

# Madison County Zoning Ordinance



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## **GENERAL PROVISIONS**

### **§ 93.001 SHORT TITLE**

This shall be known as the Madison County, Illinois Zoning Code. ('77 Code section 150.01) (Ord. passed 3-19-75)

### **§ 93.002 INTENT AND PURPOSE**

It is the intent and purpose of the 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 developer's problems yet maintain high development standards; and that produces development resulting in balanced growth through the implementation of the comprehensive plan. 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 serve as an implementing tool of comprehensive planning;
- (C) To fix reasonable standards to which building of structures shall conform;
- (D) To encourage the development and arrangement of land uses and structures that will yield the greatest social and economic benefits for county citizens;
- (E) To provide adequate light, air, privacy and safe, convenient access to property;
- (F) To lesson or avoid congestion in the public streets and highways;
- (G) To prohibit uses, buildings or structures incompatible with the character off such districts respectively;
- (H) To guide the provision of water, sewer, storm, water and other utility and county services;
- (I) 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;
- (J) To conserve the values of property throughout the county and to protect the character and stability of agricultural, residential, business and manufacturing areas, and to promote the orderly and beneficial development of these areas;
- (K) To divide the county, outside the limits of cities, villages and incorporated towns, which have in effect municipal Zoning Codes, into zoning districts restricting and regulating the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residential, business, manufacturing and other specified land uses;
- (L) To provide for the elimination of incompatible and nonconforming uses of land, buildings and structures, which are adversely affecting the character and value of desirable development in each district. ('77 Code, section 150.02) ( Ord. passed 3-19-75)

### **§ 93.003 DE-ANNEXED TERRITORY**

Any territory hereafter de-annexed from a city shall automatically be in the zone classification corresponding to the zone classification while under city zoning jurisdiction, until duly changed by an amendment to this Zoning Code except that the County Board, with the advice of the Zoning Board of Appeals, may determine any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Zoning Code by the extension of the zoning district provisions are met. ('77 Code, section 150.03) (Ord. passed 3-19-75)

**§93.004 AGRICULTURAL EXEMPTION**

The provisions of this Zoning Code shall not be exercised or administered so as to impose regulations with respect to the erection, maintenance, repair, alterations, remodeling or extensions of buildings or structures, including residences occupied by those engaged primarily in the occupation of agriculture, used or intended to be used for agricultural purposes upon such land, except that buildings or structures for **agricultural purposes shall be** required to conform to buildings setback lines. Permits issued for the erection or extension of buildings structures or other purposes described in this section shall be issued free of charge. In the event that part of a tract of land ceases to be used solely for agricultural purposes, then all the provisions of this Zoning Code shall apply to that part.

**§93.005 RESTRICTIONS ON EXISTING PERMITS**

**(A) EXISTING RESTRICTIONS**

Where this Zoning Code imposes a greater restriction upon land, buildings or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this Zoning code shall govern.

**(B) EXISTING PERMITS**

This Zoning Code is not intended to abrogate or annul any building permits, zoning permits, or other awful permits issued before the effective date of this Zoning Code, April 1, 1975. However, any requested change in any permit shall follow the procedures and requirements of this Zoning Code.

**(C) COMPLETION PERMITTED**

Any building or structure for which a building permit has been issued prior to the date of enactment of this Zoning Code may be completed and used in accordance with the plans, specifications, and permits on which the building permit was granted, provided construction commences within 90 days of passage of this Zoning Code and is diligently prosecuted to completion within one year. ('77 code § 150.05) (Ord. passed 3-19-75)

**§93.006 Severability.**

It is hereby declared to be the legislative intent that:

- (A)** Should the courts declare any provisions of this chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this chapter shall continue to be separately and fully effective.
- (B)** Should the courts find the application of any provision or provisions of this chapter to any lot, building or other structure or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

## § 93.007 RULES AND DEFINITIONS

In the application of this zoning code the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise. The following shall apply whenever a conflict occurs in any instance.

### (A) RULES

Words used in the present tense shall include the future, and words used in the singular number shall include the plural number and the plural, the singular number shall include the plural number, and the plural, the singular. The word **SHALL** is mandatory and not discretionary; the word **MAY** is permissive. The word **LOT** shall include the words **PLOT, PIECE, and PARCEL**. The phrase **USED FOR**, shall include the phrases **ARRANGED FOR, DESIGNED FOR, INTENDED FOR, OCCUPIED FOR, and MAINTAINED OR**. The word **COUNTY** shall refer to and be interpreted to mean Madison County, Illinois. Section numbers shall be and include all subsection designations of that numerical sequence.

### (B) DEFINITIONS

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

**ABANDONMENT.** An action to give up one's rights of interest in property.

**ACCESSORY BUILDING OR STRUCTURE.** A detached subordinate building or structure, the use of which is customarily incidental to that of the main use of the land and which is located on the same lot with the main building or use. Structures under 200 square feet are not considered accessory buildings or structures.

**ACCESSORY USE.** A use that is incidental and subordinate to the principal use of the premises and does not change the basic character thereof as determined by its principal use.

**ADULT BUSINESS.** Any establishment having as a substantial or significant portion of its stock in trade or business activity in a use such as, but not limited to the following: Adults-Only Bookstores, Adults-Only Motion Picture Theaters, Adult Entertainment Centers, Massage Parlors, Rap Parlors, Adult-only Cabarets or Adults-Only Saunas, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

**AGRICULTURE.** All land used for agricultural purposes that includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.

**AGRICULTURAL FARM.** An area of land of not less than 40 (forty) acres used entirely for agricultural pursuits as defined in the term **AGRICULTURE**.

**ALLEY.** A public access way, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**ALTERATIONS.** As applies to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by horizontal extensions or by increasing in height or the moving from one location or position to another.

**ALTERATIONS, STRUCTURAL.** A change in the supporting members of a building such as bearing walls, columns, beams or girders.

**ANIMAL, DOMESTIC.** Dogs, cats, rabbits, and similar size animals commonly kept as household pets, but not including an animal, reptile, bird or species normally considered wild, as opposed to domesticated.

**ANIMAL, FARM.** Farm animals are those, which have historically been bred, reared and utilized for the production of meat, wool, leather, milk, eggs and similar products. This definition is inclusive of all farm animals, fowl, reptiles and fish, such as horses, cattle, rabbits, hogs, sheep, geese, chicken, ducks, snakes, catfish and emu.

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

**ANIMAL, WILD.** Wild animals are those animals, fowl, reptiles, and fish of the North American continent not domesticated such as bears, raccoons, squirrels, alligators, and Gila monsters; animals, fowl, reptiles and fish from other continents shall automatically be considered 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.

**APARTMENT HOTEL.** An apartment house, which furnishes for the use of its tenants, services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

**APARTMENT HOUSE.** A multi-family dwelling occupied by four or more family living independently of each other in dwellings units, such dwelling units normally being rented or used other than by the day, by the same occupant for a continuous period ordinarily of six months or more.

**AREA, GROSS.** The entire area within the boundary lines of the territory proposed for development, including the area to be dedicated for street and alley rights-of-way and public use.

**AREA, NET.** The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for streets and alley rights-of-way and public use.

**AREA OF ZONING LOTS.** The total horizontal area (square footage) within the property lines of a lot, excluding public streets and alleys, meeting the district requirement of this Zoning Code.

**ATTACHED BUILDING.** A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and a 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 PARKING AREA.** A lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges.

**AUTOMOBILE SALES AREA.** A parcel of land used for the display and sale of new or used automobiles, where repair work is permitted.

**AUTOMOBILE WRECKING YARD.** Any place where two (2) or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being 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 not being restored to operating conditions; and including the commercial salvaging of any other goods, articles or merchandise.

**BAR OR NIGHTCLUB.** See **TAVERN OR LOUNGE.**

**BARRIER (NATURAL OR ARTIFICIAL).** Any street, highway, river, pond, canal, railroad, levee, embankment, screening by a fence or hedge, or similar obstruction.

**BASE FLOOD.** The flood having a 1% probability of being equaled or exceeded in any given year. The base flood is also known as the **100-YEAR FLOOD.** The base flood elevation at any location is as defined in § 93.038(B)(7).

**BASEMENT.** A story having more than one-half its height below the average level of the adjoining ground.

**BILLBOARD.** A sign which directs attention to business, commodity service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is located or which it is affixed.

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

**BOARDING HOUSE.** A building other than a hotel or restaurant where meals are provided for more than ten, who are not members of the keeper's family, but not open on a daily, overnight or per meal basis to transient guests.

**BUILDABLE AREA.** The space remaining on a zoning lot after the minimum setback requirements of this Zoning Code have been complied with.

**BUILDING.** Any structure, whether temporary, semi permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons, property, chattels, animals or substances of any kind. A structure that is principally above ground and is enclosed by walls and a roof. **BUILDING** includes a gas or liquid storage tank in order that such tanks will be constructed to the same flood damage protection standards. The term includes a manufactured home or prefabricated building, which is affixed on a permanent site and connected to the required utilities. **BUILDING** does not include recreational vehicles or travel trailers.

**BUILDING HEIGHT.** The vertical distance measured from the average elevation of the proposed finished grade at the front wall of the building to the highest point of the structure.

**BUILDING LINE.** See **SETBACK LINE.**

**BUILDING, PRINCIPAL.** A non-accessory building in which the principal use of the zoning lot is conducted.

**CHURCH.** A religious association providing worship services on a regular schedule.

**CAMPING TRAILERS.** Also referred to as travel trailers as opposed to a Manufactured Home. Generally is designed for temporary occupancy as a vacation dwelling, generally does not have self-contained sanitary facilities, can be operated independently of utility connections, is limited in width to approximately eight feet and length to approximately 32 feet, and is designed to be moved by motorized vehicle.

**CENTERLINE.**

(1) The centerline of any right-of-way having a uniform width;

(2) The original centerline, where the original right-of-way has been widened irregularly, other than relocation;

(3) The new centerline wherever a road has been relocated;

(4) The survey centerline established by the agency having jurisdiction over the right-of-way established with an irregular width.

**CHANNEL.** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of defined channel.

**CLINIC.** A place used for the care, diagnosis, and treatment of sick, ailing, infirm and injured persons but who are not provided with board or room nor kept overnight on the premises.

**CLUB.** A nonprofit association of persons who are bona fide members organized for some common purposes and paying regular dues; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**COMMISSION, PLANNING.** The Madison County Regional Planning Commission.

**COMMERCIAL FEEDING FACILITY.** A structure or enclosed area used for feeding cattle hogs or other livestock in lots of 100 animals or more and not otherwise connected with farming operation.

**COMMERCIAL POULTRY FACILITY.** A structure or enclosed area used for feeding and raising farm poultry in excess of 500 domestic fowl and not otherwise connected with a farming operation.

**COMMON AREA.** Any area or space designed for joint use or tenants or owners occupying a Planned Unit Development or other development.

**COMPREHENSIVE PLAN.** The plan or any portion thereof adopted by the county for the coordinated physical development including among other things plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public building or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage, facilities and projects affecting the conservation of natural resources of the county.

**CONDOMINIUM.** The ownership of individual dwelling units in a multi-dwelling unit structure on a single parcel of land with common ownership of all portions of the property except the dwelling units.

**COUNTY BOARD.** The County Board of Madison County, Illinois.

**COVERAGE.** Total square footage of ground floor is expressed as square footage.

**CUL-DE-SAC.** A short land access street having only one end open for vehicular traffic and the other permanently terminated by a turn-around for vehicles.

**DAIRY.** Any premises where three or more dairy animals are kept, milked and maintained; the term **DAIRY ANIMAL** meaning either cows or goats.

**DARWIN-KARNAK.** A soil association that is formed finely textured clayey sediments that were transported and deposited in slack water. This soil association has severe limitations due to: a seasonal high water table at or near the surface, flooding or ponding hazard, slow permeability, high susceptibility to frost heave, moderated to high shrink-swell potential, and a high clay content.

**DENSITY, GROSS.** The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

**DENSITY, NET.** The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

**DESIGN.** The arrangement of uses on the land and use of land for easements, lots and rights-of-way, including materials, alignment, grade and width of these elements.

**DEVELOPMENT.** Any manmade change to real estate.

(1) Including:

(a) Construction, reconstruction, or placement of building or an addition to a building valued at more than \$1,000.

(b) Installing a manufactured home on a site or preparing site for a Manufactured Home.

(c) Drilling, mining, installing utilities or facilities, construction of roads, bridges or similar projects valued at more than \$1,000.

(d) Construction or erection of levees, walls, or fences.

(e) Filling, dredging, grading, excavating or other nonagricultural alterations of the round surface.

(f) Storage of materials.

(g) Any other activity that might change the direction, height or velocity of flood or surface waters.

(2) Not including:

(a) Maintenance of existing buildings and facilities such as re-roofing or re-surfacing.

(b) Repairs made to a dam bed building that do not change the building's exterior dimensions and that are valued at less than 50% of the value of the building before the damage occurred.

(c) Gardening, plowing and similar agricultural practices that do not involve filling, grading or construction of levees.

(d) Agricultural development activities on farms, including farm residences as exempted by law.

**DISK, T.V.** A thin, flat, circular plate-type object that is placed on private property or business property to be used to receive satellite images. These can be placed either on a building or separate from building.

**DISTRICT.** A portion of the territory of the county within which certain uniform regulations and requirements of various combinations thereof apply under this Zoning code.

**DRIVEWAY.** A minor private way used for vehicles on a zoning or manufactured home lot or for common access to small group of lots, or common parking facilities.

**DRY CLEANER RETAIL.** A retail limited processing dry cleaner primarily serving individual public consumers.

**DRY CLEANER WHOLESALE.** A business primarily processing dry cleaning for other businesses as opposed to the individual public.

**DUMP.** A lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**DWELLING UNIT.** A residential unit providing complete independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.

**DWELLING.** Any building or portion thereof designed or used exclusively as living quarters for one or more families, other than hotels, motels, tourist homes, clubs, hospitals or similar uses.

**DWELLING, ONE-FAMILY.** A detached principal building designed for or used as a dwelling exclusively by one family as an independent housekeeping unit.

**DWELLING, TWO-FAMILY.** A detached principal building designed for or used as dwelling exclusively by two families each living as an independent housekeeping unit.

**DWELLING, THREE-FAMILY.** A detached principal building designed for or used as a dwelling exclusively by three families each living as an independent housekeeping unit.

**DWELLING, MULTIPLE-FAMILY.** A building or portion thereof, designed or altered for occupancy by four or more families each living as an independent housekeeping unit.

**DWELLING, ROW (PARTY WALL).** A row of two to eight attached one-family, party-wall dwellings, and not more than two and one-half stories in height.

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

**ENCLOSED BUILDINGS.** A building separated on all sides from adjacent open space or other building by fixed exterior walls or party walls, with openings only for windows and doors, and covered by a permanent roof.

**ENCROACHMENT LINES.** The limits of obstruction to flood flows. These lines are generally parallel to the stream. The lines are established by assuming that the landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows. The stream channel and adjoining flood plains between these lines will be maintained as open and will be adequate to convey the regional flood without increasing flood heights.

**EQUAL DEGREE OF ENCROACHMENT.** Established by considering the effect of encroachment on the hydraulic efficiency of the "flood plain" along a significant "reach" of the stream. Hydraulic efficiency depends on such factors as the relative orientation of the channel with respect to the "flood way," the natural and manmade characteristics of the flood plain, relative ground level on both sides of the stream, the type of vegetation of both sides of the stream, and the resistance of such vegetation to flood flows. In most cases these factors will not result in equal distances of areas between encroachment lines on both sides of the stream.

**ESCROW AGENT.** The person or persons identified as escrow agents by the Madison County Subdivision Regulations.

**ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITY SERVICES.** The erection, replacement, construction, alteration or maintenance by public utilities or governmental departments, of underground or overhead, gas, electrical, steam, water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signal, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by these public utilities, governmental departments, or commissions or for the public health, safety or general welfare, but not including buildings.

**EXCAVATION.** Any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting there from.

**EXCAVATION CONTRACTING.** A business which is primarily engaged in site preparation activities, such as excavating and grading and/or establishments primarily engaged in construction equipment rental with operator are also included. Outside storage of equipment is permitted, provided they are kept in a neat and orderly condition, and shall be located in the rear yard and adequately screened from the public roadway by a site proof fence or natural screening, as approved by the Zoning Administrator.

**EXISTING GRADE.** The vertical location of the existing ground surface prior to excavation or filing.

**EXPRESSWAY.** A primary highway constructed as a freeway that has complete control of access.

**FAMILY.**

(1) A single individual doing their own cooking and living upon the premises as a separate housekeeping unit; or

(2) A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment servants; or

(3) A group of not more than three unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity or hotel).

**FENCE, OPEN TYPE.** A fence that is not a solid structure sealing off the flow of air. It must be at least 50% open and approved by the Building Official prior to erection.

**FENCE, SOLID.** A fence that blocks the flow of air, such as a concrete or brick wall; or boards abutting each other including staggered boards on each side of the fence frame, usually used for privacy. Plans must be approved by the Building Department prior to erection.

**FILING DATE.** The date the applicant has filed the last item of required data or information constituting a completed application and has paid the required fee.

**FILL.** Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

**FINAL DEVELOPMENT PLAT.** The final engineering and architectural detail maps, drawings, and supportive material on which the developer's plan of the project area is presented and, if approved, will be submitted to the County Recorder of Deeds.

**FLOOD.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD ELEVATION, REGULATORY.** Elevation of the 100-year flood, according to the best available data.

**FLOOD FRINGE.** That portion of the flood plain outside the flood way.

**FLOOD, 100-YEAR.** The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the **BASE FLOOD**.

**FLOOD PLAIN.** The relatively flat area or lowlands adjoining the channel of a river, stream, watercourse, lake, or ocean which has been or may be covered by flood water; the land adjacent to a body of water which has been or may be hereafter covered by flood water including but not limited to the regional flood.

**FLOOD PROFILE.** A graph or longitudinal profile showing the relationship of water surface elevation to location, the latter generally expressed as distance above the mouth for a stream of water flowing in an open channel. The flood profile is generally drawn to show surface elevation for the crest of a specific flood, but may be prepared for conditions at a given time or stage.

**FLOOD PROTECTION ELEVATION or FPE.** The elevation of the "base flood," plus one foot, at any location in the "special flood hazard area"("SFHA").

**FLOOD PROOFING.** Any combination of structural and nonstructural conditions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to lands, properties, water and sewer facilities, structures and contents of buildings.

**FLOOD WAY.** That portion of a "special flood hazard area" ("SFHA") required to store and convey the "base flood." If not prohibited, building, building or placing obstructions in a **FLOOD WAY** will increase flood damages to other properties.

**FLOOR AREA, GROSS (FOR THE PURPOSE OF DETERMINING FLOOR AREA RATIO).** The gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of this building or buildings - measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, **GROSS FLOOR AREA** shall include:

- (1) Basement space if at least one-half of the basement story height is above the established curb or ground level;
- (2) Elevator shafts and stairwells at each floor;
- (3) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet; except equipment, open or enclosed, located on the roof, for example, bulkheads, water tanks and cooling towers;
- (4) Attic floor space where the structural headroom exceeds seven and one-half feet.

**FREIGHT CAR.** A railway car designed for carrying freight. In the case of this chapter, this is also a structure that can be used as a storage building in a designated area within the chapter, provided all terms of the building code are met. This structure shall not be considered as a residential structure.

**GARAGE PARKING, PRIVATE.** A building or portion thereof for the storage of one or more motor vehicles for persons living on the premises.

**GARAGE REPAIR.** A service business whose primary function is the repair and service of vehicles, boats, appliances, and similar articles.

**GARAGE, BUS.** Any building used or intended to be used for the storage of three or more passenger motor buses or motor coaches used in public transportation, including school buses.

**GARAGE, PRIVATE.** An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises. Such a garage shall not be used for more than one commercial vehicle and the load capacity of vehicle shall not exceed one and one-half tons.

**GARAGE PUBLIC.** A building other than a private garage, used for the care, incidental servicing and sale within the structure, but not including trucks, tractors, truck trailers, and commercial vehicles exceeding one and one-half tons capacity.

**GARAGE, BUS OR TRUCK.** A building which is used or intended to be used for the storage of motor trucks, truck-trailers, tractors and commercial vehicles exceeding one and one-half tons capacity.

**GASOLINE SERVICE STATION.** A building premises or portion thereof used for the retail sale of gasoline, oil, or other fuel, automotive parts, supplies, or accessories for motor vehicles and which may include, as an incidental use only, facilities used for polishing, greasing, washing, or otherwise cleaning or light servicing of motor vehicles but not including liquefied petroleum gas distribution facilities.

**GRADING.** Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

**HOME OCCUPATION, FARM.** Any use that is secondary to principal use of the land, provided there is a residential structure located on the farmland. These uses may be within the confines of the property, and not necessarily within the confines of a structure. These are uses as outlined in this chapter as home occupations, farm.

**HOME OCCUPATION, URBAN.** Any use within the confines of a residential structure that is secondary to the residential use on the property and conducted solely within the confines of the residential structure, with the exception of off-street parking. This is a use as outlined in this chapter as home occupations, urban.

**HOSPITAL OR SANITARIUM.** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than 24 hours in any week of the general public suffering from illness, disease, injury, deformity or other abnormal physical conditions. The term **HOSPITAL** as used in this Zoning Code does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term **HOSPITAL** shall not be used for convalescent, nursing, shelter, or boarding homes.

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

**IMPROVEMENT.** Refers to site grading, street work, and utilities (including water, sewer, electric, gas and storm water) to be installed or agreed to be installed by the sub divider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision.

**IMPROVEMENT PLANS.** The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed either in, or in conjunction with, the subdivision.

**INTERSTATE HIGHWAY.** Any highway 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 on July 1, 1972, or thereafter.

**JUNK.** Includes, but is not limited to old, dilapidated scrap or abandoned metal, paper, cardboard, building and construction material and equipment (including, but not limited to wood, lumber, concrete, etc.), bottles, glass, tin cans, appliances, furniture, beds and bedding, rags, rubber, boats, tires, inoperable motor vehicles, machinery parts, and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap to its/their present condition and/or visibility, may reasonably be construed to be unsightly, dangerous or unsanitary.

**JUNKYARD.** Any area where scrap, metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building salvage yards.

**KENNEL.** The keeping of more than four dogs, cats or other domesticated animals over the age of four months in any structure or on any lot for any use including, but not limited to, the boarding, breeding, or training of animals.

**LAND USE COMMITTEE.** The Land Use Committee of the County Board.

**LAND USE PLAN.** The long-range plan for the desirable use of land in the county as officially adopted and as amended from time to time by the County Board.

**LAUNDRIES.**

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

(2) **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 or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

**LODGING OR ROOMING HOUSE.** A building with more than three guest spaces, where lodging is provided for compensation pursuant to previous arrangement but not open on a daily, overnight or per meal basis to transient guests.

**LOT.** A portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories together with such yards as are required under this Zoning Code having not less than the minimum area, width, and depth required by this Zoning Code for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as permitted in accordance with this Zoning Code. The minimum area of a lot as defined herein must be an integral unit of land under unified ownership in fee or in co-tenancy, or under legal control tantamount to such ownership, which ownership or control must continue for the existence of the building or buildings permitted to be situated on the lot.

**LOT AREA. SEE AREA OF ZONING LOT.**

**LOT, CORNER.** A lot abutting upon two or more streets at their intersection or upon two parts of the same street. The point of intersection of the street lines is the **CORNER**. (See Figure 2 appearing at the end of the chapter)

**LOT, COVERAGE.** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**LOT, DEPTH.** The mean horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

**LOT, DOUBLE FRONTAGE.** See **LOT, THROUGH**.

**LOT, INTERIOR.** A lot whose side lines do not abut upon any street.

**LOT LINE, FRONT.** The line separating the lot from the street. The street on which a building's frontage is oriented shall determine the location of the front lot line provided the front setback is no less than the average setback of existing building.

**LOT LINE, REAR.** The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line.

**LOT LINE, SIDE.** Any lot lines other than front or rear lot lines. A side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

**LOT OF RECORD.** A lot, the plat of which has been recorded in the office of the county recorder of deeds.

**LOT, THROUGH.** A lot having frontage on two parallel or approximately parallel streets.

**LOT, WIDTH.** The mean horizontal width of the lot measured at right angles to the side lot lines.

**MAIN TRAVELED WAY.** The traveled way of a highway on which through traffic is carried. In the case of divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways or parking areas.

**MANUFACTURED HOME, DOUBLE WIDE.** Consists of two mobile units joined at the side into a single home but kept on their separate chassis for repeated transportation to a site.

**MANUFACTURED HOME LOT.** A parcel of land for the placement of a manufactured home and the exclusive use of its occupants.

**MANUFACTURED HOME/MOBILE HOME.** A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 900 or more square feet, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation. (See definition of **PERMANENT CHASSIS**.)

**MANUFACTURED HOME PAD.** That part of an individual manufactured home space or lot beneath the home including the concrete portion of the pad.

**MANUFACTURED HOME PARK.** An area of land under unified ownership or control of which two or more manufactured homes are harbored either free of charge or for revenue purposes, and shall include any buildings, structures, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park; includes courts, developments and communities.

**MANUFACTURED HOME SPACE.** A portion of a manufactured home park designed for the use or occupancy of one manufactured home.

**MASTER DEVELOPMENT PLAN.** A combination of maps, drawings, site plans, charts, and supportive narrative material that portrays total development to be achieved in the overall project area which provides sufficiently detailed information to describe the intended character and configuration of development to be accomplished.

**MODULAR BUILDING UNIT.** A factory-fabricated, transportable building unit designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential, commercial, educational, or industrial purposes. The Land Use Committee must approve types of modular homes.

**MOTEL OR MOTOR HOTEL.** A series of attached, semi-attached or detached sleeping or living units, for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, these units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

**MOTOR FREIGHT TERMINAL.** A building in which freight, brought to the building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

**NOISOME AND INJURIOUS SUBSTANCE, CONDITIONS AND OPERATIONS.**

(1) Creation of unreasonable physical hazard by fire, explosion, radiation or other cause to persons or property.

(2) 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.

(3) Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding vermin.

(4) Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety or welfare of any persons.

(5) 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.

(6) Creation or causation of any reasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.

(7) Creation or maintenance of any unreasonable reflection or direct glare, by any process, lighting or reflection material at or beyond any property line of the premises on which the aforesaid reflection or direct glare is created or caused.

(8) Creation or maintenance of any unreasonably distracting or objectionable vibration 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.

**NONCONFORMING BUILDING.** A building, structure, or portion thereof conflicting with the provisions of this Zoning Code applicable to the district in which it is situated.

**NONCONFORMING USE.** A use of a building or land legally existing at the time of adoption of this Zoning Code or any amendment thereto and which does not conform to the use regulations of district in which located.

**NURSERY SCHOOL.** A school designed to provide daytime care or instruction for two or more children from two to five years of age, inclusive.

**NURSING HOME.** A building intended for use as a medical service, but do not require intensive hospital care.

**OBSTRUCTION.** Any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channel modification, bridge conduit, culvert, building, wire, fence, rock gravel, refuse, fill structure or matter in, along, across, or projecting into any channel, water course, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water might carry the same downstream to the damage of life or property.

**OFFICE, PROFESSIONAL.** An office (other than a service office and other than an office for care or treatment of, or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of urban planners, physicians, dentists, attorneys-at-law, architects, engineers, artists, musicians, teachers, accountants and others who through training are qualified to perform services of a professional nature, or the offices of a governmental agency, and where there is no storage, sale or display of merchandise on the premises.

**OFFICE, SERVICE.** An office in which offers services by real estate agents, insurance agents, public stenographers, brokers or others who through training are duly qualified to perform services of an executive nature.

**OPEN SPACE.** Undeveloped land dedicated for parks, green spaces, or other recreational purposes.

**ORDINARY HIGH WATER MARK.** The highest point on the bank of a normal stage channel at which the water level has been for a sufficient period to leave a definite mark.

**PARKING AREA, PRIVATE.** An open, hard surfaced area, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles only, or occupants of the building or building for which the parking area is developed and is accessory.

**PARKING AREA, PUBLIC.** Any open, hard surfaced area, other than a street or other public way, used for the parking of automobiles or other motor vehicles and available to the public whether for a fee or fee for clients or customers.

**PARKING LANE.** A lane of a street used primarily for vehicular parking.

**PARKING SPACE, AUTOMOBILE.** A public or private parking area of not less than 200 square feet, ten feet by 20 feet, exclusive of access drives, or aisles, ramps, or columns.

**PERMANENT CHASSIS.** The entire transportation system of a manufactured home which is designed to remain permanent and comprised of the following subsystems:

- (1) Drawbar and coupling mechanism. Rigid assembly, (usually an "A" frame) upon which is mounted a coupling mechanism, which connects the manufactured home's frame to the towing vehicle.
- (2) Frame. The fabricated rigid substructure which provides considerable support to the affixed manufactured home structure both during transport and on-site; and also provides a platform for securement of the running gear assembly, the drawbar and coupling mechanism.
- (3) Running gear assembly. The subsystem consisting of suspension springs, axles, bearings, wheels, hubs, tires and brakes, with their related hardware.
- (4) Lights. Safety lights and associated wiring required by applicable U.S. Department of Transportation regulations.

**PERSON.** Any agent, individual, firm, association, partnership or corporation of similar entity.

**PLACE.** An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

**PLANS.** All of the drawings including plats, cross sections, profiles, working details and specifications, which the developer prepares or has prepared to show the character, extent and details of improvements required in this Zoning Code and which plans shall conform to the requirements of the county as to scale and details.

**PLAT.** The maps, drawings, charts, specifications, and other documents complying with all applicable provisions of the county subdivision regulations, which constitute the plan for subdivision.

**PLAT, FINAL.** The final engineering and architectural detail maps, drawings, and supportive material on which the developer's plan of the project area is presented and, if approved, will be submitted to the County Recorder of Deeds for recording.

**PLAT, PRELIMINARY.** Preliminary engineering and architectural maps, drawings, charts and supportive material indicating the proposed layout of the project area.

**PLANNED UNIT DEVELOPMENT (PUD).** A Planned Unit Development is a comprehensively planned development containing residential, commercial, industrial or other land uses on an area of land in individual, partnership, or corporate ownership, and under unified control. A Planned Unit Development may contain a single type of land use or combination of land uses.

**PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.** A zone district that is co-extensive with a PUD Project Area, is based upon, and approved PUD Master Development Plan.

**PLOT.** A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or metes and bounds.

**PROJECT AREA.** That territory intended to be zoned as PUD district, developed as a Planned Unit Development, and portrayed and defined accordingly in the master development.

**POWER SUPPLY ASSEMBLY.** The conductors, including the grounding conductors, insulated from one another, the connectors, attachment plug caps and all other fittings, grommets or devices installed for the purpose of delivering energy from the service equipment to the distribution panel within the manufactured home.

**PREHISTORIC STONE ARTIFACTS.** Any objects pertaining to or belonging to the era before recorded history.

**PREMISES.** A lot together with all the buildings and uses thereon.

**PRIMARY HIGHWAY.** Any highway, other than an interstate highway, designated by the Illinois Department of Transportation and approved by the United States Department of Transportation as a part of the Federal Aid Primary System on July 1, 1972, or thereafter.

**PRINCIPAL USE.** The main use of land or buildings as distinguished from a subordinate or accessory use.

**PRIVATE STREET.** Any street providing access to abutting property that is not maintained by and dedicated to a local governmental unit.

**PROPERTY LINE.** A recorded boundary of a plot or plat.

**PUBLIC OPEN SPACE.** Any area indicated on the zoning map, as “P”, such as a public park, recreation area, public school site, cemetery, or other similar open space, shall not be used for any other purpose than that designated; and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district.

**PUBLIC SYSTEM (WATER OR SEWER SYSTEM).** A system, which is owned and operated by a local governmental authority or by an established public utility company. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of this state.

**REACH.** A hydraulic engineering term to describe longitudinal segments of a stream or river. Reach will generally include the segment of the flood plain where flood heights are primarily controlled by manmade or natural flood plain obstructions or restrictions. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most likely be a reach.

**RECREATIONAL VEHICLES.** Any travel trailer or other vehicular portable structure designed to be used as a temporary occupancy for travel or recreational use. This includes any motor home, truck slide-in camper, fifth wheel trailer, tent trailer, pop-up trailer, personal animal trailer, any type of 3- or 4-wheeled all-terrain vehicle (ATV), boat, boat trailer, raft, aircraft, dune buggy, snowmobile, personal water craft, all-terrain vehicle and vehicle dollie, and trailers used for transporting the vehicles listed herein.

**REGULATORY FLOOD.** This flood is generally being recognized and accepted nationally by federal and non-federal interests as one with an average frequency, of occurrence on the order of once in 100 years. The regulatory flood is often used to define, for instance, the outer boundary lines of flood hazard district in a flood plain Zoning Code or a related regulation (see **REGIONAL FLOOD**).

**REGIONAL FLOOD.** A flood having an average frequency of occurrence of the order of once in 100 years, although the flood may occur in any year. It is based on statistical analysis of stream flow records available for the watershed or analysis of rainfall and runoff characteristics in the general area of the watershed as well as large floods which have occurred in the past. This is not necessarily the greatest flood that may occur, since unusual conditions, such as extraordinary precipitation or jams in bridge openings can cause flood elevations to be greater than the regional flood at unpredictable intervals.

**REGULATORY FLOOD ELEVATION.** The elevation in relation to mean sea level of the crest of regulatory flood.

**REPETITIVE LOSS.** Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**RESIDENCE.** A stationary detached principal building designed for or used as a dwelling as distinguished from a manufactured (dwelling) home.

**ROAD, COUNTY.** A term denoting a tract of land, which is used primarily for the purpose of vehicular movement and includes all of the facilities and improvements within the right-of-way. This tract of land must have been presented to and accepted by the county.

**ROOF.** The external upper covering of a building.

**ROOF LINE.** A horizontal line parallel to the average ground level of the structure along the front of the building designating the highest point of a flat roof, or where the flat surface area of a gable, hip, mansard, or gambrel roof is in view from the ground level, that line of demarcation separating the roof and the vertically structured facade, or line along the front of the building delimiting the roof line between eaves and ridge for gable, hip and gambrel roofs.

**ROOM.** An un-subdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways, and service porches and the like.

**SETBACK LINE.** A line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

**SIGN.** Any letters, figures, design, symbol trademark or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and painted, printed or constructed and displayed in any manner whatsoever out of doors for advertising, identification or announcement purposes.

**SIGN AREA.** The total surface area of the entire sign, including all parts and appurtenances thereof (except principal supports).

**SIGN, BULLETIN BOARD.** As used in this Zoning Code, a sign used for purposes of notification of the public of an event or other occurrence of public interest, such as church service, political rally, civic meeting or similar events.

**SIGN, CONSTRUCTION.** As used in this Zoning Code, a sign advertising the development or improvement of a property by a builder, contractor, or other person furnishing services, materials, or labor to the premises, which sign is intended for a limited period of display, and erected on the same lot with the work being done.

**SIGN, FLASHING.** Any sign utilizing the repeated or intermittent flashing of light.

**SIGN, FREESTANDING.** Detached sign, which is supported by one or more uprights, poles or braces in or upon the ground.

**SIGN, IDENTITY.** Any sign, which carries only the name of the firm, person, the major enterprise, or the principal product, offered for sale on the premises, or combination of these.

**SIGN, MARQUEE.** A changeable copy sign freestanding.

**SIGN, MOBILE MARQUEE.** A sign designed to be transported or transportable on a vehicle, trailer, or similar unit.

**SIGN, PROJECTING.** A display sign which is attached directly to the wall of a building and which extends more than one foot from the face of the wall.

**SIGN, REAL ESTATE.** A sign indicating the availability for sale, rent, or lease of the specific lot or building upon which the sign is erected or displayed.

**SIGN, ROOF.** A sign erected upon or above a roof or parapet wall of building or structure.

**SIGN, SUBDIVISION.** A sign advertising the general development, sale, or subdivision of land, and displayed or erected upon the subject property, as distinguished from a real estate sign.

**SIGN, MISCELLANEOUS.** A sign, banner or other advertising device or display constructed of cloth, canvas, cardboard, wall board, or other light temporary material, with or without a structural frame, intended for a temporary period of display, such as decorative displays for holidays or public demonstration.

**SIGN, WALL.** Any sign painted on, attached to, or erected against the wall of a building, or structure, with the exposed face of the sign in a plane parallel to the plane of the wall and extending not more than one foot from the face of the wall.

**SITE.** A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

**SITE PLAN.** Maps, charts, drawings, architectural renderings, photographs and other visual media showing proposed development of physical facilities to be constructed within PUD Project Area or any development.

**SLOPE.** The degree of natural inclination of existing ground.

**SLOPE, STEEP.** Lands with a slope of 12% or greater and those lands with a 7 to 12% slope which are especially susceptible to soil erosion.

**SPECIAL FLOOD HAZARD AREA or SFHA.** Those lands within the jurisdiction of the county that is subject to inundation by the base flood. The **SFHA's** of the county are generally identified as such on the Flood Insurance Rate Map of the county, prepared by the Federal Emergency Management Agency (FEMA), dated April 15, 1982.

**SPECIAL USE.** This Zoning Code divides the entire county 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 only are allowed under certain conditions.

**STABLE, PRIVATE.** Any building which is located on a lot on which is designed, arranged, used, or intended to be used for housing no more than two horses per household or family for the private use of occupants of the dwelling.

**STABLE, LIVERY.** Any building, other than a private stable, designed, arranged, used or intended to be used for the storage of horses and horse-drawn livery, or both.

**STAND, ROADSIDE.** A structure for the display and sale of only farm products that are produced on the premises.

**STANDARD PROJECT FLOOD.** An estimated or hypothetical flood that might be expected from the most severe combination of meteorological and hydrological conditions that are considered reasonable characteristic of the area in which the drainage basin is located, excluding extremely rare combinations. Such floods are intended as practicable expressions of the degree of protection that should be sought in the design of flood control works, the failure of which might be disastrous.

**STORAGE CAPACITY OF A FLOOD PLAIN.** The volume of space above an area of flood plain land that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving.

**STREET.** A public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designation for a street as; a highway, thoroughfare, parkway, thruway, road, pike, avenue, boulevard, lane, place, drive, court, or as otherwise designated, but excluding an alley or way for pedestrian use only.

**STREET, AREA SERVICE HIGHWAY.** Area service highways interconnect collections and land access streets with the principal system and vice versa, bring all developed areas within a reasonable distance of principal streets, connect and provide secondary service to smaller communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

**STREET, STUB.** A street that is temporarily terminated, but is planned for future continuation.

**STREET, COLLECTOR.** Collector streets interconnect the principal street system with land access streets; provide internal circulation within residential, commercial, and industrial areas; provide access to butting properties; and have a moderate volume design capacity and travel speeds.

**STREET, CUL-DE-SAC.** A short, land access street, having only one end open for vehicular traffic and other permanently terminated by a turn-around for vehicles.

**STREET, DEAD END.** Land access streets similar to cul-de-sacs except that they provide no turnaround circle at the closed end.

**STREET, LAND ACCESS.** Land access streets provide access to abutting properties, have relatively short travel distance, and have a low volume design capacity and travel speeds.

**STREET, LOOPED.** Land access streets having two open ends, each end generally connected with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

**STREET, MARGINAL ACCESS OR SERVICE ROAD.** A land access street parallel and adjacent to area service highways providing access to abutting properties.

**STRUCTURE.** Anything constructed or erected which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground but not including poles, lines, cables and other transmission.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however include either: Any project for improvement of a structure to comply with, existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure or site documented as deserving preservation by the State of Illinois Department of Conservation or listed on the National Register of Historic places.

**TAVERN OR LOUNGE.** A building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

**TELECOMMUNICATION FACILITY.** Any structure or structures used for the receiving and/or dispersal of radio, television, microwave, cellular telephone, paging, enhanced specialized mobile radio, personal communications services and similar technologies.

**TOWER.** An exceptionally tall building or superstructure that is use for either residential or business-related purposes. An exceptionally tall structure that is used to place equipment used in the transmission of images or sound.

**TRACT OF LAND, NON-URBAN.** For the purposes of this Zoning Code, a non-urban tract of land of more than five acres but less than 40 acres in an agricultural district. In this area you can have all the uses that are permitted in an agricultural district, but all fees for building permits must be paid unless the use is exempt under the Agricultural Exemption.

**TRACT OF LAND, NON-URBAN, RESIDENTIAL.** For the purpose of this Zoning Code, a non-urban residential tract of land is a tract of land of not more than five acres in an agricultural district. On a tract of land such as this, you would be permitted to have a maximum number of two horses; for example, one horse on one acre, two horses on two acres or more, and no more. Any other agricultural uses that would be desired, would require making application for a public hearing for a special use permit unless the use is deemed exempt under the Agricultural Exemption.

**TRAILER, LARGE TRANSPORT.** A large cargo vehicle designed to be hauled by a truck or tractor. In the case of this chapter, this is also a structure that can be used as a storage building in a designated area within the chapter, provided all terms of the building code are met. This structure or vehicle shall not be considered as residential structure.

**TRAILER, UTILITY.** A small non-motorized vehicle which is generally pulled by a motorized vehicle and features an open-top or closed rear cargo area (bed) and is used for the hauling of light loads.

**TRAVEL TRAILER PARK.** Any park, court, camp, or site of land designed, maintained or intended for the purpose of providing a temporary location or accommodations for any travel trailers or similar devices upon which any travel trailers or similar devices are parked or located, including all buildings used or intended for use as a part of the equipment or accessories thereof, whether or not the same or any part

is held or operated for gain, excepting, however, automobile or travel trailer sales lots on which unoccupied units are parked for inspection and sale.

**TRUCK PARKING AREA OR YARD.** Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles; while not loading or unloading, which exceed one and one-half tons in capacity.

**USE.** The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

**VEHICLE.** A receptacle in which something is placed in order to be moved by some means of conveyance of wheels, runners, or similar methods.

**VEHICLE REPAIR, COMMERCIAL.** Includes general vehicle service and repair in non-residential areas provided that zoning district regulations and standards in Section 93.081 are met.

**VEHICLE REPAIR, HOBBY OR PERSONAL.** Limited to vehicles in which the property owner or occupant has an ownership, leasehold, or other interest in the vehicle under repair provided that zoning district regulations and standards in Section 93.081 are met.

**VARIANCE.** A permit granted by the Zoning Board of Appeals, varying specific area\bulk regulations, due to unusual circumstances.

**YARD.** An open spaced not occupied or obstructed by any structure or portion of structure, except fences as regulated and other wise expressly provided for herein.

**YARD, FRONT.** A yard extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

**YARD, REAR.** A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

**YARD , SIDE.** A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

**ZONING ADMINISTRATOR.** Wherever in this Zoning Code the term **ZONING ADMINISTRATOR** is used it shall mean the Zoning Administrator appointed by the county board and such deputies or assistants as have been or shall be duly appointed. That officer is hereby authorized and it is his duty at the direction of the County Board Land Use Committee to administer and enforce the Zoning Code, making such determinations, interpretations and orders as are necessary therefore, and requiring such plats, plans and other descriptive material in connection with application for permits a are necessary for him to judge compliance with the Zoning Code.

**ZONING BOARD OF APPEALS.** An appellate, interpretive, and advisory body designated to assist in the administration of this Zoning Code.

**ZONING CERTIFICATE.** A document issued by the Zoning Administrator authorizing building, structure, or uses consistent with the terms of this Zoning Code.

**ZONING MAP.** The zoning map or maps of Madison County, together with all amendments subsequently adopted. ('77 Code, § 150.06 (. passed 3-19-75; amend. Res 82-8, passed 2-17-822; amend. Res. 84-2, passed 3-21-84; amend. . 85-1, passed 2-20-85)

## **GENERAL ZONING DISTRICT REGULATIONS**

### **§ 93.020 ZONING DISTRICT INTENT AND PURPOSE**

For the purposes of this chapter the entire county of Madison is divided into the following districts:

#### **Minimum District Size in Acres**

"A" Agricultural District	40
"C" Conservation District	none

#### **Residential Districts Size in Acres**

"R-1" Single-Family Dwelling District	15
"R-2" Single-Family Dwelling District	10
"R-3" Single-Family Dwelling District	5
"R-4" Single-Family Dwelling District	5
"R-5" Multiple-Family Dwelling District	2
"R-6" Man. Home and Modular District	5
"R-7" Planned Residential District	none

#### **Business and Manufacturing Districts Size in Acres**

"B-1" Limited Business District	1
"B-2" General Business District	1
"B-3" Highway Business District	1
"B-4" Wholesale Business District	1
"B-5" Planned Business District	none
"M-1" Limited Manufacturing	5
"M-2" General Manufacturing	5
"M-3" Heavy Manufacturing	10

#### **Special Districts Size in Acres**

"PD" Planned Unit Development District	none
"A" Zone Flood Plain Overlay District	none
"DK" Darwin-Karnak Overlay District	none

### **§ 93.021 ZONE DISTRICT EXPANSION.**

An existing zoning district may be changed by expansion of the district into a contiguous district, and the change need not conform to minimum district sizes, nor shall any district involved in the change be required to meet a minimum district size.

### **§ 93.022 ZONE DISTRICT MAP AND BOUNDARIES.**

The boundaries of the zoning districts are established as shown on the Madison County Zone District Map. The zoning district and boundaries are adopted and established as shown on the zone district map, together with all notations, references, data, district boundaries, and other information thereof,

and are made a part of this chapter by reference. The zoning map properly attested shall remain on file in the office of the Zoning Administrator. Zoning district boundaries shall be as follows:

- (A) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, the center lines of alleys, or the center lines of highways, these district boundaries shall be construed as being the center line of that street, alley, or highway.
- (B) Where district boundaries are indicated as approximately following lot lines, the lot lines shall be construed to be the boundaries.
- (C) Where the boundary of a district follows a railroad line, the boundary shall be deemed located at the railroad right-of-way line.
- (D) Where a boundary of a district follows a stream, lake, or other body of water, the boundary line shall be construed to be the centerline of the stream, otherwise at the limit of the jurisdiction of the county unless otherwise indicated.
- (E) Where district boundaries are indicated as approximately following section lines, quarter lines, quarter-quarter section lines, or survey and claim lines, the lines shall be construed to be the boundaries.
- (F) Any area shown on the zoning map as park, playground, school, cemetery, water, street or right-of-way, shall be subject to the zoning regulations of the district in which it is located.
- (G) Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of this street, alley or public way shall automatically extend to the center of the vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.
- (H) Where any land or territory within the jurisdiction of the county is not shown to be located in a district, the zoning regulations of the most restrictive adjoining district shall govern.
- (I) The regulatory flood elevation at any point in question shall be the governing factor in locating a floodplain district boundary on the land.

## § 93.023 "A" AGRICULTURAL DISTRICT

### (A) General

The "A" Agricultural District consists of areas where soil, water, vegetation, and topographical resources generally provide conditions well suited to the raising of crops and domestic animals and reflects those areas where agricultural land uses have traditionally existed. The district is designed to prevent the intrusion of nonagricultural land use and development that would hinder agricultural pursuits by reason of congestion on public roads, chemical and biological pollution of air and water resources, soil erosion, and the depletion of natural cover causing excessive runoff of storm water onto and across agricultural land. The district is designed to protect and preserve areas of high agricultural productivity and is intended to preserve conditions suitable to agricultural pursuits.

### (B) "A" District Conditions of Use.

- (1) **Lot size.** One single family detached dwelling may be situated as a permitted use on any contiguous agricultural tract under single ownership of at least two acres in area with a minimum lot width of forty feet at the front property line and 150 feet in width at the minimum front yard setback line (50 feet from the front property line).

One additional single-family detached dwelling may be so located as a permitted use on the same tract for each additional 40 acres. Addition of any single family detached dwelling in excess of the number above stipulated shall be by rezoning the tract to a residential classification. Any contiguous agricultural tract or lot under single ownership may be subdivided once for the purpose of erecting a single family detached dwelling, in conformance with the subdivision regulations of the county and all supplemental revisions thereof.

- (2) **Setback lines.** No structure is to be erected within 50 feet of any public roadway, right-of-way line, private roadway easement or any other property boundary line, except for accessory uses as listed in § 93.051.
- (3) **Additional requirements.** The applicant should refer to the following sections for additional regulations. (Parking § 93.073), (Fences § 93.050), (Slope § 93.092)(Signs §93.073)
- (4) **Dwelling standards.** Non-urban and non-farm single family residences shall have a total floor area of not less than 620 square feet for each dwelling unit, measured from the outside walls, including utility rooms but excluding all other areas not used for living or sleeping purposes.

### (C) "A" Permitted uses.

- (1) All land used for agricultural purposes that includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.

- (2) 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.
- (3) Private lakes, ponds, or other bodies of water including fee fishing and clubhouses, provided that no building, parking lot, or other intense use activity is located closer than 500 feet to any dwelling on another zoning lot. Any private lake, pond, or other body of water must also be a minimum of 500 feet from any dwelling on an adjacent zoning lot that does not have use privileges to the lake or pond.  
  
Should a pond be located within 500 feet of any dwelling on another zoning lot a variance shall be required. In addition, the pond shall meet requirements for the construction of retention basins as per the Madison County Stormwater Ordinance, including but not limited to, review and approval by a licensed professional engineer.
- (4) Greenhouses, wholesale and retail.
- (5) Hang-gliding fields, no sales and service.
- (6) Living quarters for persons employed in agricultural or related activities that are conducted on the premises.
- (7) Major utility transmission facilities.
- (8) Excavation Contracting
- (9) Parks, forest preserves and recreational areas, when publicly owned and operated.
- (10) Public service uses including filtration plants, pump stations, water reservoirs, police and fire stations or other governmental uses of the county.
- (11) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities or maintenance facility
- (12) Single-family residences on a non-urban lot, non-farm lot, or agricultural farm.
- (13) Schools, elementary and high, and playgrounds, school bus garages and athletic fields auxiliary thereto.
- (14) 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; and, the sales stand is operated by the farm owner, his family, or an employee of the farm. \*Temporary buildings, not to exceed 100 square feet may be used in lieu of permanent buildings, provided it is built on skids, only used for storage, any electrical service must be located on a separate pole, and the appearance of the building must be in character of an agricultural or residential building and approved by the Zoning Administrator.

(15) Large Transport Trailer. (see §93.097)

(16) T.V. disks.

(17) Ultra-light landing strip, no sales or service.

(18) Telecommunication Facility not to exceed 200 feet in height. (Subject to the requirements of §93.099)

(19) [Reserved]

(20) Vehicle Repair, Hobby or Personal (see §93.081)

**(D) "A" Special Uses.** (See § 93.152, §93.168)

(1) [Reserved]

(2) Agricultural implement and machinery sales, service and repair.

(3) Animal feed, storage, preparation, grinding and mixing-wholesale and retail.

(4) Blacksmith or welding shop.

(5) Fertilizer sales, including bulk storage and mixing.

(6) Grain elevators and storage.

(7) Beauty shops.

(8) Livestock depots and sales yards.

(9) Milk depots.

(10) Milk processing and distribution including pasteurizing and manufacture of ice cream including the processing or manufacture of cheese.

(11) Airports or aircraft landing fields.

(12) Carnivals, circuses and similar amusement enterprises.

(13) Cemeteries, including crematories, mausoleums in conjunction therewith.

(14) Churches, rectories, and parish houses.

(15) Colleges and universities, including dormitories, fraternities, sororities, and other accessory buildings and structures or trade school.

- (16) Explosives of any kind.
- (17) Golf courses, regulation size, but not including "par 3" golf courses, commercially operated driving ranges or miniature golf course; and provided that no club houses or accessory building shall be located nearer than 500 feet to any dwelling on another zoning lot.
- (18) Gun clubs, if located not nearer than 1,000 feet 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.
- (19) Kennels and dog grooming.
- (20) Mining, loading and hauling of coal, sand, gravel, topsoil, or other aggregate or minerals, including equipment, buildings or structures for screening, crushing, mixing, washing or storage, provided that:
  - (a) No open pit or shaft is less than 500 feet from an existing residence or Residence District established by this Zoning Code; and
  - (b) All buildings or structures for screening, crushing, washing, mixing, or storage are located not less than 1,000 feet from an existing residence or any Residence District established by this Zoning Code.
- (21) Manufactured home on a permanent foundation in compliance with §93.101
- (22) Overnight campgrounds.
- (23) Passenger depots.
- (24) Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business.
- (25) Private recreational areas or camps.
- (26) Propane and fuel oil sales.
- (27) Railroad classification yards.
- (28) Rest homes, nursing homes, hospitals and sanitariums, institutions for the aged and for children.
- (29) Sales yards, wholesale or retail, for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, and the like.
- (30) Sanitary and natural material landfills to include any combustible or noncombustible materials.

- (31) Winery with tasting room.
- (32) Travel trailer parks.
- (33) Barber shops.
- (34) Wind turbines no larger than 150 feet in height. Minimum setback shall be 100% of the turbine height or fifty (50) feet from all property lines, whichever distance is greater.
- (35) Rock concerts, beer blasts or any other similar activity when operated on an individual's property.
- (36) Home occupations.
- (37) Bed and Breakfast Inn.
- (38) Antique Shop.
- (39) Riding Academy and public stables.
- (40) Agricultural uses on rural residential tracts, where the agricultural activity does not constitute the principal activity on the property. Minimum tract size: Five acres. Supplementary land Use Regulations found in 93.100.

**(E)"A" Permitted accessory uses. (see § 93.051)**

Accessory uses clearly associated with and supplementary to the principal uses of the lot or tract of land, including the following:

- (1) Boats and camping trailer. The storage of not more than one boat or unoccupied camp trailer in rear yard only. The storage must be behind the principal building and not in any side or front yard area.
- (2) 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 district are complied with, but in no case shall this office be continued beyond the duration of construction of the project or one year.
- (3) Horses. Keeping of horses for private purposes only, and not for rent or hire on a zoning lot whose principal use is intended to be a one-family dwelling provided that at least one acre is allocated for each animal, that no more than two horses are permitted per family or household, that all buildings for housing these animals shall be subject to all requirements for accessory buildings in the district, and that the buildings are located at least 100 feet from the nearest existing principal building on an adjacent lot, or 50 feet from the nearest side lot line whichever is greater.

- (4) Pets. The keeping of not more than four domesticated animals over the age of four months on the premises provided, however, that not more than three domesticated animals over the age of four months be kept on a non-urban, residential tract of land of five acres or less.
- (5) Private. Greenhouses, tool sheds, garages, or carports, tennis courts, patios, swimming pools.
- (6) Vegetable gardens.
- (7) Permitted signs.
- (8) Accessory Structures

**(F) "A" Prohibited uses.**

- (1) Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or, is not in running condition; or is in such a condition that it is inoperable on public streets shall not be permitted.
- (2) Junk yards.
- (3) Outside storage of goods or materials not in working condition or not intended for use or consumption on the premises.
- (4) Manufacturing.
- (5) Railroad freight Cars.

## § 93.024 "C" CONSERVATION DISTRICT

### (A) General

The C Conservation District consists of areas within which natural topography creates practical difficulty for compact urban development. Site location for buildings may be difficult on small tracts, adequate and safe traffic circulation systems are problematic, engineering of utility systems and storm water drainage entails special circumstances and difficulties, and erosion can become a significant consideration. This can result in disproportionate or burdensome expenditures of public funds for the provisions of necessary supporting roads and public facilities. It is the intent and purpose of this district to provide for appropriate densities to preserve and enhance the natural conditions of such areas and to reduce the disproportionate cost of public facilities, by providing for appropriate uses and density patterns.

### (B) "C" District Conditions of use.

- (1) **Lot Size.** Every one-family detached dwelling hereafter erected shall be located on a tract of land having an area of not less than three acres and a width at the established building line of not less than 200 feet. A permitted nonresidential principal use of a building, other than a public service use, shall be located on a tract of land having an area of not less than three acres.
- (2) **Yard areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.
- (3) **Front yard.** A front yard of not less than 50 feet shall be provided.
- (4) **Side yard.** A side yard on each side of the zoning lot of not less than 25 feet, except where a side yard adjoins a street the minimum width of the yard shall be increased to 50 feet.
- (5) **Rear yard.** A rear yard of not less than 75 feet shall be provided.
- (6) **Lot coverage.** Not more than 15% of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.
- (7) **Maximum floor area ratio.** The floor area ratio shall not exceed 0.3.
- (8) **Dwelling standards.** Single-family residences shall have a total floor area of not less than 620 square feet for each dwelling unit, measured from the outside walls, including utility rooms but excluding all other areas not used for living or sleeping purposes.
- (9) **Additional requirements.** The applicant should refer to the following sections for additional regulations: (Parking § 93.137), (Signs § 93.113), (Fences § 93.080), (Slope § 93.063).

### (C) "C" Conservation District Permitted Uses

- (1) [Reserved]

- (2) Fishing lakes, including fee fishing, or clubs provided that no building, parking lot, or other intense use activity is located nearer than 500 feet to any dwelling on another zoning lot.

Should a pond be located within 500 feet of any dwelling on another zoning lot a variance shall be required. In addition, the pond shall meet requirements for the construction of retention basins as per the Madison County Stormwater Ordinance, including but not limited to, review and approval by a licensed professional engineer.

- (3) Living quarters for persons employed in agricultural or related activities that are conducted on the premises.
- (4) Greenhouses, wholesale and retail.
- (5) Public service uses including filtration plants, pump stations, water reservoirs, police and fire stations or other governmental uses of the county.
- (6) Reserved.
- (7) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities or maintenance facilities.
- (8) Single-family residences.
- (9) 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.
- (10) Major utility transmission facilities.
- (11) Modular building unit to be used as a permanent residence, provided it meets the requirements of the Madison County Building Code for placement in Madison County. These are to be only modular homes that have received prior approval of the Land Use Committee and are on file in the office of the Building Department.
- (12) T.V. disks.
- (13) Telecommunication Facility not to exceed 200 feet in height. (Subject to the requirements of §93.099)
- (14) All land used for agricultural purposes that includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.

**(D) "C" Special uses.** (See § 93.152, 93.168)

- (1) [Reserved]
- (2) Animal feed, storage, preparation, grinding and mixing - wholesale and retail.
- (3) Blacksmith or welding shop.
- (4) Cemeteries, including crematories and mausoleums in conjunction therewith.
- (5) Churches, rectories and parish houses.
- (6) Explosives of any kind.
- (7) Fertilizer sales and storage.
- (8) Golf courses, regulation size, but not including "par 3" golf courses; commercially operated driving ranges or miniature golf courses; and provided that no club house or accessory building shall be located nearer than 500 feet to any dwelling on another lot.
- (9) Gun clubs, if located not nearer than 1,000 feet 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.
- (10) Kennels.
- (11) Mining, loading and hauling of sand, gravel, topsoil or other aggregate or minerals, including equipment, building or structures for screening, crushing, mixing, washing or storage provided that:
  - (a) No open pit or shaft is less than 500 feet from an existing residence or Residence District established by this Zoning Code; and
  - (b) All buildings or structure used for screening, crushing, washing, mixing, or storage are located not less than 1,000 feet from an existing residence or any Residence district established by this Zoning Code.
- (12) Manufactured homes in compliance with §93.101.
- (13) Overnight campgrounds.
- (14) Planned Unit Development, limited to the density and permitted uses of the district.
- (15) Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business.

(16) Private recreational areas or camps.

(17) Public service uses.

(18) Rest homes, nursing homes, hospitals, and sanitariums, institutions for the aged and for children.

(19) Sales yards, wholesale or retail for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, and the like.

(20) Sanitary and natural material landfills to include any combustible or noncombustible materials.

(21) Seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation.

(22) Travel trailer parks.

**(E) "C" Permitted Accessory Uses.** (See § 153.051)

Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land, including the following:

(1) Boats and camping trailers. The storage of not more than one boat or unoccupied camp trailer in rear yard only. The storage must be behind the principal building and not in any side or front yard area.

(2) 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 district are complied with, but in no case shall the office be continued beyond the duration of construction of the project or one year.

(3) Horse. Keeping of horses for private purposes only and not for rent or hire on a zoning lot whose principal use is intended to be a one-family dwelling provided that: at least one acre is allocated for each animal; that all buildings for housing such animals shall be subject to all requirements for accessory buildings; that these buildings are located at least 100 feet from the nearest existing principal building on an adjacent lot, or 50 feet from the nearest side lot line whichever is greater.

(4) Pets. The keeping of not more than three domesticated animals over the age of four months on the premises.

(5) Private. Tool sheds, garages or carports, tennis courts, green houses, patios, swimming pools.

(6) Servants' accommodations for professional servants, caretakers, watchmen or custodians, but not as a separate detached one-family dwelling on the same lot.

(7) Vegetable gardens.

(8) Permitted signs.

(9) Accessory Structures

**(F) "C" District Prohibited uses.**

(1) Junk Yards.

(2) Manufacturing.

(3) Outside storage of goods or materials not in working condition or not intended for use or consumption.

(4) Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted. Penalty, see § 93.999

(5) Railroad freight cars.

## § 93.025 "R-1" THROUGH "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICTS

### (A) General

The Single-Family Residence Districts as differentiated herein and the district locations as depicted on the zone district map reflect the wide variety of physical and social characteristics found in Madison 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 development, arrangements and locations of existing or planned community facilities and social needs. Districts "R-1", "R-2", "R-3", and "R-4" are intended to be exclusive single-family districts and to meet the needs of those persons wishing single-family housing and the environment associated with such housing.

### (B) "R-1" District Conditions of use.

- (1) **Lot size.** Every one-family detached dwelling hereafter erected shall be located on a tract of land having an area of not less than 40,000 square feet and a width at the established building line of not less than 150 feet. A permitted nonresidential principal uses of a building, other than a public service use, shall be located on a tract of land having an area of not less than two acres.
- (2) **Yard areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with the buildings, structures, or enlargement.
- (3) **Front yard.** A front yard of not less than 50 feet shall be provided.
- (4) **Side yard.** A side yard on each side of the zoning lot of not less than 25 feet, except where a side yard adjoins a street the minimum width of the yard shall be increased to 50 feet.
- (5) **Rear yard.** A rear yard of not less than 75 feet shall be provided.
- (6) **Lot coverage.** Not more than 15% of the area of a zoning lot may be covered by buildings or structures, including accessory buildings.
- (7) **Maximum floor area ratio.** The floor area ratio between gross floor area and zoning lot shall not exceed 0.3. The maximum floor area of accessory structures shall be no greater than two (2) times the first-level floor area of the primary structure.
- (8) **Dwelling standards.** Single family residences shall have a total floor area of not less than 620 square feet for each dwelling unit, measured from the outside walls, including utility rooms but excluding all other areas not used for living or sleeping purposes.
- (9) **Additional requirements.** The applicant should refer to the following sections for additional requirements: (Parking § 93.137), (Signs § 93.113), (Fences § 93.080), (Slope § 93.063), (Sewers § 93.061).

**(C) "R-2" District Conditions of use.**

- (1) **Lot size.** Every one-family detached dwelling hereafter erected shall be located on a tract of land having an area of not less than 15,000 square feet and a width at the established building line of not less than 100 feet. A permitted nonresidential principal uses of a building, other than a public service use, shall be located on a tract of land having an area of not less than two acres.
- (2) **Yard areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with the buildings, structures, or enlargements.
- (3) **Front yard.** A front yard of not less than 40 feet shall be provided.
- (4) **Side yard.** A side yard on each side of the zoning lot of not less than 10% of the width of the lot at the building line except where a side yard adjoins a street, the minimum width of the yard shall be increased to 25 feet.
- (5) **Rear yard.** A rear yard of not less than 40 feet shall be provided.
- (6) **Lot coverage.** Not more than 30% of the area of a zoning lot may be covered by buildings or structures, including accessory buildings.
- (7) **Maximum floor area ratio.** The floor area ratio shall not exceed 0.5. The maximum floor area of accessory structures shall be no greater than two (2) times the first-level floor area of the primary structure.
- (8) **Dwelling standards.** Single family residences shall have a total floor area of not less than 620 square feet for each dwelling unit, measured from the outside walls, including utility rooms but excluding all other areas not used for living or sleeping purposes.
- (9) **Additional requirements.** The applicant should refer to the following sections for additional requirements: (Parking § 93.137), (Signs § 93.113), (Fences § 93.080), (Slope § 93.063), (Sewers § 93.061).

**(D) "R-3" District Conditions of use.**

- (1) **Lot size.** Every one-family detached dwelling hereafter erected shall be located on a tract of land having an area of not less than 9,000 square feet, and a width at the established building line of not less than 70 feet. A permitted nonresidential principal use of a building other than a public service use shall be located on a tract of land having an area of not less than two acres.
- (2) **Yard areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with the buildings, structures or enlargement.
- (3) **Front yard.** A front yard of not less than 25 feet shall be provided.

- (4) **Side yard.** A side yard on each side of the zoning lot of not less than 10% of the width of the lot at the building line except that a minimum width of ten feet on one side will be provided for rear access unless rear access is provided by another method. Where a side yard adjoins a street, the minimum width of the yard shall be not less than 25 feet.
- (5) **Rear yard.** A rear yard of not less than 30 feet shall be provided.
- (6) **Lot coverage.** Not more than 35% of the area of a zoning lot may be occupied by buildings or structures, including accessory buildings.
- (7) **Maximum floor area ratio.** The floor area ratio shall not exceed 0.5. The maximum floor area of accessory structures shall be no greater than two (2) times the first-level floor area of the primary structure.
- (8) **Dwelling standards.** Single-family residences shall have a total floor area of not less than 620 square feet for each dwelling unit, measured from the outside walls, including utility rooms but excluding all other areas not used for living or sleeping purposes.
- (9) **Additional requirements.** The applicant should refer to the following sections for additional requirements: (Parking sect. 93.113), (Fences §93.080) (Signs §93.113) (Slope § 93.063), (Sewers 93.061).

**(E) "R-4" District Conditions of use.**

- (1) **Lot size.** Every one-family detached dwelling hereafter erected shall be located on tract of land having an area of not less than 6000 square feet, and a width at the established building line of not less than 50 feet. A permitted nonresidential principal use of a building other than a public service use shall be located on a tract of land having an area of not less than two acres.
- (2) **Yard areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with the building, structure, or enlargement.
- (3) **Front yard.** A front yard of not less than 25 feet shall be provided.
- (4) **Side yard.** A side yard on each side of the zoning lot of not less than 10% of the lot width at the building line except that a minimum of ten feet on one side will be provided for rear access unless rear access is provided by another method. Where a side yard adjoins the street, the minimum of this yard shall be no less than 25 feet.
- (5) **Rear yard.** A rear yard of not less than 25 feet shall be provided.
- (6) **Lot coverage.** Not more than 50% of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.

- (7) **Maximum floor area ratio.** The floor area ratio shall not exceed 0.5. The maximum floor area of accessory structures shall be no greater than two (2) times the first-level floor area of the primary structure.
- (8) **Dwelling standards.** Single-family dwellings shall have a total floor area of not less than 620 square feet for each dwelling unit, measured from the outside walls, including utility rooms but excluding all other areas not used for living or sleeping purposes.
- (9) **Additional requirements.** The applicant should refer to the following sections for additional requirements: (Parking § 93.137) (signs §93.113), (Fences § 93.080), (Sewers § 93.061), (Slope § 93.063).

**(F) "R-1", "R-2", "R-3", and "R-4" Permitted uses.**

- (1) Churches, rectories, and parish houses.
- (2) Golf courses of regulation size but not including "par 3" golf courses; and provided that no clubhouse, parking lot, or accessory building shall be located nearer than 500 feet to any dwelling unit or other zoning lot.
- (3) Governmental uses, facilities, and buildings of the county.
- (4) Parks, forest preserves and recreational areas, when publicly owned.
- (5) Single-family residence dwelling.
- (6) Modular building unit to be used as a permanent residence, provided it meets all of the requirements of the Madison County Building Code for placement. These are to be only modular homes that have received prior approval of the Land Use committee, and are on file in the office of the Building Department.
- (7) Schools. Public, denominational, or private, elementary and high, including playgrounds, garages for school buses, and athletic fields auxiliary thereto.
- (8) T. V. disks.
- (9) Telecommunication Facility not exceeding 75 feet in height. (Subject to the requirements of §93.099)
- (10) All land used for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.
- (11) Private lakes and ponds, or other bodies of water and clubhouses, provided that no, building, parking lot, or other intense use activity is located nearer than 500 feet to any dwelling on

another zoning lot. Any private lake, pond, or other body of water must also be a minimum of 500 feet from any dwelling on an adjacent zoning lot that does not have use privileges to the lake or pond.

Should a pond be located within 500 feet of any dwelling on another zoning lot a variance shall be required. In addition, the pond shall meet requirements for the construction of retention basins as per the Madison County Stormwater Ordinance, including but not limited to, review and approval by a licensed professional engineer.

(12) Vehicle Repair, Hobby or Personal (see §93.081)

**(G) "R-1", "R-2", "R-3", and "R- 4" Special uses. (see § 93.152 and 93.168)**

- (1) Any dwelling unit less than 620 square feet.
- (2) Cemeteries and mausoleums in conjunction therewith.
- (3) Day care or nursery schools.
- (4) Private parking lots.
- (5) Governmental uses other than the county.
- (6) Home occupations.
- (7) Hospital, sanitariums and institutions for children and the aged.
- (8) Landfill, but sanitary landfills not permitted.
- (9) Manufactured home in compliance with §93.101.
- (10) Beauty shops.
- (11) Private recreational areas or camps, when not operated for profit.
- (12) Public libraries, playgrounds, parks, recreational community centers or grounds.
- (13) Planned Unit Development, restricted to the density and permitted uses of the district subject to section 93.152 and 93.168.
- (14) Private greenhouses accessory to single-family residences.
- (15) Rest homes, nursing homes, sanitariums, hospitals.
- (16) Sewage facilities.

(17)[Reserved].

(18)Utilities. Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations.

(19)Barber shops.

(20)Bed and Breakfast Inn ("R-1" Only) (see 93.060)

**(H) "R-1", "R-2", "R-3", and "R- 4" Accessory uses. (See § 93.051)**

Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land, including the following:

- (1) Boats and camping trailer. The storage of not more than one boat or unoccupied camp trailer in rear yard only. The storage must be behind the principal building and not in any side or front yard area.
- (2) Construction. Temporary construction sheds and temporary buildings for sale of rental offices or show houses for use during construction operations; provided all other regulations of the district are complied with, but in no case shall the office be continued beyond the duration of construction of the project or one year.
- (3) Horse. Keeping of horses for private purposes only and not for rent or hire on a zoning lot whose principal use is intended to be a one-family dwelling provided that: at least one acre is allocated or each animal; that all buildings for housing such animals shall be subject to all requirements for accessory buildings; that these buildings are located at least 100 feet from the nearest existing principal building on an adjacent lot, or 50 feet from the nearest side lot line whichever is greater.
- (4) Pets. The keeping of not more than three domesticated animals over the age of four months on the premises.
- (5) Private. Tool sheds, garages or carports, tennis courts, patios, swimming pools.
- (6) Servants' accommodations for professional servants, caretakers, watchmen or custodians, but not as a separate detached one-family dwelling on the same lot.
- (7) Vegetable gardens.
- (8) Permitted signs.

**(I) "R-1", "R-2", "R-3" and "R- 4" Prohibited uses.**

- (1) Junk Yards.

- (2) Manufacturing.
- (3) Outside storage of goods or materials not in working condition or not intended for use or consumption.
- (4) Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted. Penalty, see § 93.999.
- (5) Railroad freight cars.

## § 93.026 “R-5” MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

### (A) General

The “R-5” Multiple-Family Residence District and the district locations as shown on the zone district map, reflect physical and social characteristics found in the county. It is the purpose of this district to encourage the creation and maintenance of stable and enduring multiple residence districts by establishing limitations on the use, character, and density of development of land so as to take advantage of, or to avoid conflict with, natural topography, existing development, arrangement and location of existing or planned community facilities, and the social needs of the county. This district may also be utilized for the appropriate use of redevelopment areas where obsolescence and socioeconomic demands would suggest higher densities as necessary to encourage the reuse of these areas.

### (B) “R-5” District Conditions of use.

- (1) **Lot size.** Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 6,000 square feet and a width at the established building line of not less than 50 feet and shall meet the setback and yard requirements of the “R-4” district.
- (2) **Minimum Lot Area.** All two-family dwellings erected or structurally altered shall be located on a lot having an area of not less than 6,000 square feet and a width at the building line of not less than 60 feet.
- (3) Every multiple dwelling structure in this district shall require a minimum of 2,000 square feet of lot area per dwelling unit.
- (4) Applicants seeking higher densities than permitted in (3) above are referred to § 93.028 and 93.034.
- (5) All uses permitted in this district shall be served by an approved water and sanitary sewer system. Individual well or septic tanks shall not be permitted in the interest of the public health.
- (6) **Yard areas.** No building shall be erected or enlarged unless the following yards are provided and maintained.
- (7) **Front Yard.** On every zoning lot a front yard shall be provided of not less than 25 feet. For buildings exceeding 25 feet in height the minimum front yard shall be increased by one foot for each two feet fraction thereof by which the building height exceeds 25 feet, but in no case shall a front yard be required of more than 40 feet.
- (8) **Side Yard.** For two-family and multiple family dwelling units the side yard on each side of the main building shall be a minimum of ten feet in width plus and additional two feet in width for each additional story above two stories in height. On corner lots there shall be maintained a side yard of not less than 15 feet on the side adjacent to the street.
- (9) **Rear yard.** There shall be a rear yard of not less than 25 feet.

(10)**Lot coverage.** Not more than 40% of the area of a lot may be covered by buildings and structures, including accessory buildings.

(11)**Maximum floor area ratio.** The maximum floor area ratio shall not exceed 1.0.

(12)**Dwelling standards.** One and two family dwelling structures shall have a total floor area of not less than 620 square feet for each dwelling unit, measured from the outside walls, including utility rooms but excluding all other areas not used for living or sleeping purposes.

(13)Multiple-family dwelling structures shall have a total floor area of not less than 540 square feet for each dwelling unit, measured from the outside walls, including all other areas not used for living or sleeping purposes.

(14)**Additional requirements.** The applicant should refer to the following sections for additional requirements: (parking § 93.137), (Signs § 93.113), (Fences § 93.080), (Slope § 93.063)

**(C) “R-5” Permitted uses.**

(1) Churches, rectories, and parish houses.

(2) Condominiums.

(3) Duplexes and triplexes.

(4) Garden apartments.

(5) Golf courses of regulation size only, provided that no clubhouse, parking lot, or accessory building shall be located nearer than 500 feet to any dwelling unit or other zoning lot.

(6) Governmental uses, facilities and buildings of the County.

(7) Multiple-family dwellings.

(8) [Reserved]

(9) Parks, forest preserves and recreational areas, when publicly owned and operated.

(10)Row houses not to exceed eight attached in a single instance.

(11)Single-family residence dwelling.

(12)Schools. Public, denominational or private, elementary and high, including playgrounds, garages for school buses, and athletic fields auxiliary thereto.

(13)Town houses.

(14)T. V. disks.

(15)Telecommunication Facility not exceeding 75 feet in height. (Subject to the requirements of §93.099)

(16)Vehicle Repair, Hobby or Personal (see §93.081)

**(D) “R-5” Special uses.** (see § 93.152, 93.168)

(1) [Reserved].

(2) Barber shops.

(3) Beauty shops.

(4) Boarding and rooming houses.

(5) Day care or nursery schools.

(6) Dormitories or similar uses.

(7) Governmental uses other than the County.

(8) Home occupations.

(9) Hospitals and sanitariums and institutions for children and the aged.

(10)Landfill, but sanitary landfills not permitted.

(11)Medical and dental offices, but not including any retail drug sales.

(12)Manufactured home in compliance with §93.101.

(13)Orphanages.

(14)Planned Unit Developments-limited to the densities and permitted uses of the district, § 93.152 and 93.168.

(15)Private parking lots.

(16)Private recreational areas or camps when not operated for profit.

(17)Public libraries, recreational or community centers or grounds.

(18) Rest homes, nursing homes, sanitariums, hospitals.

(19) Sewage facilities.

(20) Telephone booths.

(21) Utilities. Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations.

(22) All land used for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.

**(E) "R-5" Accessory uses.** (see § 93.051) Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.

(1) Boats and camping trailer. The storage of not more than one boat or unoccupied camp trailer in rear yard only. The storage must be behind the principal building and not in any side or front yard area.

(2) Construction. Temporary construction sheds and temporary buildings for sale of rental offices or show houses for use during construction operations; provided all other regulations of the district are complied with, but in no case shall the office be continued beyond the duration of construction of the project or one year.

(3) Horse. Keeping of horses for private purposes only and not for rent or hire on a zoning lot whose principal use is intended to be a one-family dwelling provided that: at least one acre is allocated for each animal; that all buildings for housing such animals shall be subject to all requirements for accessory buildings; that these buildings are located at least 100 feet from the nearest existing principal building on an adjacent lot, or 50 feet from the nearest side lot line whichever is greater.

(4) Pets. The keeping of not more than three domesticated animals over the age of four months on the premises.

(5) Private. Tool sheds, garages or carports, tennis courts, patios, swimming pools.

(6) Servants' accommodations for professional servants, caretakers, watchmen or custodians, but not as a separate detached one-family dwelling on the same lot.

(7) Vegetable gardens.

(8) Permitted signs.

**(F) "R-5 Prohibited uses.**

- (1) Junk Yards.
- (2) Manufacturing.
- (3) Outside storage of goods or materials not in working condition or not intended for use or consumption.
- (4) Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted.
- (5) Railroad freight cars.

## § 93.027 “R-6” MANUFACTURED HOME PARK DISTRICT

### (A) General

The “R-6” Manufactured Home Parks District is created to meet the needs of many persons utilizing single family dwellings and manufactured homes as dwelling units and to provide for special uses such as manufactured home parks and courts. In this district, single-family dwellings and manufactured homes are permitted. Manufactured homes, single family dwellings, manufactured home module, manufactured home parks and manufactured home courts are permitted uses only in the “R-6” District. Prior to issuance of any building permit for a manufactured home or single family dwelling, the application must be reviewed by the Planning and Development Department to insure that the manufactured home or single family dwelling conforms to county building, plumbing and electrical standards.

### (B) “R-6” District Conditions of use.

- (1) **Lot size.** Every one-family detached dwelling hereafter erected shall be located on a tract of land having an area of not less than 6,000 square feet and a width at the established building line of not less than 50 feet. A permitted nonresidential principal use of a building other than a public service use shall be located on a tract of land having an area of not less than two acres.
- (2) **Yard areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such buildings, structures or enlargements.
- (3) **Front yard.** A front yard of not less than 25 feet shall be provided.
- (4) **Side yard.** A side yard on each side of the zoning lot of not less than 10% of the lot width at the building line except that a minimum of ten feet on one side for rear access unless rear access is provided by an alley way. Where a side yard adjoins a street, the minimum width of the yard shall be no less than 25 feet.
- (5) **Rear yard.** A rear yard of not less than 25 feet shall be provided.
- (6) **Lot coverage.** Not more than 50% of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.
- (7) **Maximum floor area ratio.** The floor area ratio shall not exceed 0.5.
- (8) **Dwelling standards.** Dwelling units shall have a total floor area of not less than 900 square feet measured from the outside walls, including utility rooms but excluding all other areas not used for living or sleeping purposes.
- (9) **Building standards.** Within this district when a manufactured home or single-family dwelling is to be placed on a lot, a building permit must be obtained from the Building Department. Within this district, it shall be considered that these are permanent type structures, if they are to be located more than 30 days and are to be known as same. Following is a list of the building

requirements that shall be required in the placement of any manufactured home or single-family dwelling. Prior to the issuance of any building permits for the development, the applicant must have the required zoning needed for the development and make application to the Planning and Development Department of Madison County, for their approval. In conjunction with this, the applicant must make application to the State of Illinois, Department of Public Health for a permit. No permit shall be issued until such time as the Planning and Development has submitted, in writing, their approval.

(a) Foundations and Footings.

Footings must be placed on level, firm, undisturbed soil or compacted or controlled fill that is free of grass and organic materials, compacted to a minimum load bearing capacity of 2,000 pounds per square foot. Pre-owned homes for which the manufacturer of the home is no longer in business or for which the installation instructions are not available may be placed on an existing footing system if the system meets the requirements of this Section.

Foundations and footings may consist of the following:

1. Individual pier footings consisting of precast or poured-in-place individual pier footing concrete at least 3½ inches thick with a 28-day compressive strength of 3,000 pounds per square inch.
2. Concrete runners a minimum of 4 inches thick under each I-beam or perpendicular to the I-beams at no more than 8 foot intervals.
3. Concrete pads a minimum of 4 inches thick the approximate dimension of the home.
4. Pressure treated wood having a 0.60 retention in accordance with the AWPA C22-03 Standard.
5. Acrylonitrile butadiene styrene (ABS) footing pads in accordance with pad manufacturer installation instructions and listed for the required load capacity and type of installation. Support devices and piers must not overlap the footings.
6. A support system approved by a licensed professional engineer.

(b) Skirting and tie downs.

1. Manufactured homes must have a skirting of a fire resistant material and have at least two inspection doors.
2. Tie downs shall consist of at least one anchor at each corner of the pad and the manufactured home, and this will tie the manufactured home to the pad.
3. This shall apply to the placement of the first manufactured home, on the lot, within the manufactured home park. Any subsequent manufactured home moved onto the lot, shall require an inspection by the Planning and Development Department.

(c) Sewage disposal requirements.

1. A manufactured home in a manufactured home court is required to be on a sewage disposal system, such as a package treatment plant or another acceptable method.
2. "R-6" single family dwellings can be on an individual septic system and the size of the tank and the lateral lines will be figured as the same as a residential dwelling (Contained in §§ 93.060 through 93.063)
3. New manufactured homes located within an existing manufactured home park may utilize a private sewage system so long as the Illinois Private Sewage Code and the Madison County Private Sewage Codes are satisfied.

(d) Electrical requirements.

1. Any manufactured home in a manufactured home park shall have a minimum of 100-amp service.
2. An "R-6" single-family dwelling shall have a minimum of 100-amp service.

(e) Off-street parking and patio pad requirements.

1. In a manufactured home park, off-street parking shall be provided for at least one car within the lot of the manufactured home. This shall be a minimum size pad of 10 X 20 feet and shall be of poured concrete at least four inches thick. This shall be connected to a patio pad that will join to the manufactured home pad to make a walkway and easy access to each other. This patio pad shall be of poured concrete at least four inches thick. Additional off-street parking or on-the-street parking can be provided, and should be in conformance with requirements of the county building code.
2. "R-6" single-family dwellings shall be situated with the same requirements as a conventional residence.

(f) Final inspections.

1. A final inspection shall be made on a manufactured home park upon its completion and approval of the electrical service and the placement of the initial manufactured home on an approved foundation.
2. It shall be the responsibility of the owner of the manufactured home or renter or lessee of the manufactured home within the manufactured home park for the upkeep of the manufactured home and the foundation on which it is placed. Failure on the part of the above-named individual to comply with this shall result in a citation of a violation being issued to the owner of the park or operator of same.
3. It shall be the responsibility of the owner or operator of the manufactured home park to notify the owner of the manufactured home, renter, or lessee of the pad, of his responsibility so far as this chapter, Building Regulations, Chapter 150, and the

License and Investigation Department Ordinance is concerned. Failure on his part to accomplish this will result in a citation of a violation being issued to the owner of the park or operator of same.

4. An "R-6" single-family dwelling shall have the same sequence of inspections as required for a conventional type residence. These are outlined within the building permit application forms.
5. A certificate of occupancy must be issued to the lot or piece of property in question, prior to its usage.

(g) In addition to the requirements of the county Zoning Code and building code, any development of a manufactured home park shall meet the requirements of the County License and Investigation Department and the State Department of Public Health. Each home shall meet the requirements of the United States of America Standards Institute/A119-1, as periodically revised.

(h) Prior to the placement of an "R-6" single family dwelling within the county, a set of plans and specifications from the manufacturer will be required and it must meet the requirements of this Zoning Code for the placement of an "R-6" single-family dwelling.

(i) Specifications for "R-6" single-family dwelling shall be as prescribed by the Land Use Committee of the county board.

(j) Accessory buildings or storage buildings.

1. This type of construction shall be permitted within a manufactured home park and will have to comply with the requirements of the building code, and the necessary permits shall be obtained. Before erection of these structures within a manufactured home park, a building permit must be obtained and the necessary inspections made. These structures shall be of a temporary nature and not a permanent type structure. Any structure less than 200 square feet does not require a building permit from the Building Department, but does require a permit from the License and Investigation department.
2. Within an "R-6" single-family dwelling subdivision these accessory buildings or storage buildings will be treated the same as residential subdivision.
3. Nothing contained within this Zoning Code shall in any manner supersede any prior building or zoning requirements concerning modular homes.

(10)**License Renewal.** All manufactured home parks within unincorporated Madison County shall be obtain a mobile home park license approved by the Public Safety Committee as per §91.16 of the Madison County Mobile Home Park Code.

(11)**Park Rules.** All manufactured home parks shall provide a copy of the park rules to the Planning and Development Department.

(12) **Additional requirements.** The applicant should refer to the following sections for additional requirements: (Parking § 93.137), (Signs § 93.113), (Fences § 93.080), (Slope § 93.063), (Sewers § 93.061)

**(C) "R-6" Permitted Uses.**

- (1) Churches, rectories and parish houses.
- (2) Golf courses of regulation size but not including "par 3" golf courses; and provided that no clubhouse, parking lot, or accessory building shall be located nearer than 500 feet to any dwelling unit or other zoning lot.
- (3) Governmental uses, facilities and buildings of the county.
- (4) Manufactured homes on a permanent foundation in compliance with §93.101.
- (5) "R-6" single family dwelling to be used as a permanent residence, provided it meets the requirements of the county building code placement in the county. These are to be only "R-6" single-family dwellings that have received prior approval of the Land Use Committee and are on file in the office of the Building Department.
- (6) Parks, forest preserves and recreational areas, when publicly owned and operated.
- (7) Single-family residence dwelling.
- (8) Schools. Public, denominational, or private, elementary and high, including playgrounds, garages for school buses and athletic fields auxiliary thereto.
- (9) T.V. disks.
- (10) Telecommunication Facility not exceeding 75 feet in height. (Subject to the requirements of §93.099)
- (11) All land used for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.
- (12) Modular homes.
- (13) Manufactured Home Parks.

**(D) "R-6" Special uses.** (see § 93.152 and 93.168)

- (1) [Reserved].

- (2) Barber shops.
- (3) Beauty shops.
- (4) Cemeteries and mausoleums in conjunction therewith.
- (5) Day care or nursery schools.
- (6) Governmental uses other than the county.
- (7) [Reserved].
- (8) Hospitals, sanitariums, and institutions for children and the aged.
- (9) Landfill, but sanitary landfills not permitted.
- (10) Medical and dental offices, but not including any retail drug sales.
- (11) Manufactured home parks and courts.
- (12) Planned Unit Developments, restricted to the density and permitted uses of the district subject to sections 93.152 and 93.168.
- (13) Private greenhouses accessory to single-family houses.
- (14) Private parking lots.
- (15) Private recreational areas or camps, when not operated for profit.
- (16) Public libraries, playgrounds, parks, recreational, community centers, or grounds.
- (17) Rest home, nursing homes, sanitariums, hospitals.
- (18) Sewage facilities.
- (19) Telephone booths.
- (20) Utilities. Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations.

**(E) "R-6" Accessory uses.** (see § 93.051)

- (1) Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.

- (2) Boats and camping trailers. The storage of not more than one boat or unoccupied camping trailer rear yard only.
- (3) 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 district are complied with, but in no case shall the office be continued beyond the duration of construction of the project or one year.
- (4) Pets. The keeping of not more than three domesticated animals over the age of four months on the premises.
- (5) Private. Tool sheds, garages or carports, tennis courts, patios, swimming pools.
- (6) Servants' accommodations for professional servants, caretakers, watchmen or custodians, but not as a separate detached one-family dwelling on the same lot.
- (7) Vegetable gardens.
- (8) Permitted signs.

**(F) "R-6" Prohibited uses.**

- (1) Junk yards.
- (2) Manufacturing.
- (3) Outside storage of goods or materials not in working condition or not intended for use or consumption.
- (4) Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted.
- (5) Railroad freight cars.

## § 93.028 "R-7" PLANNED RESIDENTIAL DISTRICT.

### (A) General

The purpose of this zoning district is to provide areas suitable for planned residential developments. Areas having access to or providing urban services, utilities and public improvements contain potentially significant site planning advantages for planned residential developments. It is the intent of this zone district to maximize the public welfare through the design review of sites especially favorable for planned residential development. This zoning district provides an alternate zoning method to development design, increases the flexibility of solving common development problems and provides for a design review to potentially enhance the aesthetic quality, consumer benefits, and marketability of residential developments and to reduce the capital investment necessary for development, utilities, public improvements and subsequent maintenance costs. Planned residential developments in this district shall comply with all applicable procedures and conditions of sections 93.152 and 93.168.

**(B) "R-7" Permitted uses.** Any residential use permitted in the R Districts.

**(C) "R-7" Special uses.** (see sections 93.152 and 93.168) Utilities. Electrical substations, gas regulator stations, other public utility distribution facilities.

**(D) "R-7" Accessory uses.** (See § 93.051) Any accessory use permitted in the "R" zoning districts or an accessory use clearly supplementary to the principal use of the parcel or lot.

### (E) "R-7" Prohibited uses.

- (1) Junk yards.
- (2) Manufacturing.
- (3) Outside storage of goods or materials not in working condition and not intended for use or consumption.
- (4) Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted.
- (5) Railroad freight cars.

**§ 93.029 “B-1” LIMITED BUSINESS DISTRICT.**

**(A) General**

This business district is intended to provide areas suitable for a broad range of business activities and makes provision for areas within the district for the establishment of compatible retail office and pedestrian highway retail office and pedestrian highway retail services. The intent of the district is inclusive of a desire to facilitate the location decisions of a variety of business activities while protecting the economic condition of existing areas contributing to the stability of the county. To achieve the intent of the district, great care should be exercised in zoning any parcel to the “B-1” District to insure its compatibility with adjacent or existing business activities in the county.

**(B) “B-1” District Conditions of use.**

- (1) Dwelling units and lodging rooms are not permitted below the second floors except for the business owner or operator of a motel, hotel or similar use.
- (2) The sale of foodstuffs or articles intended for human consumption shall be conducted wholly within an enclosed building.
- (3) There shall be no manufacture, processing or treatment of products other than those, which are clearly incidental end essential to the retail business conducted on the same premises.
- (4) Not more than five persons (exclusive of manager, clerks, and drivers) shall be engaged in the manufacture, processing or treatment of products.
- (5) Such uses, operations or products shall not cause objectionable odor, dust, smoke, noise, vibration or other similar nuisances.
- (6) **Yard areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with the building.
- (7) **Front yard.** There shall be provided on every lot a front yard not less than 50 feet in depth, except that when existing buildings located in this district have already established a building line at a depth less than required above, then all new buildings may conform to the same building line, except for the first 50 feet of the “B-1” District frontage adjacent to a Residence District, whereupon there shall be provided a front yard of not less than 25 feet.
- (8) **Side yard.** A side yard of a minimum of ten feet shall be provided except when abutting a Residential District or lot. An approved landscaped screen of at least ten feet shall be required.
- (9) **Rear yard.** There shall be a rear yard of not less than 20 feet, however, an accessory building may be located thereon, except for the five feet adjacent and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof.
- (10) **Maximum floor area ratio and coverage.** The floor area ratio shall not exceed 1.2 and not more than 60% of a zoning lot shall be covered by a building or buildings.

(11)**Additional requirements.** The applicant should refer to the following sections for additional requirements: (parking § 93.137), (Signs § 93.112, § 93.114), (Loading Area § 93.138)

**(C) “B-1” Permitted uses.** The following retail business and service uses are permitted, provided they are operated entirely within a building - except for off-street parking and loading facilities.

- (1) Air conditioning and heating sales and service.
- (2) Antique shops.
- (3) Art and school supply stores.
- (4) Art galleries and studios.
- (5) Auto parts store.
- (6) Bakery shops, including the baking and processing of food products, when prepared for retail use on the premises only.
- (7) Banks and financial institutions.
- (8) Barber shops, beauty parlors, chiropody, massage therapist or similar personal service shops.
- (9) Book and stationery stores.
- (10) Bicycle sales and repair.
- (11) Candy and ice cream shops.
- (12) Camera and photographic supply shops for retail sale.
- (13) Carpet, rug and linoleum stores.
- (14) China and glassware stores.
- (15) Coin and philatelic stores.
- (16) Currency exchanges.
- (17) Cutting of glass, mirror and glazing.
- (18) Custom dressmaking, costume rental, millinery, tailoring, or shoe repair shops, when conducted for retail sale on the premises only.

- (19) Department stores.
- (20) Dry goods stores.
- (21) Drug stores.
- (22) Dry cleaning and pressing establishments, retail.
- (23) Electrical appliance stores and repairs, but not including appliance assembly or manufacturing.
- (24) Employment agency.
- (25) Financial services.
- (26) Florist shops and conservatories for retail trade on the premises.
- (27) Food, meat and fruit stores.
- (28) Frozen food stores and food lockers.
- (29) Furniture store, and upholstery when conducted as a part of the retail operations and secondary to the main use.
- (30) Furrier, when conducted for retail trade on the premises only.
- (31) Gift shops.
- (32) Hardware stores.
- (33) Haberdasheries.
- (34) Hobby stores.
- (35) Household appliance stores and repairs.
- (36) Interior decorating shops, including upholstery and making of draperies, slip covers and other similar articles, when conducted as a part of the retail operations and secondary to the main use.
- (37) Jewelry and watch repair shops.
- (38) Laundries, automatic self-service types, or hand.
- (39) Leather goods and luggage stores.

- (40) Locksmith.
- (41) Millinery shops.
- (42) Modular building units for office commercial use, provided they meet the requirements of the county building code for placement in the county. These are to be only modular building units that have received prior approval of the Land Use Committee and are on file in the office of the Building Department.
- (43) Musical instrument sales and repair, retail trade only.
- (44) Newsstands.
- (45) Offices, business and professional, including medical clinics.
- (46) Optician, optometrist.
- (47) Orthopedic and medical appliance store, but not including the assembly or manufacture of such articles.
- (48) Package liquor stores.
- (49) Paint and wallpaper stores.
- (50) Pet shops and pet grooming, but not including animal hospitals.
- (51) Photography studios, including the development of film and pictures when done as a part of the retail business on the premises.
- (52) Plumbing and heating showroom and shop.
- (53) Picture framing, when conducted for retail trade on the premises only.
- (54) Photo developing and processing.
- (55) Postal substations.
- (56) Public utility collection office.
- (57) Restaurant, cafe.
- (58) Savings and loan associations.
- (59) Sewing machine sales and service.

(60)Shoe and hat stores, and repairing when done as a part of the retail business.

(61)Signs, as regulated by sections 93.112 &93.114.

(62)Sporting goods stores.

(63)Theater, indoor.

(64) [Reserved].

(65)Telephone booths, public.

(66)Tobacco shops.

(67)Toy stores.

(68)Travel bureau and transportation ticket office.

(69)T.V. disks.

(70)[Reserved].

(71)Wearing apparel shops.

(72)Prehistoric stone artifacts, their restoration and related activities.

(73)Large Transport Trailer. (see §93.097)

(74)Telecommunication Facility not to exceed 200 feet in height. (Subject to the requirements of §93.099)

(75)[Reserved]

(76)All land used for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.

(77)Flea markets

**(D) "B-1" Special uses.** (See sections 93.152 & 93.168)

(1) Automobile service and repair stations but excluding auto body repair and painting.

(2) Bars, nightclubs.

- (3) Churches, rectories and parish houses.
- (4) Clubs or lodges (nonprofit), fraternal or religious institutions.
- (5) Dwellings.
- (6) Fairgrounds, circuses, coliseums, race tracks and other similar exposition and recreational uses.
- (7) Hospital and sanitarium.
- (8) Hotels and motels, including restaurants and meeting rooms.
- (9) Meeting halls.
- (10)Planned developments, limited to district permitted uses. (See sections 93.152 & 93.168)
- (11)Utilities. Electrical substations, gas regulator stations, other public utility distribution or exchange facilities.
- (12)Railroad freight cars, to be used for storage only as an accessory use to the primary use and located not in the front yard area.
- (13)Massage or similar personal service shops.
- (14)Rock concerts, beer blasts, or any similar outdoor activities, when operated in conjunction with or separate from an existing business established on the site.

**(E) "B-1" Accessory uses.** (See § 93.051 (B))

Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land, including the following:

- (1) Off-street parking and loading.
- (2) Storage of merchandise or inventory usually carried in stock, provided that the storage shall be located on the lot with the retail, service, or commercial use. There can be storage on the outside of the building, provided that it is kept in a neat and orderly condition, and not permitted to create a health hazard and an eyesore to the general area.
- (3) Accessory structures.

**(F) "B-1" Prohibited uses.**

- (1) The following uses shall not be permitted: boarding and rooming houses; dormitories, fraternity and sorority houses; apartment hotels; manufactured homes or manufactured home parks; and any uses for living quarters not specifically provided for in this section.
- (2) Provided that neither junk yards, the dismantling of vehicles, or the storage of dismantled vehicles, petroleum bulk plants, or outside storage of inflammable liquids or explosives, shall be permitted in this district.
- (3) Establishments of the drive-in type offering goods or services directly to customers waiting in parked motor vehicles are not permitted.
- (4) Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such condition that they are inoperable on public streets shall not be permitted.
- (5) Restaurants or bars that feature nude dancing in any form.

## § 93.030 “B-2” GENERAL BUSINESS DISTRICT.

### (A) General

This business district is intended to provide a greater variety of business uses not permitted in the “B-1” District, and for some business uses which are not directly compatible with retail service uses.

### (B) “B-2” District Conditions of use.

- (1) Dwelling units and lodging rooms are not permitted below the second floors except for the business owner or operator of a motel, hotel or similar use.
- (2) The sale of foodstuffs or articles intended for human consumption shall be conducted wholly within an enclosed building.
- (3) There shall be no manufacture, processing, or treatment of products other than those, which are clearly incidental and essential to the retail business conducted on the same premises.
- (4) Not more than five persons (exclusive of manager, clerks and drivers) shall be engaged in the manufacture, processing or treatment of products.
- (5) Such uses, operations or products shall not cause objectionable odor, dust, smoke, noise, vibration or other similar nuisances.
- (6) **Yard areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with the buildings.
- (7) **Front yard.** There shall be provided on every lot a front yard not less than 50 feet in depth except that when existing buildings located in the district have already established a building line at a depth less than required above, then all new buildings may conform to the same building line, except for the first 50 feet of the “B-1” District frontage adjacent to a Residence District whereupon there shall be provided a front yard of not less than 25 feet.
- (8) **Side yard.** A side yard of a minimum of ten feet shall be provided except when abutting a residential district or lot an approved landscaped screen of at least ten feet shall be required.
- (9) **Rear yard.** There shall be a rear yard of not less than 20 feet, however, an accessory building may be located thereon, except for the five feet adjacent and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof.
- (10) **Maximum floor are ratio and coverage.** The floor area ratio shall not exceed 1.2, and not more than 60% of a zoning lot shall be covered by a building or buildings.
- (11) **Additional requirements.** The applicant should refer to the following sections for additional requirements: (Parking § 93.137), (Signs § 93.122, 93.114), (Loading Area § 93.138)

**(C) "B-2" Permitted uses.** The following retail and service uses are permitted, provided they are operated within a building, except for off-street parking or loading facilities.

- (1) Any use permitted in the "B-1" District.
- (2) Ambulance service.
- (3) Amusement establishments. Bowling alleys, pool halls, dance halls, skating rinks and other similar places of recreation.
- (4) Automobile accessory store.
- (5) Auction rooms.
- (6) Automobile service and repair station but excluding auto body repair and painting.
- (7) Automobile sales (new), which may include service and repair, and painting and auto body repair.
- (8) Blueprinting and photo stating establishments.
- (9) Bicycle sales and repair.
- (10) Boat showrooms, sales and service.
- (11) Carwash, either automatic or self-service.
- (12) Catering establishments.
- (13) Exterminating shops.
- (14) Garages, public, for storage of private passenger automobiles and commercial vehicles under one and one-half-ton capacity.
- (15) Hand laundries.
- (16) Hotels and motels, including restaurants and meeting rooms.
- (17) Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
- (18) Loan offices.
- (19) Meeting halls.

(20) Commercial mobile structures, provided they meet the requirements of the county building code for placement in the county. These are to be only commercial mobile structures that have received prior approval of the Land Uses Committee and are on file in the office of the Building Department.

(21) Pawn shops.

(22) Physical culture and health services.

(23) Printing and publishing of newspapers, periodicals, books.

(24) Radio and television broadcasting stations.

(25) Schools. Music, dance, business, commercial or trade.

(26) Taxidermist shops.

(27) Secondhand stores and rummage shops.

(28) Undertaking establishments, funeral parlors, or mortuaries.

(29) Video games and amusements, electronic devices, and other similar devices.

**(D) "B-2" Special uses. (See § 93.152, 93.168)**

(1) Bars, nightclubs.

(2) Churches, rectories and parish houses.

(3) Clubs or lodges (nonprofit), fraternal or religious institutions.

(4) Dwellings.

(5) Fairgrounds, circuses, coliseums, race tracks and other similar exposition and recreational uses.

(6) Hospitals and sanitariums.

(7) Meeting halls.

(8) Planned developments, limited to district permitted uses. (See sections 93.152 and 93.168)

(9) Utilities. Electrical substations, gas regulator stations, other public utility distribution facilities.

(10) Taxi Cab Service (Approved February 4, 1997, see 93.060)

(11) Drive-up window, restaurant or convenience store. (Approved June 8, 1997, see 93.060)

**(E) "B-2" Accessory uses. (See 93.051 (B))**

- (1) Off-street parking and loading.
- (2) Storage of merchandise or inventory usually carried in stock, provided the storage shall be located on the lot with the retail, service, or commercial use. There can be storage of on the outside of the building, provided that it is kept in a neat and orderly condition, and not permitted to create a health hazard and an eyesore to the general area.
- (3) Accessory structures.

**(F) "B-2" Prohibited uses.**

- (1) The following uses shall not be permitted: boarding and rooming houses; dormitories, fraternity, and sorority houses; apartment hotels; manufactured homes or manufactured home parks; and any uses for living quarters not specifically provided for in this section.
- (2) Neither junkyards, the dismantling of vehicles, the storage of dismantled vehicles, petroleum bulk plants, or outside storage of inflammable liquids or explosives, shall be permitted in this district.
- (3) Establishments of the drive-in type offering goods or services directly to customers waiting in parked motor vehicles are not permitted.
- (4) Vehicles, such as automobiles, buses and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted.
- (5) Restaurants or bars that feature nude dancing in any form.

## § 93.031 “B-3” HIGHWAY BUSINESS DISTRICT.

### (A) General

The Highway Business District is intended to provide for the establishment of certain highway oriented commercial activities and to prohibit inappropriate and incompatible commercial activities. Such areas must be carefully located so as not to unduly constrict, impede, or reduce the normal flow of traffic and to provide for reasonably safe access and egress from adjacent highways.

### (B) “B-3” District Conditions of use.

- (1) Dwelling units and lodging rooms are not permitted below the second floors except for the business owner or operator of a motel, hotel or similar use.
- (2) There shall be no manufacture, processing, or treatment of products other than those, which are clearly incidental and essential to the retail business conducted on the same premises.
- (3) Not more than five persons (exclusive of manager, clerks and drivers) shall be engaged in the manufacture, processing, or treatment of products.
- (4) These uses, operations or products shall not cause objectionable odor, dust, smoke, noise, vibration or other similar nuisances.
- (5) **Yard Areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with the buildings.
- (6) **Front yard.** There shall be provided on every lot a front yard not less than 50 feet in depth, except that when existing buildings located in this district have already established a building line at a depth less than required above, then all new buildings may conform to the same building line, except for the first 50 feet on the “B-1” District frontage adjacent to a Residence District, whereupon there shall be provided a front yard of not less than 25 feet.
- (7) **Side yard.** A side yard of a minimum of ten feet shall be provided, except when abutting a residential district or lot an approved landscaped screen of at least ten feet shall be required.
- (8) **Rear yard.** There shall be a rear yard of not less than 20 feet, provided, that an accessory building may be located thereon, except for the five feet adjacent and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof.
- (9) **Maximum floor area ratio and coverage.** The floor area ratio shall not exceed 1.5 and not more than 75% of a zoning lot shall be covered by a building or buildings.
- (10) **Additional requirements.** The applicant should refer to the following sections for additional requirements: (Parking § 93.137) (Signs § 93.112 and 93.114) (Loading Area § 93.138)

**(C) "B-3" Permitted uses.**

- (1) Any use permitted in the "B-2" Business District.
- (2) Agricultural implement sales and services, on a lot within a building.
- (3) Animal hospital.
- (4) Beverages, nonalcoholic, bottling and distributing.
- (5) Camping trailer sales.
- (6) Construction trailers, provided they are only used for storage and not occupied.
- (7) Contractors' offices and shops, where no fabrication is done on the premises and where storage of materials and equipment is permitted on the outside of the building, provided they are kept in a neat and orderly condition, and not permitted to create a health hazard and an eye-sore to the general area. This is also includes excavation contracting businesses.
- (8) Greenhouse, for retail trade on the premises.
- (9) Hang-glider sales and service shops.
- (10) Live bait stores.
- (11) Miniature golf courses.
- (12) Manufactured home sales not including occupancy of trailers.
- (13) Monument sales, but not including the cutting or grinding of stones, on an open lot or within a building.
- (14) Motorcycle sales and repair.
- (15) Plumbing, heating and roofing supply shops.
- (16) Recycling of papers, cans, metals, bottles, batteries and other energy-recyclable materials. Any storage on the outside must be kept in a neat and orderly condition, and not permitted to create a health hazard and an eyesore to the area. Any hazardous materials must be confined so that a danger is not created.
- (17) Riding academies and public stables.
- (18) Trailer sales business on an open lot or within a building, not including occupancy of trailers.

(19) Ultra-light sales and service shops.

(20) Used passenger automobile sales on an open lot or within a building.

**(D) "B-3" Special uses.** (See § 93.152 and 93.168)

(1) Bars, nightclubs.

(2) Churches, rectories and parish houses.

(3) Clubs or lodges (nonprofit), fraternal or religious institutions.

(4) Drive-in theaters.

(5) Dwellings.

(6) Fairgrounds, circuses, coliseums, race tracks and other similar exposition and recreational uses.

(7) Hospitals and sanitariums.

(8) Hotels and motels, including restaurants and meeting rooms.

(9) Meeting halls.

(10) Planned developments, limited to district permitted uses. (See § 93.152 and 93.168)

(11) Utilities. Electrical substations, gas regulator stations, other public utility distribution facilities.

(12) Adult business.

(13) Winery with a tasting room.

(14) Railroad freight cars and box trailer, to be used for storage only – install as an accessory use to the primary use and located not in the front yard area.

**(E) "B-3" Accessory uses.** (See § 93.051 (B)) Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land.

(1) Off-street parking and loading.

(2) Storage of merchandise or inventory usually carried in stock, provided that the storage shall be located on the lot with the retail, service, or commercial use. There can be storage on the outside of the building, provided that it is kept in a neat and orderly condition, and not permitted to create a health hazard and an eyesore to the general area.

(3) Accessory structures.

**(F) "B-3" Prohibited uses.**

- (1) The following use shall not be permitted: boarding and rooming houses; dormitories, fraternity and sorority houses; apartment hotels; manufactured homes or manufactured home parks; and any uses for living quarters not specifically provided for in this section.
- (2) Neither junkyards, the dismantling of vehicles, or the storage of dismantled vehicles, petroleum bulk plants, or outside storage of inflammable liquids or explosives, shall be permitted in this district.
- (3) Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted.
- (4) Restaurants or bars that feature nude dancing in any form.

## § 93.032 “B-4” WHOLESALE BUSINESS DISTRICT.

### (A) General

This zone district is created to encourage the development, location, and growth of business, business related, and other uses that are not generally compatible with other direct retail sales. This district provides for wholesale and business uses, which often require large lots and storage areas that create land uses patterns not conducive to pedestrian shopping.

### (B) “B-4” Conditions of use.

- (1) Dwelling units and lodging rooms are not permitted below the second floor, except in hotels and motels or for the owner or operator of the business.
- (2) Permitted uses, operations, or products shall not be objectionable due to odor, dust, smoke, noise vibrations, or other similar causes.
- (3) Storage outside a building must provide screening or plantings as reviewed by the Zoning Administrator and approved by the Land Use Committee.
- (4) **Maximum floor area ratio and coverage.** The floor area ratio shall not exceed 2.5.
- (5) **Yard areas.** All yard regulations shall be the same as required in the “B-1” Business District, § 93.029 (B).
- (6) **Additional requirements.** The applicant shall refer to the following sections for additional requirements: (Parking § 93.137) (Signs § 93.112 & 93.114), (Loading § 93.138)

### (C) “B-4” Permitted uses.

- (1) Any use permitted in the “B-3” District.
- (2) Automobile or agricultural implement sales, repair, and service stations.
- (3) Building materials sales.
- (4) Business machines, repair service, storage and wholesale.
- (5) Cement products, wholesale (pipe, blocks, and the like).
- (6) Display, designers', and builders' shops.
- (7) Exterminating shops.
- (8) Feed and seed stores.

- (9) Food products, brokers, distributors.
- (10)[Reserved]
- (11)Greenhouses, wholesale growers.
- (12)Heating and air conditioning (fabricating and assembly).
- (13)Lumberyards.
- (14)Machine and equipment rental and repair.
- (15)Membership clubs.
- (16)"Par 3" golf courses, miniature golf courses, and commercially operated driving ranges.
- (17)Parking lots and garages.
- (18)Physical culture and health services.
- (19)Printing and publishing of newspapers, periodicals, books, and including letter process work.
- (20)Radio and television broadcasting stations.
- (21)Schools: music, dance, business, commercial or trade.
- (22)Travel trailer sales.
- (23)Souvenir shops and stands provided that all goods and services are sold or provided within completely enclosed buildings.
- (24)Storage of automobiles in running condition.
- (25)Termite control contractor shops.
- (26)Warehouses, including self storage facilities.
- (27)Weighers, commercial.
- (28)Welding, equipment and supplies, storage.

**(D) "B-4" Special uses.** (See sections 93.152 & 93.168) The following uses may be allowed by special uses permit in accordance with provisions of sections 93.152 & 93.168.

- (1) Any uses which may be allowed as a special uses in the "B-1" Limited Business District.

- (2) Bus terminal or other public transportation terminal facilities.
- (3) Dwellings.
- (4) Planned Unit Developments limited to the permitted uses in this district.
- (5) Outdoor theaters (drive-in).
- (6) Outdoor amusement establishments, fairgrounds, carnivals, circuses, race tracks, and other similar amusement centers, including places of assembly devoted thereto, such as stadiums and arenas.
- (7) Taverns, bars, nightclubs.
- (8) Utilities, electrical substations, other public utility distribution facilities.

**(E) "B-4" Accessory uses.** (See § 93.051 (B)) Accessory uses that are clearly associated with and supplementary to the principal uses of the lot or tract of land.

- (1) Off-street parking and loading.
- (2) 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. There can be storage on the outside of the building, provided that it is kept in a neat and orderly condition, and not permitted to create a health hazard and an eyesore to the general area.
- (3) Accessory structures.

**(F) "B-4" Prohibited uses.**

- (1) The following uses shall not be permitted: Boarding and rooming houses; dormitories, fraternity and sorority houses; apartment hotels; manufactured homes or manufactured home parks; and any uses for living quarters not specifically provided for in this section.
- (2) Neither junkyards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plants, or outside storage of inflammable liquids or explosives, shall be permitted in this district.
- (3) Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted.
- (4) Restaurants or bars that feature nude dancing in any form.

## **§ 93.033 “B-5” PLANNED BUSINESS DISTRICT.**

### **(A) General**

The “B-5” Planned Business District of the county is designed to provide for maximum commercial site design and utilization in areas favorable for commercial growth but experiencing a variety of developmental problems. These problems may relate to existing or future traffic, land acquisition, topographical, utility, and related problem areas. This zone district provides maximum flexibility for the developer to create an attractive, profitable, commercial enterprises and for the county to maximize vehicular and pedestrian safety, to potentially reduce capital expenditures for public improvements, and to create more attractive county. This zone district will facilitate the combination and establishment of developments and uses in locations where it would be appropriate under approved site plans and conditions necessary to protect the general welfare.

**(B) “B-5” Conditions of use.** The procedures and conditions of approval for a planned commercial development are contained in § 93.152 & 93.168.

**(C) “B-5” Permitted uses.** Within this zone district, only planned commercial developments will be permitted. Permitted uses may include any combination of commercial uses upon approval of the individual development applications.

**(D) “B-5” Permitted accessory uses.** Any accessory use approved in a development plan. ('77 Code, § 150. 23) (Ord. passed 3-19-75; Am. Ord. passed 5-19-76; Am. Ord. 85-1, passed 2-20-85) Penalty see § 93.999.

## § 93.034 “M-1” LIMITED MANUFACTURING DISTRICT.

### (A) General

The “M-1” District 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 industry may be achieved. It is intended that this particular district will generally provide for light industry of an assembly nature from finished goods, warehousing and wholesaling activities. Supportive services for light industry are generally of a non-retail or personal service character and should be encouraged to locate in this district.

### (B) “M-1” Conditions of uses.

The permitted uses shall be subject to the following:

- (1) Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials, or products shall take place without creating disturbing influences to the uses and occupancy of adjoining properties.
- (2) All business, production, servicing and processing shall take place within a completely enclosed building 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 high and if abutting an “R” 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.
- (3) **Railroad siding frontage.** No yards shall be required for those portions of lots which front on railroad sidings.
- (4) **Buffer areas.** A 20-foot wide planting screen, consisting of suitable shrubbery and trees, shall be planted wherever an industrial use abuts any other use district. This screen shall consist of shrubbery and trees at least five feet in height when planted and shall be maintained at not less than 20 feet in height when full grown or as reviewed by the Zoning Administrator and approved by the Land Use Committee.
- (5) **Yard areas.** No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with the building.
- (6) **Front yard.** On every zoning lot, a front yard of not less than 25 feet in depth shall be provided.
- (7) **Side yards.** On every zoning lot, a side yard shall be provided along each side lot line. Each side yard shall be not less in width than 10% of the lot width or minimum of ten feet, but need not exceed 20 feet in width.
- (8) **Rear yard.** A rear yard sufficient for structural maintenance or safety equipment of at least 12 feet in depth shall be provided.

(9) **Maximum floor area ratio.** The maximum floor area ratio shall not exceed 1.5.

(10) **Additional requirements.** The applicant should refer to the following sections for additional requirements: (Parking § 93.137), (Loading § 93.138), (Signs § 93.116 & 93.112)

**(C) “M-1” Permitted uses.**

Production, processing, cleaning, testing or repair, limited to the following uses and products:

- (1) Advertising displays.
- (2) Apparel and other products manufactured from textiles.
- (3) Art needle work and hand weaving.
- (4) Automobile painting, upholstering, repairing, reconditioning, and body fender repairing when done within the confines of a structure.
- (5) Awning, Venetian blinds.
- (6) Bakeries.
- (7) Beverages - nonalcoholic.
- (8) Blacksmith shop.
- (9) Books - hand binding and tooling.
- (10) Bottling works.
- (11) Brushes and brooms.
- (12) Building equipment, building material, lumber, coal, sand, and gravel yards, and yards for contracting equipment of public agencies, or public utilities or material of a similar nature.
- (13) Cameras and other photographic equipment and supplies.
- (14) Canning and preserving.
- (15) Canvas and canvas products.
- (16) Carpet and rug cleaning.
- (17) Carting, express hauling or storage yard.

- (18) Ceramic products - such as pottery and small glazed tile.
- (19) Cleaning and dyeing establishments.
- (20) Clothing.
- (21) Contractor or construction shops, such as: Building, cement, electrical, excavation, refrigeration, air conditioning, masonry, painting, plumbing, roofing, heating, and ventilation.
- (22) Cosmetics and toiletries.
- (23) Creameries and dairies.
- (24) Dentures.
- (25) Drugs.
- (26) Electrical appliances, such as lighting fixtures, irons, fans, toasters, and electric toys.
- (27) Electrical equipment assembly, such as home radio and television receivers and home movie equipment.
- (28) Electrical supplies, manufacturing and assembly of wire and cable assembly switches, lamps, insulation, and dry cell batteries.
- (29) Food products processing and combining of (except meat and fish) - baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing, and pressing.
- (30) Fur goods, not including tanning and dyeing.
- (31) Glass products, from previously manufactured glass.
- (32) Greenhouses (wholesale).
- (33) Hair, felt and feather products (except washing, curing, dyeing).
- (34) Hat bodies of fur and wool felt.
- (35) Hosiery.
- (36) Ice, dry and natural.
- (37) Ink mixing, packing, and inked ribbons.

- (38) Insecticides.
- (39) Jewelry.
- (40) Laboratories - medical, dental, research, experimental, and testing - provided there is no danger from fire or explosion, nor offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences.
- (41) Laundries.
- (42) Leather products, including shoes and machine belting.
- (43) Luggage.
- (44) Machine shops for tool, die and pattern making.
- (45) Mail order houses.
- (46) Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust proofing, and heat treatment.
- (47) Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.
- (48) Modular building units for office commercial uses, provided they meet the requirements of the Building Code for placement in the county. These are to be only modular building units have received prior approval of the Land Use Committee and are on file in the office of the Building Department.
- (49) Musical instruments.
- (50) Orthopedic and medical appliances, such as artificial limbs, braces, supports, and stretchers.
- (51) Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.
- (52) Perfumes and cosmetics.
- (53) Pharmaceutical product, compounding only.
- (54) Plastic products, but not including the processing of raw materials.
- (55) Poultry and rabbits, slaughtering.
- (56) Precision instruments such as optical, medical, and drafting.

- (57)Products for finished materials: plastics, bone, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, precious, and semiprecious stones, rubber, shell or yarn.
- (58)Printing and newspaper publishing, including engraving and photoengraving.
- (59)Repair of household or office machine or equipment.
- (60)Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing) such as washers, gloves, footwear, bathing caps and atomizers.
- (61)Silverware, plate and sterling.
- (62)Soap and detergents, packaging only.
- (63)Soldering and welding.
- (64)Sporting and athletic equipment, such as balls, cues, gloves, bats, rackets and rods.
- (65)Statuary, mannequins, figurines, and religious and church art goods, excluding foundry operations.
- (66)Storage of household goods.
- (67)Storage and sale of trailers, farm implements, and other similar equipment on an open lot.
- (68)Underground storage of flammable liquids, fats or oil in tanks each of 50,000 gallons or less capacity.
- (69)Telephone booth, public.
- (70)Textiles: spinning, weaving, manufacturing, dyeing, printing, knit goods, yard, thread and cordage, but not including textile bleaching.
- (71)Tobacco curing and manufacturing, and tobacco products.
- (72)Tool and die shops.
- (73)Tools and hardware, such as bolts, nuts, screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, nonferrous metal, casting and plumbing appliances.
- (74)Toys.
- (75)Truck tractor, trailer, or bus storage yard, but not including a truck or motor freight terminal.

- (76) Umbrellas.
- (77) Upholstering (bulk), including mattress manufacturing, rebuilding and renovating.
- (78) Vehicles, children's such as bicycles, scooters, wagons and baby carriages.
- (79) Watches.
- (80) Wood products, such as furniture, boxes, crates, baskets, and pencils, and cooperage works.
- (81) Any other manufacturing establishment that can be operated without creating unreasonable noise, odor, dust smoke, gas, fumes or vapor; and that is a use compatible with the use and occupancy of adjoining properties.
- (82) Wholesale and warehousing; local cartage and express facilities (but not including motor freight terminals).
- (83) Public and community service users as follows: bus terminals, bus garages, bus lots, railway facilities and car houses.
- (84) Fire stations.
- (85) Municipal or privately owned recreation buildings or community centers.
- (86) Parks and recreation areas.
- (87) Police stations.
- (88) Sewage treatment plants.
- (89) Telephone exchanges.
- (90) Telephone booths, public.
- (91) Water pumping station.
- (92) Water reservoirs.
- (93) Residential areas, as follows: dwelling units for watchmen and their families when located on the premises where they are employed in this capacity.
- (94) T.V. disks.
- (95) Large Transport Trailer. (See §93.097)

(96) Telecommunication Facility not to exceed 200 feet in height. (Subject to the requirements of §93.099)

(97) All land used for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.

**(D) "M-1" Special uses.**

(1) Airport or aircraft landing fields.

(2) Animal pounds and shelters.

(3) Automobile service stations, lubrication and washing facilities, including car washes, are permitted only if in a completely enclosed building.

(4) Banks or financial institutions.

(5) Battery and tire service stations.

(6) Currency exchanges.

(7) Drug stores.

(8) Dwellings, including manufactured homes in compliance with §93.101.

(9) Fuel sales, with storage of oils, gasoline, and other flammable products.

(10) Garages and parking lots other than accessory.

(11) Greenhouses.

(12) Ice sales, linen, towel, diaper and other similar supply services.

(13) Motor freight terminals.

(14) Planned developments, industrial, limited to the uses of this district.

(15) Freight cars, to be used for storage only.

(16) Public utility electric substations and distribution centers, gas regulation centers, and underground gasholder stations.

(17) Restaurants, including the sale of liquor in conjunction therewith.

- (18) Riding academies and stables.
- (19) Sanitary landfill.
- (20) Stadiums, auditoriums, and arenas.
- (21) Stone and gravel quarries and crushing grading, washing and loading equipment and structure.
- (22) Surface shaft mining of all kinds.
- (23) Taverns, bars, nightclubs.
- (24) Theaters, outdoor drive-in.
- (25) Trade schools.
- (26) Impound storage yards, including towing services.

**(F) "M-1" Accessory uses.** (See § 93.057 (B)) Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land.

- (1) Dwelling units for watchmen when located on the premises where they are employed in that capacity.
- (2) Off-street parking and loading.
- (3) Storage of merchandise or inventory usually carried in stock.
- (4) Telephone booths.
- (5) Temporary buildings for construction purposes for a period not to exceed the duration of the construction.
- (6) Accessory structures.

**(G) "M-1" Prohibited uses.**

- (1) Neither junkyards, the dismantling of vehicles nor the storage of dismantled vehicles, petroleum bulk plants, or outside storage of flammable gases, liquids or explosives, shall be permitted in this district.
- (2) Research and development of any commodity from explosives or flammable liquids or gases.

- (3) The following shall not be permitted: Boarding and rooming houses dormitories, fraternity and sorority houses, apartment hotels, manufactured homes or manufactured home parks, and any uses for living quarters not specifically provided for in this section.
- (4) Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted.
- (5) Restaurants or bars that feature nude dancing in any form.

## § 93.035 “M-2” GENERAL MANUFACTURING DISTRICT.

### (A) General

The “M-2” General Manufacturing District encompasses areas where there is a satisfactory correlation of factors such as adequate transportation facilities, accessibility for employees, efficient land assembly, adequate topographical conditions, and where the adequate provision of public utilities and power facilities required by industry may be achieved. It is intended that this district will provide for a type of manufacturing and land use that is not permitted in the “M-1” Limited Manufacturing District and that meets the requirements and conditions of this Zoning Code.

### (B) “M-2” Conditions of use.

The permitted uses shall be subject to the following:

- (1) Any production, processing, cleaning, servicing testing, repair or storage of goods, materials, or products shall take place without creating disturbing influences to the use and occupancy of adjoining properties.
- (2) All business, production, servicing, and processing shall take place within a completely enclosed building 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 high. 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.
- (3) **Railroad siding frontage.** No yards shall be required for those portions of lots which front on railroad sidings.
- (4) **Buffer areas.** A 20 foot wide planting screen, consisting of suitable shrubbery and trees, shall be planted wherever an industrial uses abuts any other use district. Such screen shall consist of shrubbery and trees at least five feet in height when planted and shall be maintained at not less than 20 feet in height when full grown or as approved by the Zoning Administrator.
- (5) **Yard areas.** No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with the building.
- (6) **Front yard.** On every zoning lot, a front yard of not less than 25 feet in depth shall be provided.
- (7) **Side yard.** On every zoning lot, a side yard shall be provided along each side lot line. Each side yard shall be not less in width than 10% of the lot width or ten feet whichever is greater but need not exceed 20 feet in width.
- (8) **Rear yard.** A rear yard sufficient for structural maintenance or safety equipment of at least 12 feet in depth shall be provided.

(9) **Maximum floor area ratio.** The maximum floor area ratio shall not exceed 3.0.

(10) **Additional requirements.** The applicant should refer to the following sections for additional requirements: (Parking 93.137), (Loading § 93.138), (Sign sections 93.112 & 93.114)

**(C) “M-2” Permitted uses.**

- (1) Any uses permitted in the “M-1” District.
- (2) Agricultural buildings and structure.
- (3) Air conditioning contractors' offices, shops, and yards.
- (4) Architects' office, shops, and yards.
- (5) Arenas.
- (6) Auditoriums.
- (7) Automobiles testing rounds.
- (8) Building contractor or construction offices, shops, and yards
- (9) Building material sales.
- (10) Bus garages.
- (11) Bus lots.
- (12) Bus stations.
- (13) Bus terminals.
- (14) Car wash establishments.
- (15) Cement contractors' offices, shops, and yards.
- (16) Cement block manufacture.
- (17) Crafting.
- (18) Dumping or disposal areas, garbage, refuse or trash.
- (19) Electrical contractors' offices, shops, and yards.

- (20)Engineers' offices, shops, and yards.
- (21)Express facilities.
- (22)Freight terminals, air.
- (23)Freight terminal, railroad and water.
- (24)Fuel sales.
- (25)Garages for storage, repair, and servicing of motor vehicles (unrestricted).
- (26)Gas regulator stations.
- (27)Hangars, aircraft.
- (28)Heating contractors' offices, shops, and yards.
- (29)Highway maintenance shops and yards.
- (30)Ice sales.
- (31)Labor organization lodges and offices.
- (32)Commercial mobile structures, provided they meet the requirements of the county building code for placement in the county. These are to be only commercial mobile structures that have received prior approval of the Land Use Committee and are on file in the office of the Building Department.
- (33)Motor freight terminals.
- (34)Masonry contractors' offices, shops, and yards.
- (35)Oils, storage and wholesale distribution.
- (36)Packing.
- (37)Painting contractors' offices, shops and yards.
- (38)Parking lots, open or enclosed and other than accessory (unrestricted).
- (39)Parks.
- (40)Penal institutions.

- (41)Petroleum, storage and wholesale distribution.
- (42)Plastic products.
- (43)Planned developments, industrial limited to the district uses.
- (44)Plumbing contractors' offices, shops and yards.
- (45)Printing.
- (46)Race tracks (all types).
- (47)Radar installations.
- (48)Radio stations and towers(transmitting and receiving).
- (49)Radio studios.
- (50)Railroad freight terminals.
- (51)Railroad labor rest houses, hotels, and camps.
- (52)Railroad passenger stations.
- (53)Railroad switching and classification yards, repair shops, and round houses.
- (54)Refrigeration contractors' offices, shops and yards.
- (55) Roofing contractors' offices, shops and yards.
- (56)Stadiums.
- (57)Storage.
- (58)Television stations and towers (transmitting and receiving).
- (59)Temporary buildings for construction purposes.
- (60)Theaters (automobile drive-in).
- (61)Ventilating contractors' offices, shop and yards.
- (62)Warehousing.

(63)Water freight terminals.

(64)Water reservoirs.

(65)Water service substations.

(66)Water works.

(67)Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, but not including any of the uses first listed as permitted in the "M-3" Heavy Manufacturing District, that can be operated without creating unreasonable noise, odor, dust, smoke, gas, fumes, or vapor; and that is a use compatible with the uses and occupancy of adjoining properties.

(68)T.V. disks.

(69)Restaurants.

(70)Telecommunication Facility not to exceed 200 feet in height. (Subject to the requirements of §93.099)

**(D) "M-2" Special uses.** (See Sections 93.152 & 93.168)

(1) Airport, heliport, landing field.

(2) Dwelling, including manufactured homes in compliance with §93.101.

(3) Junk yards and automobile wrecking yards, provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least 12 feet high or screening as approved.

(4) Manufacturing, processing or storage involving flammable or explosive materials, liquids or gases.

(5) Sanitary landfills and landfills.

(6) Slag piles, refining and ore waste.

(7) Stone and gravel quarries and crushing, grading, washing and loading equipment and structures.

(8) Surface and shaft mining of all kinds.

(9) Taverns, bars, and nightclubs.

(10)Utilities; electrical substations, gas regulator stations, other public utility distribution facilities.

(11) Impound storage yards, including towing services.

**(E) "M-2" Accessory uses.** (See § 93.057 (B))

- (1) Accessory uses that are clearly associated with and supplementary to the principal use of lot or tract of land, including the following:
  1. Dwelling units for watchmen when located on the premises where they are employed in that capacity.
  2. Off-street parking and loading.
  3. Storage of merchandise or inventory usually carried in stock.
  4. Temporary buildings for construction purposes for a period not to exceed the duration of construction.
  5. Accessory Structures

**(F) "M-2" Prohibited uses.**

- (1) The following shall not be permitted: boarding and rooming houses, dormitories, fraternity and sorority houses, apartment hotels, manufacturing homes or manufacturing home parks, and any uses for living quarters not specifically provided for in this section.
- (2) Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted.
- (3) Restaurants or bars that feature nude dancing in any form.

## § 93.036 “M-3” HEAVY MANUFACTURING DISTRICT.

### (A) General

The “M-3” Heavy Manufacturing district encompasses areas where there is a satisfactory correlation of factors such as adequate transportation facilities, accessibility for employees, efficient land assembly, adequate topographical conditions, and where the adequate provision of public utilities and power facilities required by industry may be achieved. It is intended that this district will provide for a type of manufacturing and land use that this district will provide for a type of manufacturing and land use that is not permitted in the “M-1” Limited Manufacturing District and that meets the requirements and conditions of this Zoning Code.

### (B) “M-3” Conditions of use.

The permitted uses shall be subject to the following:

- (1) Any production, processing, cleaning servicing, testing, repair, or storage of goods, materials, or products shall take place without creating disturbing influences to the use and occupancy of adjoining properties.
- (2) All business, production, servicing and processing shall take place within a completely enclosed building unless otherwise approved. Storage of equipment and supplies may be open to the sky but shall be enclosed by a wall or fence, including gates, at least eight feet high and open, off-street loading and parking facilities for the storage of motor vehicles may be unenclosed throughout the district, except for such screening of parking and loading facilities may be required.
- (3) **Railroad siding frontage.** No yards shall be required for those portions of lots which front on railroad sidings.
- (4) **Buffer areas.** A 20 feet wide planting screen, consisting of suitable shrubbery and trees, shall be planted wherever an industrial use abuts any other use district. This screen shall consist of shrubbery and trees at least five feet in height when planted and shall be maintained at not less than 20 feet in height when full grown or as approved by the Zoning Administrator.
- (5) **Yard areas.** No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with the building.
- (6) **Front yard.** On every zoning lot, a front yard of not less than 25 feet in depth shall be provided.
- (7) **Side yard.** On every zoning lot, side yard shall be provided along each side lot line. Each side yard shall be not less in width than 10% of the lot width or of ten feet whichever is greater but need not exceed 20 feet in width.
- (8) **Rear yard.** A rear yard sufficient for structural maintenance or safety equipment of at least 12 feet in depth shall be provided.

(9) **Maximum floor area ratio.** The maximum floor area ratio shall not exceed 3.0.

(10) **Additional requirements.** The applicant should refer to the following sections for additional requirements: (Parking § 93.137) (Loading § 93.138) (Signs § 93.116,93.112)

**(C) "M-3" Permitted uses.** Production, processing, cleaning servicing, testing and repair, including the following uses and manufacturing of the following products:

- (1) Asphalt and asphalt products.
- (2) Chemicals including acetylene, aniline, dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing, preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, hydrochloric, picric and sulfuric acids and derivatives.
- (3) Coal, coke, and tar products, including gas manufacturing.
- (4) Electric central station, power and steam generating plants.
- (5) Fertilizers.
- (6) Film, photographic.
- (7) Flour, feed and grain, milling and processing.
- (8) Gelatin, glue and size: animal.
- (9) Linoleum and oil cloth.
- (10) Magnesium foundries.
- (11) Matches.
- (12) Metal and metal ores (except precious and rare metals), reduction, refining, smelting and alloying.
- (13) Modular building units for office commercial uses, provided they meet the requirements of the county building code for placement in the county. These are to be only modular building units that have received prior approval of the Land Use Committee and are on file in the office of the Building Department.
- (14) Paint, lacquer, shellac, varnishes, linseed oil and turpentine.
- (15) Petroleum products, refining - such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.

(16) Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.

(17) Ready-mix cement plants.

(18) Restaurants.

(19) Rubber (natural or synthetic).

(20) Soaps, including fat and oil rendering.

(21) Starch.

(22) Stock yards, slaughterhouses and abattoirs.

(23) Wood, coal and bones, distillation.

(24) Wood pulp and fiber, reduction and processing, including paper mill operation.

(25) Storage, including the following uses and materials or products: goods used in or produced by manufacturing activities permitted in this district.

(26) Explosives.

(27) Grain.

(28) Manure, peat, and topsoil.

(29) Petroleum and petroleum products.

(30) T.V. disks.

(31) Telecommunication Facility not to exceed 200 feet in height. (Subject to the requirements of §93.099)

(32) All land used for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.

**(D) "M-3" Special uses.** (See § 93.152 , 93.168)

(1) Airport, heliport, landing field.

- (2) Dwellings, including manufactured homes in compliance with §93.101
- (3) Junk yards and automobile wrecking yards, provided they are contained within completely enclosed buildings or screened by solid wall or uniformly painted solid fence at least 12 feet high or screening as approved.
- (4) Manufacturing, processing or storage involving flammable or explosive materials, liquids or gases.
- (5) Sanitary landfills and landfills.
- (6) Slag piles, refining, and ore waste.
- (7) Stone and gravel quarries and crushing, grading, washing and loading equipment and structures.
- (8) Surface and shaft mining of all kinds.
- (9) Taverns.
- (10) Utilities: electrical substations, gas regulator stations, and other public utility distribution facilities.
- (11) Impound storage yards, including towing services.

**(E) "M-3" Accessory uses.** (See 93.51 (B)) Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land, including the following:

- (1) Dwelling units for watchmen when located on the premises where they are employed in that capacity.
- (2) Off-street parking and loading.
- (3) Storage of merchandise or inventory usually carried in stock.
- (4) Temporary buildings for construction purposes for a period not exceed the duration of the construction.
- (5) Accessory Structures.

**(F) "M-3" Prohibited uses.**

- (1) The following shall not be permitted boarding and rooming houses, dormitories, fraternity and sorority houses, apartment hotels, manufactured homes or manufactured home parks or courts, and any uses for living quarters not specifically provided for in this section.

(2) Vehicles, such as automobiles, buses, and trucks that do not bear a current set of license plates; or are not in running condition; or are in such condition that they are inoperable of public streets shall not be permitted.

(3) Restaurants or bars that feature nude dancing in any form.

## § 93.037 "PD" PLANNED UNIT DEVELOPMENT DISTRICT

### (A) General

The purpose of this zoning district is to provide areas suitable for planned developments. The Planned District is designed to provide for site design and utilization in areas favorable for growth but experiencing a variety of developmental problems, or for areas having access to urban services, utilities, and public improvements containing potentially significant site planning advantages for Planned Unit Developments. Problems may relate to existing or future traffic, land acquisition, topographical, utility, and related problem areas. It is the intent of this zone district to maximize the public welfare and to provide the flexibility needed by developers to potentially enhance the aesthetic quality, consumer benefits, and marketability of multiple or single use developments and to reduce the capital investment necessary for development, utilities and public improvement.

### (B) "PD" Conditions of use.

- (1) **General.** The planned Unit Development can be planned and developed to result in an environment of superior quality than can be achieved under traditional zoning requirements and practices.
- (2) **Natural features.** Provision is made to accommodate and assure the maintenance of unique natural and man-made amenities such as streams, stream banks, flood plains, wooded areas, rough terrain, historic sites and similar areas.
- (3) **Unified control.** The land is or will be under continuing unified control during and after construction, subject to the restrictions of this section.
- (4) **Open Space.** Common or public open space shall be provided in sufficient quantity for amenity and recreational purposes. The quantity of open and recreation space in residential developments shall be a minimum of 25% of total land area and additionally shall be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number, type and density of land uses to be provided.
- (5) **Utilities.** All Planned Unit Developments shall be provided with a central sewer and water system.
- (6) **Information required.** Applicants for a PUD shall furnish the information requested in §93.152; see § 93.168 for procedures.
- (7) **Subdivision requirements.** Applicants, after rezoning approval, the issuance of the special use permit or concurrently with the zoning application, shall submit a preliminary and a final development plat and shall meet the requirements of the county subdivision code concerning the preliminary plat, final plat, improvements, and open space.
- (8) **Changes after PUD completion.** After the final plat has been approved and construction has been completed changes in use or land area shall only be by zoning amendment consistent with

the intent and purpose of the PUD except for changes that may increase the bulk of any building or rearrangement of land use by not more than 10%.

**(C) Permitted uses.** Any combination of residential, commercial or industrial uses as approved.

**(D) Accessory use.** Any accessory use approved in a development plan.

## § 93.038 "A" ZONE FLOOD PLAIN OVERLAY DISTRICT.

(A) The flood hazard areas of the county are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

### (B) General provisions.

- (1) **Existing zone districts.** All flood plains in the county are now designated as "A" Zone zoning districts and it is assumed those district designations will remain unless changed by a zoning amendment. The regulations of this "A" Zone District apply in addition to existing zoning districts, and to future rezoning concerning any district located in a flood plain. This district is an overlay district and imposes additional requirements to developments proposed in a flood plain.
- (2) **Most restrictive.** The conditions and restrictions of the "A" Zone District shall apply to any special or permitted use by an existing zoning district.
- (3) **Conditions of use.** Conditions of use shall be those applicable to the existing district, those as apply to special uses, § 93.038, 93.168, and 93.170.
- (4) **Flood hazard boundary maps.** The flood hazard boundary map no. H-01-47 dated January 31, 1975, and amendments thereto, delineating "A" Zones as areas that are susceptible to the regulatory flood as prepared by the Federal Emergency Management Agency (FEMA) adopted for the purpose of this Zoning Code and filed as record in the office of the County Clerk.
- (5) **Permit required.** No person, firm or corporation shall commence any construction, substantial improvement, subdivision of land, placement of a manufacturing home or other developments in areas located in an "A" Zone without first obtaining a permit from the Zoning Administrator. The Administrator shall not issue a permit for any construction, substantial improvement or other development that does not comply with the provisions of this Zoning Code or that has been denied a permit required by federal or state law including Section 404 of the Federal Water Pollution Control Act of 1972, 33 U.S.C. 1334.
- (6) **Applications.**
  - (a) Within areas designated as "A" Zones each application for development shall be accompanied by elevations, in relation to mean sea level, of the lowest habitable floor, including basement, and in the case of flood-proofed structures, the elevation to which it will be flood proofed.
  - (b) The Administrator shall require certification from a registered professional engineer or architect that flood proofing methods are adequate to withstand the flood depths pressures, velocities, impact, and uplift forces, and other factors associated with the regulatory flood.

- (c) The application shall also contain information or certification as reasonably may be required by the Administrator in order to determine eligibility for permits or to enforce the terms of this sub-chapter.

(7) **Base flood elevation.** This code's protection standard is the base flood according to the best data available to the State Water Survey's Flood plain Information Repository. Whenever a party disagrees with the best available data, he may finance the detailed engineering study needed to replace existing data with better data, and submit it to the State Water Survey.

- (a) The base flood elevation for SFHA's shall be as delineated on the 100-year flood profiles in the Flood Insurance Study and dated October 15, 1981.
- (b) The base flood elevation for each SFHA delineated as an AH Zone/AO Zone shall be that elevation/depth delineated on the Flood Insurance Rate map of the county.
- (c) The base flood elevation for each of the remaining SFHA's delineated as an "A" Zone on the Flood Hazard Boundary Map/Flood Insurance Rate Map shall be the 100-year flood depth calculated to the formulas presented in "Depth & Frequency of Floods in Illinois," published by the U. S. Geological Survey, 1976.

(8) **Watercourse standards.** The Zoning Administrator shall notify adjacent communities and the Illinois Department of Transportation, Division of Water Resources and the Federal Insurance Administration before any alteration or relocation of a watercourse. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

(9) **Reports and record.**

- (a) The Zoning Administrator shall provide the County Board, the Illinois Department of Natural Resources, Division of Water Resources and the Federal Insurance Administration with an annual report on forms as provided the county with Federal Insurance Administration.
- (b) The Zoning Administrator shall maintain the records of the first floor elevations, flood proofing certificates, all variance documents required by section 1910.6 (a) (5) and (6) of the Rules and Regulations of the National Flood Insurance Program permit applications, and all other records required the Federal Insurance Administration.

**(C) New construction and substantial improvement standards.**

- (1) All new construction and substantial improvements to structures located in an "A" Zone shall.
  - (a) Be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure;
  - (b) Be constructed with materials and utility equipment resistant to flood damage;

- (c) Be constructed by methods and practices that minimize flood damage to other properties;
- (d) Have all structural components below the regulatory flood elevation designed to be water tight with walls substantially impermeable to the passage of water and such structural components shall be designed to resist hydrostatic and hydrodynamic loads, and the effect of buoyancy.

(2)

- (a) The first floor or basement of any structure including residences, to be erected, constructed, reconstructed, altered or moved within an "A" Zone District shall be constructed on fill with the finished surface of these floors at or above a point 2 feet above the regulatory flood elevation or flood profile shown on or attached to the flood plain district map for the particular area. The fill shall be at or above a point one foot above the regulatory flood elevation for the particular area and the fill shall extend at such elevation of at least 15 feet beyond the limits of any structure or building erected thereon. However, no use shall be constructed which will adversely affect the capacity of channels or flood ways of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- (b) Where existing streets or utilities are at elevations which make compliance with division (C)(2)(a) herein, impracticable or in other special circumstances, the Board of Appeals may recommend other flood proofing or building elevation measures in accordance with § 93.170(A)(5) in lieu of fill, provided the first floor of the building is at or above a point two feet above the regulatory flood level for the particular area. No permit under this section shall be issued where the ground adjoining a building or structure designed for human habitation is more than two feet below the regulatory flood elevation or subject to flood velocities greater than four feet per second for the regulatory flood.

(3) Commercial structures within an "A" Zone District generally must be constructed on fill with no first floor or basement floors point two feet above the regulatory flood elevation. Accessory and uses, such as railroad tracks and yards, parking lots may be lower elevations. However, a permit for such facilities to be used by the general public shall not be granted, in the absence of a flood warning system, if the area is inundated to a depth greater than two feet or subject to flood velocities greater than four feet per second upon the occurrence of the regulatory flood.

(4) Manufacturing and industrial buildings, structures, and appurtenant works within an "A" Zone District shall be flood-proofed in accordance with § 93.170(A)(5) to two feet above the regulatory flood elevations. Measures shall be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be lower elevations subject to requirements set out in § 93.169(B).

(5)

(a) No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity.

1. For development proposals located in an identified flood way or within a riverine SFHA where the floodway has not yet been identified, the following rule shall apply: The building official shall review the development plans to discern if:

a) A new obstruction to floodflows would be created.

b) The project will involve a channel crossing such as a bridge or pipeline.

c) The project will modify the shape of the channel.

2. If any of these three situations will result from the project, the applicant shall be required to obtain a permit from the State Department of Natural Resources, Division of Water Resources, issued pursuant to Ill. Rev. Stat., Ch. 19 §70. The building official shall not issue a development permit unless the applicant has obtained either a §70 permit or a waiver of a permit required from the Division of Water Resources.

3. For development proposals located in a flood fringe, AO Zone or AH Zone, identified as such on a SFHA map or in a lake-front flood plain, ponding area, area of sheet flow or other SFHA not subject to over bank flooding from an identified channel, the requirement of this division (C)(5)(a) shall not apply.

(b) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants or other hazardous or toxic materials below the FPE, unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of division (G)(3) of this section.

(c) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted; providing all manholes or other aboveground openings located below the FPE are watertight.

(6) No manufactured home may be placed on a new site located within an identified floodway.

**(D) Manufactured home standards.**

(1) All manufactured home parks and manufactured home subdivisions located in an "A" Zone District shall file evacuation plans indicating vehicular access and escape routes, including manufactured home hauler routes, with the appropriate disaster preparedness authorities.

(2) All homes to be placed on a site located in an "A" Zone District shall:

- (a) Have the lowest floor elevated two feet above the regulatory flood elevation;
- (b) In the instance of elevation on piling, have all piling foundations placed in stable soil no more than ten feet apart, and reinforcement shall be provided for piers more than six feet above ground;
- (c) Have lots of large enough permit steps to the manufactured home, and have adequate surface drainage on all sides of the structure;
- (d) Be placed to prevent flotation, collapse or lateral movement of the structure due to flooding;
- (e) Be anchored according to the following specifications:
  - 1. Over-the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long shall require one additional tie per side;
  - 2. Frame ties shall be provided at each corner of the manufactured home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long shall require four additional ties per side;
  - 3. All components of the anchoring system shall be capable of carrying 4,800 pounds; and,
  - 4. Any additions to the manufactured home shall be similarly anchored.
- (f) On holding a public hearing by the Zoning Board of Appeals, and on the final action by the County Board of Madison County, a person who is granted a special use permit for the placement of a manufactured home within a flood hazard area shall be required to sign the following agreement for removal prior to making application for the building permit for the manufactured home this agreement shall be binding and will apply only to the manufactured homes in flood hazard areas. Stipulations will be added to the recommendation of the Zoning Board of Appeals to cover this removal and all requirements that need to be met.

## **AGREEMENT**

WE, THE UNDERSIGNED, being the Owner of Record of the property in question and/or the authorized agent of the owner of record, hereby agree to remove the manufactured home, on the property as described on the attached legal description, when duly notified by the Director of the Madison County Emergency Service and Disaster Agency, of an impending disaster. Once notified the manufactured home must be removed within seventy-two (72) hours by the owner of record of the property in question and/or his authorized agent. The manufactured home will be moved to the following

location: \_\_\_\_\_, and the owner of the manufactured home hereby certifies that the owner of the property in question has given his permission.

Failure on the part of the owner of record of the property in question and/or his authorized agent, to comply with this directive will result in the Madison County Building and Zoning Department having the manufactured home physically removed from the property by any means available to them. This shall be done under the directive of the Administrator and/or the Land Use Committee of the County Board.

The property owner will be responsible for all expenses incurred in this removal of the manufactured home to a location to be selected by the Land Use Committee of the County Board. The location is as follows:

Upon the issuance of an ALL CLEAR ORDER by the Madison County Director of the Emergency Services and Disaster Agency that it is safe to return, these expenses will have to be paid, prior to the manufactured home being released and/or authorized agents part to comply will result in a fine of up to \$200 being levied plus any costs incurred by the County.

Madison County will be hold free from any damages incurred in this removal of the manufactured home, under the above noted conditions.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OWNER OF RECORD AND/OR HIS AUTHORIZED AGENT

DATED: \_\_\_\_\_

SIGNED BEFORE ME THIS \_\_\_ DAY OF \_\_\_\_\_, YEAR OF \_\_\_\_\_.

-----  
NOTARY PUBLIC

**(E) Utility standards.**

- (1) Public Utility facilities, railroad tracks, and bridges within an "A" Zone District shall be designed to minimize increase in flood elevations and shall be compatible with any local comprehensive flood plain development plan. Protection to the regulatory flood elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor auxiliary roads, railroads or utilities.
- (2) All new construction and substantial improvements to utilities located in an "A" Zone shall provide that:

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems. New construction of, or additions and modifications to existing treatment plants shall be flood proofed in accordance with 93.170(A)(5) to a point two feet above the regulatory flood;
- (b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. Water or sewer systems shall be installed at such elevation as to be compatible with the first flood and basement floor elevations required in division (C)(2)(a) herein;
- (c) There shall be no disposal of garbage or solid waste materials within flood plain areas except upon issuance of a special use permit at sites approved by the Illinois Environmental Protection Agency and subject to the requirements of this section. All new and replacement on site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**(F) Storage or processing of materials.** Storage or processing of materials within an “A” Zone District that are buoyant, flammable, explosive or in times of flooding could be injurious to human, animal or plant life, shall be at or above a point two feet above the regulatory flood elevation for the particular area or flood proofed to the same level in compliance with § 93.170.

**(G) Subdivision and other development standards.** All subdivision and other development located in an “A” Zone District shall provide that:

- (1) All subdivision and other developments proposals shall be designed to minimize flood damage to the proposed subdivision or development site as well as other properties;
- (2) All public utilities and facilities such as sewer, gas, electrical, and water systems shall be located elevated and constructed to minimize or eliminate flood damage;
- (3) Adequate drainage shall be provided so as to reduce exposure to flood hazards;
- (4) For any proposed subdivision or new development greater than 50 lots or five acres, whichever is the lesser, the applicant shall show the regulatory flood elevation data for each lot or platted parcel. If the regulatory flood elevation data is not available the applicant shall compute and provide this information for each lot or parcel platted greater than 50 lots or five acres, whichever is less.

**(H) Flood control works.** Flood control works within an “A” Zone District shall require a special use permit and shall comply with state law.

- (1) The minimum height and design of any dikes, levees, floodwalls or similar structural works shall be based upon the flood profile of the regional flood confined between the structures subject to the following:

- (a) For urban areas the minimum height and design of structural works shall be at least three feet above the elevation of the regulatory flood, as confined by structures;
  - (b) Modifications and additions to existing structural works shall assure that the work will provide a means of decreasing the flood damage potential in the area. Any existing structural work, which potentially threatens public health or safety, shall be modified or reconstructed in order to meet the standards contained herein within a period of 6 months of the effective date of this Zoning Code.
- (2) Flood protection elevations and flood ways limits which reflect proposed measures for flood control shall not be effective until such measures are constructed and operative unless the proposed measures will increase flood heights, in which event, the regulatory flood protection elevations and flood plain limits shall reflect the anticipated increases.
- (3) Detailed plans shall be submitted to the Land Use Committee for any new developments placed on the flood plain landward from dikes, floodwalls, and similar structures. The plans must provide for ponding areas or other measures to protect against flooding from internal drainage or from seep water.

**(I) Disclaimer of liability.** The degree of flood protection required by the Zoning Code is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by artificial or natural causes. This Zoning Code does not imply that development either inside or outside of areas designated as an "A" Zone District will be free from flooding or damage. This Zoning Code does not create liability on the part of the county or any officer or employee thereof for any flood damage that results from reliance on the Zoning code or any administrative decision made lawfully there under.

## § 93.039 "DK" DARWIN-KARNAK OVERLAY DISTRICTS

### (A) General

This overlay zone district is created to reflect exiting physical resource's advantages and limitations within the county. All areas identified as comprising this district has a common characteristic of wetness limitations. All areas designated on the zone district map have periodic high water tables, which can cause wet basements, seriously interfere with the operation of subsoil sewage disposal facilities, create frost heave related structural problems. These areas generally have a variety of drainage problem and may incur localized ponding problems.

**(B) "DK" Conditions of use.** In granting any permit the Zoning Administrator, with the approval of the Land Use Committee, may require:

- (1) That basements be prohibited, but if permitted shall at least be constructed with footing drains and sump pumps or the area will be filled with an earthen material to a depth that will place the basement floor at least two feet above the highest level of the water table in the natural soil.
  - (a) That to determine the permeability of earthen fill after it is in place, the applicant shall submit results of at least percolation tests.
  - (b) Any other requirements necessary to protect the public health, safety or general welfare.
- (2) That the sewage disposal seepage field will lie at least four feet above the highest level of the water table in the natural soil.
- (3) Anchoring of water and sewer lines to resist flotation.
- (4) Subsurface drain tiles or curtain drains.
- (5) That drainage from the site shall be reviewed using the standard of the county subdivision regulations, § 151.057 and 151.085.

**(C) "DK" Permitted and Special Uses.** This Darwin-Karnak Overlay District provides development controls in addition to those required by the primary zoning district (Agricultural, Conservation, Residential, Business, Manufacturing) and shall be used in combination with those districts. Within the limits of the Wet Soils Overlay District, all requirements of the primary district apply to this section.

- (1) All uses permitted in the primary zone district which do not require a basement or subsoil sewage disposal system are permitted.
- (2) Any use requiring a basement or subsoil sewage disposal system shall be a special use.

## § 93.040 "GP" GROUNDWATER PROTECTION OVERLAY DISTRICT

### (A) Purpose

The Groundwater Protection Overlay District is created to protect groundwater recharge areas for public water supplies. These areas are subject to groundwater pollution from various sources of contamination. The regulations set forth in this section will preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for the present and future generations, and to protect and preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.

### (B) Definitions

**Containment device** means a device, which is designed to contain an unauthorized release, retain it for the cleanup, and prevent released materials from penetrating into the ground.

**Groundwater** means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

**Site** means any location, place, tract of land, or facilities, including but not limited to buildings, and improvements used for purposes subject to regulations or control by the Act or regulations thereunder.

**Unit** means any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production).

### (C) General Provisions

- (1) All areas designated on the zone district map as a "GP" Groundwater Protection area shall be subject to the regulations set forth in this section.
- (2) All regulations in this section shall apply in addition to existing zoning district regulations, and to future rezoning of property in these areas.
- (3) **Most restrictive.** Where the regulations of this section impose a greater restriction than that found elsewhere in this ordinance, the provisions of this section shall govern.
- (4) **Nonconforming use.** Any nonconforming site or unit, existing upon adoption of this amendment (08/05/96), which does not conform to the regulations set forth in this section may continue. Any changes in the use of property must be done in full compliance with this ordinance, with the exception of fuel storage tanks for agricultural property, which may be replaced provided that the capacity of the tank does not exceed what previously existed.

### (D) Ground Water Protection Zones and Regulations

The following groundwater protection zone regulations are established:

- (1) **Zone 1 ("GP-1").** Area designated on zoning map as being within 400 feet of an existing or permitted community water supply well.

- (a) All storage of substances listed in Exhibit 1 must have a containment device in conformity with paragraph "E".
  - (b) No storage or treatment of any hazardous or special waste not generated at the site is permitted.
  - (c) No disposal, land treating, surface impounding or piling of any hazardous or special waste generated at the site.
  - (d) No land filling, land treating, or surface impounding of waste other than landscape waste and construction and demolition debris.
  - (e) (Storage of hazardous substances is limited 75,000 pounds above ground or 7,500 pounds below ground.
  - (f) No Abandoned and improperly plugged wells of all kinds.
  - (g) No drainage wells.
  - (h) No injection wells (including closed loop heat pump wells).
  - (i) No excavation of sand, gravel, or stone.
  - (j) Petroleum products (not specifically listed as a hazardous substance) is limited to 25,000 gallons stored above ground or more than 500 gallons below ground.
  - (k) No storage or accumulation of pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets.
  - (l) Not more than 50,000 pounds of any deicing agent may be stored or accumulated on site.
  - (m) No Septic Tanks are permitted.
- (2) **Zone 2 ("GP-2").** Area designated on zoning map as being within 1,000 feet of an existing or permitted community water supply well.
- (a) All storage of substances listed in Exhibit 1 must have a containment device in conformity with paragraph "E".
  - (b) No storage or treatment of any hazardous or special waste not generated at the site is permitted.
  - (c) No disposal, land treating, surface impounding or piling of any hazardous or special waste generated at the site.

- (d) No disposal on site of municipal waste other than landscape waste and construction demolition debris.
  - (e) Storage of hazardous substances limited to 75,000 pounds above ground or 7,500 pounds below ground.
  - (f) No Abandoned and improperly plugged wells of all kinds.
  - (g) No drainage wells.
  - (h) No injection wells (including closed loop heat pump wells).
  - (i) No excavation of sand, gravel, or stone.
  - (j) No Septic Tanks.
- (3) **Zone 3 ("GP-3").** Area designated on zoning map as being within the 5-year groundwater capture zone.
- (a) All storage of substances listed in Exhibit 1 must have a containment device in conformity with paragraph "E".
  - (b) No Abandoned and improperly plugged wells of all kinds.
  - (c) No drainage wells.

**(E) Regulated Substances**

All facilities in "GP Groundwater Protection Zones or uses which store, utilize, handle, treat or produce a regulated substance, as listed in Exhibit 1, must comply with the following conditions:

- (1) **Containment Devices.** The owner/operator of a facility must provide containment devices adequate in size to contain onsite any unauthorized release of regulated substances from any area where these substances are either stored, handled, treated, used, or produced. Containment devices shall prevent such substances from penetrating into the ground. Design requirements for containment devices include:
  - (a) The containment device shall be large enough to contain 110 percent of the volume of the container in cases where a single container is used to store, handle, treat, use, or produce a regulated substance. In cases where multiple containers are used, the containment device shall be large enough to contain 150 percent of the volume of the largest container or 10 percent of the aggregate volume of all containers, whichever is greater.
  - (b) All containment devices shall be constructed of materials of sufficient thickness, density, and composition to prevent structural weakening of the containment device as a result of contact with any regulated substance. If coatings are used to provide chemical

resistance for containment devices, they shall also be resistant to the expected abrasion and impact conditions. Containment devices shall be capable of containing any unauthorized release for at least the maximum anticipated period sufficient to allow detection and removal of the release.

- (c) If the containment device is open to rainfall, then it shall be able to accommodate the volume of precipitation that could enter the containment device during a 24-hour, 100-year storm, in addition to the volume of the regulated substance storage required in Subsection 1(a) above.
  - (d) Containment devices shall be constructed so that a collection system can be installed to accumulate, temporarily store, permit detection of the presence of, and permit removal of any storm runoff or regulated substance.
  - (e) Containment devices shall include monitoring procedures or technology capable of detecting the presence of a regulated substance within 24 hours following a release.
- (2) A Regulated Substances Management Plan indicating procedures to be followed to prevent, control, collect, and dispose of any unauthorized release of a regulated substance shall be required.

**(F) Permit Required.** No person, firm or corporation shall commence any construction, substantial improvement, or any other developments in areas located in a "GP" Groundwater Protection zone without first obtaining a "Groundwater Protection Permit" from the Zoning Administrator. The Administrator shall not issue a permit unless the construction, substantial improvement, or development complies with the provisions of this code.

- (1) The Groundwater Protection Permit shall include at a minimum:
- (a) Name, address, and phone number of owner/operator.
  - (b) Property address, legal description and tax identification number of the facility.
  - (c) The names and volumes of all regulated substances that are store, handled, treated, used, or produced at the facility being permitted and quantities.
  - (d) A detailed description of the activities conducted at the facility that involve the storage, handling, treatment, use or production of regulated substances in quantities.
  - (e) A description of the containment devices used to comply with the requirements of this Ordinance.
  - (f) A description of the procedures for inspection and maintenance of containment devices.
  - (g) A description of the method for disposal of regulated substances.

- (h) A copy of a site plan showing the location of the facility and its property boundaries and the locations where regulated substances are stored, handled, treated, used, produced and the location of each containment device.

**(G) Reporting.**

- (1) The permittee shall report to the Zoning Administrator 15 days after any changes in a facility including:
  - (a) The storage, handling, treatment, use, or processing of new regulated substances;
  - (b) changes in monitoring procedures; or
  - (c) The replacement or repair of any part of a facility that is related to the regulated substance(s).

**(H) Exempt Activities.** The following are exempt from the requirements of this section.

- (1) Single family residences, provided that no nonfarm home business is operated on the premises.
- (2) Fuel tanks and fluid reservoirs attached to a private or commercial motor vehicle and used directly in the operation of that vehicle.
- (3) The activities of construction repairing or maintaining any facility or improvement on lands within the "GP" Groundwater Protection Zone.
- (4) Cleanups, monitoring and/or studies undertaken under supervision of the Illinois Environmental Protection Agency or other state regulatory Agency or the United States Environmental Protection agency.
- (5) Activities specifically regulated under 35 ILL. Adm. Code 601.615, 616 and 617; 8 Ill Adm. Code 255 and 256 (Regulations for secondary containment for agricultural pesticide and fertilizer facilities) and 8 Ill. Adm. Code 257 (cooperative groundwater protection programs for agricultural chemical facilities within appropriate setback zones).
- (6) The storage and handling of regulated substances for the resale in their original unopened containers of five gallons or forty pounds or less shall be exempt from the permit requirement of this section.
- (7) Minimums Usage of Regulated Substances: Facilities that use, store, or handle regulated substances in quantities of five gallons or forty pounds or less of any one regulated substances, and in aggregate quantities of twenty gallons or one hundred pounds or less of all regulated substances, shall be exempt from the permit requirement of this section. Regulated substances intended to be used to maintain and operate farm equipment may be stored in quantities not exceeding 55 gallons per container, provided however, that the containers are stored on an impervious surface in an enclosed building.

- (8) Public interest emergency use and storage of regulated substances.
- (9) Regulated substances used by or for a municipality in wastewater treatment process.
- (10) Fueling of equipment not licensed for street use, provided that such fueling activities are conducted in a containment area that is designed and maintained to prevent leakage or other violations of this ordinance.
- (11) If the owner is granted an Exception by the Illinois Pollution Control Board, such owner shall not be subject to this Ordinance to the same extent that such owner is not subject to the Groundwater Protection Act.
- (12) If the owner is issued a Certificate of Minimal Hazard by the Illinois Protection Agency, such owner shall not be subject to this ordinance to the same extent that such owner is not subject to the Groundwater Protection Act.

## **GENERAL DEVELOPMENT REGULATIONS**

### **§ 93.050 PURPOSE.**

The purpose of sections 93.050 through 93.064 is to define general development regulations that apply in all zoning districts. These regulations apply to all development within the appropriate jurisdiction of the county.

### **§ 93.051 ACCESSORY USES.**

#### **(A) All Agricultural, Conservation, and Residential Districts.**

- (1) Any attached accessory building or structure shall be considered as a part of the principal building.
- (2) The maximum height of any accessory buildings shall be as follows:
  - (a) Twenty-five (25) feet for agricultural and conservation districts.
  - (b) Twenty (20) feet for residential districts.
- (3) An accessory structure shall be:
  - (a) A minimum distance of five feet from the principal building.
  - (b) In residential districts, a minimum distance of five feet from the side lot line and seven and one-half feet from the rear lot line. In Conservation and Agricultural Districts, a minimum of fifteen feet from the side and rear lot lines.
  - (c) Not in the front yard, except on an Agricultural zoned tract of land two (2) acres or more. In this case, an accessory building can be built in front of the home, or a new home may be located behind an existing accessory building.
  - (d) On a corner lot an accessory building shall not be located in the required front yard setback area, or the side yard setback area adjoining the street, or in that portion of a side yard coterminous with or on a horizontal plane with the front yard requirements of adjacent lots.
  - (e) Not in excess of 30% coverage of the rear yard.

#### **(B) Manufacturing Districts and all Business Districts.**

- (1) The maximum height of any accessory building shall be 25 feet.
- (2) An accessory structure shall meet the setback requirements required in the conditions of use sections of each zoning district in sections 93.020 through 93.039 and additionally, shall not be in a required front yard.

- (3) No accessory building may exceed the height of the principal building. ('77 Code §150.31) (Ord. passed 3-19-75) Penalty, see § 93.999

#### § 93.052 BUILDING SPECIFICATIONS

- (A) **Accessory building.** No accessory building shall be used for residential purposes except as otherwise provided in this Zoning Code. See sections 93.034(F), 93.035(F), and 93.036(F).
- (B) **Access to Public Street.** Except as otherwise provided for in this Zoning Code, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street, private street, or private lane, provided regulations for private streets or private lanes, as per the Madison County Subdivision Code, are met.
- (C) **Bulk of building.** All buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with this code and all other applicable ordinances of the county.
- (D) **Emergency and temporary occupancy.** No temporary structure (including manufactured homes) shall be used or occupied for any residential, commercial or industrial use except as specifically permitted or required by this Zoning Code. However, the Land Use Committee may, upon application therefore, permit the use of the 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 in compliance with reasonable consideration of the general health, safety and welfare. Such occupancy shall be contingent on an emergency resulting from fire, explosions, or disaster, or in conjunction with construction, demolition or related conditions.
- (E) **Building, maximum height and exceptions.** The height limitations of this Zoning Code shall not apply to chimneys, water tanks, silos, parapet walls, antennas or necessary mechanical appurtenances usually carried above the roof level and structure of a similar nature.
- (F) **Building, one principal building per lot, yards.** No part of an area, frontage or yard required for any lot, building or use for the purpose of complying with this Zoning Code shall be included as an area, frontage or yard for another lot, building or use. Except as otherwise specifically provided in this Zoning Code, only one principal building shall be permitted on a lot.
- (G) **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 or persons than prescribed for the building, structure or premises for the district in which it is located and as otherwise regulated herein, except in conformity with this Zoning Code.
- (H) **Materials.** With the exception of sheds less than 200 square feet, no accessory building constructed in a residential zoning district, with the exception of (R-1) Single Family Residential

Districts, may be constructed with metal siding or a metal roof, with the exception of a standing seam roofing system or similar design.

#### § 93.053 LOT SPECIFICATIONS.

- (A) **Lot, corner and through.** For any through and/or corner lot both frontages shall comply with the side yard setback lines as contained within each district.
- (B) **Lot, contiguous parcels.** When two or more parcels of land, each of which lacks adequate area or minimum dimensions to qualify for 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.
- (C) **Lot, division of.** No zoning lot shall hereafter be divided into two or more zoning lots unless all zoning lots resulting from each division shall conform with all the applicable regulations of the zoning district in which the property is located.
- (D) **Lot, frontage requirements.** Any lot in any district shall have minimum frontage abutting a public, private lane, or private street; the width of the lot shall be at least 40 feet. The only exception to these requirements may be in a Planned Unit Development. ('77 Code, § 150.33) (Ord. passed 3-19-75; Am. passed 5-19-76) Penalty, see § 93.999
- (D) **Lot, record of.** A parcel of land, whether subdivided and/or otherwise legally described and recorded prior to the effective date of this Chapter, or approved by the County as a lot subsequent to such date and which is occupied by or intended for occupancy by one principal building or principal use together with any accessory building and such open spaces as required by this Chapter and having its principal frontage upon a street.

#### § 93.054 NONCONFORMING USE.

- (A) **Definition.** A nonconforming use is a use of land or buildings within the county that does not conform (does not meet the regulations of this Zoning Code in some way). A nonconforming use may often have detrimental effect on the land use around it, such as increased traffic on residential streets, not enough parking space, the emission of noxious fumes, the creation of loud noises or a depressing effect on property values. These regulations are intended to minimize or eliminate the existing or potential problems created by nonconforming uses.
- (B) **Continuous of nonconforming use.** Any nonconforming building, structure, manufactured home, or use existing at the time of the enactment of this Zoning Code may be temporarily continued even though the building, structure or use does not conform to the provisions of this Zoning Code for the district in which it is located and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions of this Zoning Code.
  - (1) Any legal nonconforming building or structure may be temporarily continued in use provided there is no structural change other than normal permitted herein.

- (2) Any nonconforming building, structure, manufactured home, trailer or use shall be discontinued within five years from the adoption date of this Zoning Code. This time period may be extended by five years if the owner can show that the nonconforming use is in sound condition and is not causing a detrimental effect on surrounding properties.

**(C) Change or extension of nonconforming use.** A nonconforming use or structure shall not be extended but the extension of a conforming use to any portion of a nonconforming building shall not be deemed the extension of the nonconforming use.

- (1) A nonconforming use shall not be changed to use of the same or greater nonconformity with the district regulations of the district in which is located and then changed to a use of a greater conformity shall not thereafter be changed to a use of lesser conformity; however, in the M Manufacturing Districts a nonconforming use shall not be changed to any nonconforming residential use.

- (2) A nonconforming use shall not be altered, extended or restored so as to displace any conforming use.

#### **§ 93.055 ABANDONMENT OR DISCONTINUANCE.**

**(A)** When any nonconforming use of a building, structure, or part thereof has been discontinued for a period of six consecutive months this use shall not thereafter be resumed and any future use of the premises shall be in conformity with the provisions of this Zoning Code, provided that the nonconforming use may be resumed when the owner, during the period of discontinuance, has been actively attempting to continue the nonconforming use.

- (1) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of three months shall constitute abandonment, and the premises shall not thereafter be used in a nonconforming manner.

- (2) Proof of fact in writing must be furnished to the Zoning Administrator by the applicant to establish intent not to abandon.

#### **§ 93.056 REPAIRS, MAINTENANCE AND ALTERATION.**

**(A)** Ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of the nonconforming building and shall be permitted.

**(B)** No structural alteration shall be made in building or other structure containing a nonconforming use except in the following situations:

- (1) When the alteration is required by law.

- (2) When the alteration will actually result in elimination of the nonconforming use.

- (3) When a building in a residence district containing residential nonconforming uses may be altered in way to improve livability, provided no structural alternation shall be made which would increase the number of dwelling units or bulk of the building.

**§ 93.057 RESTORATION.**

If a building or structure that is nonconforming or containing a nonconforming use, is damaged or destroyed by any means to the extent of 50% or more of its value at the time, or if a Repetitive Loss to an existing building occurs as defined in section 93.006, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than 50% of its value, based upon the prevailing costs, and is not a Repetitive Loss, the building may then be restored to its original condition and the occupancy or use of the building may be continued which existed at the time of the partial destruction.

- (A) In the event that the Zoning Administrator's estimate of the extent of damage or fair market value is not acceptable to the applicant for the building permit to repair or reconstruct the building or structure, the applicant may appeal to the Zoning Board of Appeals.
- (B) In any event, restoration or repair of the building or other structure must be started within a period of six months from the date of damage or destruction and diligently prosecuted to completion.
- (C) **Conditions:** The Zoning Administrator may issue, or cause to be issued, a building permit if the subject matter thereof is otherwise permitted by the provisions of this subchapter, provided that the Land Use Committee may impose such conditions and requirements to the issuance of the permit as are reasonably necessary to promote compatibility of the nonconforming use or building with its immediate neighborhood and to protect adjacent property from any adverse effects of the nonconforming use.

**§ 93.058 CONVERSION TO SPECIAL USE.**

A nonconforming use may be made a special use by granting a special use permit in conformity with the provisions of this Zoning Code.

**§ 93.059 PERFORMANCE STANDARDS, GENERAL.**

- (A) **Grading.** Any lot shall be properly graded for drainage and maintained in good condition, free from trash and debris.
- (B) **Noise.** Refer to Madison County Noise Pollution Act, Chapter 53.
- (C) **Air.** 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 or property or business.

### § 93.060 PERMITTED USE AND SPECIAL USE.

When a use or accessory use is not specifically listed in the sections devoted to permitted use, special use or prohibited use for a particular classification of zoning district, it shall be assumed that the use is expressly prohibited in such a district unless:

- (A) The Zoning Administrator and the Land Use Committee issue a written decision determining that the use is similar to and is compatible with the uses listed in the particular district. The written decision shall become a permanent public record for subsequent administrative purposes, and the use shall be considered as being a permitted use or accessory use as if the use had been specifically listed in the particular classification of zoning district.
- (B) The Zoning Administrator and the Land Use Committee issue a written decision determining that the use may be necessary or desirable, but may have a potentially harmful influence on permitted uses in the particular classification of zoning districts. The written decision shall become a permanent public record for subsequent administrative purposes, and the use shall be considered as being a special use as if the use had been specifically listed in the particular classification of zoning districts.

### § 93.061 SEWERS, INDIVIDUAL SYSTEMS

- (A) **General.** In any district where an individual private sewage system is used in place of public facilities, the minimum size lot area, width and depth shall be subject to the approval of the Land Use Committee of the County Board but shall not be less than 40,000 square feet. When doubt exists with the Land Use Committee as to the adequacy of the soil structure of the lot to properly accommodate an individual sewage system, the Committee may require the property owner to obtain a written opinion as to the size of lot required for an individual sewage system to operate on the lot according to safe health standards and further provide that the lot size shall not endanger or compromise reasonable and similar use of adjacent properties. If the findings of the soils scientist or engineer indicate that larger lots are necessary, the Committee may require lot size in excess of the minimum area defined previously in this division.
- (B) **Design.** The design of an individual sewage disposal system shall take into consideration location with respect to wells or other sources of water supply topography, existing individual sewage disposal systems on adjacent properties, water table, soil characteristics, available area, expected volume of domestic sewage, and shall comply with all applicable county regulations as well as those of the Illinois Department of Public Health. The Committee may prohibit installation of sewage disposal facilities requiring a soil absorption system where such systems will not function due to high ground water, flooding or unsuitable soil characteristics.
- (C) **Design standards.** The following design standards shall also apply:
  - (1) No part of any drain field shall be within 100 feet of any well, lake, stream or other body of water.
  - (2) No septic tank shall be smaller in size than 1000 gallons liquid capacity. For manufactured homes a 750 gallon septic tank will be permitted.

- (3) Drain fields shall not be allowed in areas over 12% slope.
- (4) Drain fields shall not be constructed in areas where the ground water table (permanent, fluctuating or seasonal) may be less than four feet below the bottom of the trench or bed.
- (5) Septic tanks and subsurface seepage fields or buried sand filters shall not be constructed in an area where there is less than 30 feet of soil between the lowest point in the seepage system and the top of a limestone formation.
- (6) Private Sewage Plats for Subdivisions: sewage plat shall be required for all new subdivisions of five lots or greater that are not on sewers. Such plat shall be prepared and submitted by a licensed engineer under the engineers seal. Each plat shall include: Soil borings will be used and locations noted on private sewage plat to determine subdivision lot suitability for subsurface seepage systems. The number of borings required should be sufficient in number to satisfy the engineer that subsurface seepage type systems shall work on all lots. Each private sewage plat will identify a location on each lot that will support a subsurface private sewage system. The type of private sewage system must also be identified on the private sewage plat. In the event a lot is found incapable of supporting a subsurface private sewage system and an above ground discharge type system is proposed, a determination under the engineers seal must be included that indicates the location of the proposed discharge and that the operation or use of the above ground discharge system will not create pooling or a nuisance on adjoining lot(s). A statement shall be included on the applicability of NPDES permits for the above ground discharge of any private sewage system proposed

**§ 93.062 PERCOLATION TESTS.**

- (A) Percolation tests may be required to be conducted in the presence of a designated county official and shall be required in all areas where septic tanks or other soil absorption systems proposed. Where grading is to be done, these tests shall be made in the soil after a finished grade has been constructed. At least three separate percolation tests shall be performed at the site of each proposed disposal area. More than two percolation tests will be required when the soil structure may vary or where large disposal areas are required. Preliminary tests for subdividing large tracts shall be made in the amount of one test hole per acre or as prescribed by this Department. Percolation tests shall not be made in frozen ground. The test shall not be made in filled ground unless the soil has been compacted or allowed to settle to the satisfaction of this Department.
- (B) Procedure for conducting percolation tests. Percolation tests shall be performed in accordance with the following procedures:
  - (1) Type of test hole. Dig or bore a hole with horizontal dimensions of approximately four or six inches in diameter to the depth of the proposed seepage field or seepage bed.

(2) Preparation of a test hole. Carefully scratch the bottom and sides of the hole with a knife blade or sharp pointed instrument to provide a natural soil interface into which water may percolate. Remove all loose material from the hole. Add two inches of coarse gravel to protect the bottom from scouring and sediment.

(3) Saturation and swelling of the soil. Pre soak the hole four hours before conducting the test by carefully filling the hole with clear water to the ground surface. At the time of the test, refill the hole to a level 12 inches above the gravel. Allow the level to fall six inches and then commence measuring the drop in water level at 30 minute’s intervals for the last six inches of seepage. The results of the percolation tests shall be given to the homeowner in writing or shall be retained by the contractor for at least five years.

**(C)** Recording of results. Record results of all tests as the total minutes required for the last six inches of seepage. The results of the percolation tests shall be given to the homeowner in writing or shall be retained by the contractor for at least five years.

**(D)** Soil classification systems. In areas where soil maps, soil charts, and soil descriptions are available, information regarding the type of soil present may be used as a guide.

**(E)** Calculation of seepage field area required. Subsurface seepage fields, if found to be acceptable by percolation tests, shall be designed and constructed in accordance with § 93.062(F), (G), (H).

**(F)** Subsurface seepage field; dosage rate.

Time required for water to fall six inches (minutes)	Effective absorption area required in bottom of seepage fields (square feet per bedroom)	Maximum rate of sewage application (gallons per square foot per day) for subsurface seepage fields, seepage beds.
30	130	2.2
60	165	1.6
90	210	1.3
120	235	1.1
150	265	1
180	290	0.9
240	320	0.8
300	350	0.7
360	385	0.6

(1) Absorption area is figured as trench bottom area.

(2) Over 180 is unsuitable for seepage pits.

(3) Over 360 is unsuitable for absorption systems.

**(G) Minimum standard for seepage field construction.**

Seepage Field Construction Standard	Minimum
Individual lines, maximum length	100 feet
Trench bottom, minimum width	18 inches
Trench bottom, maximum width	36 inches
Field tile, minimum diameter	4 inches
Field tile lines, maximum slope	Level
*Variation of the above requirements is subject to approval by the department.	

**(H) Seepage Field Construction Minimum Standard**

Width of trench at bottom (inches)	Recommended depth of trench (inches)	Center to center spacing tile lines* (feet)	Absorption area per lineal foot of trench (square feet)
18	24 to 36	6	1.5
24	24 to 36	6	2
30	24 to 36	7.5	2.5
36	24 to 36	9	3

\*A greater spacing is desirable where available area permits

\*Variation of the above requirements is subject to approval by the Department

(1) These requirements for sewage disposal installations are as per the Private Sewage Disposal Licensing Act and Code, State of Illinois, Department of Public health, 1974. The remainder of the requirements can be found in this publication.

**§ 93.063 SLOPE**

**(A)** In any district where the slope of any lot exceeds 12% within 50 feet of any wall of the principal building, following additional requirements shall be met.

**(A)** A site plan shall be drawn at a scale of one inch equal 100 feet if possible or at a scale necessary for clarity for small parcels with contour intervals adequate to describe drainage flows and the degree of slope and the location of all buildings and structures. The principal use of the lot shall be indicated.

**(B)** Adequate evidence must be presented to show that undue erosion will not result from development and use of the lot. Structural, mechanical or natural cover measures shall be taken to prevent and protect any building from hillside slippage.

**(C)** A stable angle of recline for the properties of soil on the lot may be required.

**(D)** Significant changes in the natural flow of watercourses shall be prohibited or a drainage plan shall be provided.

- (E) Adequate consideration shall be given to access to the property and to emergency vehicle access and turn-arounds to the principal building.
- (F) Structural and mechanical devices shall be installed to provide reasonable protection against undue hazards created or caused by the development, such as fences along steep slopes, and six-inch vertical curbs on access drives for slopes of 12% and over.
- (G) In no case shall any development be detrimental to adjacent properties.
- (H) Before any building permit or zoning certificate shall be issued for any lot the Zoning Administrator shall review the site plan and determine that conditions imposed hereunder have been complied with.

**§ 93.064 YARD SPECIFICATIONS.**

**(A) Yards, exceptions, minimum requirements.**

Subject to the requirements that there be a minimum distance of six feet between any point of a roof or eaves on a principal building and any point on any principal building on an adjacent lot the following exceptions shall apply:

- (1) Cornices, chimneys, planters or other similar architectural features may extend two feet into a required yard.
- (2) Open, enclosed, uncovered porches at ground level may extend into a required yard not more than six feet.
- (3) Fire escapes may extend into a required yard not more than four feet.
- (4) Patios extending into required rear yards may be covered by a roof, but shall not be enclosed by walls.
- (5) Canopies, eaves, balconies, roof overhangs or other similar features not included in the foregoing parts of this section may extend into a required yard not more than four feet.
- (6) Average front yard exception. Except as otherwise provided in this section, in all R, MH Districts where lots comprising 50% or more of the frontage on one side of a street between intersection streets are developed with buildings having an average front yard with a variation of not more than ten feet, the average front yard of these buildings shall be the minimum required, provided this average requirement is not less than 20 feet or more than 35 feet.

**(B) Yards, existing building requirements.**

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

**(C) 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 the building or dwelling group unless otherwise specifically provided for herein.

**(D) 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 the 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 areas 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.

## **SUPPLEMENTARY LAND USE REGULATIONS**

### **§ 93.075 PURPOSE.**

The purpose of this subchapter is to define regulations and standards that apply to the area, bulk, and use of specific land uses. These regulations apply in all instances of development in all zoning districts.

### **§ 93.076 REGULATIONS IN THE VICINITY OF MAJOR AIRPORTS.**

The following special height limitations shall apply to areas within two miles of the boundary lines of major airports. (For the purposes of applying these regulations, the Land Use Committee shall indicate which, if any airports within the county shall be designated as major.)

- (A) Within 7,500 feet from the nearest airport boundary, no building, structure, object of natural growth or portion thereof, shall exceed a height above curb level of 25 feet, or one foot for each 50 feet that building, structure or object is distant from the nearest boundary or boundaries, whichever height is greater.
- (B) Between 7,500 feet and two miles from the nearest airport boundary, no building, structure, object of natural growth, or portion thereof, shall exceed a height above curb level of 150 feet.

### **§ 93.077 CHURCHES AND PLACES OF FORMAL WORSHIP.**

Each principal building shall be located at least 25 feet from all property lines or shall meet the zoning district yard and setback requirements, whichever is greater.

### **§ 93.078 DRILLING FOR COAL AND MINERALS.**

- (A) The drilling for coal, and the mining and removal thereof by underground mining methods shall be exempt from the provisions of this Zoning Code, and the preparation and transportation hereof shall be a permitted use in the Agriculture District, and a special use in all other districts, except that, after the effective date of this Zoning Code, and preparation plant erected in the Agriculture District shall be located not less than 1,000 feet from any then existing dwelling not owned by the operator of the coal mine. Prior to the beginning of any mining operations, the operator of the mine shall prepare and file with the Zoning Administrator a plat showing the location of the preparation plant and the line showing the 1,000 feet from the preparation plant. Any owner, lessee, or optionee of the site upon which a coal preparation plant and its ancillary facilities are to be located shall make application for a special use permit, subject to the other provisions of the Zoning Code, for the location thereof in any district other than the Agriculture District. In any district the owner, lessee or optionee shall submit plans for the treatment of mine refuse to the county for approval before the beginning of mining operations (see § 93.098)
- (B) The drilling, recovery and transportation of oil and gas, and the underground storage thereof shall be exempt from the provisions of the Zoning Code except that any and all surface installations in connection therewith shall require a special use permit in all except an

Agriculture District and shall be in full compliance with the laws, rules and regulations of the State of Illinois and the United States. (see § 93.098)

**§ 93.079 DRIVE-IN THEATERS.**

In any district where drive-in theaters are permitted, the establishment of these theaters shall be subject to the following requirements:

- (A) Projection screens and parking areas shall not be closer than 150 feet from any street centerline and not closer than 200 feet from any Residential District boundary.
- (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 arterial or collector streets and shall be designed so as not to unduly interfere with or unnecessarily impede traffic flow.
- (E) Fences or appropriate plant screening as approved by the Zoning Administrator shall enclose the drive-in theater.
- (F) All aisles and parking areas shall utilize, at a minimum, a dust palliative or its equivalent.

**§ 93.080 BUFFER STRIPS, FENCES, WALLS AND HEDGE.**

Buffer strips, fences, walls or hedge used for any purpose shall in all districts conform to the following:

- (A) **Buffer strips.** Whenever a commercial or industrial district abuts a residential district, or is across a street, alley, or similar obstacle, from a residential district a buffer strip of landscaping or similar treatment shall be required.
- (B) **Visibility.** For the purpose of minimizing traffic hazards at street intersections by improving visibility for converging vehicles, obstructions higher than two feet above the adjacent top of the curb or street elevation, whichever is higher, shall not be permitted to be planted, placed, maintained, or erected on any corner lot within the triangular portion of land designated as restricted area in Figure 1 in Chapter 152.
- (C) **Barbed Wire.** No barbed wire or other such sharp pointed fence below six feet in height and no electrically charged fence shall be erected or maintained except in Agricultural Districts.
- (D) No permanent fence, retaining wall, or obstruction shall be constructed or erected within any public street or alley right-of-way unless authorized by the Land Use Committee. Fences erected on public easement or across ditches shall be so constructed that drainage shall not be obstructed. In the event of necessity for removal of the fence for maintenance or other

purposes, removal or replacement of the fence or other improvement shall be responsibility of the owner of the fence or retaining wall.

**(E)** No fence shall obstruct the view at a public or private road. The maximum height of any fence, or portion thereof, shall be six feet unless otherwise specifically exempted by another provision of this code. No fence is permitted in a front yard, or a front yard setback area, unless it is of an open type, at least 50% open, and does not exceed four feet in height. The finish side of any fence shall face outward toward adjacent properties.

**(F)** When dismantling a fence, all components of the said fence shall be removed.

**(G)** Double fencing is not permitted.

**(H)** Permitted fencing materials:

(1) Residential and Agricultural Zoning District – wood; vinyl; rod iron; composite; chain link. Construction fencing may be utilized during the construction of an improvement or structure and shall be removed two (2) months after completion.

(2) Commercial and Manufacturing Zoning District – wood; vinyl; rod iron; composite; chain link; corrugated metal; any other materials will be subject to approval by the Zoning Administrator.

#### **§ 93.081 VEHICLE REPAIR STANDARDS**

**(A)** Hobby, Personal Automotive Repair:

a. Hobby or Personal Vehicle Repair shall be permitted in agriculture and all residential districts. There shall be no signage, roll off dumpsters, or other fixtures associated with commercial operations. There shall be no employees and no traffic generated by the activity. The owner shall provide adequate disposal of oil, parts, chemicals, and scrap. The use shall not create nuisances including but not limited to, noise, light, air, and/or any other emissions. Hours of operation shall be 7 a.m. to 10 p.m. Monday through Sunday. No more than two vehicles may be repaired at any given time. There shall be no use of right of way for repair or storage. In cases where repairs require longer than one (1) week to complete, the vehicle must be stored within a fully-enclosed structure or private garage.

**(B)** Commercial Automotive Repair:

a. In all Commercial Automotive Repair garages all repair work, servicing and storage of parts and equipment for vehicles, auto body, and similar uses shall be done completely within an enclosed building or shall be enclosed by a solid fence at least eight feet in height, or a planting of at least ten feet in depth and eight feet in height, or as approved by the Zoning Administrator. All operations must comply with all other applicable provisions of this Ordinance.

### **§ 93.082 GASOLINE SERVICE STATIONS.**

In districts where gasoline service stations are permitted the establishment of these 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 25 feet from any street right-of-way line or side or rear lot line.
- (B) No access drive shall be within 200 feet of a fire station, school, public library, church, park or playground.
- (C) All devices for dispensing or selling of milk, ice, cold drinks, and the like shall be located within or adjacent to the principal building.
- (D) Whenever a gasoline service station has been abandoned, all underground storage tanks shall either be removed or filled with some acceptable material approved by the Zoning Administrator. A gasoline service station shall be considered abandoned when the owner, tenant or lesser has not sought to continue the use for a period exceeding 12 months.
- (E) All waste and trash receptacles shall be in a screened enclosed area except for minor receptacles adjacent to gasoline pumps.

### **§ 93.083 HOME OCCUPATIONS.**

#### **(A) Home occupations, urban.**

Urban home occupations shall be considered special uses and the establishment and continuance of an urban home occupation shall be subject to the following requirements:

- (1) This use shall be conducted entirely within a dwelling and carried on by not more than two individuals, one of whom is the principal occupant.
- (2) This use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.
- (3) The total area used for these purposes shall not exceed the equivalent of 1/4 the floor area, in square feet, of the first floor of the user's dwelling unit, if any otherwise of the main floor of the dwelling unit; but in any instance a maximum of 300 square feet shall be allowed.
- (4) There shall be no advertising, display, or other indications of a home occupation on the premises except as provided in § 93.117(K).
- (5) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations.

- (6) There shall be no exterior storage on the premises of material used in the home occupations nor of any highly explosive or combustible material.
- (7) There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (8) A home occupation, including studios or rooms for instruction, shall provide an additional off-street parking area adequate to accommodate needs created by the home occupation of not less than two parking spaces plus the parking spaces required for the dwelling unit. This parking shall be provided on the same lot as the home occupation .
- (9) For the purposes of § 93.083 provided all requirements contained herein are met, the following shall be considered home occupations:
  - (a) Professional and service offices.
  - (b) Art and photo studio.
  - (c) Dressmaking or millinery.
  - (d) Teaching , with musical instruction limited to two pupils at a time.
  - (e) The keeping of not more than two roomers or boarders.
  - (f) Federally Licensed Firearms Dealers provided no retail display area is maintained on the premises and on site incidental sales are limited to that stipulated in the special use permit.
- (10) A home occupation shall not include the following:
  - (a) Clinic;
  - (b) Hospital;
  - (c) Mortuary;
  - (d) Funeral home;
  - (e) Nursing home;
  - (f) Tea room;
  - (g) Tourist home;
  - (h) Antique shop;
  - (i) Animal hospital;
  - (j) Restaurant;
  - (k) Veterinarian's office or use similar to any of the foregoing excluded uses.
  - (l) Barber shop or beauty shop (agricultural and all residential district only).

(11) Any persons wishing to establish any of the following uses, will have to make application to the Board of Appeals to have a public hearing for a special use permit for these uses, within an A Agricultural District or any of the residential districts ("R-1", through "R-4", "R-5", "R-6", R-7): barber shop or beauty shop.

**(B) Home occupations, farm.**

- (1) There are significant differences between urban home occupations and agricultural home occupations. The nature of resources available for use, the benefits and

disadvantages created by home occupations, and the problems generated necessitate a distinction between urban home occupations and farm home occupations. Each concept is based on supplementing income, but the district in which each is practiced has unique characteristics. For the previously mentioned reasons, different home occupations may be permitted in agricultural zoning districts than are permitted in the urban residential districts. Farm home occupations shall be considered a special use.

- (a) For the purposes of § 93.083, provided all requirements are met, the following shall be considered farm home occupations:
  - 1. Welding repair conducted in a safe manner.
  - 2. Veterinarian's office.
  - 3. Blacksmith.
  - 4. Service office
  - 5. Wood Products such as furniture, crafts, doors, and cabinets.
  - 6. Federally Licensed Firearms Dealers provided no retail display area is maintained on the premises and on site incidental sales are limited to that stipulated in the special use permit.
- (b) Any home occupation shall be clearly supplementary to the principal use of the land and structures.
- (c) A home occupation may not be changed to another home occupation except by the issuance of a separate special use permit.
- (d) If any "A" District or part thereof is rezoned, the rezoned area shall meet the new district regulations and any home occupations shall be considered a nonconforming use until the requirements are met.
- (e) Parking requirements shall be met as provided in § 93.137.
- (f) No sign shall be permitted larger than that allowed for an urban home occupation (see § 93.117(K)).
- (g) There shall be no exterior storage on the premises of materials used in the home occupations nor of any highly explosive or combustible material.
- (h) There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (i) This use shall be conducted entirely within a structure and carried on by not more than two individuals, one of whom is the principal occupant.
- (j) The total area used for these purposes shall not exceed the equivalent of 1/4 the floor area, in square feet, of the first floor of the user's dwelling unit, or 300 square feet, whichever is least.

**§ 93.084 HOSPITALS AND SANITARIUMS.**

In any district where hospitals and sanitariums are permitted the following requirements shall be met:

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

$((\text{Number of Beds}) \times (\% \text{ of Total Floor Area at Ground Level})) / 500 = \text{Site Size in Acres}$
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- (B) All principal buildings shall be located at least 25 feet from all lot lines.
- (C) The site shall have a minimum length and width dimension of 200 feet.

**§ 93.085 JUNK YARDS, AUTOMOBILE SALVAGE YARDS, OR STORAGE POOLS.**

In any district where junk yards are permitted the establishment or maintenance of these 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 ten feet in height and expected to attain a height of at least 20 feet.
- (B) Any junkyard shall be located not less than 500 feet from any residential district boundary.
- (C) All activities and operation, including the within an area that is completely enclosed by a fence in good repair, constructed so as to be reasonably insurmountable by children.
  - (1) This fence shall be:
    - (a) Of solid board;
    - (b) welded wire; or
    - (c) Of comparable materials approved by the Zoning Administrator.
  - (2) This fence shall be at least ten feet in height, and no salvaged or stored material shall be stored within the confines of the fence to a height greater than the height of the fence.
  - (3) Each automobile wrecking yard shall be screened as required by Ill. Rev. Stat., Chapter 54 Sections 31 through 35, and all later amendments to those regulations.
  - (4) All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin and also the collection of stagnant water shall not exist.

**§ 93.086 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 motorists.

**§ 93.087 MANUFACTURED HOME, PARKING FOR INSPECTION AND SALES.**

A manufactured home may be parked for inspection and sale on any automobile or trailer sales lot but manufactured homes shall not be parked for inspection and sales to the general public within any manufactured home park.

**§ 93.088 NURSERY SCHOOLS.**

In any district where nursery schools are permitted, the following requirements shall be met:

- (A) For each child at east 50 square feet of floor space shall be provided in addition to that provided for sleeping purposes.
- (B) For each child at least 100 square feet of outdoor, enclosed (fenced) play area shall be provided.

**§ 93.089 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 acres, provided that for a nursing home containing more than 40 beds the minimum site area shall be the greater of : two acres, or the number of acres determined by the following formula.

$((\text{Number of Beds}) \times (\% \text{ of Total Floor Area at Ground Level})) / 2,000 = \text{Site Size in Acres}$
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- (B) All principal buildings shall be located at least 25 feet from all lot lines.
- (C) The site shall have a minimum length and width dimension of 200 feet.

**§ 93.090 PLANT NURSERIES AND GREENHOUSE.**

In any district where tree and plant nurseries and greenhouses are permitted the establishment of these uses shall be subject to the following requirements:

- (A) No fertilizer, compost, manure or other odor or dust producing substance shall be stored within 50 feet from any property line.
- (B) Greenhouse heating plants shall be in an enclosed building and shall not be less than 50 feet from any property line.

**§ 93.091 PUBLIC BUILDINGS.**

In any zone district where publicly-owned office or governmental building, other than the county's 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 live planting screen and fenced as approved by the Land Use Committee. These storage areas, maintenance yards, or storage warehouses shall be located at least 15 feet from any property line.

**§ 93.092 PUBLIC UTILITY STATIONS, EXCHANGES AND ESSENTIAL SERVICES.**

Electrical substations, gas regulator stations, telephone exchange facilities, sewage treatment plants, water storage facilities, or similar facilities in any Residential Zone District shall meet all requirements and in other zone districts shall meet all requirements except divisions (A) and (E) of this section and may be required to meet division (G) of this section. A special use permit shall be required.

- (A) No public office, 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 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 yards; lot depth shall not be less than the depth of the building plus the minimum required front yard plus the five foot minimum rear yard.
- (E) Where facilities or equipment are located outside the completely enclosed building, no facilities or equipment shall be located closer than 15 feet 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 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 one foot in depth and expected to reach a height of a least ten feet shall be provided and maintained.
- (H) All utilities shall file a letter of intent for maintenance schedules and procedures at the time of application.

**§ 93.093 SANITARY LANDFILL AND LANDFILL.**

In any zone district where sanitary landfill is permitted, the following additional requirements shall apply:

- (A) A special use permit for any landfill operation shall be required. The following plans shall be required for any sanitary landfill operation and may be required for other landfills.
- (B) Maps of the site at a scale of one-inch equals 200 feet or a smaller scale if necessary for clarity. If map size would exceed 36 inches, the next appropriate map scale may be used.
- (C) Existing topography of the site at ten-foot contour intervals, spot elevations in places too flat to be adequately defined by contours, and all natural features such as natural watercourses and drainage ways.
- (D) Ownership of the subject property and the abutting properties.
- (E) The present use of the land and of adjoining land.
- (F) A statement from a qualified soil scientist, geologist, or engineer stating the expected severity of ground water or surface water pollution that will be generate, shall be required for sanitary landfill operations.
- (G) 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 map showing final contours at intervals of not more than ten feet and spot elevations in place too flat to be adequately defined by contours.
- (H) Final grading shall be implemented concurrently with landfill operations. The landfill plan shall designate which sections of the landfill parcel will be filed and final graded to accomplish concurrent implementation of the final plan with ongoing landfill operations. Those sections that are final graded shall be immediately seeded with foliage or grasses capable of minimizing erosion and preventing the siltation of streams.
- (I) The sanitary landfill site shall be completely fenced with a solid or wire mesh fence not less than six feet in height and, if wire, with mesh small enough to prevent windblown landfill materials from escaping the site.
- (J) All topsoil shall be stored and retained on the site and re-spread during final grading of the site.
- (K) The plan shall provide that the land can be readily used for urban or agricultural purposes after the landfill operation has ceased.
- (L) A performance bond equal to the amount of the assessed valuation for the property for the purposes shall be posted with the county to insure reshaping of the topography in conformance with the plan. If the sanitary landfills 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.

**(M)** No sanitary landfill shall be operated within 1,000 linear feet of any R Residential District or any existing residential subdivision except when most unusual circumstances exist.

**(N)** A permit from the Illinois Environmental Protection Agency shall be required.

#### **§ 93.094 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 of four acres and one additional acre for each 150 pupils in excess of 200.

**(B)** Each principal building shall be located at least 25 feet from all property lines.

#### **§ 93.095 SURFACE MINING.**

The following are requirements for surface mining of minerals such as coal, gravel, sand, limestone, soil and related minerals. These regulations are designed to protect the health, welfare and safety of county citizens; to conserve the tax base of the county; to protect its economic stability; and to prevent degradation of the natural environment.

##### **(A) County permit required.**

(1) County surface mining permits are required whenever state surface mining permits are required, and additionally are required whenever surface mining activities are conducted on tracts of less than ten acres.

(2) The applicant shall submit a copy of the state application and all information submitted to state in support of its application.

**(B) State permit required.** The applicant shall not begin any mining operations until the State of Illinois has issued the appropriate mining permit, copy of the permit has been submitted to the county and a county permit has been obtained.

**(C) Bond.** The applicant shall submit an estimate of reclamation costs per acre for all surface mining proposed (in this permit application) in a calendar year and shall give the county performance bond equal to any anticipated costs in addition to \$600 per acre. If the estimated costs are disputed by the county, the applicant shall furnish actual reclamation costs or completed projects and a determination shall be made by the county for the amount of the performance bond required. The bond shall be recalculated annually and adjusted as required. Bond or escrow funds may be used and shall comply with § 152.64 of the subdivision code of the county.

- (D) **Land to be reclaimed for row crop agriculture.** Where the county determines that the affected land was used for row crop agricultural purposes at any time within five years before mining, the affected land shall be graded to the approximate original grade of the land.
- (E) **Minimum earth cover.** It has been determined that soil depths exist in excess of four feet, with the exception of rock outcrops and other minor areas, throughout Madison County. Therefore, a soil cover of a minimum of four feet shall be placed on all reclaimed lands, not left in water bodies, except for row crop lands which shall have minimum soil cover of six feet to insure soil depth necessary for various crop rotations.
- (F) **Top soil.** On any lands that are surface mine, topsoil shall be removed prior to mining and re-spread during reclamation.
- (G) **Original grade.** The slope of affected lands need not be reduced to less than the original grade of the overburden of that area prior to mining but shall not exceed the original slope by more than 10% except for approved areas reclaimed for recreational, forestry, wildlife uses.
- (H) **Additional requirements.** The County Board may in its discretion require additional requirements where warranted. Penalty, see § 93.999

#### **§ 93.096 SWIMMING POOLS.**

A public or private swimming pool in any zone district shall not be located in any required front yard, nor less than ten feet to a side lot line adjacent to a street (see § 93.080). All swimming pools of more than two feet in depth shall have an obstacle of at least four feet in height around the pool and it may be a fence or other approved obstacle.

#### **§ 93.097 TRAILERS AND RECREATIONAL VEHICLES.**

(A) Agricultural Districts.

- (1) All provisions within this section may be exempt for agricultural purposes with the approval by the Zoning Administrator at the direction of the Land Use Committee
- (2) The parking of not more than one (1) boat and/or unoccupied recreational vehicle or utility trailer (not exceeding ten (10) feet wide and thirty-eight (38) feet long) in the rear yard or in a completely enclosed garage is hereby permitted; provided that no living quarters or businesses shall be maintained in any such recreational vehicle and/or utility trailer, and provided further that the parking of recreational vehicle and/or utility trailer shall comply with the setback requirements for accessory buildings of the district in which it is located. (See §93.051)
- (3) A maximum of four (4) large transport trailers shall be permitted on lots larger than ten (10) acres which shall be parked at least one hundred (100) feet or greater from the front, side, and rear yard setback.
- (4) Commercial trailers are prohibited with the exception of those used exclusively for agricultural purposes, including livestock, grain, fertilizer and any other agriculture related cargo.

- (5) No recreational vehicle or trailers shall be parked on any public street or right-of-way except those temporarily parked while actively loading or unloading for a period of time not to exceed forty-eight (48) consecutive hours in any one week period provided that the normal traffic flow is not interrupted.
- (6) Trailers shall not be used for advertising purposes.

(B) Residential Districts

- (1) The parking of not more than one (1) recreational vehicle or utility trailer (not exceeding ten (10) feet wide and thirty-eight (38) feet long) in the 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 camp trailer and/or utility trailer, and provided further that the parking of camp trailer and/or utility trailer shall comply with the setback requirements for accessory buildings of the district in which it is located. (See §93.051)
- (2) Recreational equipment or trailers shall be parked on a paved or graveled all-weather surface.
- (3) No recreational equipment or trailers shall be parked on any driveway, street or adjacent right-of-way except those temporarily parked while actively loading or unloading for a period of time not to exceed forty-eight (48) consecutive hours in any one week period.
- (4) Recreational vehicles or trailers shall not be used for advertising purposes.
- (5) Residential trailers shall not impede safe entry to or exit from any house and does not inhibit emergency access to and from any structure.
- (6) Large transport trailers are prohibited.

(C) Manufacturing and Business Districts.

- (1) A large transport trailer, recreational vehicle, and utility trailer shall be allowed on a commercial property and shall not be placed in the required designated parking area for the business.
- (2) No recreational vehicles or trailers shall be parked on any drive aisle, public, street or adjacent right-of-way except those temporarily parked while actively loading or unloading for a period of time not to exceed forty-eight (48) consecutive hours in any one week period.
- (3) Recreational vehicles or trailers shall not be used for advertising purposes.

**§ 93.098 MINING REFUSE REGULATION.**

Mine refuse from surface, slope, shaft, pit and similar mining methods shall be treated, reclaimed and re-vegetated as provided for in the:

- (A) Rules and Regulations Pertaining to The Surface Mined Land Conservation and Reclamation Act, State of Illinois, Department of Mine and Minerals and,
- (B) Chapter 4, Mine Related Pollution, Pollution Control Board, State of Illinois.
- (C) These rules and regulations as adopted, amended, supplemented, and revised from time to time are hereby adopted and made a part of this Zoning Code as if fully set out in this Zoning Code.

## **§93.099 TELECOMMUNICATION FACILITIES.**

In any district where a Telecommunication Facility is erected, the establishment of these uses shall be subject to the following requirements:

**(A) Setbacks.** All improvements and equipment of the facility shall, at a minimum, comply with the following setbacks. Setbacks shall be measured from the center of the base of the tower to the property line:

(1) **Residential Zoned Districts** - 50% of the height of the tower.

(2) **All other Zoned Districts** - 100% of the height of the tower.

**(B) Variations in height restrictions.** Variations may be requested to exceed the limits set forth in this section. Variances may only be approved by the Zoning Board Appeals and the Madison County Board as allowed in 93.167 (K) of this ordinance. Variances may also be granted for residential zoned lots, being used for residential purposes, of less than two acres provided the requirements of 93.167(k) are also met.

**(C) Grandfathered structures.** Any existing telecommunication facility is Grandfathered under these regulations. In addition, any Grandfathered structure may be modified, provided the height of the existing facility or a replacement facility may not be made more than 15 feet higher than the height of the existing structure.

### **(D) Other Requirements**

(1) No part of the facility (building or tower) should encroach onto any recorded easement without approval of the easement grantee.

(2) Lighting should be installed for security and safety purposes and, with the exception of FAA and FCC required lighting, shielded to prevent glare from extending substantially beyond the boundaries of the "facility."

(3) No encroachment onto an existing septic field.

(4) Full compliance with flood plain regulations found in section 93.038.

(5) Trees in excess of three inches in diameter, measured 24 inches from the base, shall be preserved when possible. Any trees meeting this size requirement and destroyed or removed must be replaced. A tree removal/replacement plan must be approved by the Zoning Administrator.

(6) All facilities, located in a residential zoning district or adjoining a residential use, must be enclosed with a fenced and screened. The fence shall be at least six feet in height and must be of a solid screen type. A landscaping buffer must be planted on sides of the facility that abuts a residential use or a public roadway. The buffer must contain

evergreen type trees, a minimum of five feet in height when planted, of a species that will grow a minimum of 15 feet in height, and planted fifteen feet off center. The landscaping buffer is not required in the area of the gate.

- (7) Any building that is part of the facility that is adjacent to a residentially zoned lot shall be designed with exterior materials and colors that are reasonably compatible with the residential character of the area. An architectural plan, including elevations, shall be approved by the Zoning Administrator for these structures.
- (8) The facility is exempt from all area/bulk regulations of the zoning district it is located in, unless required in this section.
- (9) In choosing a location for a facility, a telecommunications carrier shall consider the following:
  - a) A non-residentially zoned lot is the most desirable location.
  - b) A residentially zoned lot that is not used for residential purposes is the second most desirable location.
  - c) A residentially zoned lot that is 2 acres or more in size and is used for residential purposes is the third most desirable location.
  - d) A residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.

### **§ 93.100 AGRICULTURAL USES ON A RURAL RESIDENTIAL TRACT**

Agricultural uses on rural residential tracts are permitted by a special use permit in agricultural zoning districts provided the use is operated consistent with sound agricultural practices and does not create a nuisance, including, but not limited to, the control of dust, waste, noise, and odor. In addition, when farm animals are maintained on the property, proper facilities shall be provided for the housing of such animals. Not more than one livestock, including a horse, cattle, sheep, goat, pig or similar animal, is allowed per acre. Not more than ten fowl, including chickens, rabbits, ducks or similar animals are maintained on the property per acre. All grazing areas must be fenced.

### **§93.101 MANUFACTURED HOMES.**

(A) Placement of a manufactured home.

- 1. A special use permit (SUP) shall be required for locating a new or used manufactured home in any zoning district.
- 2. A SUP shall not be required for locating a new or used manufactured home within a (R-6) Manufactured Home and Modular Districts. Also, a SUP shall not be required in (R-7)

Planned Residential Districts and (PD) Planned Unit Development Districts when manufactured homes are specifically listed as a permitted use.

3. A building permit is required through the Planning and Development Department for the placement of any manufactured home in any district and shall be in compliance with §93.100 Section (B).

(B) Building Standards

1. Foundations and footings. Footings must be placed on level, firm, undisturbed soil or compacted or controlled fill that is free of grass and organic materials, compacted to a minimum load bearing capacity of 2,000 pounds per square foot. Pre-owned homes for which the manufacturer of the home is no longer in business or for which the installation instructions are not available may be placed on an existing footing system if the system meets the requirements of this Section.

Foundations and footings may consist of the following:

- a) Individual pier footings consisting of precast or poured-in-place individual pier footing concrete at least 3½ inches thick with a 28-day compressive strength of 3,000 pounds per square inch.
  - b) Concrete runners a minimum of 4 inches thick under each I-beam or perpendicular to the I-beams at no more than 8 foot intervals.
  - c) Concrete pads a minimum of 4 inches thick the approximate dimension of the home.
  - d) Pressure treated wood having a 0.60 retention in accordance with the AWPA C22-03 Standard.
  - e) Acrylonitrile butadiene styrene (ABS) footing pads in accordance with pad manufacturer installation instructions and listed for the required load capacity and type of installation. Support devices and piers must not overlap the footings.
  - f) A support system approved by a licensed professional engineer.
2. Skirting and tie downs. Manufactured homes shall have a skirting of a fire resistant material and have at least two (2) inspection doors.
  3. Sewage disposal Requirements. A manufactured home is required to be on a sewage disposal system. No private sewage system shall be smaller in size than 750 gallons liquid capacity.
  4. Electrical Requirements. Any manufactured home shall have a minimum of 100-amp service.
  5. Off-Street parking and patio pad requirements. All manufactured homes shall provide off-street parking for at least two (2) cars within the lot of the manufactured home. This shall be a minimum size pad of 10 X 20 feet and shall be of poured concrete at least four

(4) inches thick. This shall be connected to a patio pad that will join to the manufactured home pad to make a walkway and easy access to each other. The pad shall also be poured concrete at least four (4) inches thick.

(C) Continuance of an existing manufactured home.

Special Use Permits (SUP) are valid for five (5) years. After the five (5) years has expired, the property owner may renew the SUP by performing one of the following:

1. SUP renewal hearing. The property owner shall apply for another SUP hearing in order to continue the placement of the manufactured home for another five (5) years.
2. Administrative extension. The owner shall schedule an inspection with the Planning and Development Department to inspect the status of the manufactured home. If upon inspection the entire property is in conformance with the property maintenance code and the condition of the manufactured home is in compliance with §93.100 Section B, the Zoning Administrator may grant a continuance of the SUP for a period not to exceed five (5) years.

If there are outstanding violations on a property or the property is considered a nuisance, the Zoning Administrator may deny administrative extension and require that the property seek a SUP renewal hearing. The Zoning Administrator may provide a probationary period to allow outstanding violations to be in compliance within two (2) months of the inspection.

A property shall be deemed a nuisance if there have been five (5) or more incidents reported by the Madison County Sheriff's Department during the five (5) years of the SUP's previous placement or extension. Properties that have been deemed a nuisance shall be required to apply for a SUP renewal hearing.

(D) Revocation

Any property that is deemed to be subject to revocation shall follow the procedures outlined in §93.172 Revocation, Expiration.

## **§93.102 WINE TASTING ROOM**

### **(A) Site Standards:**

- (1) Facility must be operated in association with an existing vineyard (bona fide farm) located on the same property, or multiple adjoining properties in the same ownership.
- (2) Facility must be located in such a manner that visual impact to adjoining properties used or zoned for residential purposes is minimal.
- (3) All structures, buildings, storage areas, etc. (except fences or walls) associated with the winery must be set back a minimum of fifty (50) feet from all property lines or street right of way.
- (4) A facility serving as an established Cooperative Winery may be permitted without the presence of an onsite vineyard, if, in the Zoning Board's estimation, the facility will benefit, cater to, and serve the independent vineyards of the County, and surrounding area.

### **(B) Lighting Standards:**

- (1) Outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right of way.

### **(C) Screening and Fencing:**

- (1) All parking and storage areas, as well as the winery itself, shall be screened from adjoining properties used or zoned for residential purposes. If existing topography and natural vegetation does not provide an existing visual barrier, selective screening may be required. Screening shall meet the requirements of the Zoning Ordinance.

### **(D) Additional Requirements**

- (1) Festivals to be held in conjunction with the winery may occur no more than four (4) times per year on site.

## **SIGN REGULATIONS**

### **§ 93.110 PURPOSE.**

The purpose of this subchapter is to regulate the size, height, number, location, illumination and construction of signs permitted in the various zone district of the county that necessitate the regulation of signs include:

- (A) Conflicts between traffic control signs and signals and various private signs resulting in vehicular and pedestrian safety problems.
- (B) Signs are sometimes placed in locations or constructed in a manner that creates a danger to the public during periods of high winds or inclement weather.
- (C) The uncontrolled use of signs defeats the sign's informational or advertising functions as competitors escalate sign size and expense in an effort to fairly attract attention.
- (D) The uncontrolled use and proliferation of signs create visual pollution that destroys the beauty of the county, the attractiveness of commercial areas, and the ability of the public to safety and quickly interpret the intended messages.

### **§ 93.111 GENERAL REQUIREMENTS.**

- (A) The sign standards of this subchapter shall be regulated be zone districts as shown on the zone district map. If this Zoning Code is amended to include a zone district not presently included in this Zoning Code no sign shall be permitted unless:
  - (1) By a written interpretation of the Zoning Board of Appeals the new zone district is similar to an existing zone district; or
  - (2) By additional sign regulations for the new zone district.
- (B) **Illumination.** The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas and the light rays shall not spill over the property lines into a residential zone except by indirect reflection.
  - (1) No sign shall have blinking, flashing, or scintillating lights or other illumination device that has a changing light intensity, brightness, or color. Beacon lights are not permitted. This section is not intended to prevent signs showing time and temperature exclusively.
  - (2) Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
  - (3) No exposed lamps or bulbs, which exceed 15 watts, shall be used on the exterior surface of any sign so as to expose the face of the bulbs, light, or lamp to any public street or adjacent property.

**(C) Measurement of sign.** All signs shall be measured as shown in figures 3 and 4. Measurements shall include all of the area contained within the square shown in figures 3 and 4 and only structural supports shall be excluded in computing total allowable sign area. When you have sign that is two-sided, and advertising is to be on both sides of the sign, then the maximum size for this sign shall not exceed the maximum allowable in the particular instance. If there is to be advertising on both sides, for instance, on billboard; then the maximum allowable size is a total of 300 square feet for both sides. This would indicate that 150 square feet of sign-area would be allowable for one side. It shall be noted that the maximum allowable sign area for any sign in this subchapter is 300 square feet.

**(D) Location.** No sign shall be attached to tree or utility pole.

**(E) Restrictions.** No sign shall be located in any manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct, or physically interfere with motor vehicle operator's view of approaching, merging or intersecting traffic.

#### **§ 93.112 ADVERTISING SIGNS (BILLBOARDS).**

**(A)** All billboards hereafter constructed, erected, painted, or otherwise established, moved, altered or changed within the county's limits of jurisdiction shall comply with the following regulations, except that repair or maintenance of lawful, nonconforming signs shall be permitted.

**(B) Size.** No billboard may be erected which exceeds 300 square feet in area including border and trim, but excluding ornamental base or apron, supports and other structural members. Double-faced signs, back-to-back signs within three feet of each other, and V-type signs with a maximum separation of sixty degrees, shall be considered as one sign.

**(C) Spacing.** Along interstate highways and expressways, no two sign structures on the same side of the highway shall be erected less than 500 feet apart. Along state highways other than expressways, no two sign structures on the same side of the highway shall be erected less than 300 feet apart.

**(D) Location.** Billboards are permitted under a special use permit (See § 93.152, 93.168) in the manufacturing, and business districts, and should comply with sections (F), (G), and (H). Additionally, if the Illinois Highway Advertising Control Act of 1971, as amended, imposes a greater restriction than this Zoning Code, then those restrictions shall prevail.

#### **§ 93.113 ALL RESIDENTIAL, CONSERVATION AND AGRICULTURAL DISTRICTS.**

**(A) Location.** Permitted signs may be anywhere on the premises except as restrict by §93.080, but if wall mounted, shall be flush mounted and shall not project above the roof line.

**(B) Size.** A sign not exceeding two square feet in area shall be permitted, per dwelling unit. The sign per dwelling shall indicate only the name of the occupant and may include the address. For multiple dwellings one additional sign totaling six square feet in area shall be permitted. The additional sign area permitted for multiple dwelling shall only be identification of the building.

**(C) Home occupations or special use permits granted.**

- (1)** There shall be permitted a small identification sign, being ten inches by 14 inches, in size, and no larger, to identify the location of the property as an area that has a special use permit or home occupation. A freestanding sign being no larger than 18 inches by 24 inches in size, on the front of the property, or a sign, being not larger than 18 inches by 24 inches in size, shall be attached to the residence or principal building being used in this manner.
- (2)** At the time of application for the public hearing, if one is required, the applicant shall note to the Board of Appeals that sign for identification purposes is to be erected and in what manner, along with the size.

**§ 93.114 BUSINESS DISTRICT.**

These sign regulations shall apply to all business zone districts except as specifically exempted.

- (A) Permitted signs.** Signs allowed in this zone shall be identity signs and advertising signs only. However, they may include changeable marquee provision.
- (B) Wall signs.** Any business use may be permitted a wall sign for each side of building fronting public street. Wall signs shall not project more than one foot from the building wall and copy shall run parallel (horizontal) with the wall.
- (C) Size.** Maximum permitted wall sign area shall be one square foot of sign area for each linear foot of building frontage on a street to a maximum of 300 square feet on individual street frontages.
- (D) Freestanding signs.** Freestanding signs shall be permitted in all business districts.
- (E) Area and number.** An area ten feet in height, except for structural members, shall be maintained clear of obstruction under any freestanding sign to increase pedestrian safety, and to create a clear field of vision to recognize the location of streets and commercial entrance and exits. One freestanding sign per public street frontage.
- (F) Height.** Freestanding signs may not exceed 30 feet from ground elevation except as increased by variance approval.
- (G) Location.** Any sign may be located anywhere on the premises unless locations are given herein and provided the regulations of § 93.080 are met, and:
  - (1)** No sign shall intrude into any public right-of-way and structural supports shall be at least ten feet from any public right-of-way line.
  - (2)** Any sign shall be at least ten feet above a sidewalk and 15 feet above driveways or alleys.

(3) Signs may be on the vertical faces of marquees. The bottom of a marquee sign shall be no less than ten feet above the grade at any point. No part of the changeable copy shall project above or below the vertical marquee face.

(H) **Computation.** The maximum allowable area per lot for any freestanding sign shall be based on the following formula:

Factor times principal frontage equals sign size.

Factor	Linear Feet of Principal Frontage	Allowable Sign Area in Square Feet
2	First 50 feet	100
1.5	Next 50 Feet	add 75
1	Remaining Distance	Max. 125

Maximum total possible is 300 square feet of sign area.

**§ 93.115 INCIDENTAL SIGNS.**

(A) **Definition.** Signs indicating services, products, prices, trade information, or other information not including product advertising are incidental signs.

(B) No products or product containers or incidental signs shall be closer to a public right-of-way line than ten feet.

(C) All incidental signs shall be wall signs or shall be on a permanently installed structure. If incidental signs are wall signs, their area in square feet shall be subtracted from the total area permitted for wall signs. Other incidental signs are deemed freestanding and their area in square feet shall be subtracted from the total area permitted for freestanding signs.

(D) One incidental sign per street frontage, or entrance or exit only is permitted.

**§ 93.116 MANUFACTURING ZONE DISTRICT.**

(A) **General.** For each industrial establishment one square foot of sign area for each lineal foot of building frontage on a public street is permitted. Freestanding and wall sign requirements are the same as in the business zones except the maximum total area of all permitted signs shall not exceed 300 square feet.

(B) **Location.** Requirements shall be the same as for business zones.

(C) **Content.** Signs permitted in this zone shall be identity signs or advertising signs.

**§ 93.117 MISCELLANEOUS SIGNS.**

Signs listed in this section shall be permitted in any zone district on private property, and shall not require a permit but are subject to the general requirements of this subchapter. These signs are classified as identity signs.

- (A) **Construction signs.** Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with construction, but not including any advertisement of any product and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of 16 square feet for each firm. The signs shall be removed within 14 days of the beginning of the intended use of the project or as individual subcontracts expire, whichever is sooner.
- (B) **Real estate.** Real estate signs advertising the sale, rental, or lease of residential property may be four square feet, and may be four square feet, and may be 16 square feet for other property provided they are on the premises for sale, rental, or lease. These signs shall be removed within seven days of the sale, rental or lease.
- (C) **Political campaign.** One sign per premises of up to 32 square feet on nonresidential property may be permitted announcing candidates for public office. In residential or conservation areas or district political campaign signs of up to 16 square feet, one per premises, may be permitted. These signs shall be confined within private property and removed within seven days after the election for which they were made.
- (D) **Street banners.** Street banners advertising public entertainment or event, if approved by the administrative official and only for locations designated by the zoning official during and for 14 days before and seven days after the event.
- (E) **Yard sale.** Signs commonly regarded as "garage" or "yard sale" signs shall be permitted only on private property and shall be restricted to a maximum area of four square feet. The sign shall be dated when posted and shall be removed seven days after posting.
- (F) **Other signs.** Other signs publicizing a charitable or nonprofit event of general public interest shall be permitted only on private property and shall be restricted to maximum area of four square feet in residential zone and 32 square feet in business or industrial zones. These signs shall be permitted for 14 days before and seven days after the event.
- (G) **Public signs.** Signs in the public interest, erected on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, and the like shall be permitted when notification is given to the zoning official.
- (H) **Institutional.** Signs setting forth the name or any simple announcement for any public, charitable, educational, or religious institution located entirely within the premises of that institution, up to an area of 24 square feet. If ground mounted, the top shall be no more than six feet above ground level (see § 93.080). Such signs concerning announcements shall be permitted no more than 14 days before and seven days after the event.
- (I) **Integral.** Names of buildings, dates of erection, monumental citations, commemorative tablets, and the like when carved into stone, concrete or similar material or other permanent type construction and made an integral part of the structure.

- (J) Private traffic directions.** Signs directing traffic movement onto a premise or within a premise, not exceeding three square feet in area for each sign may be permitted. Horizontal signs on and flush with paved areas are exempt from these standards.
- (K) Home occupations.** Signs not exceeding two square feet in area for urban home occupations and four square feet for farm home occupations attached flat against the building, stationary, and not illuminated, announcing only the name and occupation of the resident are permitted.
- (L) Vehicles.** Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle excepting magnetic signs not extending more than one-half-inch may be permitted.
- (M) Subdivision entrance.** Subdivision entrance signs are permitted which do not exceed 32 square feet of sign area, not including decorative mounting and do not exceed ten feet in height.
- (N) Prohibited signs.** Any sign existing in violation of prohibited signs of this Zoning Code shall be removed, altered, or repaired in accordance with the Zoning Code within three months after the date of the passage of this Zoning code. Prohibited are signs that:
- (1)** Contain statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend the public morals or decency.
  - (2)** Contain or are an imitation of an official traffic sign or signals.
  - (3)** Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
  - (4)** Advertise an activity, business, product, or service no longer conducted on the premises upon which the sign is located.
  - (5)** Move in any manner or have a major moving part.
  - (6)** Include, contain or consist of banners, posters, pennants, ribbons, streamers, strings, or light bulbs, spinners or other similarly moving devices. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by this code or any other applicable ordinances.
  - (7)** May swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.
  - (8)** Mobile marquee.

**§ 93.118 INSPECTION, REMOVAL SAFETY.**

Signs for which a permit is required may be inspected periodically by the Zoning Administrator for compliance with this and other codes of the county.

- (A) Tagging.** All signs requiring permits shall display, in a place conspicuous to inspectors, a tag approved by the Administrator and containing such pertinent data as he may designate such as name of owner, date of erection, and size in square footage.
- (B) Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition.
- (C) Removal of sign.** The Administrator may order the removal of any sign erected or maintained in violation of this Zoning Code. They shall give 30 days notice in writing to the owner of the sign, or of the building, structure, or premises on which the sign is located, to remove the sign or to bring it into compliance. The administrator may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

**§ 93.119 APPEALS.**

An owner or lessees of a sign in violation of this Zoning Code may appeal the violation notice issued by the Zoning Administrator by filing a written appeal form in the office of the Administrator within 30 calendar days of the violation notice. The Zoning Board of Appeals shall hear the appeal in accordance with their usual procedure.

**§ 93.120 ABANDONED SIGNS.**

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which the sign is located when the business, which it advertises, is no longer conducted on the premises. If the owner or lessee fails to remove it, the Zoning Administrator shall give the owner 30 days written notice to remove it. Upon failure to comply with this notice, the Administrator or his duly authorized representative may remove the sign at cost to the owner. Where a successor to a business agrees in writing to the Administrator to maintain the signs as provided in this Zoning Code, this removal requirement shall not apply.

**§ 93.121 NONCONFORMING SIGNS.**

Any building or land use not conforming to the provisions for the zone district in which it is located shall comply with all the sign provisions for the conforming zone. Signs existing at the time of the enactment of this Zoning Code and not conforming to its provisions but which were constructed in compliance with previous regulations shall be regarded as nonconforming signs. Nonconforming signs, which are structurally altered, relocated, or replaced, shall comply immediately with all provisions of this Zoning Code.

## **OFF-STREET PARKING AND LOADING**

### **§ 93.130 PURPOSE.**

The purpose of this subchapter is to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put. For all buildings and structures erected in all land uses established after the effective date of this Zoning code, accessory parking and loading facilities shall be provided as required by this Zoning Code. No part of an off-street parking area required for any building or use for the purpose of complying with this Zoning Code shall be included as a part of an off-street parking or loading space similarly required for another building use.

### **§ 93.131 GENERAL REQUIREMENTS**

- (A) Accessory uses.** No motor vehicle repair work shall be permitted in conjunction with accessory off-street parking lots or areas provided in a residence district for a commercial or industrial use. The sale of gasoline and motor oil when permitted, in conjunction with accessory off-street parking areas shall be located with respect to residential properties so as not to create a nuisance.
- (B) Computation.** When determination of the number of off-street parking spaces required by this Zoning Code results in a requirement of a fractional space any fraction of one-half or less may be disregarded, while a fraction of or in excess of one-half shall be counted as one parking space.
- (C) Damage or destruction.** For any conforming building or use which is in existence on the effective date of this Zoning Code which is damaged or destroyed by fire, explosion, or other similar cause and which is reconstructed, reestablished, or repaired, additional off-street parking or loading facilities need not be provided, except the parking or loading facilities equivalent to any maintained at the time of the damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Zoning Code for equivalent new uses or construction.

### **§ 93.132 DESIGN STANDARDS.**

- (A) Access aisle and parking space requirements.** Each off-street parking space shall not be less than ten feet wide and 20 feet long, or equivalent.
  - (1)** Aisles, Interior-parking aisles permitting two-way traffic shall be a minimum of 22 feet in width. One way aisles in conjunction with 60 degree parking shall be a minimum of 18 feet in width. Plans for other aisle widths with other angle parking shall be as approved.
  - (2)** Access to off-street parking areas in all residential zone districts shall be a minimum of ten feet wide except, if a driveway is longer than 100 feet or serves more than the required parking for four dwelling units, the minimum width shall be 20 feet or two one-way driveways each ten feet wide may be provided in lieu of one 20 foot driveway.

(3) Access to off-street parking areas in all commercial and manufacturing zones shall be a minimum width of 24 feet or two separate driveways, each 12 feet wide.

(4) **Spacing.** The spacing of materials or items on a lot parking storage, or display shall be such that fire lanes are provided and, space between large items shall be adequate to provide readily available access to public safety personnel. Spacing arrangements shall be approved by the Zoning Administrator at the direction of the Land Use Committee.

(B) **Design standards, ingress, and egress.** All parking areas in any multiple family, business, manufacturing, or similar zone district shall be designed or arranged so that no vehicle can have direct access to or egress from any off-street parking space from a public right-of-way. In any instance stated in this section, ingress to an egress from a parking space shall be from an aisle, driveway, or similar arrangement by forward motion of the vehicle.

(1) No access way or lane shall be within 30 feet of any corner formed by the intersection of the right-of traffic signal or stop sign exists, such entrance or exit shall be located at a distance and in a manner so as not to cause or increase traffic hazards or undue congestion.

(2) The alignments of access ways shall be at right angles and off-gets are not to exceed 20 degrees.

(C) **Design standards, lot lines.** All parking aisles and parking spaces shall be entirely within the lot lines and not on a public right-of way. Parking spaces and loading spaces shall be so arranged that no part of any vehicle overhangs the public right of way.

(D) **Design standards, screening and landscaping.** All open automobile parking lots serving a commercial, industrial, institutional, or similar use shall provide a landscaped screen, wall, or fence along those property boundaries abutting a residential district. Such landscaped screen, wall, or fence shall be maintained by the owner or lessee and a maintenance agreement shall be filed with the Zoning Administrator. Plans for the landscaping, wall or fence shall be approved.

(E) **Setback.** Where two lanes of off-street parking are provided between any building and a street, in order to accommodate pedestrian and vehicular traffic, the building shall be set back at least 75 feet from the lot line. A six-inch vertical curb or other approved device shall be provided to separate such off street parking areas from the public right of way. Similar parking in the rear of a building shall require a setback of at least 64 feet.

#### **§ 93.133 SURFACING, PARKING, STORAGE AND DISPLAY AREAS.**

(A) Any lot or lots used as a motor freight terminal or off-street parking, storage, and display areas shall be properly graded for drainage and maintained in good condition free from trash and debris.

(B) All properties including freight terminals, off-street parking lots, and storage and display areas which accommodates heavy trucks and other vehicles, such as restaurants, motels, service

stations, etc. shall be surfaced with aggregate, bituminous, concrete or other similar materials and maintained in such manner that dust, if any, emanating from such use, shall be controlled and treated periodically so as not to become a nuisance to adjacent uses. Calcium chloride may be used as a dust abatement material.

**§ 93.134 EXISTING PARKING - LOADING FACILITIES AND USES.**

- (A) Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this zoning code or were provided voluntarily after such effective date shall no hereafter further be reduced below, or if already less than, shall not further be reduced below the requirements of this zoning code for a similar new building or use. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required herein for the new use. However, if the building or structure was erected before the effective date of this zoning code, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provision of this Zoning code.
- (B) **Intensity change.** When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units or measurements specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for the increase in intensity of use.

**§ 93.135 JOINT PARKING FACILITIES.**

Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

**§ 93.136 LOCATION OF OFFSTREET PARKING FACILITIES.**

- (A) The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances from a main entrance of the use served to the nearest point of the parking facility.
- (B) **For uses in residence districts.** Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served and may be located in any yards except required front yards but shall be permitted in the driveway. The Private Parking Area shall be used solely for the parking of passenger automobiles or the vehicles owned or operated by the occupants of the dwelling structures. When two or more parking spaces are required there shall be an unobstructed parking space for each vehicle such as a double garage, double driveway, or separate parking stalls. In no instance shall a vehicle used, or designed to be used, as a commercial, governmental, or other business type purpose, exceeding one-ton capacity be parked in a residential area, except for normal loading, unloading, or service, except by a special use permit. A special use permit shall be required for a parking lot that serves an adjacent commercial or related use, or a commercial use on a lot across the street but not more than 200 linear feet from the use served. This use shall meet the requirements of § 93.152 and 93.168.

**(C) For uses in business and manufacturing districts.** All required parking spaces shall be within 1,000 feet of the use served, except that spaces accessory to dwelling units (other than those located in a transient hotel) shall be within 300 feet of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residence district, except that private, free, and off-street parking accessory to such uses, may be allowed by special use permit within 500 feet of an adjacent to any business or manufacturing district.

**(D) Off-site parking facilities.** When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No off-site parking facilities shall be authorized and no building permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Zoning Administrator has reviewed the plans, and heard the applicant, and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

**(E) Other uses, parking.** For uses not listed in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Zoning Administrator and as approved by the Land Use Committee.

**§ 93.137 PARKING SPACES REQUIRED.**

**(A)** For the following uses accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at one time. When employee parking is required, it shall be provided on the basis of one space for each one and one-half employees.

<b><u>Residential, Civic, Educational, Institutional</u></b>	<b><u># of parking spaces</u></b>
Apartments, hotels	Two (2) for each dwelling unit same as apartments. Employee parking required.
Churches and auditoriums	One (1) per four (4) seats for the largest seating area.
Elementary and Junior High Schools	One (1) per 500 square feet of classroom area. Employee parking required.
Libraries and Museums	One (1) for each 500 square feet of total floor area.
Lodging houses	One (1) for each dwelling unit or lodging room; two (2) for the owner or manager. Employee parking required.
Manufactured home park or court	Two (2) for each manufactured home.
Motels or motor hotels	One (1) for each dwelling unit or lodging room; two (2) for the owner or manager. Employee parking required.
Multiple-family dwelling - two bedrooms and above	Two (2) for each dwelling unit.
Multiple-family efficiency and multi-family one bedroom	One and a half (1.5) per dwelling unit.
Municipal buildings	One (1) for each square feet of total floor area.
Private clubs, lodges, and dormitories with sleeping facilities for guests.	One (1) for each lodging room: in dormitories, each 100 square feet shall be considered equivalent to a lodging room.

Senior high school	One (1) for each 200 square feet of classroom area. Employee parking required.
Single-family dwelling	Two (2) for each dwelling unit.
Two-family dwelling	Two (2) for each dwelling unit.

<b>Retail and Services Uses</b>	<b># of parking spaces</b>
Automobile car wash	On review.
Automobile service stations	On review.
Banks	On review.
Bowling alleys	Four (4) parking spaces shall be provided for each alley, plus additional spaces as maybe required herein for affiliated uses - bar, restaurant, and the like.
Drive-in restaurants	On review.
Furniture and appliances stores, household equipment or furniture repair stores.	Three (3) times the net retail floor area in square feet.
Home occupations	Two (2) spaces for each 200 square feet of floor space utilized in addition to the parking requirements of the dwelling units.
Motor vehicle sales and machinery sales	Employee parking required. Customer parking on review.
Municipal or privately owned recreation building or community centers	On review.
Restaurants/taverns	One (1) parking spot shall be provided for each five (5) seats, or for each fifty (50) square feet of floor area used for assembly or seating purposes, whichever gives the greater number of spaces.
Retails stores, freestanding.	One (1) parking spot shall be provided for each 200 square feet of floor area.
Shopping centers and combined commercial, or service use.	Five and one-half (5.5) spaces per 100 square feet of gross leasable area.
Theaters (indoor) and stage	One (1) parking space shall be provided for each four (4) seats.
Theater, automobile drive-in	At least 10 stacking spaces or at least 8 for each entrance at the ticket booth.
Undertaking establishments, funeral parlors	Ten (10) parking spaces shall be provided for each chapel or parlor, or one space for each five (5) seats, whichever is greater, plus one (1) parking spot for each funeral vehicle kept on the premises. Employee parking required.

<b>Office uses</b>	<b># of parking spots</b>
Business, professional, governmental offices	Three (3) parking spaces shall be provided for each 1,000 sq. ft. of floor area plus one (1) space for each company or business vehicle.

<b>Industrial uses</b>	<b># of parking spots</b>
<i>Industrial uses of all types, except warehousing and transportation terminals, less than 250,000 sq. ft. of gross area:</i>	
Employee parking	One (1) parking space per one and one-half (1.5) employees on maximum shift or not less than one (1) parking space for each 500 square feet of gross floor area; when more than one (1) shift is employed, parking for both shifts shall be provided, unless sufficient time is allowed between shifts to provide for the maximum use of required parking.
Visitor parking	One (1) parking space for each 25 employees on main shift, with a minimum of two (2) parking spaces and a maximum of 20 required visitor parking spaces.
Company vehicles	One (1) parking space to accommodate each company owned or leased

	truck or vehicle usually found on the premises; size of parking space for trucks shall be approved by the Zoning Administrator.
<i>Industrial uses of all types, except warehousing and transportation terminals, more than 250,000 sq. ft. of gross area:</i>	
Employee parking	One (1) parking space per one and one-half (1.5) employees on site at maximum shift, or not less than one (1) for each 500 square feet; then one (1) parking space for each 1,000 square feet of floor area.
Visitor parking	One (1) parking space for each 25 employees on main shift, with a minimum of two (2) parking spaces and maximum of 20 required visitor parking spaces.
Company vehicles	One (1) parking space to accommodate each company owned truck or vehicle usually found on the premises; size of parking shall be approved by the Zoning Administrator.
<i>Transportation or trucking yard terminals:</i>	
Employee parking	One (1) parking space for each 1,000 square feet of warehousing, shop area, or loading area and one (1) parking space for each driver of a company vehicle, which is dispatched from the terminal.
Company vehicles	One (1) parking space to accommodate each company owned truck or vehicle usually found on the premises; size of parking shall be approved by the Zoning Administrator.

**§ 93.138 OFF-STREET LOADING.**

- (A) Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in manner, which will least, interfere with traffic movements. Such access way shall be at least 12 feet in width.
- (B) **Below minimum floor area.** Uses for which off-street loading facilities are required therein but which are located in buildings of less floor area than the minimum for which such facilities are required shall be provided with adequate receiving facilities as determined by the Zoning Administrator.
- (C) **Buffer strips.** Loading space for vehicles more than two ton capacity shall not be closer than 50 feet to any property in a residential district unless completely enclosed by building walls, a solid fence, wall or foliage buffer not less than ten feet in height and width.
- (D) **Location.** All permitted or required loading spaces shall be located on the same zoning lot as the use served, shall not be located within 50 feet of the intersection of any two streets, and shall not be located within required front yards.
- (E) **Not for parking.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (F) **Size.** Unless otherwise specified, a required loading space shall be at least ten feet in width by at least 25 feet in length and shall have a vertical clearance of at least 14 feet, or as determined by the Zoning Administrator such greater distances as are needed to accommodate vehicles so that no vehicle overhangs into the public right-of-way or interferes with internal circulation. Reasonably adequate turning and maneuvering space shall be provided in addition to the minimum size loading berth requirements.

**(G) Repair and service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any R Residence District.

**(H) Special use, other uses.** For special uses and uses other than prescribed in this Zoning Code, loading spaces, adequate in number and size to serve such use, as determined by the Zoning Administrator and approved by the Land Use Committee shall be provided.

**(I) Surfacing.** All open off-street loading space shall be improved with a compacted stone base, not less than seven inches thick, surfaced with not less than two inches of bituminous concrete or some comparable material with comparable construction.

**§ 93.139 LOADING SPACES REQUIRED.**

For the uses listed in the following table, off-street loading space shall be provided on the basis of gross floor area of building or portions thereof devoted to such uses in the amounts shown herein.

<b><u>Total square feet of gross floor area per building</u></b>	<b><u>Loading Spaces required</u></b>
(a) Commercial office and industrial uses to 2,999 (see §93.138(B))	One (1)
3,000 to 19,999	One (1)
20,000 to 49,999	Two (2)
50,000 to 100,000	Three (3)
Above 100,000	On review.
(b) Hospitals, institutions, and similar uses	
To 9,999 (see §93.138(B))	
10,000 to 49,999	One (1)
50,000 to 100,000	Two (2)
Above 100,000	On review.

## **APPLICATION PERMITS, INFORMATION REQUIRED FROM APPLICANT**

### **§ 93.150 PURPOSE**

The purpose of this subchapter is to list all applications and permits and to inform the applicant of the information that must be supplied. The procedures for processing those applications and permits are contained in § 93.165 through 93.172. This subchapter is designed to clarify the distinction between what information the applicant must provide and what procedures must be followed to process applications.

### **§ 93.151 SIGN, PERMIT REQUIREMENTS.**

- (A)** No sign shall be erected, altered, or relocated without a permit issued by the Zoning Administrator except as otherwise provided in sections § 93.110 through § 93.121 and § 93.151(D). Where electrical permits are required, they shall be obtained at the same time as the sign permit.
- (B) Application.** The permit application shall contain the location for the sign structure, the name and address of the sign owner and of the sign erector, drawings showing the design and location of the sign and such other pertinent information as the Zoning Administrator may require to insure compliance with this Zoning Code.
- (C) Nullification.** A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 90 days after the date of the permit. The permit fee shall not be refunded.
- (D) Permit exception.** The following operations shall not be considered as creating a sign and, therefore, shall not require a sign permit:

  - (1) Replacing copy.** The changing of the advertising copy or message on an approved painted or printed sign or marquee and similar approved signs, which are specifically designed for the use of replaceable copy.
  - (2) Maintenance.** Painting, repainting, cleaning and other normal maintenance repair of a sign or a sign structure unless a structural change is made.
  - (3) Miscellaneous signs.** Per § 93.110 through 93.121 miscellaneous signs are also exempt from permit requirements.

### **§ 93.152 AMENDMENT, SPECIAL USE AND PUD.**

- (A) Application.** The applicant shall submit four copies of the application and the application shall contain both a graphic and written description of the proposal. Applications of less than two acres in total area or containing less than six dwelling units may not be required to supply the information required in division (A)(9), (B) (2) and (3), and (C) (1), (2), and (3) herein. The map scale shall be one inch equal one hundred feet if possible, or a scale necessary for clarity, and if more than one map is submitted a map index is required.

- (1) Photographs of the site (aerial photos are acceptable).
- (2) The existing natural and topographic features of the project area and its immediate surroundings. USGS ten-foot contour data is acceptable.
- (3) Number of dwelling units by type and gross density per acre.
- (4) The approximate location, size, character and number of all proposed buildings, structures and uses.
- (5) The location and size of proposed off-street parking, loading, and pedestrian and vehicular traffic circulation; and its relationship to adjacent circulation systems.
- (6) Landscaping, erosion, and sedimentation control features.
- (7) Location of public or private utilities and facilities proposed to serve the subject area, including water supply, sewage, and drainage facilities.
- (8) Approximate direction of drainage flows.
- (9) Perspective, other drawings, illustrations, or photographs of similar land uses as are necessary to indicate the relative character and compatibility of the different land uses of the proposed development within the immediate area as well as within the project area.

**(B) Narrative Statement.** The narrative statement to accompany graphics materials as a part of the application shall contain, at a minimum, the following information.

- (1) A narrative description of this section's requirements.
- (2) The nature and extent of clearing and grading.
- (3) A statement of the present ownership of all land within the subject area and if a PUD, an explanation of the method of securing unified development control throughout the PUD area, both during and after construction. Unified control after construction shall include homeowner associations, trust indentures, deed restrictions, and other binding agreements assuring operation and maintenance of common lands and improvements.
- (4) A development schedule may be required providing guidelines and sequence for completion of the proposed development.
- (5) A description of the economic viability of the development may be required to include a market analysis, cash flow projections and expected types of funding.

**(C) Impact requirements.** The applicants shall project expected impacts of divisions (1) and (2) of this division (C) and other impact projections may be required to include but not be limited to projections of:

- (1)** Sewage generation and treatment.
- (2)** Water consumption and supply.
- (3)** Drainage facility and system requirements.
- (4)** Volume and nature of projected traffic.
- (5)** A description of the projected population, in total and by age group categories and an explanation of the methods by which such projections were derived.
- (6)** Anticipated kinds of commercial and industrial development and their projected employment.

**§ 93.153 SIGN AND AREA/BULK VARIANCE.**

Signs and area/bulk variance application shall contain the information requested in sections 93.152(A) (1), (2), (4) and (5) and shall meet the conditions of § 93.167(I).

**§ 93.154 CERTIFICATE OF ZONING COMPLIANCE.**

**(A)** Hereinafter no land shall be occupied or used and no building erected, altered, or extended, shall be used or changed in use until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the building zoning classification, building location, and proposed use thereof complies with this Zoning Code. A compliance permit for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for building permit and the certificate shall be issued within five county working days following an approved final inspection of the premises involved.

**(B)** No nonconforming structure or use shall be extended, changed in use, or substantially altered until a certificate of zoning compliance shall have been issued by the Zoning Administrator. The certificate of zoning compliance shall state specifically the particulars in which the nonconforming structure or use differs from the provisions of this Zoning code. Upon written notice from the Administrator, owners of nonconforming uses or structures shall have three months to apply for certificates of zoning compliance. Failure to make such application within three months after receipt of the notice shall be presumptive evidence that the property was not conforming use at the time enactment or amendment of this Zoning Code.

**§ 93.155 EMERGENCY AND TEMPORARY OCCUPANCY.**

Emergency and temporary occupancy permits shall meet the requirements of § 93.052(D).

**§ 93.156 SPECIAL APPLICATION; REQUIREMENTS FOR ZONING PERMITS IN THE GENERAL FLOOD PLAIN DISTRICTS.**

**(A)** The applicant shall furnish such of the following information as is deemed necessary by the Board for determining the suitability of the particular site for the proposed use:

- (1)** Four copies of plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill storage or materials, flood proofing measures, and the relationship of the above to the location of the channel.
- (2)** A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
- (3)** Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses, and vegetation upstream and downstream; soil types; and other pertinent information.
- (4)** Profile showing the slope of the bottom of the channel or flow line of the stream.
- (5)** Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- (6)** Estimate the discharge of the regulatory flood consistent with applicable flood plain management rules.
- (7)** Calculation of water surface elevations based upon a hydraulic analysis of the capacity of the stream channel and over bank areas to convey the regulatory flood.
- (8)** Computation of the floodway required to convey this flood without any measurable increase in flood heights. Computations of increases in flood heights caused by any encroachment is to be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Generally any increase in flood stages attributable to encroachments on the flood plain of any river or stream shall not exceed 0.5 feet in any one reach or for the cumulative effect of several reaches.

**(B)** Construction and use to be as provided in applications, plans, permits, and certificates of zoning compliance.

- (1)** Zoning permits, special issues permits or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in these approved plans and applications and no other

use, arrangement, and construction set forth in these approved plans and applications, and no other use, arrangement, or construction.

- (2)** The applicant shall submit certification by a registered professional engineer that the finished fill and building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with this Zoning Code.

## **APPLICATION, INSTRUCTION, PROCEDURES, AND PROCESSING**

### **§ 93.165 PURPOSE**

The purpose of this subchapter is to consolidate all application procedures and processing requirements. The intent is to help those involved in application, submittal, processing and review understand the individual and often multiple steps that applicants must follow. Any applicant making or submitting an application concerning this Zoning Code shall make an application to the Zoning Administrator and pay the appropriate fees. If a variance, special use permit, rezoning, or interpretation is required, the County Board or the Land Use Committee must approve the request before application can be made for a building permit.

### **§ 93.166 ROUTING**

- (A) The Zoning Administrator shall forward one copy of a completed application in each instance to the following within five county working days.
- (1) **Area/bulk variance:** to the Zoning Board of Appeals then to the County Board of Appeals then to the County board through the Land Use Committee.
  - (2) **Special use permit:** To the Zoning Board of Appeals then to the County Board through the Land Use Committee.
  - (3) **Rezoning amendment:** to the Zoning Board of Appeals then to the County Board through the Committee.
  - (4) **Zoning appeal:** from a decision of the Zoning Administrator to the Zoning Board of Appeals then to the County Board through the Committee.
  - (5) **Sign variance:** to the Zoning Board of Appeals then to the County Board through the Land Use Committee.
  - (6) **Other applications:** to the committee.
  - (7) **Minor Area/bulk variance:** to the adjoining neighbors.
- (B) **Advisory report.** The Administrator shall submit an advisory report to the Zoning Board or Appeals concerning each application.
- (C) **Procedure of the Soil and Water Conservation District.** The Zoning Administrator shall, when appropriate, forward one copy of rezoning and special use application to the appropriate soil and water conservation district within five working days of application. The Soil and Water Conservation District shall issue a written opinion concerning a proposed rezoning or special use permit within 30 days from the time of receiving the application to the Board of Appeals. If no opinion is received within 30 days, the rezoning or special use permit shall be considered recommended by the Soil and Water Conservation District.

## § 93.167 ZONING BOARD OF APPEALS.

- (A) **Zoning Board. BOARD** when used in this subchapter shall be construed to mean the Zoning Board of Appeals. The Board shall consist of five members appointed by the Chairperson of the County Board with the advice and consent of the County Board (LCS Ch. 55, Act 5 § 12010). All members of the board shall be residents of Madison County at the time of their appointment. Failure to maintain residency in Madison County shall be cause for removal from the Board. The County Board may provide for the appointment of an additional two members to the Board and the additional two members shall each serve a term of five years. At the end of the term of the two additional members, the County Board may provide for the appointment of successors or may allow the Board to revert to a membership of five. The terms of office shall be five 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 year, one for two years, one for three years, one for four years, and one for five years, and five years each for those following the first appointment. The County Board may remove any member of the Board for cause, upon written charges, after a public hearing thereon. Variances shall be filed by the County Board for the unexpired term of any member whose place has become vacant. One member of the Board shall be named Chairperson by the County Board at the time of his appointment. In case of a vacancy, the County Board shall designate a new chairperson.
- (B) **Meetings.** Meetings of the Board shall be held at the Call of Chairperson or at such times and places within the county as may be determined. All hearings conducted by the Board shall be open to the public and the Chairperson or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member of each question, or in absence or failing to vote, indicating such fact, and shall also keep a record of its hearings and other official actions. Findings of fact shall be included in the minutes of each case of a requested area/bulk variance, special use permit, and amendment and the reasons for recommending, granting or denying such application shall be specified. 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 records of the Zoning Administrator and shall be a public record. The Board shall adopt its own rules and procedures not in conflict with this Zoning Code or with Illinois Statutes.
- (C) **Advisory body.** The Board of Appeals shall be an advisory body to the County Board and final decisions on zoning permits, appeals, interpretations and amendments are vested in the County Board.
- (D) **Zoning Board of Appeals procedure.**
- (1) The Board shall act in accordance with the procedure specified by law and by this Zoning Code. Members of a five-member board or members of a seven-member board shall constitute a quorum, and except as otherwise provided by this Zoning Code an affirmative vote of at least of the five members or of the seven members, whichever the case may be, shall be necessary to authorize any action of the Board.

- (2) All appeals and applications to the Board shall be in writing. Every appeal or application shall refer to the specific provision of the Zoning Code involved shall exactly set forth the interpretation that is claimed, the exceptional physical conditions for which the area/ bulk variance is sought, the use for which the special use permit is sought, and the grounds on which it is claimed that the variance and permit should be granted or recommended, as the case may be.

**(E) Notice and hearing.**

- (1) No action of the Zoning Board of Appeals shall be taken on any amendment, special use permit, variance, appeal, or advisory report until after notice has been given that a public hearing will be held.
- (2) **Notice.** A notice of the time, date, and place of the hearing shall be published in a newspaper of general circulation within the county and area in question at least 15 but not more than 30 days prior to the hearing. The notice shall contain (a) the particular location of the real estate for which the hearing is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well know landmark, highway, road, thoroughfare or intersection; (b) a brief summary of explanation of the subject matter of the hearing; (c) whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal; (d) whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation; (e) whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity; (f) whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association. The notice shall be sent by first class mail at least 15 days before the hearing is scheduled to the property owners of any land adjacent to or immediately across any street, alley, or public right-of-way from the property proposed, as recorded in the office of the county recorder of deed, and as appears from the authentic tax records of the county and to any municipality whose boundaries are within one and one half (1 ½) miles of any part of the property proposed. The applicant shall furnish to the Zoning Administrator, at the time the application is filed, a complete list containing the names and last known addresses of the owners of property required to be served, a list of all municipalities whose boundaries are within one and one half (1 ½) miles of any part of the proposed property, and shall pay the cost of the public notice and for due notice to the adjacent property owners.
- (3) **Posting of notice.** Posting of the property for public hearing. The notice is to be posted on the property at least ten days before the public hearing date, and where it can be readily seen from the street or highway, in the following manner:
  - (a) The poster must be fastened and secured to a board that can be attached to a 2 X 4 or other anchoring device, to protect it against the wind and other elements;

- (b) The notice of public hearing must be placed four feet above the ground level or above the grade of existing major highway or road, of which the property fronts, so that the notice can be readily seen by any passerby;
- (c) The notice of public hearing must be placed at a location which is located within five feet of the right-of-way of the major traveled roadway of which the property fronts;
- (d) That if the property does not have frontage on a major road or is so located that it is off on a private lane or roadway, the applicant must post the notice on his property and make arrangements with the Board of Appeals to meet at the site that leads to the property. This shall be on file, before the date of the hearing and on the date of the application being filed. Failure to comply with the proper posting will result in the cancellation of your hearing, thereby delaying your request and imposing additional costs. Please complete the form stating that you have posted the notice and the sketch, as indicated, in accordance with the rules and regulation governing the same, and return the form to this office as soon as possible.
- (e) In the event that a public hearing involves multiple properties that are adjacent to each other or within the same district, the applicant shall be required to post one (1) notice within each zoning district. Applicants are encouraged to coordinate with the Planning and Development Department to ensure the notices are located in a manner which effectively advertises the zoning hearing.

**(F) Time for acting on applications.**

- (1) The Board shall act on an application within 60 days from receiving the application, except that where additional information is required by the Board, the Board shall render a written decision within 60 days from the receipt of the information.
- (2) If an application for a zoning amendment, variance, or special use permit has been denied by the County Board, the same request may not be resubmitted for one (1) year.

**(G) Advisory report.** The Board of Appeals shall provide the Land Use Committee with an advisory report concerning variations, amendments and special uses to include findings of fact and should recommend appropriate conditions to prevent any detrimental effects of the proposed special uses. Such conditions may include but not be limited to, the protection of adjacent property, the expiration of the 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 this Zoning Code, and to reduce injury to the value of property in the surrounding area.

**(H) Appeals.** An appeal may be taken to the Board by any person, firm, or corporation, or by any officer, department, board, or bureau affected by the decision of the Zoning Administrator. Such appeal shall be taken within 30 calendar days, by filing with the Administrator a notice of the Board of Appeals, specifying the grounds of appeal. The Administrator shall thereupon transmit to the Board all papers constituting the appeal and the record upon which the action appealed from was taken. An appeal shall stay all proceedings and furtherance of action appealed from, unless the Administrator certifies to the Board after the notice of appeal has

been filed with him, that by reason of fact stated in the certificate, the stay would, in his opinion, cause an imminent peril to life or property, in which case the proceedings will not be stayed otherwise than by a court of record. The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person, or by a duly authorized agent or attorney.

**(I) Variance conditions.** No area/bulk variance shall be recommended in any case unless the Board of Appeals finds:

**(1)** That there are special circumstances or conditions as fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to the land or buildings in the surrounding area, and that circumstances or conditions are such that strict application of this Zoning Code would deprive the applicant of a reasonable permitted use of the land or building;

**(2)** That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of land or buildings, and that the variance is the minimum variance that will accomplish this purpose; and,

**(3)** That the granting of this variance would be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the surrounding area or otherwise detrimental to the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the area.

**(4)** No variance shall be approved that constitutes a variation in use not permitted in the district.

**(J) "A" Zone Variance Conditions.** No "A" Zone variance shall be approved that does not comply with the provisions of section 1910.6 of the Rules and Regulations of the National Flood Insurance Program.

**(K) Variances for Telecommunication Facilities.** In granting a variance for a telecommunication facility, the board shall consider the following, and no other matters:

**(1)** whether, but for the granting of a variation, the service that the telecommunications carrier seeks to enhance or provide with the proposed facility will be less available, impaired, or diminished in quality, quantity, or scope of coverage;

**(2)** whether the conditions upon which the application for variations is based are unique in some respect or, if not, whether the strict application of the regulations would result in a hardship on the telecommunications carrier;

- (3) whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
- (4) whether there are benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility; and
- (5) the extent to which the design of the proposed facility reflects compliance with 93.075 (D)(9).

**(K) Variances for Minor Area-bulk.** A minor area-bulk variance may be sought meeting the following procedures and requirements. A variation of ten percent or less of the regulations of area/bulk may be granted without public hearing by the Zoning Administrator, provided, however, that before such variation is granted, a notice of the intent to grant such variation shall be sent by certified mail to all adjoining landowners. If any adjoining landowner files a written objection with the Zoning Administrator within fifteen (15) days of receipt of such notice, the variation shall only be considered by the Board of Appeals in the manner provided in Section 93.167 (H).

#### **§ 93.168 AMENDMENT AND SPECIAL USE.**

##### **(A) General.**

- (1) The County Board may, from time to time, on its own motion, on petition of any persons in interest, or on initial recommendations of the Board of Appeals or Zoning Administrator, amend, supplement or repeal by ordinance the regulations or provisions of this Zoning Code.
- (2) Any proposed amendment shall be referred to the Board of Appeals for an advisory report and public hearing thereon.

**(B) Hearing on application.** The Board of Appeals shall hold a public hearing on each application for an amendment and on each proceeding initiated by the Board of Appeals of its own motion, at such time and place in the township in which the property is located, provided, that in the case of general amendments to the Zoning Code hearing may be held at the County Administration Building, Edwardsville, Illinois (see § 93.167(E) 93.168(F)).

**(C) Action by the County Board.** The county Board shall not act on any application for special use permit, variation, or amendment to this Zoning Code until a written report, consisting of a finding of fact and recommendation of the Board of Appeals, shall have been made available to the county Board on the proposed special use permit, variation, or amendment.

##### **(D) Approval.**

- (1) After appropriate action by the Board or Appeals, the County Board may, by a majority vote, approve or adopt any proposed special use permit, variation, or amendment except in the

following cases only, which require the favorable action of three-fourths of all members of the County Board:

- (a) Any proposed variation that fails to receive the approval of the Board of Appeals;
  - (b) In case of written protest against any proposed amendment or special use permit signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite frontage proposed to be altered. Provided, the protest shall not be effective unless it specifically states that the owners listed thereon are owners of 20% or more of the frontage immediately adjoining or across an alley therefrom, or that they are owners of 20% or more of the frontage directly opposite the frontage proposed to be altered. Further provided, the written protest shall not be effective unless it is filed with the County Clerk prior to the consideration of the amendment or special use permit by the County Board, and a copy of the written protest is served by the protestor or protestors on the applicant for the proposed amendment or special use permit and a copy on the applicant's attorney, if any, by certified mail at the address of the applicant and attorney as shown in the application for the proposed amendment or special use permit.
  - (c) In cases where the land affected by a proposed amendment lies within one and one-half miles of the limit of a zoned municipality, or in the case of a proposed text amendment to the Zoning Code, where a resolution in opposition to the proposed amendment by the corporate authorities of the zoned municipality with limits nearest adjacent has been filed with the County Clerk prior to the consideration of the amendments by the County Board and a copy of the resolution is served by the municipality on the applicant for the proposed amendment and a copy on the applicant's attorney, if any, by certified mail at the address of such applicant and attorney as shown in the application for the proposed amendment.
- (2) If an application for a proposed special use permit, variation, or amendment is not acted upon finally and favorably by the County Board within 120 days of the time of submission of the report of the Board of Appeals, the application shall be deemed to have been denied.
- (3) The County Board may approve a special use permit or variation with or without change in the terms of conditions thereof.
- (E) Special use.** Application or any use listed in this Zoning Code as requiring a special use permit may be allowed only upon application to the Zoning Administrator on forms furnished by him and upon issuance of a special use permit by the County Board. Upon receipt of the application, the Zoning Administrator shall forthwith submit it to the Board and a public hearing shall be held (See § 93.167 (E))
- (F)** Procedure to be followed by Board in reviewing special uses and amendments. Upon receiving an application, the Board shall, prior to rendering a decision thereof, consider at least the following:

- (1) The effect the proposal would have on the county comprehensive plan;
- (2) The effect the development would have on schools, traffic, streets, shopping, public utilities, and adjacent properties;
- (3) Is the application necessary for the public convenience at that location;
- (4) In the case of an existing nonconforming use, will a special use permit make the use more compatible with its surroundings;
- (5) Is the application so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
- (6) Will the application cause injury to the value or other property in the neighborhood in which it is located; and,
- (7) Will the special use be detrimental to the essential character of the district in which it is located.

**§ 93.169 SPECIAL PROCEDURES FOR SPECIAL USES IN THE GENERAL FLOOD PLAIN DISTRICT.**

- (A) In considering an application for a special use permit in the General Flood Plain District, the Board shall transmit one copy of the application described in § 93.152 and 93.156 to a designated engineer or other person or agency from which the Board shall request expert technical assistance in determining whether the proposed use is located in the floodway or flood fringe portion of the General Flood Plain District, in determining the regulatory flood elevation; and, in evaluation the proposed project in relation to flood heights and velocities, the seriousness of potential flood damage to the use, and the adequacy of the plans for protection and other technical matters. Based upon this technical evaluation, the board shall, where necessary:
  - (1) Determine the specific flooding threat at the site of the proposed special use permit and determine whether the use is located in a floodway or flood fringe portion of the General Flood Plain District.
  - (2) Based upon the technical evaluation of the designated engineer or expert, the Board shall determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard.
- (B) Factors upon which the decision of the Board shall be based. In passing upon such applications, he Board shall not recommend a special use permit that is contrary to relevant factors specified in this Zoning Code and shall consider.
  - (1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

- (2) The danger that materials may be swept onto other lands or downstream to the injury of others.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent the occurrence of disease, contamination, and unsanitary condition.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (5) The importance of the services provided by the proposed facility to the county.
- (6) The requirements of the facility for a waterfront location;
- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- (12) Such other factors as are relevant to the purposes of this Zoning Code including a flood warning system.

**§ 93.170 CONDITIONS ATTACHED TO SPECIAL USES.**

Upon consideration of the factors listed above and the purposes of this Zoning Code, the Board may recommend that the County Board may attach such conditions to the granting of special uses or variances as it deems necessary to further the purposes of this Zoning Code. Among such conditions, without limitation because of specific enumeration, may be included:

- (A) Modification of waste disposal and water supply facilities.
- (B) Limitations on periods of use and operation.
- (C) Imposition of operational controls, sureties, and deed restrictions.
- (D) Requirements for construction of channel modifications, dikes, levees and other protective measures.

**Flood proofing measures.** Flood proofing measures such as the following shall be designed at or above a point two feet above the regulatory flood elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board shall require that the application submit a plan or document certified by a registered professional engineer that the flood-proofing measures are at or above a point two feet above the regulatory flood elevation and associated flood factors for the particular area. The following flood proofing measures may be required without limitation because of specific enumeration.

- (1) Anchorage to resist flotation and lateral movement or addition of mass or weight to structures to resist flotation.
- (2) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
- (3) Reinforcement of walls to resist water pressures.
- (4) Use paints, membranes, or mortars to reduce seepage of water through walls.
- (5) Installation of pumps to lower water levels in structures.
- (6) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
- (7) Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
- (8) Construction to resist rupture or collapse caused by water pressure or floating debris.
- (9) Installation of valves or controls on sanitary and storm drains which will permit drains to be closed to prevent back up of sewage and storm waters into the buildings or structures. Gravity drainage of basements may be eliminated by mechanical devices.
- (10) Location of all electrical equipment, circuits, and installed electrical appliances so as to provide protection from inundation by the regulatory flood.
- (11) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public safety and welfare at a point above the regulatory flood elevation or their flood proofing so as to prevent flotation of storage containers, or damage to these which would result in the escape of toxic materials into flood waters.

**§ 93.171 SPECIAL USE PERMIT CHANGES.**

After a special use permit has been issued, expansion or change in use of a special use involving the enlargement of the buildings, structures, and land area devoted to such use shall be subject to the following;

(A) Minor changes in a developmental plan may be made upon application to the Land Use Committee;

(B) Major changes in the developmental plan require total review and reapplication.

**§ 93.172 REVOCATION; EXPIRATION.**

(A) The Land Use Committee may revoke a permit issued under this subchapter 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; or
- (3) A permit issued under this subchapter shall expire if the proposal authorized by the permit is not completed within the developmental schedule included in the application.

(B) **Revocation procedures.**

- (1) Should there be a reason to believe that a permit issued under this subchapter is subject to revocation, under this division (B), then the Zoning Administrator may initiate an investigation into the matter; or the County Board, the Committee, or other board members may direct the Administrator to conduct such an investigation.
  - (2) The finding of fact through this investigation of possible permit violation by the Administrator, must be forwarded to the Committee. The Committee may then, by majority vote of the entire Committee, direct the Board of Appeals to conduct hearing at the site of the property in question or as nearly as practicable should the property owner object; the hearing shall have the same notice as provided in § 93.167(E) and (F). This hearing shall be conducted in the same manner as a hearing on the original permit.
  - (3) The Board of Appeals shall provide the Committee with an advisory report related to the issues in division (A) herein. This report shall include the finding of fact, and shall state a recommendation as to whether or not to revoke the permit in question.
  - (4) The Committee shall present the advisory report of the Board of Appeals to the County Board. No permit issued under this subchapter shall be revoked without a majority vote of the County Board.
- (1) Should the Board of Appeals recommend that the permit issued under this subchapter not be revoked, the permit shall only be revoked by a vote of three-fourths of all of the members of the County Board.

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 93.185 ENFORCEMENT.**

The Zoning Administrator of Madison County, Illinois, with the approval and consent of the Land Use Committee, shall enforce this Zoning Code. The Committee shall further consult other county departments, agencies and committees, as appropriate in their review. These agencies, departments, and committees include, but are not limited to, the Madison County Maps and Plats Department, the Madison County Environmental Protection Agency, and the Madison County Superintendent of Highways.

### **§ 93.186 POWERS AND DUTIES**

**(A)** The Zoning Administrator shall administer and enforce this Zoning Code, and in addition thereto and in furtherance of his authority he shall:

- (1)** Issue and receive all applications, permits, licenses, and certificates authorized under the terms of this Zoning Code only when all provisions of the Zoning Code have been complied with.
- (2)** Examine and review applications pertaining to the use of land, building, or structures s appropriate and examine all building permits for conformity with this Zoning Code.
- (3)** Forward for action to the appropriate review body all special use, variance, amendment and other applications with all pertinent documentation required.
- (4)** Conduct or have conducted such inspections as are necessary to determine compliance with the terms of this Zoning Code.
- (5)** Provide and maintain public information bureau relative to all matters arising out of this Zoning Code.
- (6)** Maintain permanent and current records of all the above including maps and amendments to this Zoning Code.

**(B) Notices, hearings, and orders.** Whenever the Zoning Administrator has determined from inspection or from other means that reasonable grounds exist to believe there has been a violation of the Zoning Code the Administrator shall give notice of the violation to the person to whom the permit or license is issued. This notice shall:

- (1)** Be in writing;
- (2)** Include a statement of the reasonable time for the performance of any act it requires;
- (3)** Be served upon the owner or his agent as the case may require; provided, that such notice or order shall be deemed to have been properly served upon the owner or agent when a copy thereof has been sent by registered mail to his last known address or when he has

been served with the notice by any method authorized or required by the laws of this state; and,

- (4) Contains an outline of remedial action, which, if taken, will affect compliance with this Zoning Code.
- (C) **Reinspection.** At the end of such period, the Zoning Administrator shall reinspect the violation and if the conditions or practices have not been corrected he shall submit the file concerning the violation to the Land Use Committee to determine subsequent appropriate actions.
- (D) **Stop order.** Whenever any building or grading work is being done, or uses established, altered, or otherwise changed in a manner contrary to this Zoning Code, the approved permit, or site plan, the Zoning Administrator or other authorized person may order the work stopped by notice in writing served on any person engaged in doing or causing the work to be done and any such person shall forthwith stop the work until authorized by the Administrator to proceed.
- (E) **Staying of work on premises.** When an appeal from the decision of the Administrator concerning a stop order has been taken and filed with the Board of Appeals, the stop order shall not take effect unless the Administrator certifies to the Board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the stop order is granted by the Circuit Court of Madison County, on application, on notice to the Administrator and the owner of the premises affected, and on due cause show.
- (F) **Emergency action.** Whenever the Administrator finds that an emergency exists which requires immediate action to protect the public health or safety, he or she may without notice of hearing issue an order reciting the existence of such an emergency and require that such action be taken as he may deem necessary to meet the emergency including the suspension of zoning permit. He or she shall immediately notify the Land Use Committee of the County Board of such action. Notwithstanding any other provisions of this Zoning Code, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Administrator shall be afforded a hearing as soon as possible under § 93.167(H).

#### **§ 93.187 PROSECUTION.**

Whenever violation of this Zoning Code occurs, any person, including the Zoning Administrator or any other duly authorized county official or personnel in addition to and not by way of limitation of other remedies available, may file complaint in the court of competent jurisdiction

#### **§ 93.999 PENALTY.**

- (A) Any person, firm or corporation who violates, disobeys, omits neglects, or refuses to comply with or resists the enforcement of any of the provisions of this Zoning Code shall be fined not less than \$10 nor more than \$500. Each day such a violation or failure to comply is permitted to exist after notification thereof shall constitute separate offense.

**(B)** In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building or land is used in violation of this chapter or any ordinance, resolution or other regulation made under authority conferred thereby, the proper authorities of the county, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceedings in the Circuit Court to prevent such unlawful erection, construction, reconstruction, alteration repair conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

## **ADULT BUSINESS REGULATIONS**

### **§ 76.01 DEFINITIONS.**

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words and phrases used in this ordinance, which are not defined herein, shall have the meaning ascribed to such words and phrases in common usage.

**ADULT BUSINESS.** Any establishment having as a substantial or significant portion of its stock in trade or business activity in a use such as, but not limited to the following: Adults-Only Bookstores, Adults-Only Motion Picture Theaters, Adult Entertainment Centers, Massage Parlors, Rap Parlors, Adult-Only Cabarets or Adults-Only Saunas, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

**ADULT ENTERTAINMENT BUSINESS.** Synonymous with "Adult Business," as defined herein.

**ADULT ENTERTAINMENT CENTER.** An enclosed building or part of an enclosed building, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person nude or in such attire, costume or clothing as to expose to view the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; or female breast, at or below the areola thereof. In addition, the viewing of a live person, in the above-described manner, after paying of any admission or fee for the viewing of same activity.

**ADULTS-ONLY.** Any items or activities emphasizing, depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity.

**ADULTS-ONLY BOOKSTORE.** An adults-only establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality, sadomasochistic activity. An establishment, having adults-only items as a substantial or significant portion of its stock, that sells or displays adult-only items for sale to patrons therein.

**ADULTS-ONLY CABARETS.** An establishment or place primarily in the business of featuring topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

**ADULTS-ONLY MOTION PICTURE THEATER.** An enclosed building used regularly and routinely for presenting adults-only material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity, for observation by patron therein.

**BOOTH.** Any enclosure that is specifically offered to patrons of an Adult Business for the private viewing of any adults-only item or movie. Said definition does not include enclosures that are used as private

offices by any operator, employee or agent for attending to the tasks of their employment and are not offered for use by the public.

**CUBICLE.** Synonymous with "booth," as defined herein.

**DOOR.** Full, complete, non-transparent closure device that obscures the view or activity taking place within the enclosure.

**MESSAGE PARLOR.** An establishment or place primarily in the business of providing massage services, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

**NUDITY.** The display of the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; female breast, at or below the areola thereof, with no covering or with less than fully opaque covering; or, male genitalia in a discernible turgid state, with or without covering.

**OBSCENE.** Any material or performance is obscene if: (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and (3) taken as a whole, it lacks serious literary, artistic, political or scientific value. [Statutory Reference: 720 ILCS 5/11-20]

**OPERATOR.** Any person, (whether said persons be an individual, partner, corporation, joint stock company, fiduciary, officer, director, stockholder, employee, or manager), that conducts, maintains or owns any Adult Business.

**PATRON.** Any customer, patron or visitor to an Adult Business who is not employed by any operator of said establishment.

**RAP PARLOR.** An establishment or place primarily in the business of providing non-professional conversation or similar services for adults, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

**ROOM.** Synonymous with "booth," as defined herein.

**SADOMASOCHISTIC ACTIVITY.** Flagellation or torture by or upon a nude person; a person clad in undergarments, a mask or bizarre costume. In addition, the condition of being fettered, bound or otherwise physically restrained with the intent to stimulate or arouse sexually the initiator and/or the recipient.

**SAUNA.** An establishment or place primarily in the business of providing a steam bath and/or massage services, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

**SELL.** Includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

**SEXUAL CONDUCT.** Ultimate sex acts (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. In addition, physical contact, intended to stimulate or arouse sexually the initiator and/or the recipient, with a person's unclothed genitalia, buttocks, perineum, anal or pubic regions, or female breast.

**UNDERAGE.** Any person under eighteen (18) years of age, the legally minimum age at which one can purchase or view adults-only items. [Statutory Reference: 720 ILCS 5/11-20]

**WALL SIGN.** Any flat sign, which is placed against a building or other structure and attached thereto in such manner that only one side is visible.

**§ 76.02 SPECIAL USE PERMIT REQUIRED.**

- (A) No Adult Business may operate within the unincorporated territory of this county without first having obtained a special use permit. A separate special use permit must be acquired for each Adult Business. It shall likewise be unlawful for any such business to sell or offer for sale any adults-only items in violation of the terms and conditions of such special use permit.
- (B) A special use permit issued by the County is required for and with respect to any building location and premises, within the unincorporated territory of this County, at or upon which an Adult Business is to be operated.
- (C) All special use permit procedures and criteria are as noted in the Madison County Zoning Code, including but not limited to sections 93.167, 93.168, 93.169, 93.170, and 93.171. However, for purposes of special use permits sought for Adult Businesses, section 93.167(F) is clarified as specifying a thirty (30) day period within which to submit all additional information and § 93.167(H) is clarified as specifying a sixty (60) day period within which the appeal will be heard.
- (D) No special use permit shall be held in existence by the mere payment of fees.

**§ 76.03 LOCATION RESTRICTIONS.**

The use of property for an Adult Business can have potentially harmful secondary effect on surrounding areas, and may have a deleterious effect upon the use and enjoyment of adjoining properties.

Such secondary effects can include, but not limited to, a tendency to attract an undesirable quantity and quality of transients, to effect property values adversely, to cause an increase in crime, especially prostitution, to contribute to the blighting or downgrading of the surrounding neighborhood/area, and to encourage residents and businesses to move elsewhere.

As such, all Adult Business, excepting nonconforming uses as described below, must comply with the following location restrictions:

- (A) All Adult Businesses shall be located within the “B-3” Highway Business District.

- (B) No Adult Business shall be located within one thousand (1,000) feet of any residential zone single or multiple family dwelling. Said distance shall be measured from property line to property line.
- (C) No more than two Adult Business shall be located within one thousand (1,000) feet, (excluding streets, alleys and public ways), of another Adult Business. Said distance shall be measured from property line to property line.
- (D) Adult Businesses in violation of paragraphs (A), (B) and (C) shall be permitted as non-conforming uses where said Adult Businesses were established and operated continuously prior to the effective date of this Ordinance, provided that no such Adult Business may be enlarged or increased in size or may be discontinued in use for a period of more than one-hundred eighty (180) days.

#### **§ 76.04 PHYSICAL LAYOUT.**

The use of booths, rooms or cubicles in an Adult Business can, by reason or their design and intended use, facilitate the spread of sexually transmitted diseases (both fatal and non-fatal). Insofar as the County has a substantial government interest in protecting the public health, safety and welfare of its citizens and all persons within the County, the following standards have been propounded to eliminate the possibility of infection by contagious sexually transmitted diseases.

- (A) All booths, rooms or cubicles for the private viewing of any adults-only items or movies shall comply with the following standards:
  - (1) They must be totally accessible both to and from lighted aisles and public areas of the Adult Business;
  - (2) The bottom surfaces of any doors must measure at least forty-two (42) inches from the floor surfaces;
  - (3) No surfaces intended for seating may be located therein;
  - (4) No doors may be fitted with or obstructed by any lock mechanism or other control-type device.
  - (5) They must be separated from adjacent booths, rooms or cubicles and any non-public areas by a solid wall without any opening and extending from the floor to a height of at least six (6) feet;
  - (6) They must be lit by light bulbs at least twenty-five (25) watts when the Adult Business is open for business.
  - (7) All doors or openings must be sufficiently unobstructed such that an operator, employee or agent may determine the number of persons within any booth, room or cubicle;

- (B) Only one person shall occupy a booth, room or cubicle at any time; and, at no time, shall the occupant therein engage in any type of sexual conduct resulting in the discharge of any bodily fluids while within a booth or cubicle;
- (C) All wall and floor surfaces must be of a light-colored, non-absorbent, smooth texture that is easily cleaned;
- (D) All public areas of an Adult Business must be lit by light bulbs of at least sixty (60) watts when the Adult Business is in open for business.

**§ 76.05 PROHIBITED CONDUCT.**

The operator of any Adult Business shall neither participate in nor suffer or permit any of the following prohibited acts to occur on the premises;

- (A) Sexual conduct, including but not limited to any demonstration, dance, performance or exhibition on the licensed premises by any employee, agent, entertainer or patron, where said person engages in any of the following conduct:
  - (1) Exposure of the genitalia, pubic hair, buttocks, perineum, anal or pubic region; or,
  - (2) Exposure of any device, costume or covering which gives the appearance of or simulates the genitalia, pubic hair, buttocks, perineum, anal or pubic region; or,
  - (3) Exposure of any portion of the female breast at or below the areola thereof; or,
  - (4) Performance or simulated performance of ultimate sexual acts or explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity; or,
  - (5) Fondling of his or her own genitals or the genitalia of another person.
- (B) Employment or use of the services of any person in or upon the premises of the Adult Business while such person is unclothed or in such attire, costume or clothing so as to result in conduct prohibited in paragraph (A) above.
- (C) Admission of any underage patron into or upon the premises of the Adult Business.
- (D) Patronage, frequenting or loitering of any underage person in any Adult Business.
- (E) Allowance of any underage person to view, accept or otherwise possess any adults-only item on the licensed premises.
- (F) Employment or use of the services of any underage person in or upon the premises of the Adult Business.

- (G) Drunkenness, fighting, unlawful games, riotous or disorderly conduct whatsoever, in any premises kept or occupied as an Adult Business.

**§ 76.06 SALES VIOLATIONS.**

- (A) No operator, agent or employee shall knowingly sell, deliver or provide, or offer or agree to sell, deliver or provided any obscene writing, picture, record or other representation or embodiment of the obscene. [Statutory Reference: 720 ILCS 5/11-20]
- (B) No operator, agent or employees shall sell, deliver or provide, or offer or agree to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene after recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof. [Statutory Reference: 720 ILCS 5/11-20]
- (C) No operator, agent or employee shall create, buy, procure or possess obscene matter or material with intent to disseminate it in violation of this Ordinance or State statute. [Statutory Reference: 720 ILCS 5/11-20]
- (D) No operator, agent or employee shall advertise or otherwise promote the sale of material represented or held out by him to be obscene, whether or not it is obscene. [Statutory Reference 720 ILCS 5/11-20]
- (E) No operator, agent or employee shall knowingly sell, deliver or provide, or offer or agree to sell, deliver or provide any child pornography, as defined by State statute. [Statutory Reference: 720 ILCS 5/11-20.1]
- (F) No operator, agent or employee shall create, buy, procure or possess any child pornography with intent to disseminate it in violation of this Ordinance or State statute. [Statutory Reference: 720 ILCS 5/11-20.1]
- (G) No operator, agent or employee shall advertise or otherwise promote the sale of material represented or held out by him to be child pornography, whether or not it is child pornography. [Statutory Reference: 720 ILCS 5/11-20.1]
- (H) No person, after purchasing or otherwise obtaining an adults-only item shall sell, deliver or allow any underage person to view an adults-only item.
- (I) If an operator, agent or employee believes or has reason to believe that a sale, delivery or viewing of any adults-only item is prohibited because the prospective recipient is underage, said operator, agent or employees shall, (before making or allowing such sale, gift, delivery or viewing), demand presentation of some form of positive identification containing proof of age, issued by a public officer in the performance of his official duties.
- (J) An operator, agent or employee may refuse to sell, deliver or allow any person to view any adult only item, where said person is unable to produce adequate written evidence of identity and age by production of a document issued by the federal, State, or County government, or subdivision or agency thereof, including but not limited to the following documents:

- (1) a motor vehicle operator's license;
  - (2) a registration certificate issued under the Federal Selective Act; or
  - (3) an identification card issued to a member of the Armed Forces.
- (K) Proof that the operator, employee or agent, demanded, examined and reasonably relied upon such written evidence listed in paragraph (J) above in any transaction forbidden by this Ordinance is competent evidence that may be offered as an affirmative defense to a violation of this Ordinance.

In order to reasonably rely upon written evidence regarding a patron's identity and age, an operator, agent or employee shall use the prudent judgment of a reasonable and informed person, and shall scrutinize said written evidence of age and identity by doing the following:

- (1) determine if the physical description and photograph (of any) on the document presented matches that of the presenting person;
- (2) determine whether the plastic seal on the identification card is intact or broken; and,
- (3) in the case of an Illinois Driver's License, determine whether the seventh and eight digits in the driver's license number (excluding the beginning initial) match the stated date of birth located elsewhere on the driver's license.

If from the foregoing, a reasonable person would or should doubt the authenticity of the identification card, then the person offering the identification must not be sold, delivered or allowed to view any adult only items.

- (L) No operator, agent or employee shall give away or otherwise make available any adults-only item or viewing of any adults-only item for the purpose of evading any provision of this Ordinance, when the sale or viewing of said adults-only item is prohibited shall constitute unlawful selling.
- (M) Offers or agreements to sell, deliver, provide or allow the viewing of any adults-only item at or within any premises when the sale or viewing of said adults-only item is prohibited shall constitute unlawful selling.
- (N) The use of any other shift or device to evade any provision of this Ordinance is prohibited and shall constitute unlawful selling.

#### **§ 76.07 HOURS OF OPERATION.**

The unlimited operation of an Adult Business can, by reason of their intended use, facilitate secondary effects including but not limited to prostitution, disorderly conduct, performance of sexual acts or conduct in public, traffic congestion and parking problems. Insofar as the County has a substantial government interest in preserving character and preventing deterioration of its neighborhood and

minimizing the disruptive effect of such Adult Businesses on neighborhoods, the following limitations on operation times have been propounded:

- (A) No operator, employee or agent of an Adult Business shall sell, deliver or allow any person to view any adults-only item between the hours of 10:00 p.m. and 10:00 a.m. on Mondays through Saturdays, nor on Sundays or recognized federal holidays. The time referred to shall be either Central Standard Time or Daylight Savings Time, whichever is in effect at the time in this State.
- (B) No operator, employee or agent of an Adult Business shall permit any person to remain on the premises during the hours specified herein and all patrons shall vacate the licensed premises during the hours specified herein.

#### **§ 76.08 SIGNS.**

The unregulated use of signs can result in secondary effects that create dangers to the public in periods of high winds or inclement weather, defeat the sign's informational or advertising functions as competitors escalate sign size and expense to attract patrons, reduce the ability of the public to interpret the intended message safely and quickly, and destroy the aesthetic quality of the community. Insofar as the County has a substantial government interest in these matters, all signs advertising or promoting the sale of adults-only items must meet the following restrictions:

- (A) All signs must be flat wall signs.
- (B) The amount of allowable sign area shall be as stated in the Sign Regulations section of the Madison County Zoning Code.
- (C) No merchandise or depictions of adults-only items shall be displayed in window areas or any other area that may be viewed from a public street, alley, public way or sidewalk located in front of the building.
- (D) A one square foot sign may be placed on the door to state the hours of operation and adults-only admittance.
- (E) All provisions of the Sign Regulation section of the Madison County Zoning Code shall control except as clearly contradicted by this paragraph. In the event that the provisions conflict, this paragraph shall prevail.

#### **§ 76.09 PUBLIC HEALTH STANDARDS.**

- (A) All premises operated as an Adult Business shall be kept in clean and sanitary condition and shall be kept in full compliance with regulations issued by the County Health Department or the Illinois Department of Public Health.
- (B) Any Adult Business shall keep and maintain the premises equipped with running hot and cold water, shall provide separate and adequate toilet facilities for both males and females, and shall comply with all health, sanitary, zoning, and inspection requirements of the Madison County Code and the State of Illinois.

**§ 76.10 INSPECTIONS.**

Any Adult Business shall permit representatives of the police department, health department (County or State), Fire department, zoning department or building department to inspect the premises of an Adult Business for the purpose of insuring compliance with this Ordinance and with State statute, at any time the Adult Business is open for business.

**§ 76.11 AMORTIZATION PERIOD.**

Adult Businesses in violation of any restriction or regulation contained herein, excepting any location restrictions, must come into full compliance within six (6) months from the effective date of this Ordinance.

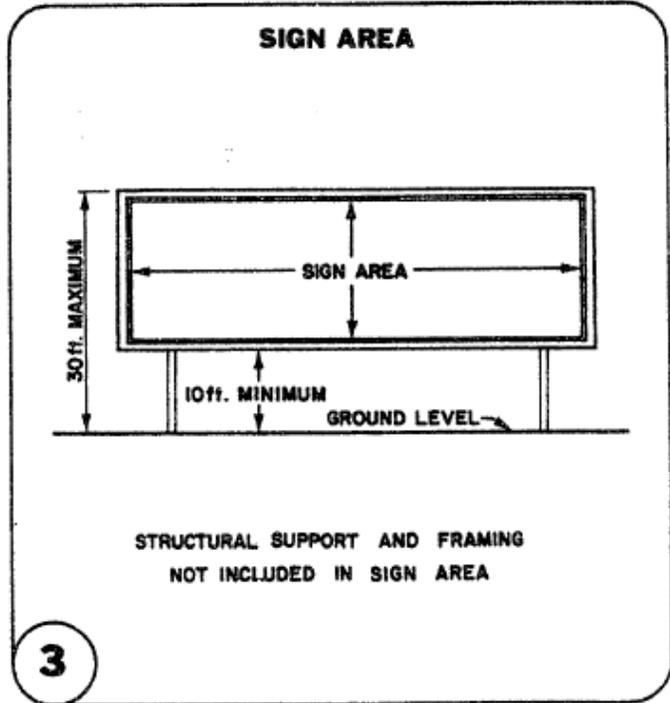
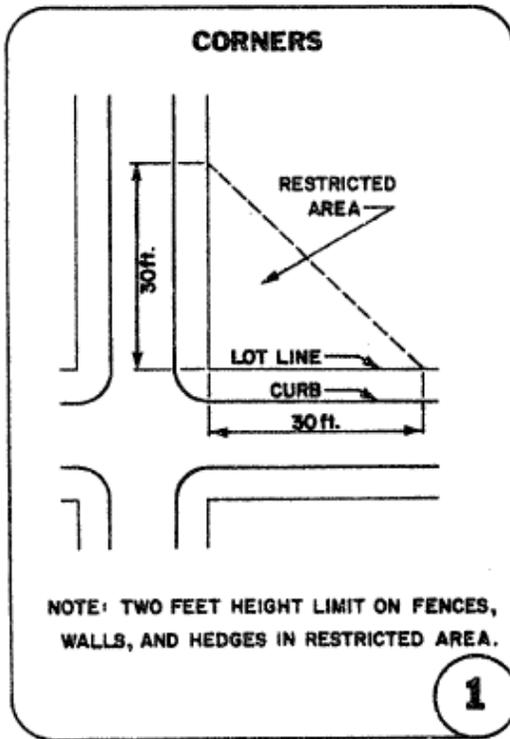
**§ 76.12 VICARIOUS LIABILITY.**

- (A) Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Ordinance, by any employee or agent of any operator if such act or omission occurs either with the authorization, knowledge or approval of the operator.
- (B) Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Ordinance, by any employee or agent of any operator, shall be deemed and held to be the act of said operator if such act or omission occurs as a result of the operator's negligent failure to supervise the conduct of the employee or agent.
- (C) Such an offense shall be punishable in the same manner as if said act or omission had been done or omitted by the operator personally.

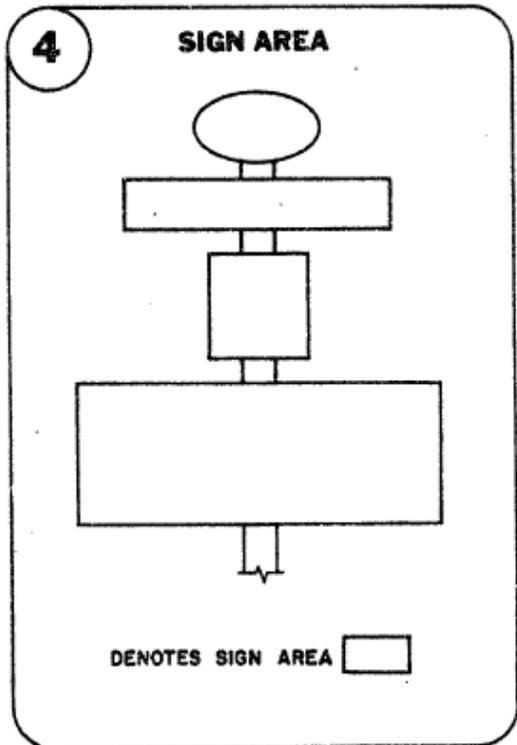
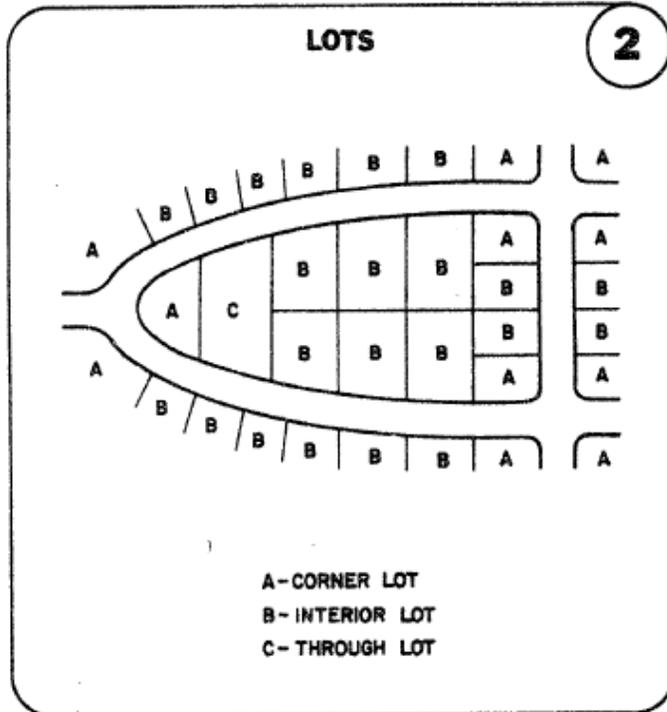
**§ 76.99 PENALTY.**

- (A) In the event that an operator, agent or employee of an Adult Business is guilty of violating any provision of this Ordinance, said person may be subject to a fine not to exceed five hundred (\$500) dollars per violation.
- (B) Any person violating the provisions of this Ordinance shall be subject to an offense for each and every day on which such violation continues, and each day that the offense continues shall be regarded as constituting a separate offense.
- (C) Any prosecution for violations of this Ordinance does not prohibit the County from pursuing injunctive relief or the State Attorney's

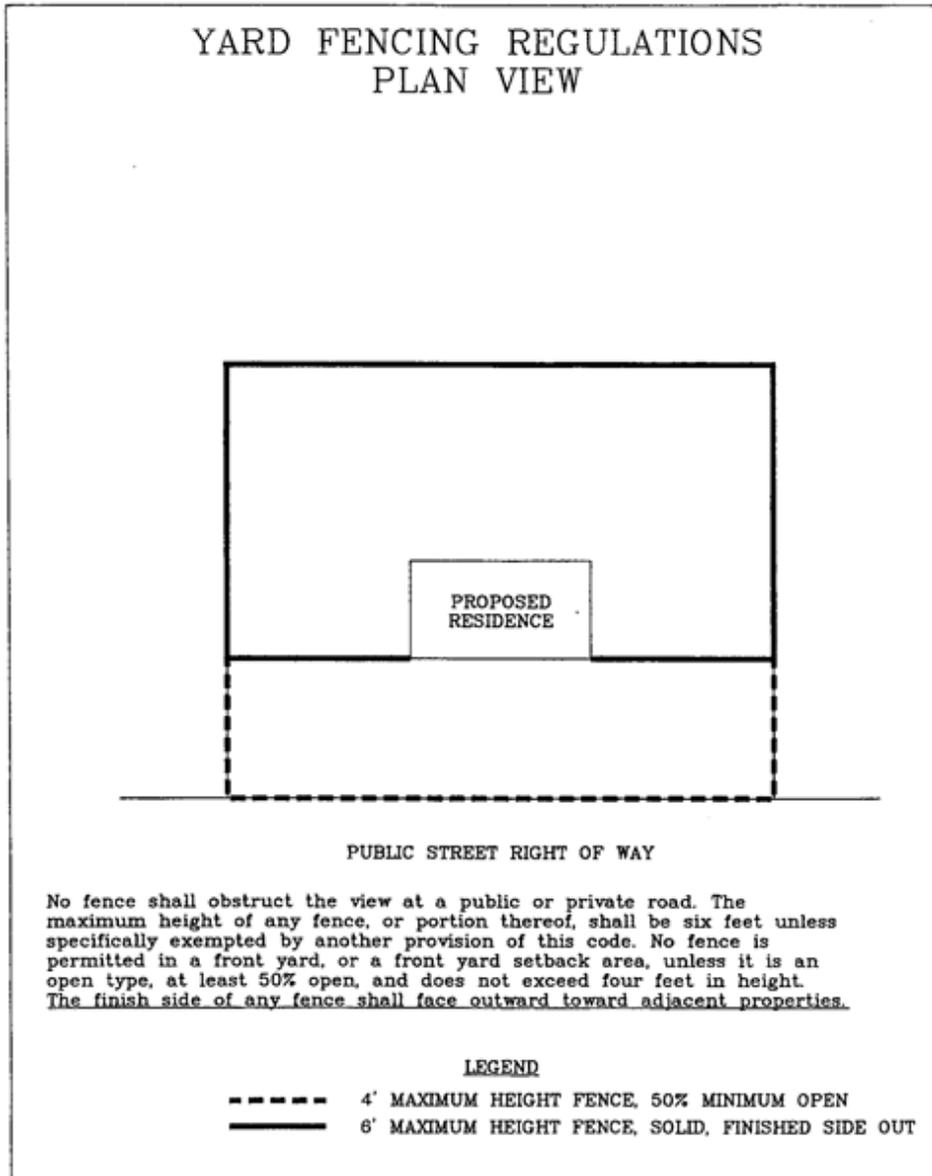
Corner Lot and Sign Area Illustrations



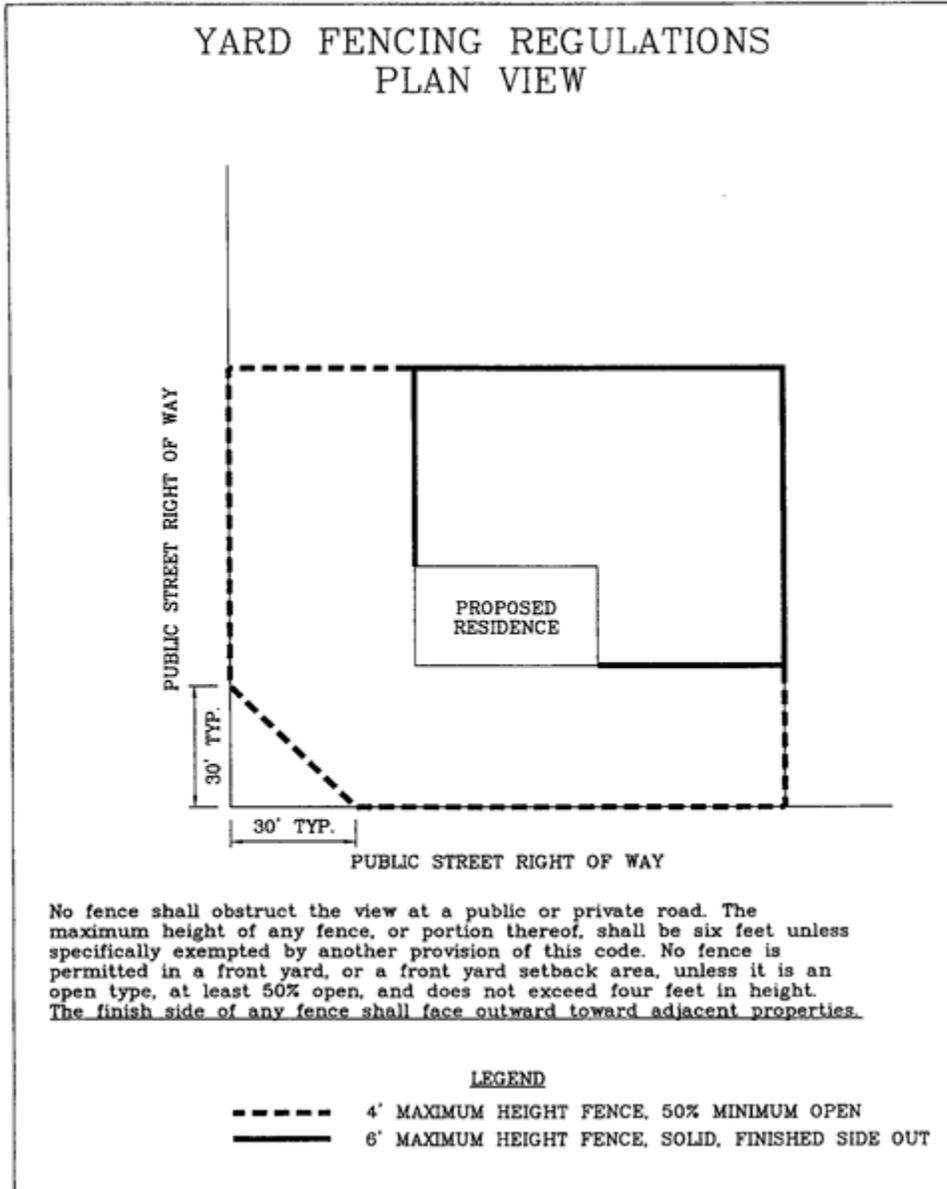
**FIGURE**



## Fencing Illustrations



Fencing Illustrations Continued.



Fencing Illustrations Continued.

