members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or resolution, or to recommend any variation or modification in such ordinance or resolution to the County Board.

**40-10-5**     **POWERS AND DUTIES.** The Board shall have all the powers and duties prescribed by law and by this Code including the following:

(A)           Upon an appeal from any order, requirement, decision, or determination by an administrative official, and after a public hearing, to decide any question involving the interpretation of any provision or term of this Article, including the determination of the exact location of any district boundary if there is any uncertainty with respect thereto;

(B)           To vary the strict applications of any of the requirements of the Article, in the case of an exceptionally irregular, narrow, shallow, or steep lot or other exceptionally irregular, narrow, shallow, or steep lot or other exceptional physical condition, whereby such strict application would result in such practical difficulty and/or unnecessary hardship as would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any area-bulk variance, the Board shall prescribe any condition that it deems necessary or desirable for the public interest, convenience, or welfare.

(C)           To issue or authorize permits for any area-bulk variance for which this Article allows or requires the obtaining of an area-bulk variance from the Board of Appeals;

(D)           To hold public hearings concerning proposed amendments to this Article and to issue advisory reports to the County Board recommending approval or denial of such proposed amendments.

(E)           To issue special use permits as provided in **Division V** of this Article.

**40-10-6**     **RESERVED.**

### DIVISION II - APPEALS

**40-10-7**     **APPEAL TO ZONING BOARD.** Any person aggrieved by any decision or order of the Administrator, in any matter related to the interpretation or enforcement of

## **Zoning Code 40-5-3**

any provision of this Article may appeal to the Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this section.

**40-10-8 FILING, RECORD TRANSMITTAL.** Every appeal shall be made within **forty-five (45)** days of the matter complained of by filing with the Administrator and the Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the Soil and Water Conservation District as per State law. Not more than **five (5)** working days after notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. **(NOTE: Filing fee required; see Section 40-10-53.)**

**40-10-9 STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board of Appeals, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board of Appeals or the circuit court grants a restraining order for due cause, and so notifies the Administrator.

**40-10-10 PUBLIC HEARING NOTICE.** The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice indicating the time, date, and place of the hearing and briefly describing the issue to be decided shall be given not more than **thirty (30)** nor less than **fifteen (15)** days before the hearing:

- (A) by first class mail to the petitioner and to all owners of property which abuts the premises to which the appeal pertains; and
- (B) by publication in a newspaper of general circulation within the County.

**40-10-11 DECISIONS BY BOARD OF APPEALS.** The Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the powers of the Administrator.

**40-10-12 RESERVED.**

### **DIVISION III - VARIANCES**

## Zoning Code 40-5-3

**40-10-13 VARIANCE DESCRIBED.** A variance is a relaxation of this Code in the case of an exceptionally irregular, narrow, shallow, or steep lot or other exceptional physical condition, whereby such strict application would result in such practical difficulty and/or unnecessary hardship as would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any area-bulk variance, the Board shall prescribe conditions that it deems necessary and reasonable for the public interest, convenience or welfare, in accordance with Illinois law and in provisions of this section.

**40-10-14 APPLICATION.** Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application when involving agricultural or vacant land shall also be filed with the Soil and Water Conservation District as per State law. The Administrator shall promptly transmit said application to the Planning Commission and the Board of Appeals together with any recommendation or comments that he may wish to make. The application shall contain, at a minimum, the following:

- (A) name and address of the applicant;
- (B) location of the structure/use for which the variance is sought;
- (C) the particular Code requirements which, in the applicant's opinion, prevent the proposed use or construction;
- (D) the characteristics of the subject property which allegedly prevent compliance with the Code;
- (E) the hardship or difficulty which would result if the particular Code requirements were strictly enforced;
- (F) the reduction/alteration of the Code requirements which would be necessary to allow the proposed use or construction; and
- (G) any other pertinent information that the Administrator may require.

**(NOTE: Filing fee required; see Section 40-10-53).**

**40-10-15 PLANNING COMMISSION ADVISORY REPORT.** The Land Use Committee of the Planning Commission will, when all members are in agreement, submit an advisory report directly to the Zoning Board of Appeals.

If all are not in agreement, the application shall go directly to the Planning Commission for an advisory report. In either case, said report shall be submitted to the Zoning Board of Appeals within **thirty-five (35)** days after receipt of the application from the Administrator.

All advisory reports shall consider the standards of **Section 40-10-18.**

**40-10-16 PUBLIC HEARING, NOTICE.** The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice of hearing shall be given not more than **thirty (30)** days nor less than **fifteen (15)** days before the hearing:

- (A) by registered mail to the applicant and to the property owners of record and as appears from the authentic tax records of this County of all property within **two hundred**

**fifty feet (250')** in each direction of the location for which the appeal, variation or exception is requested; the number of feet occupied by all public roads, streets, alleys, and other public ways shall be excluded in determining the **two hundred fifty (250')** foot requirement. If the property is part of a larger tract, all owners of land abutting the larger tract, but more than **two hundred fifty feet (250')**, shall be given notice; and

(B) by publication in a newspaper of general circulation within the County.

**40-10-17 CONTENTS OF NOTICE.** The notice of public hearing on a variance request shall include the following information:

(A) date, time and place of the hearing;  
(B) name and address of the applicant;  
(C) the particular location of the real estate for which the variance is requested by legal description and street address, and if no address then by locating such real estate with reference to any well-known landmark, road, or intersection;

(D) whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal, and stating the name and address of the true principal;

(E) whether the applicant is a corporation, and if a corporation, the correct name and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of **twenty (20)** percent of all outstanding stock of such corporation;

(F) whether the applicant or principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true owners of such business or entity;

(G) whether the applicant is a partnership venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members, or members of the unincorporated voluntary association; and

(H) a brief statement of what the proposed variance consists of.

**40-10-18 STANDARDS FOR VARIANCE.** The Board of Appeals shall **not** grant any variance unless, based upon the evidence presented to them, they determine that:

(A) the variance is consistent with the general purposes of this Code (**See Section 40-1-2**); and

(B) strict application of the Code requirements would result in great practical difficulties or hardship to the applicant (not mere inconvenience) and prevent a reasonable return on the property; and

(C) the variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and

(D) the circumstances engendering the variance request are peculiar and not applicable to other property within the district; and

(E) the variance will not alter the essential character of the area where the premises in question are located nor adversely affect the public health, safety and/or welfare.

**40-10-19 TERMS OF RELIEF, FINDINGS OF FACT.** The Board of Appeals shall render a decision on every variance request within a reasonable time after the public hearing. They shall specify the terms of relief granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board of Appeal's reasons for granting or denying any requested variance.

**40-10-20 RESERVED.**

#### **DIVISION IV - ZONING AMENDMENTS**

**40-10-21 AMENDMENTS.** The County Board may amend the zoning regulations set forth in this Code by changing district boundaries (rezoning) or by modifying the text (e.g., changing the status of a use) -- in accordance with State law and the provisions of this section. Amendments may be proposed by the County Board, the Planning Commission, the Administrator, the Board of Appeals, or any party in interest.

**40-10-22 FILING.** Every proposal to amend the zoning regulations shall be filed with the Administrator on a prescribed form, and shall include such information as considered necessary to allow the County Board to make an informed decision. The Administrator shall promptly transmit copies of said proposal, together with any comments or recommendations to the Planning Commission and to the Board of Appeals. See also, Schedule of Fees, Section 40-10-53.

**40-10-22.1 POSTING OF PROPERTY.** Any site that is requesting a Zoning Map Amendment or filing a Preliminary Plat, a sign shall be posted by the County **two (2)** weeks in advance at developer's expense. The size of the sign shall be 4 ft. x 4 ft.

**40-10-23 PROCEDURE OF SOIL AND WATER CONSERVATION DISTRICT.** The Soil and Water Conservation District shall issue a written opinion concerning the proposed amendment within **thirty (30)** days from the time of receipt to the Board of Appeals. If no opinion is received within **thirty (30)** days, the amendment shall be considered recommended by the Soil and Water Conservation District.

**40-10-24 PROCEDURE OF PLANNING COMMISSION.** The Planning Commission shall make its advisory report to the Board of Appeals no later the **sixty (60)** days after receipt of the amendment. If no report is received within **sixty (60)** days, the amendment shall be considered recommended by the Planning Commission. The advisory report may consider the same matters as enumerated in **Section 40-10-27.**



**40-10-25 PUBLIC HEARING, LOCATION.** The Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. Said hearing shall be held in the County Courthouse. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify either in person or by duly authorized agent or attorney. All testimony shall be given under oath.

**40-10-26 NOTICE OF PUBLIC HEARING.** Notice indicating the time, date, and place of the public hearing, and the nature of the proposed amendment shall be given not more than **thirty (30)** days nor less than **fifteen (15)** days before the hearing:

- (A) in the case of a rezoning, by first class mail to the applicant and to all owners of property which abuts the property that would be rezoned; and
- (B) by publication in a newspaper of general circulation with the County.

**40-10-27 ADVISORY REPORTS.** Within **ten (10)** days after the public hearing, the Board of Appeals shall submit an advisory report to the County Board. The advisory report shall include a recommendation regarding adoption of the proposed amendment, and the reasons therefor. If the proposed amendment involves a rezoning, each advisory report shall include findings of fact concerning each of the following matters:

- (A) existing use(s) and zoning of the property in question;
- (B) existing use(s) and zoning of other lots in the vicinity of the property in question;
- (C) suitability of the property in question for uses already permitted under existing regulations;
- (D) suitability of the property in question for the zoned uses;
- (E) the trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned;
- (F) the extent to which property values are diminished by the particular zoning restrictions; and
- (G) the relative gain to the public as compared to the hardship imposed upon the individual property owner.

**40-10-28 ACTION BY COUNTY BOARD.** Within **thirty (30)** days after receiving an advisory report from the Board of Appeals, the County Board of Commissioners shall act on the report in accordance with their regular procedure.

**40-10-29 TRAFFIC STUDY REQUIREMENTS.** The Applicants for zoning district amendments to "a" districts within the Illinois Route 3 corridor between the City of

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Columbia and the City of Waterloo shall file, with the request, an intersection engineering traffic impact study report, meeting general Illinois Department of Transportation guidelines, for the Illinois Route 3 intersection (s) in closest proximity to the subject parcel.

The Illinois Route 3 corridor shall be considered to be one mile wide on both East and West sides of the highway commencing at Hill Castle Road (T.R. 70) and extending South to the Waterloo city limits.

Said study shall be provided to the Regional Planning Commission and Zoning Board of Appeals for consideration when making their recommendation to the County Board of Commissioners.

### DIVISION V - SPECIAL USE PERMIT

**40-10-30 ESTABLISHED.** This Code divides the entire County outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances into zoning districts and in each district, there are mutually compatible uses which are permitted. It is recognized, however, that other uses may be necessary or desirable, but their potential influence on permitted uses could be harmful. For this reason, they are classed as special uses and may be permitted only under certain conditions. These special uses may be public or private uses.

**40-10-31 APPLICATION.** Application shall be made to the Administrator and he shall transmit **one (1)** copy of the application to the Planning Commission and **one (1)** copy to the Board of Appeals within **five (5)** working days after receiving the application. Those applicants wishing to subdivide the land shall comply with the Monroe County Subdivision Regulations. Other applicants shall supply the information required by this Code, the Building Permit Form or other information as requested by the Zoning Board of Appeals.

**40-10-32 PLANNING COMMISSION ADVISORY REPORT.** The Land Use Committee of the Planning Commission shall, when all members are in agreement, submit an advisory report directly to the Zoning Board of Appeals. If all are not in agreement, the application shall go directly to the Planning Commission for an advisory report. In either case, said report shall be submitted to the Zoning Board of Appeals within **thirty-five (35)** days after receipt of the application from the Administrator. All advisory reports shall consider at least the following:

- (A) The effect the development would have on the County's Comprehensive Plan;
- (B) The effect the proposal would have on the health, welfare, safety, morals and comfort of the surrounding area; and
- (C) The effect the development would have on schools, traffic, streets, shopping, public utilities and adjacent properties.

**40-10-33 PROCEDURE OF SOIL AND WATER CONSERVATION DISTRICT.**

The Soil and Water Conservation District shall issue a written opinion concerning the proposed special use permit within **thirty (30)** days from the time of receipt to the Board of Appeals. If no opinion is received within **thirty (30)** days, the special use permit shall be considered recommended by the Soil and Water Conservation District.

**40-10-34 PUBLIC HEARING.** The Zoning Board of Appeals shall follow the public hearing requirements of **Sections 40-10-16 and 40-10-17.**

**40-10-35 CONDITIONS.** No special use may be granted by the Zoning Board of Appeals unless it finds that the special use:

(A) is necessary for the public convenience at that location or, in the case of existing non-conforming uses, that a special use permit will make the use more compatible with its surroundings;

(B) is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(C) will not cause substantial injury to the value of other property in the neighborhood in which it is located; and

(D) will not be detrimental to the essential character of the district in which it is located.

**40-10-36 SPECIAL CONDITIONS.** The Board may provide such conditions or restrictions upon the construction, location, and operation of the special use, including, but not limited to, provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, or off-street parking and loading; as shall be deemed necessary to secure the general intent and purpose of the Code, and to reduce injury to the value of property in the neighborhood.

**40-10-37 EXPANSION OF USE.** Any expansion of a special use involving the enlargement of the buildings, structures, and land area devoted to such use shall be subject to the procedures set forth in this Article.

**40-10-38 CHANGES.** After a permit has been issued, minor changes in a development plan may be made upon application to the Board of Appeals. Major changes in the developmental plan require total review and reapplication.

**40-10-39 ISSUANCE OR REVOCATION OF PERMIT.**

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(A) Any decision of the Zoning Board of Appeals contrary to a negative recommendation of the Planning Commission shall require a **three-fourths (3/4)** majority vote of the Board of Appeals.

(B) Every special use permit granted shall be accompanied by a finding of fact specifying the reason for granting such special use permit.

(C) The Board of Appeals may revoke a permit issued under this Article, if:

- (1) The proposal for which a permit has been issued is not carried out pursuant to the approved final site plan; or
- (2) If any condition or requirement included in the permit is not complied with. The Board of Appeals may, however, allow modification of the final plan before completion, in conformity with the applicable provisions for review as provided for in this Article.
- (3) The Zoning Board of Appeals, when it approves the application, shall direct the Administrator to issue a special use permit and building permit.

## DIVISION VI - BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

**40-10-40 BUILDING PERMIT.** No nonagricultural building or structure shall be erected, added to, or structurally altered until a permit has been issued by the Administrator. Except upon a written order of the Board of Appeals, no such building permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Code. No agricultural building or structure exceeding **Five Hundred Dollars (\$500.00)** in cost or **one hundred (100)** square feet in size shall be erected, added to, or structurally altered until a permit has been issued by the Administrator without a charge. Such permit shall be issued provided the proposed building will comply with the building setback line.

**40-10-41 PLAT PLAN.** There shall be submitted with all applications for building permits of nonagricultural buildings or structures, **one (1)** copy of a layout or plat plan showing actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Zoning Code. **One (1)** copy of such layout or plat plan as approved by the Administrator shall be returned to the applicant at the time the building permit is issued.

**40-10-42 INITIAL CERTIFICATES OF ZONING COMPLIANCE.** No lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or

reconstructed until an initial certificate of zoning compliance has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless, the following consultation with technically qualified persons as necessary, he determines that the proposed work conforms to the applicable provisions of this Code.

**40-10-43 APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE.**

Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable.

Items of Information:

- (1) name and address of the applicant;
- (2) name and address of the owner or operator of the proposed lot, structure, or use, if different from (A);
- (3) brief, general description/explanation of the proposal;
- (4) location of the proposed lot, use, or structure, and its relationship to the adjacent lots, uses or structures;
- (5) area and dimensions of the site for the proposed finished grade;
- (6) height and setbacks of the proposed structure;
- (7) number and size of proposed dwelling units, if any;
- (8) location and number of proposed parking/loading spaces and access ways;
- (9) identification and location of all existing or proposed utilities, whether public or private; and/or
- (10) any other pertinent information that the Administrator may require.

**40-10-44 DURATION OF CERTIFICATE.** Initial certificates of zoning compliance shall be valid for **one (1)** year, or until revoked for failure to abide by a corrective action order. The Administrator may renew initial certificates of zoning compliance for successive one-year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

**40-10-45 RELATIONSHIP TO BUILDING PERMITS.** Upon the effective date of this Code, the Administrator shall not issue any building permit for the construction, erection, enlargement, extension, alteration, or reconstruction of any structure unless the applicant for such permit has already been issued an initial certificate of zoning compliance pertaining to the work.

**40-10-46 FINAL CERTIFICATES OF ZONING COMPLIANCE.** No lot or part thereof recorded or developed after the effective date of this Code, and no structure, part, use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance until he has determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Zoning Code.

**40-10-47 CORRECTIVE ACTION ORDERS.** Whenever the Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this Code, he shall so notify the responsible party, and shall order appropriate corrective action.

- (A) The order to take corrective action shall be in writing and shall include:
- (1) a description of the premises sufficient for identification;
  - (2) a statement indicating the nature of the violation;
  - (3) a statement of the remedial action necessary to effect compliance;
  - (4) the date by which the violation must be corrected;
  - (5) a statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
  - (6) the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
  - (7) a statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

(B) A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (1) served upon him personally;
- (2) sent by registered mail to his last known address; or
- (3) posted in a conspicuous place on or about the affected

premises.

(C) Whenever any work is being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation must cease immediately.

**40-10-48 - 40-10-49 RESERVED.**

## **DIVISION VII - ENFORCEMENT**

**40-10-50 ZONING ADMINISTRATOR.** The enforcement of this Zoning Code is hereby vested in the Zoning Administrator of Monroe County.

**40-10-51 POWERS AND DUTIES.** The Administrator shall enforce this Zoning Code, and in addition thereto and in furtherance of said authority, he shall:

- (A) Examine any application for a building permit, initial certificate of zoning compliance, or any other application pertaining to the use of land, buildings, or structures, and approve said application when, in all respects, it conforms with the provisions of the Code;
- (B) Issue all building permits and keep permanent records thereof;
- (C) Issue certificates of zoning compliance and keep permanent records thereof;
- (D) Conduct such inspections of buildings, structures, and uses of land as are necessary to determine compliance with the terms of this Code;
- (E) Receive, file, and forward for action, all applications for special uses, variations, and amendments to this Code, which may be filed in the zoning office;
- (F) Maintain permanent and current records of the Zoning Codes, including all maps, amendments, special uses, and variations;
- (G) Provide and maintain a public information bureau relating to all matters arising out of this Code; and
- (H) Prepare and submit to the Board of Zoning Appeals all pertinent documentation required.

**40-10-52 PENALTIES.** A violation by any person, corporation or otherwise, whether as principal, agent, employee, or otherwise, of any provisions of this Code shall be a misdemeanor and will be subject to a fine up to **Five Hundred Dollars (\$500.00)** per week. Each week of the continued violation shall constitute a separate additional violation. If more than **one (1)** provision is violated, each provision violated shall be considered a separate misdemeanor, and each shall be liable to maximum penalties as herein specified. Nothing herein shall limit any other right or remedy of the County or other person in interest, including the right to obtain an injunction of any violation from a court of competent jurisdiction.

**DIVISION VIII - APPLICATION FEES**

**40-10-53 FEES PAID TO COUNTY.** By resolution, the County Board shall establish (and may periodically amend) a schedule of filing fees for the various permits and procedures listed in this Ordinance. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. A current

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schedule of filing fees shall be maintained in the Administrator's office and filed with the County Clerk.

An additional fee to cover the cost incurred for the required public notice shall also be paid by the applicant. Public notice fees shall be paid to the County of Monroe and deposited with the Secretary of the Zoning Board of Appeals.

## **Appendix "E"**