

CHAPTER 155: ZONING

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Editor's note:

Several sections of this chapter were previously amended on January 13, 1981; August 1, 1984; May 14, 1985; May 13, 1986; May 11, 1987; May 12, 1987; January 12, 1988; April 12, 1988; January 8, 1991; June 10, 1999; August 10, 2000; February 8, 2001; July 12, 2001; July 21, 2001; and December 9, 2010.

GENERAL PROVISIONS

§ 155.001 TITLE.

This comprehensive amendment shall be known, cited, and referred to as the County Zoning Ordinance or this chapter.
(Ord. O-95-2-12, passed 2-9-2012)

§ 155.002 AMENDMENT.

The zoning ordinance, originally passed by the County Board of Supervisors on December 14, 1943, and as amended, is herewith and now comprehensively amended to read as follows in this chapter; and the zoning maps made a part of the original zoning ordinance passed by the County Board of Supervisors on December 14, 1943, as amended, is amended by the maps attached to Ordinance O-95-2-12, which are hereby adopted by reference as if set out in full herein.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.003 EFFECTIVE DATE.

The comprehensive amendment shall take effect upon passage and due publication.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.004 INTENT AND PURPOSE.

This chapter to the county zoning ordinance is adopted for the following purposes, which does not represent a prioritization of purposes:

- (A) To promote and to protect the public health, safety, welfare, and morals of the people;
- (B) To zone all properties in such a manner as to reflect their highest and best use to the owner and the community and to conserve and enhance their value;
- (C) To check existing congestion and to prevent future congestion by limiting the development of land to a degree consistent with the capacity to furnish adequate public services;
- (D) To prevent overcrowding of land with buildings and thereby ensure maximum living and working conditions and prevent blight and slums;
- (E) To protect agricultural, residential, business, and manufacturing areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses;
- (F) To fix reasonable zoning standards to which buildings or structures shall conform;
- (G) To prevent additions to, and alterations or remodeling of, existing buildings or structures that would not comply with the restrictions and limitations imposed hereinafter;
- (H) To ensure high standards of light, air, and open spaces in areas where people live and work;
- (I) To relieve street congestion through adequate requirements for off-street parking and loading facilities;
- (J) To foster a rational pattern of relationships between agricultural, residential, business, and manufacturing uses for the mutual benefit of all;
- (K) To isolate or control the location of unavoidable nuisance-producing uses;
- (L) To provide protection against fire, explosion, noxious fumes, and other hazards;
- (M) To define the powers and duties of the administrative officers and bodies, as provided hereinafter; and
- (N) To prescribe penalties for the violations of the provisions of this chapter, or of any amendment thereto.

(Ord. O-95-2-12, passed 2-9-2012) Penalty, see §155.999

§ 155.005 EXCLUSIONS.

Nothing contained in these regulations shall impose restrictions or require a permit with respect to land zoned or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alterations, remodeling, or extension of buildings or structures used or to be used for agricultural purposes upon the land, except that the buildings or structures for agricultural purposes shall conform to building or setback lines; nor shall these regulations be deemed to specify or regulate the type or locations of any poles, towers, wires, cables, conduits, vaults, laterals, or any other similar distributing equipment of a public utility as defined in the act entitled An Act Concerning Public Utilities, being 220 ILCS 5/1-101 et seq.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.006 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow the centerlines;
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines;
- (C) Boundaries indicated as approximately following city or village limits shall be construed as following the city or village limits;
- (D) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (E) Boundaries indicated as following shore lines shall be construed to follow the shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore lines; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow the centerlines;
- (F) Boundaries indicated as parallel to or extensions of features indicated in divisions (A) through (E) above shall be so construed. Distanced not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- (G) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by divisions (A) through (F) above, the Board of Appeals shall interpret the district boundaries; and
- (H) Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the Board of Appeals may permit the extension of the regulations for either portion of the district line into the remaining portion of the lot.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.007 RULES AND INTERPRETATIONS.

In the construction of this chapter, certain words, terms, and phrases shall be deemed to have the meaning ascribed to them in this section and § 155.008, except where the context clearly indicates otherwise.

- (A) Words used in the present tense shall include the future; and words in the singular include the plural, and those in the plural include the singular.
- (B) The word "used" as applied to any land or structure shall be construed to include "arranged", "designated", "maintained", "occupied", and "intended".
- (C) The word "building" includes all other structures of every kind regardless of similarity to buildings.
- (D) The word "shall" is mandatory.
- (E) The word "may" is permissive.
- (F) The word "lot" shall include the words "piece", "parcel", and "tract".
- (G) Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of *Webster's Dictionary*.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.008 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING OR USE. One which:

- (1) Is subordinate to and serves a principal building or principal use;
- (2) Is subordinate in area, extent, or purpose to the principal building or principal use served;

(3) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and

(4) Is located on the same zoning lot as the principal building or principal use served, with the single exception of any accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADVERTISING DEVICE. Any advertising sign, billboard, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where the sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

AGRICULTURE. Land, or land, buildings, and structures, the principal use or uses of which is growing of farm or truck garden crops, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, or animal or poultry husbandry, and accessory uses customarily incidental to agricultural activities, including but not limited to farm dwellings, dwellings for tenants and full-time hired workers, dwellings or lodging rooms for seasonal workers, and uses for treating, packing, or storing produce; provided, however, that the operation of the accessory uses shall be secondary to that of normal agricultural uses.

ALLEY. Any public right-of-way with a width of not less than 16 feet nor more than 24 feet which affords a secondary means of vehicular access to abutting properties. A street shall not be considered an **ALLEY**.

ALTERATION. Any change in size, shape, character, location, occupancy, or use of a building or structure.

APARTMENT. A dwelling containing more than one dwelling unit having an entrance to a common hallway or balcony.

APARTMENT HOTEL. A building designed for or containing both apartments and individual guest rooms or suites of rooms and apartments, including services ordinarily furnished by hotels, such as drugstore, barber shop, cigar and newsstand, when the uses are located entirely within the building with no entrance from the street, and having no sign or display visible from the outside of the building indicating the existence of the use.

AUTOMOBILE, ABANDONED. Any motor vehicle or portion thereof which when operated on a highway is required to be registered by this state, having no registration or expired registration. Notwithstanding the foregoing definition, a motor vehicle or portion thereof stored within a permitted building or structure shall not be considered to be an **ABANDONED AUTOMOBILE**.

AUTOMOBILE LAUNDRY. A building or portion thereof containing facilities for washing automobiles using production-line methods with a chain conveyor, blower, steam-cleaning device, or other mechanical devices.

AUTOMOBILE REPAIR GARAGES. Any premises used for supplying gasoline and oil, tires, accessories and services for automobiles at retail direct to the motorist consumer, including the making of minor repairs and such major repairs as:

- (1) Spray painting;
- (2) Body, fender, clutch, transmission, differential, axle, spring, and frame repairs;
- (3) Major overhauling of engines requiring removal therefrom of the cylinder-head or crankcase pan;
- (4) Repairs of radiator requiring removal thereof; and
- (5) Complete recapping or retreading of tires.

AUTOMOBILE SERVICE STATION (GAS, FILLING STATION). Any premises used for supplying gasoline and oil, tires, accessories, and services for automobiles at retail direct to the motorist consumer, including the making of minor repairs, but not including such major repairs as:

- (1) Spray painting;
- (2) Body, fender, clutch, transmission, differential, axle, spring, and frame repairs;
- (3) Major overhauling of engines requiring removal therefrom of the cylinder-head or crankcase pan;
- (4) Repairs of radiator requiring removal thereof; or
- (5) Complete recapping or retreading of tires.

AUTOMOBILE WRECKING. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

AUTOMOBILE WRECKING YARD. An area of land where two or more motor vehicles, not in running condition, or parts thereof are stored in the open and any land, building, or structure used for wrecking or storing of the motor vehicles or parts thereof.

AVERAGE GROUND ELEVATION. The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

BASEMENT. A portion of a building wholly or partly below the average ground elevation.

BOARDING HOUSES. A building other than a motel, apartment hotel, or hotel where, for compensation and by arrangement, lodging or lodging and meals are provided for three or more but less than ten unrelated individuals. A rooming house or furnished rooming house shall be deemed to be a **BOARDING HOUSE**.

BORROW PIT. Any place or premises where dirt, soil, sand, gravel, or other material is removed by excavation or otherwise, below the grade of surrounding land, for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

BUILDABLE AREA OF A LOT. The portion of a lot bounded by the required rear and side yards and the building setback line.

BUILDING. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind, and which is permanently affixed to the land.

BUILDING, COMPLETELY ENCLOSED. A building separated on all sides from the adjacent open space, buildings, or structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

BUILDING COVERAGE. The percent of a lot which may be covered by the main building and accessory building.

BUILDING, DETACHED. A building surrounded by an open space on the same lot.

BUILDING HEIGHT. The vertical distance from the average ground elevation to the highest point of the coping of a flat roof or to deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING LINE. A line on a lot parallel to a lot line or street right-of-way line at a sufficient distance to provide the required yards, delimiting the area in which structures are permitted, subject to the provisions of this chapter.

BUILDING, PRINCIPAL. A non-accessory building in which a principal use of the lot on which it is located is conducted.

BUILDING, RESIDENTIAL. A residential building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers and which includes but is not limited to the following types:

- (1) Single-family detached dwellings;
- (2) Two-family dwellings;
- (3) Multiple-family dwellings; and
- (4) A row of single- or two-family attached dwellings developed initially under single ownership or control.

BUILDING SETBACK LINE. A building line established the minimum allowable distance between a street right-of-way and any structure.

BULK. The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- (1) Size and height of buildings;
- (2) Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- (3) Gross floor area of buildings in relation to lot area (floor area ratio);
- (4) All open spaces allocated to buildings; and
- (5) Amount of lot area provided per dwelling unit.

CABIN or COTTAGE. A dwelling unit designed for temporary or seasonal occupancy.

CAMP. Any land, including structures, used for assembly or temporary occupancy by persons and providing outdoor recreational facilities.

CAPACITY IN PERSONS. Of an establishment or use, the maximum number of persons that can avail themselves of the services (or goods) of the establishment at any one time with reasonable comfort and safety.

CARPORT. An open-sided, roofed automobile shelter usually formed by extension of the roof from the side of a building.

CLINIC. An establishment where patients, who are not lodged overnight are admitted for examination and treatment by a group of physicians or allied practitioners practicing together.

CLUB, PRIVATE (NONPROFIT). A nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof; the use of the premises being restricted to members and their guests. The affairs and management of the **PRIVATE CLUB** are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on the premises, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that the sale of alcoholic beverages is in compliance with the applicable federal, state, and county laws.

DENSITY. The number of dwelling units per net acre or gross acre, as indicated for the appropriate zoning district in the schedule of district regulations.

DORMITORY. A building not open to transients, where lodging or lodging and meals are provided, for more than ten persons. Kitchen facilities shall not be included for each unit. If kitchen facilities are included in any unit other than for management personnel, then the building shall be defined as a multiple-family dwelling. A **DORMITORY** may have a central kitchen facility to provide meals for inhabitants of the dormitory.

DRIVE-IN ESTABLISHMENT. One which accommodates the patrons' automobiles, from which the occupants may watch, purchase, or otherwise conduct business from automobiles.

DWELLING. A building, exclusive of mobile homes, travel trailers, apartment hotels, hotels, motels, and boarding houses, as herein defined, containing as the principal use one or more **DWELLING** units.

DWELLING, ATTACHED. One which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING, DETACHED. One which is entirely surrounded by open space on the same lot.

DWELLING, MULTIPLE-FAMILY. A residential building designed for and occupied by three or more families.

DWELLING, SINGLE-FAMILY. A dwelling designed for and occupied exclusively by one family.

DWELLING, TWO-FAMILY. A dwelling designed for two families and occupied by no more than two families with completely separate entrances.

DWELLING UNIT. Consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included for each **DWELLING UNIT**.

EFFICIENCY UNIT. A dwelling unit consisting of one principal room exclusive of bathrooms, kitchen, hallway, closets, or dining alcove directly off the principal room, providing the dining alcove does not exceed 125 square feet in area.

EMPLOYEE(S). In regard to off-street parking requirements, mean all who work in the enterprise including owners, partners, management, and office personnel.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead, gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals and signs, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by the public utilities or

municipal or other governmental agencies or for the public health or safety or general welfare, but not including building or public utility substations as herein defined.

FAMILY. Any individual or two or more persons related by blood, marriage, or legal adoption or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together as a single housekeeping unit and occupying a single-family dwelling unit.

FLOOR AREA (for determining floor area ratio). The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The **FLOOR AREA** of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment—except equipment, open or enclosed, located on the roof—penthouses, attic space having balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. However, any space devoted to bulk storage of materials—including but not limited to grain elevators and petroleum storage tanks—shall be determined on the basis of height in feet: i.e., ten feet in height shall equal one floor.

FLOOR AREA (for determining off-street parking and load requirements).

(1) When prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, shall mean the sum of the gross horizontal area of the several floors of the building, or portion thereof, devoted to that use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

(2) However, **FLOOR AREA** for the purpose of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

FLOOR AREA RATIO (FAR). The **FLOOR AREA RATIO** of the building or building on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the area of the zoning lot, or, in the case of planned developments, by the net site area. The **FLOOR AREA RATIO** requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

GARAGE, PRIVATE. An area attached to a dwelling or a detached accessory building designed or used for the storage of privately owned motor-driven vehicles owned and used by the occupants of the dwelling to which it is accessory and not for storing more than one truck or commercial vehicle or any vehicle which exceeds a two-ton capacity.

GARAGE, PUBLIC. A building or portion thereof, other than private or storage garage, which is designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

GRADE. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GUEST HOUSE. A detached accessory building located on the same zoning lot as the principal building and containing living quarters for temporary guests; the quarters shall not be rented.

HOME OCCUPATION. Any occupation carried on by a member of the immediate family residing on the premises not involving the conduct of a wholesale, retail, or manufacturing business, provided that:

- (1) No person other than members of the family residing on the premises shall engage in that occupation;
- (2) There is no display that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the principal building;
- (3) The products of the **HOME OCCUPATION** are produced only on the premises;
- (4) The use of the dwelling unit for the **HOME OCCUPATION** shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the **HOME OCCUPATION**;
- (5) The home occupation must be confined to the principal structure and no accessory building shall be used for the **HOME OCCUPATION**;
- (6) No traffic shall be generated by the **HOME OCCUPATION** in greater volumes than would normally be expected be expected in a residential neighborhood, and any need for parking generated by the conduct of the **HOME OCCUPATION** shall be met off the street and other than in a required front yard;
- (7) No equipment or process shall be used in the **HOME OCCUPATION** which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises; and

(8) A professional person may use his or her residence for consultation, emergency treatment, or performance of religious rites but not for the general practice of his or her profession and further a barber or beauty shop, dentist, physician, insurance, or real estate offices shall not be construed to be **HOME OCCUPATIONS**.

HOTEL. An establishment which is open to transient guests and which provide customary hotel services such as maid person service, furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bell person service.

JUNKYARD. The use of more than 500 square feet of open storage on any tract of land as a place where personal property is or may be salvaged for re-use, resale, or reduction, or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including but not limited to used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick, and similar property except animal matter, and used motor vehicles, machinery, or equipment which are used, owned, or possessed for the purpose of wrecking or salvaging parts therefrom. A **JUNKYARD** does not include uses established entirely within enclosed buildings.

KENNELS. Any premises or portion thereof on which more than three dogs, cats, or other household domestic animals, over age four months are kept for the purpose of sale, or on which more than two animals are maintained, boarded, bred, or cared for in return for enumeration.

LOADING SPACE, OFF-STREET. Adequate space, logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to the vehicles at all times. Required **OFF-STREET LOADING SPACE** is not to be included as off-street parking space in computation of required off-street parking space.

LODGE. A hall or meeting place of a local branch or the members composing such a branch of a fraternal order or society such as the Masons, Knights of Columbus, Moose, American Legion, and other similar organizations. It shall be permissible to serve food and meals on the premises, provided adequate dining room space and kitchen facilities are available. The sale of alcohol beverages to members and their guests shall be allowed, provided that it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that the sale of alcoholic beverage is in compliance with the applicable federal, state, and county laws.

LODGING HOUSE. A building originally designed for or used as a single-family or two-family dwelling, all or a portion of which contains lodging rooms which accommodate persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation on a weekly or monthly basis.

LODGING ROOM. A room rented as sleeping and living quarters without cooking facilities.

LOT. A single parcel of land which may be legally described as such. For residential uses, the **LOT** shall abut on a street or place for a least 60% of the lot width prescribed for the district in which the **LOT** is located. The **LOT** may be a single parcel separately described in a deed or plat which is recorded in the office of County Recorder, or it may include parts of or a combination of parcels when adjoining one another and used as a single unit.

LOT AREA, GROSS. The area of a horizontal plane bounded by the front, side, and rear lot lines.

LOT, CORNER. A lot abutting on two streets at their juncture, when the interior angle formed is less than 135 degrees.

LOT DEPTH. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

LOT LINE, FRONT. The boundary of a lot which is along an existing or dedicated public street, or, where no public street exists, is along a public way; where the public way is not a dedicated street, the right-of-way of the public way shall be deemed to be 66 feet, unless otherwise provided. On corner lots the **FRONT LOT LINE** shall be considered as parallel to the street upon which the lot has its least dimension.

LOT LINE, REAR. The boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

LOT OF RECORD. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of this county or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds of this county prior to the enactment of this chapter. A recorded lot may or may not coincide with a zoning lot.

LOT, REVERSED CORNER. A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT WIDTH. The width of the lot at the building line.

LOT, ZONING. A parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings, or principal use or uses, along with permitted accessory buildings or uses meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this chapter.

MANUFACTURED HOME. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code being 25 C.F.R. §§ 3220.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE. Title VI of the 1974 Housing and Community Development Act (42 U.S.C. §§ 5301 et seq.), as amended (previously known as the Federal Mobile Home Construction and Safety Act, being 42 U.S.C. §§ 5301 et seq.), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a design approval primary inspection agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), all of which become effective for mobile/manufactured home construction on June 15, 1976.

MARINA. A boat basin and recreational facility located on waterfront property, providing moorings for boats and one or more of the following facilities: boat launching ramps, boat livery, boat sales, maintenance shops, marine supply store, and fuel dock.

MARQUEE or **CANOPY.** A roof-like structure of a permanent nature which projects from the wall of a building and overhangs a public way.

MOBILE HOME. A transportable structure larger than 320 square feet, designed to be used as a year-round residential dwelling, and built prior to June 15, 1976.

MOTEL. An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient motor vehicle tourists. A **MOTEL** furnishes customary hotel services such as maid person service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a **MOTEL**, less than 50% of the living and sleeping accommodations are occupied or designed for occupancy by person other than transient automobile tourists.

MOTOR FREIGHT TERMINAL. A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.

MOTOR VEHICLE. Any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

NONCONFORMING USE. The use of land or a building or portion thereof which use does not conform with the use regulations of the district in which it is situated which use legally existed therein or thereon before the date of this amendment.

NOXIOUS MATTER OR MATERIALS. Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

NURSERY SCHOOLS. A school—private, semi-private or public—providing organized instruction and care for children prior to their enrollment as required by law in a school which has a course of study which meets applicable state and national standards for an accredited elementary school. (A **NURSERY SCHOOL** may provide meals but not lodging rooms for students.)

PARKING AREA. An open space other than a street or alley designed for use or used for the temporary parking of motor vehicles exclusively, whether free or for compensation, in which no gasoline or automobile accessories are sold and no other business is conducted.

PARKING SPACE, OFF-STREET. A space not located within a street right-of-way containing adequate space for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley (intended to mean forward motion as opposed to backing out) and maneuvering room.

PERFORMANCE STANDARD. A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire, and explosive hazards, or glare or heat generated by, or inherent in, uses of land or buildings.

PERSON. Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

PLANNED DEVELOPMENT. A tract of land three acres or more in area developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas.

PREFABRICATED HOUSING UNIT. A factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on flatbed or other trailers, or detachable wheels or on its (their) own running gear, and designed as a single-family housing unit suitable for year-round occupancy and meeting all required building, plumbing, electrical, and mechanical codes.

PROPERTY LINES. The lines bounding a zoning lot, as defined herein.

PUBLIC WAY. A sidewalk, street, alley, highway, or other public thoroughfare whether built, dedicated, or merely an easement for road purposes.

RAILROAD RIGHT-OF-WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

RECREATIONAL CLUB. A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires, or leases land or buildings or portions thereof, the use of the premises being restricted primarily to the principal use, which is a generally recognized sport or recreational activity. The premises shall be restricted to members and their guests. The affairs and management of a **RECREATIONAL CLUB** are conducted by a board of directors, executive

committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on the premises, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some recognized sport or recreational activity, and further provided that the sale of alcohol beverages is in compliance with the applicable federal, state, and county laws.

RESERVOIR PARKING. **RESERVOIR PARKING** facilities are those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

REST HOME or **NURSING HOME.** A private home for the care of children or the aged or infirm.

ROADSIDE STAND. A structure for the display and sale of agricultural products with no space for customers within the structure itself.

ROOMING HOUSE. A residential building or portion thereof, other than a motel, apartment hotel, or hotel, containing lodging rooms for accommodations of three or more persons who are not members of the keeper's family and where lodging without meals is provided by prearrangement and for definite periods.

SANITARY LANDFILL. An area used for the disposal of refuse by the method of daily spreading and covering the refuse with earth.

SETBACK. The minimum horizontal distance measured between a building foundation or structure and the right-of-way line or centerline of a street, alley, stream, or railroad right-of-way; the measurements will be the minimum distances measured perpendicular to the centerlines or right-of-way.

SHELTER CARE HOME. A private boarding home, institution, building, residence, or other place, which through its ownership or management provides sheltered care to three or more adults who are not related to the operator or owner by blood or marriage.

SHOPPING CENTER. A group of more than six commercial establishments planned, developed, and managed as a unit, located on a zoning lot of at least five acres, with off-street parking provided on the property.

SIGN. Any object used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, which is intended to be seen from off the premises or from a parking lot. The word **SIGN** shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a **SIGN** within this chapter.

SIGN, ADVERTISING. A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located or to which it is affixed.

SIGN, FLASHING. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when the sign is in use. For the purpose of this chapter, any revolving, illuminated sign shall be considered a **FLASHING SIGN**.

SIGN, GROSS AREA OF. The entire area within a single continuous perimeter enclosing the extreme limits of the sign and in no case passing through or between any adjacent elements of the same.

SOLAR COLLECTOR. A device, structure, or part of a device or structure (ie. array, panel, etc.) installed for transforming solar energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY. Radiant energy received from the sun that is collected in the form of heat or light by a solar collector.

SOLAR FARM. A use of land where a series of solar collectors are placed in the area for the purpose of converting solar energy into electrical power for interconnection with the power grid primarily for off-site energy consumption. The term includes any associated cabling, devices, equipment, and structures located on site that are associated with the operation of a solar farm. The use of solar collectors for residential or business consumption that occurs on-site is not considered a solar farm.

STORAGE CONTAINER. A large, van like reusable box/container designed for the storage of commercial, industrial, agricultural or residential household goods, that does not contain wheels for movement.

STORAGE TRAILER. A large van/wagon drawn by a truck or tractor, used especially in hauling freight by road without current license plates.

STORY. The portion of the building, other than a cellar or basement (except one used for business or residence), included between the surface of any floor and the surface of the floor next above it or, if there isn't a floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of the story; except that any partial story used for residence purposes, other than for a janitor or caretaker or his or her family, or by a family occupying the floor immediately below it, shall be deemed a full story.

STREET. A public or private thoroughfare which affords the principal means of vehicular access to abutting property.

STREET, COLLECTOR. A street which carries traffic from a major street to a local street.

STREET, HIGHWAY. A street primarily designed for inter-urban or inter-regional travel.

STREET LINE. A dividing line between a lot, tract, or parcel of land and a contiguous street.

STREET, LOCAL. A street primarily designed for access to abutting properties and for access to collector streets.

STREET, MAJOR. A street designed to carry traffic from one part of the city to another part of the city through neighborhood areas, including streets designed to carry heavy business or industrial traffic.

STRUCTURAL ALTERATIONS. Any change other than normal maintenance which would tend to prolong the life of a supporting member of a structure such as a bearing wall, column, beam, girder, or any substantial change in the roof or exterior walls.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and arbors and carports.

TAVERN. A place where alcoholic beverages are sold for consumption on the premises.

TENT. Any structure or enclosure, the roof of which and/or one-half or more of the sides are constructed of silk, cotton, canvas, or a similar light fabric.

TOURIST HOME. A building designed for or used as a single-family or two-family dwelling on which sleeping rooms are provided or offered to transient guests for compensation.

TRAILER. Any structure used for temporary living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings and which is, has been, or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. The term **TRAILER** shall include **CAMPER** and **VAN**.

TRAILER OR TOURIST CAMP. Any lot or parcel used for one or more auto trailers, tents, house or camp cars, or other portable or mobile shelters used for temporary living, sleeping, business, or storage purposes.

USE. The purpose or activity for which the land or any structure thereon is designed, arranged, or intended, or for which it is occupied or maintained and shall include any manner of performance of the activity with respect to the performance standards of this chapter.

USE, ACCESSORY. A use subordinate to the principal use and located on the premises serving a purpose customarily incidental to the principal use. Residential **ACCESSORY USES** may include storage of household goods, parking areas, gardening, servants' quarters, private swimming pools, and private emergency shelters.

USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of the district.

USE, PRINCIPAL. The main use of land or building as distinguished from a subordinate or accessory use. It may be either a "permitted" or a "special use".

USE, SPECIAL. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts.

VARIANCE. A relaxation of the terms of the zoning ordinance where the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a **VARIANCE** is authorized only for heights, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by **VARIANCE**, nor shall a **VARIANCE** be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

WHOLESALE ESTABLISHMENT. A business establishment engaged in selling to retailers or jobbers rather than consumers.

YARD. An open space on the same lot with a building unobstructed from the ground upward.

YARD, FRONT. A yard extending across the front of a lot between the side lot lines, and between the street line and the front face or faces of the main building. On corner lots, the **FRONT YARD** shall be considered to be parallel to the street upon which the lot has the smaller dimensions.

YARD, REAR. A yard extending across the rear of a lot, between the side lot lines, and between the rear lot line and the rear face or faces of the main building.

YARD, REQUIRED (OR MINIMUM). For purposes of determining building lines, the **REQUIRED (OR MINIMUM) YARD** shall be the least horizontal distance between the lot line and the main building or any projection thereof, other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches.

YARD, SIDE. A yard extending between the front and rear yard lines and between the side lot line and the side face or faces of the main building.

ZONING DISTRICT. An area or areas of the unincorporated territory of the county for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

(Ord. O-95-2-12, passed 2-9-2012; Ord. O-131-09-18, passed 9-13-2018; Ord. O-136-01-20, passed 1-9-2020)

ADMINISTRATION AND ENFORCEMENT

§ 155.020 ORGANIZATION.

(A) The administrative responsibilities of this chapter are hereby vested in two offices of the government of the county:

- (1) The Office of the Zoning Administrator; and
- (2) The Zoning Board of Appeals.

(B) This subchapter shall first set out the authority of each of these two offices and shall then describe the procedures and substantive standards to the following administrative functions:

- (1) Issuance of zoning certificates;
- (2) Issuance of occupancy certificates;
- (3) Variations;
- (4) Appeals;
- (5) Amendments;
- (6) Special uses;
- (7) Planned unit developments;
- (8) Fees;
- (9) Compliance with regulations; and
- (10) Penalties.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.021 THE OFFICE OF THE ZONING ADMINISTRATOR.

(A) *Creation.* There is hereby created the Office of the Zoning Administrator. The Zoning Administrator shall be the head of this office and shall be appointed by the Chairperson of the County Board, by and with the consent and advice of the County Board. The Zoning Administrator may be removed by the Chairperson of the County Board for cause. Any other employees of the Office of the Zoning Administrator shall be appointed as shall be authorized by the County Board in its annual appropriation ordinance.

(B) *Duties of the Office of the Zoning Administrator.* The Zoning Administrator shall enforce this chapter and in addition thereto and in furtherance of that authority, he or she shall:

- (1) Issue all zoning certificates, and make and maintain records thereof;
- (2) Issue all certificates of occupancy, and make and maintain records thereof;
- (3) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this chapter;
- (4) Maintain permanent and current records of this chapter, including but not limited to all maps, amendments and special uses, variations, appeals, and applications therefor;
- (5) Provide and maintain a public information bureau relative to all matters arising out of this chapter;
- (6) Receive, file, and forward to the County Board (with copies to the Zoning Board of Appeals) all applications for special uses, variations, and for amendments to this chapter;
- (7) Receive, file, and forward to the Zoning Board of appeals all applications for appeal or for other matters on which the Board is required to pass under this chapter;
- (8) Review all property which has been subject of legal action, invalidating the zoning as applied by this chapter and submit an amendment for classification of the property to the County Board;
- (9) Review all property which has been disconnected from a municipality or that has come within the jurisdiction of the county as the result of the dissolution of a municipality and submit an amendment for reclassification of the property to the County Board;
- (10) Determine use, lot, and bulk requirements in specific instances, as stipulated in §§155.115 through 155.123, 155.135 through 155.137, 155.150, 155.151, 155.165, 155.166, and 155.180 through 155.182;
- (11) Allow parking lots in residence districts to be illuminated between the hours of 10:00 p.m. and 7:00 a.m., when

necessary for the public safety or welfare;

(12) Initiate, direct, and review, from time to time, a study of the provisions of this chapter, and make reports of his or her recommendations to the Zoning Committee of the County Board, not less frequently than annually;

(13) Develop and implement policies and procedures to promulgate the regulations of this chapter;

(14) Issue stop work orders to prohibit any activity that is in violation of this chapter; and

(15) To allow a waiver of bulk requirements within any zoning district under the following circumstances:

(a) The waiver does not permit more than a cumulative 10% variation from the bulk requirements of the zoning district;

(b) In the opinion of the Zoning Administrator, all the standards for variances, as enumerated in §155.027(B), are met by the applicant; and

(c) Before the waiver is granted, the Zoning Administrator shall send a notice by certified mail to all adjoining landowners of the intent to issue the waiver. If any adjoining landowner files a written objection with the Zoning Administrator within 15 days of receipt of the notice, no waiver shall be granted.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.022 THE ZONING BOARD OF APPEALS.

(A) *Creation and membership.* A Zoning Board of Appeals is hereby authorized to be established. Whenever the word **BOARD** is used in this section, it shall be construed to mean the Board of Appeals. The Board of Appeals shall consist of five members, plus two alternate members if desired, appointed by the Chairperson of the County Board by and with the consent and advice of the County Board to serve, respectively, for the following terms: one for one year, one for two years, one for three years, one for four years, and one for five years; and the alternate members shall serve respectively for four years and five years. The successor to each member so appointed shall serve for a term of five years. Alternate members, if appointed, shall serve as members of the Board only in the absence of regular members, with the alternate member who has the greatest amount of time remaining in his or her term to have priority over the other alternate member in determining which alternate member shall serve in the absence of a regular member. All members of the Board shall be residents of separate congressional townships at the time of their appointment. One of the members so appointed shall be named as Chairperson at the time of his or her appointment, and in case of vacancy, the appointing authority shall designate a Chairperson. The appointing power shall have the power to remove any member of the Board for cause, after a public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose place has become vacant.

(B) *Jurisdiction.* The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

(1) To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this chapter;

(2) To hear all applications for special uses, variations, and amendments to this chapter in the manner prescribed by, and subject to, the standards established herein, and report the findings and recommendations to the County Board;

(3) To hear and decide all applications for variations to this chapter in the manner prescribed by, and subject to, the standards established herein; and

(4) To hear and decide all matters referred to it or upon which it is required to pass under this chapter as prescribed by the statute.

(C) *Meetings and rules.* All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at times as the Board may determine. Hearings shall be conducted by the Board and shall be open to the public. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. The Chairperson is empowered to administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment, and every order, requirement, decision, or determination of the Board shall be filed immediately in the office of the Zoning Administrator and shall be a public record. The Board shall adopt its own rules and procedure, not in conflict with this chapter or with the applicable state statutes, and may select or appoint any officers as it deems necessary.

(D) *Finality of decisions of the Zoning Board of Appeals.* All decisions and findings of the Zoning Board of Appeals on appeal of administrative decision shall, in all instances, be final and shall be subject to review by court as by law may be provided.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.023 ZONING CERTIFICATES.

(A) *Certificate required.* Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the county unless the application for the permit has been examined by the Office of the Zoning Administrator and has affixed to its certificate of the Office of the Zoning Administrator indicating that

the proposed building or structure complies with all provisions of this chapter. Any permit or certificate of occupancy issued in conflict with the provisions of this chapter shall be null and void.

(B) *Plats.*

(1) Every application for a building permit shall be accompanied by:

(a) A copy of the deed; and

(b) A plat, in triplicate, drawn to scale in a form as may from time to time be prescribed by the Zoning Administration, showing the ground area, heights, and bulk of the building or structure or land and any other information as may be required by the Zoning Administration for the proper enforcement of this chapter.

(2) One copy of each of the two plats shall be attached to the application for a building permit when it is submitted to the Office of the Zoning Administration for a zoning certificate and shall be retained by the Zoning Administrator as a public record.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.024 BUILDING PERMITS AND OCCUPANCY CERTIFICATES.

(A) Any building or structure that is longer than ten feet on any side, or any addition to the building or structure, shall be required to be issued a building permit by the Office of the Zoning Administrator. The Zoning Administrator shall have the authority to issue stop work orders or revoke previously issued building permits based on failure to comply with the rules or regulations promulgated by the Office of the Zoning Administrator.

(B) No building, or addition thereto, constructed after the effective date of this chapter, and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of this chapter shall be used for any purpose, until a certificate of occupancy has been issued by the Office of the Zoning Administrator. No change in use other than that of a permitted use shall be made until a certificate of occupancy has been issued by the Office of the Zoning Administrator. Every certificate of occupancy shall state that the use or occupancy complies with all the provisions of this chapter.

(1) *Application for occupancy certificate.* Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required shall be made directly to the Office of the Zoning Administrator.

(2) *Issuance of occupancy certificate.* No occupancy certificate for a building or addition thereto constructed after the effective date of this chapter shall be issued until construction has been completed and the premises inspected and certified by the Office of the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based. No occupancy certificate for a building or addition thereto, constructed after the effective date of this chapter, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Office of the Zoning Administrator to be in compliance with all the applicable performance standards of the zoning district in which it is located. Pending the issuance of a regular certificate, a temporary certificate may be issued, to be valid for a period of not to exceed six months from its date during the completion of any addition or during partial occupancy of the premises.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.025 ADMINISTRATION AND ENFORCEMENT.

(A) *Appeals.* An appeal may be taken to the Zoning Board of Appeals by any person aggrieved by a decision of the Office of the Zoning Administrator. The appeal shall be taken within a time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Office of the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

(B) *Findings on appeals.*

(1) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him or her that by reasons of facts stated in the certificate a stay would, in his or her opinion, cause eminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court on application, on notice to the Zoning Administrator and on due cause shown.

(2) 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 written decision on the appeal without unreasonable delay. The Board may affirm or may, upon the concurring vote of three members, reverse, wholly or in part, or modify the order, requirement, decision, or determination, as in its opinion it determines ought to be done, and to that end shall have all the powers of the officer from whom the appeal is taken.

(3) The Zoning Administrator shall maintain complete records of all actions of the Board relative to appeals.

(Ord. O-95-2-12, passed 2-9-2012; Res. G-4111-6-14, passed 6-12-2014)

§ 155.026 APPLICATION FOR AND APPROVAL OF VARIANCES, SPECIAL USE PERMITS, AND AMENDMENTS.

(A) *Application.* An application for a variance, special use permit, or amendment may be made by any person owning or having an interest in the subject property. Petitions for zoning amendments may also be filed by a member of the County Board, by the Zoning Board of Appeals, and by the Zoning Administrator. The application shall be filed with the Zoning Administrator, in a form as required by the Zoning Administrator and the Zoning Board of Appeals. The application shall be accompanied by any information, plans, plats, and/or data as required by the Zoning Administrator and the Zoning Board of Appeals.

(B) *Filing fees.*

(1) Any application for an amendment, special use, or variance shall be accompanied by a fee. The fee shall be established by resolution of the County Board. All fees shall be collected by the Zoning Administrator for deposit with the County Treasurer. There shall be no fee, however, in the case of applications filed in the public interest by members of the County Board, the Zoning Administrator, or the Zoning Board of Appeals.

(2) An additional filing fee shall be paid in connection with the filing of any amended petition or request in the event the terms of this chapter require the republication of notice of hearing on the petition or request. The additional fee shall be in the amount equal to one-half of the original filing fee; provided, however, that no additional fee shall be required in the event no notice of a hearing on the original petition or request has been published in a newspaper under the terms of this chapter.

(3) In cases where additional hearings and/or meetings are required because of the complex nature of an application, an additional fee shall be assessed by the County Board. The additional fee shall cover the extraordinary costs of newspaper notice, per diem expenses of member of the County Board and the Zoning Board of Appeals, secretarial work, photo copying, travel, postage, and the like.

(C) *Public hearings.* The Zoning Board of Appeals shall hold a public hearing on each application at a time and place designated by the Chairperson. The hearing shall be conducted and a record of the proceedings shall be preserved in a manner as the Zoning Board of Appeals shall, by rule, prescribe from time to time.

(D) *Notice of public hearing.*

(1) Notice of the time and place of the public hearing shall be published at least once, at least 15 days in advance thereof in a newspaper of general circulation published in the township or road district in which the property is located. If no newspaper is published in the townships or road district, then the notice shall be published in a newspaper of general circulation published in the county and having circulation where the property is located. In addition, at least 15 days prior to each hearing, a copy of the notice shall be mailed to the clerk of each municipality, the corporate limits of which lie within one and one-half miles of the property in question. Supplemental or additional notices may be published or distributed as the Zoning Board of Appeals may, by rule, prescribe from time to time.

(2) At least 15 days before the hearing, a sign shall be posted on the road or street frontage of the property in question, giving notice that an application for zoning action has been filed.

(3) Where the application is initiated by a Board Member of this county, the Zoning Administrator, or by the Zoning Board of Appeals of its own motion, a true copy of the application or of the Board's order shall be served upon the owner or owners of record in person or by certified United States mail within ten days after the filing of the application or the entry of the Board order initiating the proceeding. Where the application is filed by a person having an interest in the subject property, a notice and copy of the application shall be served by the applicant in like manner upon each of the other co-owners or those having an interest. The foregoing notice and service requirements shall be in addition to the posting and publishing requirements of this division (D).

(E) *Required vote of the Zoning Board of Appeals.* After a public hearing, the Zoning Board of Appeals shall vote to determine its action or recommendation on the application. The Zoning Board of Appeals shall not recommend in favor of an application unless the Board shall make findings as required in §§ 155.027, 155.028, and 155.029, where applicable. The affirmative vote of three members of the Zoning Board of Appeals shall be necessary to act or recommend in favor of an application.

(F) *Action by the County Board.*

(1) The County Board shall not act upon an application until it has received a written report and recommendation from the Zoning Board of Appeals.

(2) The County Board may, with or without further public hearing as the majority of the members thereof shall by motion direct, approve, or disapprove, or in part approve and in part disapprove, the recommendation of the Board of Appeals. Any application which fails to receive a recommendation for approval from the Zoning Board of Appeals shall not be passed by the County Board except by the favorable vote of three-fourths of all the members of the County Board.

(3) In addition to the preceding regulations, the following shall also apply to the approval of special use permits and amendments, only:

(a) An amendment to the text of the zoning ordinance may be passed by a simple majority of the elected County Board members, unless written protests against the proposed text amendment are signed by 5% of the land owners of the county, in which case the amendment shall not be passed except by the favorable vote of three-fourths of all the members of the County Board; and

(b) Special use permits and amendments to the zoning map may be passed by a simple majority of the elected

County Board members, except that in case of written protest against any application that is either: signed by the owner or owners of at least 20% of the land in question; or signed by the owner or owners of land immediately touching or immediately across a street, alley, or public right-of-way from at least 20% of the perimeter of the land in question, or in cases where the land affected lies within one and one-half miles of the limits of a zoned municipality, or in the case of a proposed text amendment to the zoning ordinance by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the County Clerk, the amendment shall not be passed except by the favorable vote of three-fourths of all the members of the County Board. In those cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed zoning action and a copy upon the applicant's attorney, if any, by certified mail at the address of the applicant and attorney shown in the application filed with the Zoning Administrator.

(G) *Effect of denial.* No application which has been denied wholly or in part by the County Board shall be resubmitted for a period of one year from the date of the order of denial except on grounds of changed conditions.

(Ord. O-95-2-12, passed 2-9-2012; Res. G-4111-6-14, passed 6-12-2014)

§ 155.027 VARIANCES.

(A) *Purpose.* The Zoning Board of Appeals after a public hearing may approve a variance, only in the specific instances hereinafter set forth, where the Board makes findings of fact in accordance with the standards hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.

(B) *Standards for variances.*

(1) The Zoning Board of Appeals shall not vary the regulations of this chapter, as authorized in division (A) hereof, unless it shall make findings based upon the evidence presented to it in each specific case that:

(a) Because of the physical surroundings, shape, or topographical conditions of the specific property involved, a hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulation were carried out;

(b) The conditions upon which the petition for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning district;

(c) The purpose of the variance is not based exclusively upon a desire to make more money out of the property;

(d) The alleged difficulty or hardship is caused by this chapter and has not been created by any person presently having an interest in the property;

(e) The granting of the variance will not be significantly detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located; and

(f) The proposed variance will not impair an adequate supply of light and air to adjacent property; substantially increase the congestion in the public streets; increase the danger of fire; endanger the public safety; or substantially diminish or impair property values within the neighborhood.

(2) The Zoning Board of Appeals may approve any conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards established in this division (B) to reduce or minimize the effect of the variance upon other property in the neighborhood and to better carry out the general intent of this chapter.

(C) *Authorized variances.* Variances shall be approved by the Zoning Board of Appeals only in accordance with the standards established in division (B) above, and may be considered in the following instances:

(1) To permit any yard or setback less than the yard or setback required by the applicable regulations;

(2) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 90% of the required area and width;

(3) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided the substantial use of the facility by each user does not take place at approximately the same hours of the same days of the week;

(4) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space or 20% of the applicable regulations, whichever number is greater;

(5) To increase by not more than 25% the maximum distance that required parking spaces are permitted to be located from the use served; and

(6) To increase by not more than 10% the maximum gross floor area of any use so limited by the applicable regulations.

(D) *Effect of denial.* No application for variation which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one year from the date of the order of denial except on grounds of changed conditions.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.028 AMENDMENTS.

(A) *Authority.* For the purposes of promoting the public health, safety, morals, welfare, and conserving values of property throughout the county, and lessening or avoiding congestion in the public streets and highways, the County Board may from time to time, in the manner hereinafter set forth, amend the regulations imposed and the districts created by this chapter, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire county, and the use to which property is devoted at the time of adoption of any amendatory ordinance.

(B) *Findings of fact and recommendations of the Zoning Board of Appeals.*

(1) Within a reasonable time after the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit the same together with its recommendation to the County Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Zoning Board of Appeals shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- (a) Existing use of property within the general area of the property in question;
- (b) The zoning classification of property within the general area of the property in question;
- (c) The suitability of the property in question for the uses permitted under the existing zoning classifications; and
- (d) The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was placed in its present zoning classification.

(2) The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds the adoption of such an amendment is in the public interest. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this division (B)(2), the R1 District shall be considered the highest classification and the M2 District shall be considered the lowest classification.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.029 SPECIAL USE.

(A) *Purpose.* The development and execution of a zoning ordinance is based upon the division of the county into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. The special uses fall into two categories:

- (1) Uses publicly operated or traditionally concerning a public interest; and
- (2) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(B) *Standards.* No special use shall be recommended by the Zoning Board of Appeals unless the Board shall find that:

- (1) The establishment, maintenance, or operation of the special use will not substantially be detrimental to or endanger the public health, safety, welfare, and morals;
- (2) The special use will not substantially be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood;
- (3) The establishment of the special use will not substantially impede the normal and orderly development and improvements of surrounding property for uses permitted in the district;
- (4) The adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
- (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets; and
- (6) The special use shall in all other aspects conform to the applicable regulations of the district in which it is located, except as the regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals.

(C) *Planned developments.* Planned developments are of a substantially different character from other special uses that specific and additional standards and exceptions are hereby established to govern recommendation of the Zoning Board of Appeals and the action of the County Board.

(1) *Use exceptions.* In the case of residential, business, or manufacturing planned developments, the Zoning Board may recommend, and the County Board may authorize, that there be in part of the area of the development and for the duration of development, specified uses not permitted by the use regulations of the district in which the development is located, provided the Zoning Board of Appeals shall find:

(a) The uses permitted by the exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;

(b) The uses permitted by the exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood;

(c) Not more than 20% of the ground area or of the gross floor area of the development shall be devoted to the uses permitted by the exception;

(d) In a manufacturing planned development, the additional uses allowed by exception shall conform with the performance standards of the district in which the development is located, as set forth in §§ 155.135 through 155.137; and

(e) The use exceptions so allowed are reflected by the appropriate zoning district symbols and so recorded on the zoning district maps.

(2) *Bulk regulations.* In case of any planned development, the Zoning Board of Appeals may recommend, and the County Board may authorize, exceptions to the applicable bulk regulations of this chapter within the boundaries of the development, provided that the Zoning Board of Appeals shall find:

(a) The exception shall be solely for the purpose of promoting an integrated site plan no less than beneficial to the residents or occupants of the development, as well as of neighboring properties, than would be obtained under the bulk regulations of this chapter for buildings developed on a separate zoning lots;

(b) The overall floor area ratio of a residential planned development would not exceed by more than 15% the maximum floor area ratio which would be determined on the basis of the floor area ratio required for the individual uses in the planned development, as stipulated in §§ 155.183 and 155.184;

(c) The maximum lot area per dwelling unit requirements of this chapter shall not be decreased by more than 15% in any development containing residential uses, and that there shall be available to each residential building and immediately adjacent thereto (including the land area upon which it is erected) the minimum amount of land area required for the building under the lot area per dwelling unit provisions of this chapter;

(d) The spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this chapter on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys; and

(e) Along the periphery of the planned developments yards shall be provided as required by the regulations of the district in which the development is located.

(D) *Conditions and guarantees.* Prior to the granting of any special use permit the Zoning Board of Appeals may recommend and the County Board shall stipulate any conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in division (B) of this section. In all cases in which special uses are granted, the County Board shall require evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.030 COMPLIANCE WITH REGULATIONS.

Except as hereinafter specifically provided:

(A) No land shall be used except for a purpose permitted in the district in which it is located;

(B) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the district in which the building is located;

(C) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located;

(D) No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located;

(E) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which the building is located;

(F) The minimum yards, parking spaces, and open spaces, including lot area per family, required by this chapter for each and every building existing at the time of passage of this chapter or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this chapter for the district in which the lot is located; and/or

(G) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as specifically provided hereinafter.

(Ord. O-95-2-12, passed 2-9-2012) Penalty, see §155.999

GENERAL REGULATIONS

§ 155.045 INTERPRETATION.

(A) In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements for the promotion of the public health, safety, morals, and welfare.

(B) Where the conditions imposed by the provision of this chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations are more restrictive (or which impose higher standards or requirements) shall govern.

(C) This chapter is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this chapter are more restrictive (or impose higher standards or requirements) than the easements, covenants, or other private agreements, the requirements of this comprehensive agreement shall govern.

(D) No building, structure, or use which was not lawfully existing at the time of the adoption of this chapter shall become or be made lawful solely by reason of the adoption of this chapter; and to the extent that, and in any manner that, the lawful building, structure, or use is in conflict with the requirements of this chapter, the building, structure, or use remains lawful hereunder.

(E) All territory which may hereafter become a part of the unincorporated area of this county, by the dissolution of any incorporated city, village, or town, or by detachment from any city, village, or town, shall automatically become classified as a part of the zoning district under this chapter most closely analogous to the district classification the territory was in while a part of the incorporated area, if it was subject to zoning regulation while within the incorporated area. If the territory, while within the incorporated area, was not subject to zoning regulations, then it shall automatically, in the event aforesaid, become classified as part of the zoning district under this chapter most closely analogous to and which includes the use or uses actually being made of the territory at the time of the dissolution or detachment, which classification shall remain until changed by the order of the County Board enacted as near as may be in the manner provided for the district amendments as set out in § 155.027.

(F) Whenever any street, alley, highway, or other public way is vacated by official action, the zoning district adjoining each side of the street, alley, or public way shall be automatically extended to the center of the vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

(G) (1) All areas within the unincorporated territory of the county, which are under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area.

(2) Where the water area adjoins two or more districts, the boundaries of each district shall be construed to extend to the center of the water area.

(H) Nothing contained in this chapter shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any building, structure, facility, or to carry on any trade, industry, occupation, or activity.

(I) The provisions in this chapter are cumulative and additional limitations upon all other laws and ordinance, heretofore passed or which may be passed hereafter, governing any subject matter in this chapter.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.046 SEPARABILITY.

It is hereby declared to be the intention of the County Board that the several provisions of this chapter are separable in accordance with the following:

(A) If any court of competent jurisdiction shall judge any provisions of this chapter to be invalid, that judgment shall not affect any other provisions of this chapter not specifically included in the judgment; and

(B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building, or other structure, that judgment shall not affect the application of the provision to any other property, building, or structure not specifically included in the judgment.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.047 SCOPE OF REGULATIONS.

(A) All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning districts in which the buildings, uses, or land shall be located.

(B) However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this chapter, and provided that construction is begun within six months of the effective date and diligently prosecuted to completion, the building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may upon completion be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the provisions of §§ 155.065 through 155.070,

nonconforming buildings, structures, and uses.

(C) Where the Zoning Administrator has issued a special use permit, or a permit for a variance pursuant to the provisions of this chapter, the permit shall become null and void unless work thereon is substantially underway within one year of the date of issuance of the permit by the Zoning Administrator.

(D) A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than one year for any reason.

(E) Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for the lot shall be provided and maintained unless otherwise stipulated in this chapter, except that side yards shall not be required on lots used for garden purposes without buildings or structures, nor on lots used for public recreation areas.

(F) No land which is located in a residential district shall be used for driveway, walkway, or access purposes to any land which is located in a business or manufacturing district, or used for any purpose not permitted in a residence district.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.048 REGULATIONS FOR SPECIFIC USES.

(A) Exemptions.

(1) The provisions of this chapter shall not be exercised so as to impose regulations or require permits with respect to land use or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or to be used for agricultural purposes upon the land, except that the buildings or structures for agricultural purposes shall be required to conform to building or setback lines. In the event that the land ceases to be used solely for agricultural purposes, then and only then shall the provisions of this chapter apply.

(2) The following uses, being exempted by the county zoning statute, are permitted in any district: poles, towers, wires, cables, vaults, pipelines, laterals, or any similar distributing equipment of a public utility.

(B) Fences, walls, and hedges.

(1) Except as provided in §155.053, a fence, wall, or hedge may be erected, placed, maintained, or grown along a lot line on residentially zoned property to be a height of not exceeding eight feet above the ground level, except that no fence, wall, or hedge which is located in a required front or corner side yard shall exceed a height of three and one-half feet. No electric or barbed wire fence shall be permitted in any residential district except for the RE5 and RMH5 – Single Family Estate zones.

(2) No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any nonresidentially zoned property, adjacent to residentially zoned property, to a height exceeding eight feet.

(3) In any residence district no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three feet above the street grade nearest hereto, within 25 feet of the intersection of any street lines or of street lines projected.

(C) Mobile homes and manufactured homes. The following regulations apply to mobile homes and manufactured homes.

(1) A mobile home or manufactured home shall not be considered to be permissible as an accessory building.

(2) No person shall park, store, or occupy a mobile home for living purposes except in an approved mobile home park, or where permitted by a special use permit, or in an agricultural district when used for agricultural purposes.

(3) A mobile home or manufactured home may be used as a temporary office or shelter incidental to construction on or development of the premises on which the home is located, only during the time construction or development is actively underway.

(4) Foundations for manufactured homes shall be the same design as required for conventionally build homes.

(D) Television satellite dishes. The following regulations shall apply to the placement of all television satellite dishes and similar devices (except those used for sales/display purposes only), whether attached to a building or structure, mounted on a permanent foundation, mounted on a temporary foundation, or placed on the ground.

(1) Any device mounted on the roof of a building must be set back from all property lines the same distances that are required for the building to which it is attached.

(2) Except as regulated in division (D)(1) above, all devices must be set back at least 35 feet from the front property line; at least 35 feet from a side property line along a street; at least three feet from a side property line not along a street; and at least three feet from the rear property line.

(3) No separation between these devices and any building shall be required.

(Ord. O-95-2-12, passed 2-9-2012) Penalty, see §155.999

§ 155.049 SEWAGE DISPOSAL AND WATER SUPPLY.

Regardless of other provisions of this chapter, in all classifications and in all districts there shall always be sufficient ground

area left unoccupied by a structure or paving for a proper system of sewage disposal and water supply conforming with the standards and requirements of the County Plumbing Code and all amendments relative thereto, the County Health Department, and the State Department of Public Health. Plot plans accompanying building permit applications shall show clearly the proposed sewage disposal system and well locations, if any.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.050 NUMBER OF BUILDINGS ON A ZONING LOT.

Except in the case of planned developments, not more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.051 ACCESSORY BUILDINGS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. This definition is broadened to also include structures built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind but which are not permanently affixed to the land, such as structures built on skids and/or merely placed on the ground.

STRUCTURE. The definition is broadened to also include anything constructed or erected but which is not permanently affixed to the land.

(B) *Regulations.* The follow regulations shall apply to all accessory buildings. Where any two regulations are in conflict with each other, the more restrictive regulations shall apply.

(1) Stables, barns, and any building housing animals, livestock, or poultry must be set back at least 75 feet from all property lines.

(2) Special setbacks in the interchange overlay districts (see §155.165). Building and structures shall be set back at least 80 feet from the right-of-way line of intersecting highways, or 160 feet from the centerline, whichever is more restrictive, 100 feet from the freeway right-of-way line and 30 feet from the right-of-way line of frontage roads and other roads of the internal circulation system. In the case of unusual changes in alignment of the intersection highway or unusual topographical characteristics which would cause undue hardship in the application of this requirement, a variance for a lesser setback distance from the intersecting highway may be granted.

(3) Front setback.

(a) The front setback required for an accessory building shall be the same as the front setback which would be required for a principal building fronting on that street. The required setback would be either the front setback specified for the zoning district in § 155.183, or the average setback of the existing buildings in that block, but not over 50% more than the specified setback for the zoning district (see § 155.184(B)(1) and (4)).

(b) On lots having double frontage, a front setback shall be required from both front property lines.

(4) Side setback.

(a) Except as noted below, all accessory building must be set back from any side property line at least the distance specified as the side setback for a principal structure in the zoning district (see § 155.183).

(b) On corner lots, the street-side setback shall be the same as the front yard setback which would be required for a principal building fronting on that street. The non-street-side setback shall be the same as the side setbacks identified in division (B)(4)(a) above.

(c) Where a side property line abuts an alley, no side setback shall be required.

(d) If an accessory building is not used as a residence or to store livestock and is to be set back at least 60 feet from the front property line, then the side setback may be reduced to three feet.

(5) Rear setback.

(a) Except as noted below, all accessory buildings must be set back from any rear property line at least the distance specified as the side setback for a principal structure in that zoning district (see § 155.183).

(b) On residential corner lots, the rear lines of the corner property shall be treated as side property lines and require the applicable side setback.

(c) Where a rear property line abuts an alley, no rear setback shall be required.

(d) If an accessory building is not used as a residence or to store livestock and is to be set back at least 60 feet from the front property line, then the rear setback may be reduced to three feet.

(6) Accessory building shall not cover more than 30% of the required rear yard, and not more than 50% of any required

side yard, as specified for that zoning district in § 155.183.

(7) No accessory building shall be placed closer than ten feet from a principal building. No accessory building shall be attached to a principal building unless the accessory building meets all of the construction requirements for a principal building.

(8) Residential accessory building, including those on less than ten acres zoned A1 – Agricultural, shall not exceed 25 feet in height, measured from the top of the lower floor to the peak of the roof.

(9) Building permits.

(a) A building permit shall be required for any accessory building which is longer than ten feet on any side.

(b) No accessory building shall be constructed and no building permit shall be issued for an accessory building prior to the time of construction of the principal building to which it is accessory.

(10) Mobile homes and manufactured homes used as accessory buildings. See §155.048.

(11) Accessory building shall only be built for and used for permitted accessory uses. Guest houses, servants quarters, apartments, and the like shall not be permitted as accessory buildings, except when issued a special use permit.

(Ord. O-95-2-12, passed 2-9-2012) Penalty, see §155.999

§ 155.052 BULK REGULATIONS.

(A) *Continued conformity with bulk regulations.* The maintenance of yards 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 property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

(B) *Division of zoning lots.* No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each division shall conform with all the applicable bulk regulations of the zoning district in which the property is located. However, with respect to the resubdivision of improved zoning lots in the R6 Districts, side yard requirements shall not apply between attached buildings.

(C) *Location and required open space.* All yards 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.

(D) *Required yards; existing buildings.* No yards now or hereafter provided for a building existing on the effective date of this chapter shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this chapter for equivalent new construction.

(E) *Permitted obstructions in required yards.* The following shall not be considered to be obstructions when located in the required yards specified:

(1) *In all yards.* Open terraces not over four feet above the average level of adjoining ground but not including a permanently roofed-over terrace or porch; awnings and canopies; steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the yard; recreational and laundry-drying equipment, arbors and trellises; and flag poles;

(2) *In front yards.* One-story bay windows projecting three feet or less into the yard; overhanging eaves and gutters projecting three feet or less into the yard; fuel pumps and air and water service, provided they shall be set back at least 15 feet from the front lot line;

(3) *In rear yards.* Enclosed, attached, or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, and similar building or structures for domestic or agricultural storage; balconies; breezeways and open porches; one-story bay windows projecting three feet or less into the yard; and overhanging eaves and gutters projecting three feet or less into the yard; and

(4) *In side yards.* Overhanging eaves and gutters projecting 18 inches or less into the yard; fuel pumps and air and water service, provided they shall be set back at least 15 feet from the side lot line.

(F) *Floor area ratio application in particular cases.* In all cases where two or more continuous zoning lots are in common ownership and there was at the adoption date of this chapter an existing building on one of the lots with less than the permitted maximum floor area ratio; the owner may elect to add the unused portion of the floor area ratio of the existing building to the maximum floor area ratio of any addition to the existing building to be constructed on the adjoining zoning lot; and in the event the existing building was lawfully existing at the date of adoption of this chapter and exceeds the permitted maximum floor area ratio, an addition to the existing building to be constructed on an adjoining lot shall be entitled to the maximum floor area ratio permitted in the district in which it is located.

(Ord. O-95-2-12, passed 2-9-2012) Penalty, see §155.999

§ 155.053 OFF-STREET PARKING AND LOADING FACILITIES.

(A) *Scope of regulations.* The off-street parking and loading provisions of this chapter shall apply as follows.

(1) For all building and structures erected and all uses of land established after the effective date of this chapter, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which the buildings or uses are located. However, where a building permit has been issued prior to the effective date of this chapter, and provided that construction is begun within six months of the effective date and diligently prosecuted to completing, parking, and loading of the facilities in the amounts required for the issuance of the building permit may be provided in lieu of any different amounts required by this chapter.

(2) 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 of measurement 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. However, no building or structure lawfully erected or use lawfully established prior to the effective date of this chapter shall be required to provide the additional parking or loading facilities unless and until the aggregate increase in units of measurement shall equal not less than 15% of the units of measurement existing upon the effective date of this chapter, in which event parking or loading facilities as required herein shall be provided for the total increase; provided, however, that in the case of the expansion or alteration of residential buildings required parking or loading facilities shall be provided on the basis of the total required units of measurement for the entire capacity of the building.

(3) 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 for the new use. However, if the building or structure was erected prior to the effective date of this chapter, 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 provisions of this chapter.

(B) *Existing parking facilities.* Accessory off-street parking facilities in existence on the effective date of this chapter and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than shall not be further reduced below, the requirements for a similar new building or use under the provision of this chapter.

(C) *Permissive parking and loading facilities.* Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, and operation of the facilities are adhered to.

(D) *Damage or destruction.* For any conforming or legally nonconforming building or use which is in existence on the effective date of this chapter, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities need not be provided, except that 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 chapter for equivalent new uses or construction.

(E) *Control of off-site parking facilities.* In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, the facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. The possession may be either deed or long-term lease, the term of the lease to be determined by the Zoning Board of Appeals. The owner of the land on which the parking facilities are to be located shall be bound by covenants filed on record in the office of the Recorder of Deeds, requiring the owner, his or her heirs, and assigns to maintain the required number of parking facilities for the duration of the use served or of the lease, whichever shall terminate sooner.

(F) *Submission of plot plan.* Any application for the building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensional, showing any parking or loading facilities to be provided in compliance with this chapter.

(Ord. O-95-2-12, passed 2-9-2012) Penalty, see §155.999

§ 155.054 EXISTING SPECIAL USES.

(A) Where a use is classified as a special use in the district in which it is zoned under this chapter, and exists as a special or permitted use under the terms of this chapter immediately prior to the date of the adoption of this chapter, it shall be considered to be a legal special use.

(B) Where a use is not allowed as a special or permitted use in the district in which it is zoned under this chapter, and exists as a special use under the terms of this chapter immediately prior to the date of the adoption of this chapter, it shall be considered to be a nonconforming use and shall be subject to the applicable nonconforming use provisions of §§ 155.065 through 155.070.

(Ord. O-95-2-12, passed 2-9-2012)

NONCONFORMING BUILDINGS, STRUCTURES, AND USES

§ 155.065 INTENT.

(A) Within the districts established by this chapter or amendments that may later be adopted there exist lots, structures, uses of land and structures, characteristics of use, and signs which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit those nonconformities to continue until they are removed, but not to encourage their survival. It is

further the intent of this chapter that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(B) Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination, shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

(C) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. **ACTUAL CONSTRUCTION** is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, the excavating or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.066 NONCONFORMING LOTS OF RECORD.

(A) (1) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. The lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

(2) This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located.

(3) Variance of yard requirements shall be obtained only through action of the Board of Appeals.

(B) In any district, if two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purpose of this chapter, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below requirements stated in this chapter.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.067 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY).

Where at the time of the passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where the use involves no individual structure with a reasonable fair market value exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:

(A) No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter;

(B) No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by that use at the effective date of adoption or amendment of this chapter;

(C) If any nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of the land shall conform to the regulations specified by this chapter for the district in which the land is located; and

(D) No additional structure not conforming to the requirements of this chapter shall be erected in connection with the nonconforming use of land.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.068 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter, that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

(B) Should the nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50% of its reasonable fair market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter; and

(C) Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.069 NONCONFORMING USE OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.

If a lawful use exists, involving individual structures with a reasonable fair market value of \$1,000 or more, or of structure and premises in this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

(B) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment to this chapter, but no such use shall be extended to occupy any land outside the building;

(C) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a conditional use be changed to another nonconforming use, provided the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting the change, the Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this chapter;

(D) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

(E) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six months the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; and

(F) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. **DESTRUCTION**, for the purpose of this division (F), is defined as damage to an extent of more than 50% of the reasonable fair market value at the time of destruction.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.070 REPAIRS AND MAINTENANCE.

(A) On any nonconforming structure or portion of any structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10% of the current reasonable fair market value of the nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

(B) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of the official.

(Ord. O-95-2-12, passed 2-9-2012)

ESTABLISHED ZONES

§ 155.085 ESTABLISHMENT OF DISTRICTS.

In order to carry out the purpose and provisions of this chapter, this county is hereby divided into the following districts:

Agricultural District:
Agricultural District:
A1 – Agricultural District
Residential Districts:
R1 – Single Family Residential District
R2 – Single Family Residential District
R4 – Single Family Resident District
RE5 – Single Family Estate District
R6 – Multiple Dwelling District
RMH1 – Single Family Residential District
RMH2 – Single Family Residential District

Residential Districts:
RMH4 – Single Family Residential District
RMH5 – Single Family Estate District
Business Districts:
B1 – Neighborhood Shopping District
B2 – Commercial District
B3 – Planned Shopping Center District
Manufacturing Districts:
M1 – Light Industrial District
M2 – Heavy Industrial District
Overlay Districts:
IR – Interchange Residential District
IB – Interchange Business District
IM – Interchange Industrial District
IA – Interchange Agricultural

(Ord. O-95-2-12, passed 2-9-2012)

AGRICULTURAL DISTRICT

§ 155.100 A1 – AGRICULTURAL DISTRICT.

(A) *Purpose.* The regulation set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the A1 – Agricultural District.

(B) *Goal.* The agricultural zone is established as a zone in which agricultural and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agricultural through preventing the admixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agriculture lands to help pay for urban services, and contributes to the premature termination of agricultural pursuits. This zone is also designed to prevent the health hazards brought about by the illogical placement of inappropriately high residential densities in otherwise open countryside.

(C) *Use regulations.* A lot or premises shall only be use for the following uses.

(1) *Permitted uses.* The following uses shall be permitted only on a ten-acre minimum tract size:

- (a) Farming, including the usual buildings and structures used for agricultural purposes;
- (b) Truck and flower gardening, nurseries, orchards, and greenhouses;
- (c) Single-family dwellings, including mobile homes and manufactured homes, within the limitations set forth in division (C)(1)(i) below;
- (d) Public elementary and high schools, or private schools with a curriculum the same as ordinarily given in public elementary and high schools;
- (e) Roadside stands offering for sale only farm products which are produced on the premises;
- (f) Riding stables, or the keeping of small animals; provided that any building housing animals be located at least 75 feet from all property lines;
- (g) Grain elevators and the usual accessory structures including buildings for seasonal or temporary storage of grain whenever the elevator and temporary storage are located upon or adjacent to a railroad right-of-way;
- (h) Home occupation;
- (i) Accessory buildings and uses customarily incidental to any of the above uses. A farm may contain dwellings for workers employed on the premises or direct relatives of the farm owner, but no more than one dwelling unit per ten acres of tillable land; and
- (j) The following uses shall be permitted on tracts less than ten acres, but no smaller than one acre in size:
 - 1. Single-family dwellings, in cases where:
 - a. The property contained a habitable residence on or before January 1, 1970; and

b. If the property no longer contains a habitable residence, the use of the property for crop production is significantly restricted by the presence of the remnants of the homestead, such as dilapidated structures, building foundations, or concrete walkways and/or driveways.

2. Home occupation; and
3. Accessory buildings and uses customarily incidental to any of the above uses.

(2) *Special uses.*

- (a) All permitted uses of the A1 District;
- (b) Skeet or gun clubs, but only when located not less than 1,000 feet from any R District;
- (c) Fish hatcheries; and
- (d) Country clubs, golf course, miniature golf courses, and practice driving tees.

(D) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed.

(E) *Parking regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

RESIDENTIAL DISTRICTS

§ 155.115 R1 – SINGLE FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations in the R1 – Single Family Residence District.

(B) *Use regulations.* A building or premises shall be used only for the following purposes.

(1) *Permitted uses.*

- (a) Single-family dwellings, excluding mobile homes and manufactured homes;
- (b) Publicly owned or operated park, playground, or community building, museum, library, or art gallery, provided that the building shall be located not less than 40 feet from any side or rear lot line;
- (c) Church or other place of worship or Sunday School, provided that the building shall be located not less than 40 feet from any side or rear lot line;
- (d) Public school, kindergarten, elementary and high, or a private school having a curriculum the same as ordinarily given in a public school, provided that the building shall be located not less than 40 feet from any side or rear lot line;
- (e) Country club or golf course, except those that are lighted, miniature course, or practice driving tee operated for commercial purposes;
- (f) Home occupation;
- (g) Accessory building or use, including a private garage customarily incidental to the above uses, but not involving the conduct of a business; and
- (h) A church or public bulletin board or temporary sign appertaining to the lease, hire, or sale of a building or premises, which sign or bulletin board shall not exceed ten square feet in area.

(2) *Special uses.*

- (a) Governmental structures, facilities, and utilities, including but not limited to the following: police and fire stations, libraries, college or university, highway and road maintenance facilities, water towers, pump stations and all accessory uses normally incidental to the above uses;
- (b) Parking lots when abutting a permitted use in the business or manufacturing districts, when incidental to the permitted use; and
- (c) Day care or day nursery facilities.

(C) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed.

(D) *Parking regulations.* Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.116 R2 – SINGLE FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this

section, are the regulations in the R2 – Single Family Residential District.

(B) *Use regulations.*

(1) *Permitted uses.* All those uses permitted in R1 District.

(2) *Special uses.* The same as those for R1 District.

(C) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed.

(D) *Parking regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.117 R4 – SINGLE FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the R4 – Single Family Residential District.

(B) *Use regulations.* A building or premises shall be used only for the following purposes.

(1) *Permitted uses.*

(a) All those permitted in the R1 District; and

(b) Truck gardening, including a temporary roadside stand, offering for sale only those agricultural and nursery products produced upon the premises, provided that the stand shall be removed during any season or period when not in use.

(2) *Special uses.* The same as those for R1 District.

(C) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed

(D) *Parking regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.118 RE5 – SINGLE FAMILY ESTATE DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the RE5 – Single Family Estate District.

(B) *Goal.* The RE5 zone is established to provide that area which is topographically and locationally well suited to meet the metropolitan market for two-acre and larger residential lots, are set aside and used for that purpose; to encourage the orderly transition from agriculture to low density residential use; and to prohibit any uses which are incompatible with this objective.

(C) *Use regulations.* A building or premises shall be uses only for the following purpose:

(1) *Permitted uses.*

(a) All uses permitted in the R4 – Single Family District; and

(b) The keeping of livestock or poultry, providing that any structure, excluding fences for their shelter, shall be located not less than 75 feet from any street or lot line.

(2) *Special uses.* The same as the R4 – Single Family District.

(D) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed.

(E) *Parking regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.119 R6 – MULTIPLE DWELLING DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the R6 – Multiple Dwelling District.

(B) *Use regulations.* A building or premises shall be used only for the following purposes.

(1) Any use permitted in the R1 – Single Family Residential District;

(2) Two-family dwelling;

(3) Multiple dwelling;

- (4) Rooming or boarding house;
- (5) Institution of a religious, educational, eleemosynary, or philanthropic nature, but not a penal or mental institution;
- (6) Hospital or sanitarium, except a criminal, mental, or animal hospital;
- (7) Nursing or convalescent home;
- (8) Fraternity or sorority;
- (9) Nursery schools accommodating more than three children and private day or residential schools providing special education facilities; and
- (10) Accessory buildings or use customarily incidental to any of the above uses, including a storage garage on a lot occupied by the uses.

(C) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed.

(D) *Parking and loading regulations.* Off-street parking and loading space shall be provided in accordance with the requirements for specific uses as set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.120 RMH1 – SINGLE FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the RMH1 – Single Family Residential District.

(B) *Goal.* This district is created to preserve and enhance property values in the county by providing designated distinctive areas in which manufactured homes, as well as site-built and modular homes, may be situated for residential dwelling purposes. It is the intent that this district be a desirable permanent area providing adequate open space, and essentially the same considerations given to residents in R1 Districts.

(C) *Use regulations.* Building or premises shall be used only for the following purposes.

(1) *Permitted uses.* All those uses permitted in the R1 District including manufactured homes.

(2) *Special use.* Same as R1 District.

(D) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed.

(E) *Parking regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.121 RMH2 – SINGLE FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the RMH2 – Single Family Residential District.

(B) *Goal.* This district is created to preserve and enhance property values in the county by providing designated distinctive areas in which manufactured homes, as well as site-built and modular homes, may be situated for residential dwelling purposes. It is the intent that this district be a desirable permanent area providing adequate open space, and essentially the same considerations given to residents of R2 Districts.

(C) *Use regulations.*

(1) *Permitted uses.* All those uses permitted in the R2 District including manufactured homes.

(2) *Special uses.* Same as R2 District.

(D) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed.

(E) *Parking regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.122 RMH4 – SINGLE FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the RMH4 – Single Family Residential District.

(B) *Goal.* This district is created to preserve and enhance property values in the county by providing designated, distinctive areas in which manufactured homes, as well as site-built and modular homes, may be situated for residential dwelling purposes. It is the intent that this district be a desirable permanent area providing adequate open space, and essentially the same considerations given to residents of R4 Districts.

(C) *Use regulations.* Building or premises shall be used only for the following purposes.

(1) *Permitted uses.* All those uses permitted in the R4 District including manufactured homes.

(2) *Special uses.* Same as R4 District.

(D) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed

(E) *Parking regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.123 RMH5 – SINGLE FAMILY ESTATE DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the RMH5 – Single Family Estate District.

(B) *Goal.* This district is created to preserve and enhance property values in the county by providing designated distinctive areas in which manufactured homes, as well as site-built and modular homes, may be situated for residential dwelling purposes. It is the intent that this district be a desirable permanent area providing adequate open space, and essentially the same considerations given to residents of RE5 Districts.

(C) *Use regulations.* Building or premises shall be used only for the following purposes.

(1) *Permitted uses.* All those permitted in the RE5 District including manufactured homes.

(2) *Special uses.* Same as RE5 District.

(D) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed.

(E) *Parking regulations.* Off-street parking space shall be provided in accordance with the requirements for specific uses set for in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

BUSINESS DISTRICTS

§ 155.135 B1 – NEIGHBORHOOD SHOPPING DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations in the B1 – Neighborhood Shopping District.

(B) *Use regulations.* A building or premises shall be used only for any or a combination of the following purposes.

(1) *Permitted uses.*

(a) Public buildings;

(b) Dwelling units above the first floor and lodging rooms;

(c) Banks;

(d) Display room for merchandise to be sold at wholesale where merchandise sold is stored elsewhere;

(e) Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, dry cleaning and pressing, and bakery with sale of bakery products on the premises, and other uses of a similar character, provided that no use permitted in this division (B)(1)(e) shall employ more than five persons in a single shift on the premises, not including employees whose principal duties are off the premises or temporary seasonal employees;

(f) Automotive service station, provided that the storage of all fuel shall be below the surface of the ground and provided further that propane, butane, or similar hydrocarbon products shall not be sold or stored on the premises;

(g) Office and office buildings;

(h) Personal service uses including barber shops, beauty parlors, photographic or artist studios, messengers, taxicabs, newspaper, or telegraphic, receiving stations, restaurants, and other personal services uses of similar character;

(i) Telephone business offices;

(j) Retail store including package liquor stores, provided that in connection with the store, there shall be no slaughtering of animals or poultry on the premises, and that no tavern or similar place of entertainment or amusement shall be permitted;

(k) Laundromat;

(l) Florist shop or greenhouse;

(m) Accessory building and uses incidental to permitted uses which would be permitted in this classification if

conducted as primary uses, including advertising signs which relate to the business carried on by the occupant or occupants of the lot; and

(n) Billboards and signs not included within division (B)(1)(m) above, so long as the same are located more than 100 feet from the nearest R District and are in conformity with height, area, and front and side yard requirements.

(2) *Special uses.* Motel or tourist home.

(C) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed.

(D) *Parking and load regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.136 B2 – COMMERCIAL DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the B2 – Commercial District.

(B) *Use regulations.* A building or premises shall be used only for any or a combination of the following purposes.

(1) *Permitted uses.*

- (a) Any use permitted in the B1 – Neighborhood Shopping District;
- (b) Billboard, when located at least 50 feet from any R District;
- (c) Automobile or trailer display and sales when wholly enclosed;
- (d) Business, commercial, or private school;
- (e) When located not less than 100 feet from any R District:
 1. Bowling alley;
 2. Drive-in restaurant;
 3. Taverns; and
 4. Other similar places of entertainment or amusement.
- (f) Dancing or music academy;
- (g) Farm implement display or sales room;
- (h) Frozen food locker;
- (i) Hotel;
- (j) Milk distributing station;
- (k) Motel or tourist home;
- (l) Public and private storage or parking garages;
- (m) Radio or television broadcasting station or studio;
- (n) Theater;
- (o) Undertaking establishment;
- (p) Veterinarian or animal hospital, kennels, or riding academy, providing that no building, kennel, or exercise runway shall be no closer than 100 feet to any R District;
- (q) Used car sales or storage lot when located at least 50 feet from any R District;
- (r) When not employing more than ten persons on the premises and located more than 100 feet from any front or side lot line in any R District:
 1. Dyeing and cleaning establishment or laundry;
 2. Painting, electrical, or plumbing shop;
 3. Printing shop;
 4. Tire sales and service, including vulcanizing;
 5. Upholstering shop not involving furniture manufacturing;
 6. Gasoline service stations including repairs, but specifically excluding auto body repair work;

7. Any other general service or repair establishment of similar character; and
8. Accessory building or use customarily incidental to the above uses.

(2) *Special uses.*

- (a) Drive-in theaters;
- (b) Outdoor sales lots;
- (c) Churches;
- (d) Wholesale establishment;
- (e) Automotive service center;
- (f) Warehousing; and
- (g) Two-family and multiple-family dwelling units.

(C) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed; and, in addition, every building or portion thereof used for dwelling purposes shall comply with the following minimum yard and lot area requirements:

- (1) Front yard: 35 feet;
- (2) Side yards: either yard – 5 feet; aggregate – 12 feet for buildings under three stories; each yard eight feet for three-story buildings; and
- (3) Lot area:
 - (a) For one-family, 20,000 square feet;
 - (b) For two-family, 10,000 square feet per family; and
 - (c) For multiple-family dwelling, 5,000 square feet per family.

(D) *Parking and loading regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.137 B3 – PLANNED SHOPPING CENTER DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the B3 – Planned Shopping Center District. The district shall be laid out and developed as a unit according to an approved plan as provided below in order to accomplish its purpose to provide for modern retail shopping facilities of integrated design in appropriate locations to serve residential neighborhoods.

(B) *Use regulations.* A building or premises shall be used only for the retail sales of merchandise, services, parking areas, and similar facilities ordinarily accepted as shopping center uses. No building shall be designed, constructed, structurally altered or used for dwelling purposes, except to provide, within the buildings allowed, facilities for a custodian, caretaker, or watchman employed on the premises.

(C) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed; provided, however, that a part of the shopping center containing a ground floor area of not more than 10,000 square feet may be erected to a height of six stories or 90 feet when located not less than 150 feet from all property lines and when specifically approved as to arrangement and design, as specified hereinafter, and provided further that the aggregate ground area occupied by building shall not exceed 25% of the total area of the shopping center site.

(D) *Parking and loading regulations.* Off-street parking area shall be provided in the ratio of not less than three square feet of parking area for each square foot of the floor area, the floor area to be determined as provided in §§ 155.195 through 155.201. Loading spaces shall be provided in accordance with requirements for the B1 – Neighborhood Shopping District prescribed in §§ 155.195 through 155.201.

(E) *Procedure.* The owner or owners of a tract of land which comprises three acres or more may submit to the County Board, by filing with the Administrative Officer a plan for the use and development of the tract for the purpose of and meeting the requirements set forth in this section. The plan shall be accompanied by evidence concerning the feasibility of the project and its effects on surrounding property and other physical conditions which plan and supporting evidence shall include each of the following:

- (1) A site plan defining the areas to be developed for buildings, the areas to be developed for parking, the location of pedestrian and vehicular circulation and the points of ingress and egress, including access streets where required, the location and height of walls, the provisions of spaces for loading, the location, size and number of signs and adjustments to be made in relation to abutting land uses and zoning districts;
- (2) A report on the market to be served, the types and amount of service needed, general economic justification;

(3) A traffic survey prepared by qualified experts indicating the effect of the proposed shopping center on adjacent streets and also indicating the anticipated points of origin and direction and the amount of traffic flow to and from the shopping center; and

(4) A statement of financial responsibility to assure construction of the planned shopping center, including landscaping in accordance with the plan and the requirements of this section.

(F) *Review and approval.*

(1) Before any action thereon, the proposed planned shopping center plan, and the petition to establish the same, together with the required statements and supplementary information shall be referred by the Administrative Officer to the Board of Appeals for study and report for public hearing, all of which shall proceed in accordance with and be governed by the provisions of § 155.025 as if the same were a proposed variation. In no event shall the Board of Appeals favorably recommend or the County Board approve the plan unless the approval is accompanied by findings that:

(a) The shopping center shall be laid out and developed as a unit in accordance with an integrated over-all design;

(b) The location and arrangement of buildings, parking areas, walks, lighting, and appurtenant facilities shall be adjusted to the surrounding land uses, and any part of the shopping center site not used for buildings or other structures or for parking, loading, or access ways shall be improved with grass, trees, shrubs, or pedestrian walks;

(c) No merchandise, materials, or equipment shall be stored in any open areas within the shopping center site; nor shall the open spaces be used for the display, advertising, or sale of merchandise other than for seasonal exhibits. The intent of this division (F)(1)(c) is that no storage, display, or advertising of merchandise shall be allowed in the open area of the center which will constitute a hazard or deteriorate the general aesthetic quality of the center; and

(d) All roads, parking and loading areas, and walks shall be suitably graded and drained and paved with hard surface material meeting applicable specifications of the County Superintendent of Highways. Suitable lighting shall be provided for all facilities operated after sundown.

(2) Reasonable additional requirements as to landscaping, lighting, signs, and other advertising devices, screening, access ways, and building setbacks may be imposed by the Board of Appeals or County Board for the protection of adjoining residential property.

(G) *Delay in construction.* In the event that construction of the shopping center is not begun within two years of the date of approval by the County Board, the district shall revert to the same classifications of zoning existing prior to the approval of the B3 District and the zoning regulations of the prior district shall thereupon be in full force and effect.

(Ord. O-95-2-12, passed 2-9-2012)

MANUFACTURING DISTRICTS

§ 155.150 M1 – LIGHT INDUSTRIAL DISTRICTS.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the M1 – Light Industrial District.

(B) *Use regulations.* A building or premises shall be used only for any or a combination of the following purposes.

(1) *Permitted uses.*

(a) Any use permitted in the B2 – Commercial District and without restriction as to number of employees, other than residential, provided however, that when 90% or more of a block or tract of land in the M1 District is vacant or occupied by structures that are of a nonresidential use, then no new residential units may be permitted within the block or tract;

(b) Bottling works;

(c) Carting, express, hauling, or storage yard;

(d) Contractor's yard;

(e) Coal, coke, or wood yard;

(f) Assembly and manufacture from prefabricated parts of household appliances, electronic products, or the processing or assembling of parts for production of finished equipment;

(g) Laboratories—experimental, film, or testing;

(h) Printing, publishing, or engraving;

(i) Drive-in theaters;

(j) Service industry such as laundry, cleaning, or dyeing establishment, or similar use;

(k) Sporting and athletic equipment manufacture;

(l) Motor freight terminal or freight house, or bus garages and repair shops;

(m) Wholesale or distributing establishment or warehouse or wholesale market;

(n) The manufacture, compounding, processing, packaging, or treatment of such goods, materials, and products as the following:

1. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products—except fish and meat products—sauerkraut, vinegar, yeast, and the rendering of fats and oils;
2. Articles made from previously prepared materials such as: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, wax, wire, yarns and the like;
3. Musical instruments, toys, novelties, rubber, or metal stamps, and other small molded rubber products; and
4. Fabrication and repair of electric or neon signs or other commercial advertising structures, light sheet metal products, and the like.

(o) Any other industrial and manufacturing plants where the process of manufacturing or treatment of materials is such that only a nominal amount of dust, odor, gas, smoke, or noise is emitted and not more than 10% of the lot or tract is used for the open storage of products, materials, or equipment.

(2) *Special uses.*

(a) Bulk storage of refined petroleum products except propane, butane, and similar hydrocarbon products for distribution, but only after the location and treatment of the premises have been approved by the State Division of Fire Prevention as meeting applicable requirements of laws and regulations relating to inflammable liquids;

(b) Stadia; and

(c) Places of public assembly.

(3) *Prohibitive uses.* Residential uses other than those developed for watchmen.

(C) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed and, in addition, any building or portion thereof that may be used for dwelling purposes shall comply with the yard and lot area requirements for the buildings specified in the B2 – Commercial District.

(D) *Parking and loading regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.151 M2 – HEAVY INDUSTRIAL DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the M2 – Heavy Industrial District.

(B) *Use regulations.* Any building or premises may be used for any of the following purposes.

(1) *Permitted uses.* Any use not in conflict with the law regarding nuisances or with any resolution, ordinance, or lawful order of the County Board, or this state, provided they are not identified as requiring a special use permit.

(2) *Special uses.*

(a) Acid manufacture;

(b) Cement, lime, gypsum, or plaster of Paris manufacture;

(c) Distillation of bones and glue manufacture;

(d) Explosives manufacture or storage;

(e) Fat rendering and fertilizer manufacture;

(f) Petroleum, or its products, refining of propane;

(g) Smelting of tin, copper, zinc, or iron ores;

(h) Stockyards or slaughter of animals;

(i) Bulk storage of propane, butane, or similar hydrocarbon products for distribution; and

(j) Junk yards, but only when the premises upon which the activities are conducted are wholly enclosed within a building or by a fence not less than eight feet in height and in which the openings or cracks are less than 15% of the total area.

(3) *Prohibitive uses.* No building shall be erected, reconstructed, or structurally altered for residential purposes, except for resident watchmen or caretakers employed on the premises.

(C) *Height and area regulations.* The height and area regulations set forth in §§155.183 and 155.184 shall be observed.

(D) *Parking and loading regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 155.195 through 155.201.

(Ord. O-95-2-12, passed 2-9-2012)

OVERLAY DISTRICTS

§ 155.165 GENERAL REQUIREMENTS.

(A) *Purpose.* The purpose of this subchapter is to provide realistic controls for assuring safe and convenient access to the development of properties that adjoin interchanges and discourage the indiscriminate location of access points along the intersecting highway.

(B) *Areas of control.* The following interchange development standards shall apply to all commercial, residential, and industrial development within a radius of one-half mile of the interchange structure except where area of control extends inside the corporate limits of a municipality. In such a case, the municipal regulations shall apply.

(C) *Setback distance from intersecting highway.* Buildings and structures shall be set back at least 80 feet from the right-of-way line of intersecting highways, or 160 feet from the centerline, whichever is more restrictive, 100 feet from the freeway right-of-way line and 30 feet from the right-of-way line of frontage roads and other roads of the internal circulation system. In the case of unusual changes in alignment of the intersecting highway or unusual topographical characteristics which would cause undue hardship in the application of this requirement, a variance for a lesser setback distance from the intersecting highway may be granted.

(D) *Limitation of access.* The State Department of Transportation has developed access regulations for particular interchanges based on ramp design and ramp speed. These regulations shall apply only when they are more restrictive than the following restrictions. Access from abutting property to an intersecting highway shall be permitted only at designated access points. The access shall be located as follows:

(1) There shall be no access points located within 700 feet (500 in urban situations) of the most remote end of taper of any existing or proposed entrance or exit ramp of an interchange or 700 feet (500 in urban situations) of median crossovers, or at intervals of less than 700 feet thereafter. A lesser distance may be permitted upon written approval by the State Department of Transportation; and

(2) To avoid dangerous off-set intersections, public streets along opposite sides of intersecting highways shall be located either directly opposite a median strip crossover or separated by at least 300 feet of lateral distance. A lesser distance may be permitted upon written approval by the State Department of Transportation.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.166 DISTRICT REQUIREMENTS.

(A) *IR Interchange Residential District.* The Interchange Residential District IR is created to project the residential environment at interchanges and to prevent conflict between highway traffic and residential access.

(1) *Permitted uses.* The following uses shall be permitted in the IR District, plus any other uses as the governing body may deem to be similar in nature. All uses shall be subject to property development standards of the zoning.

- (a) Single-family residences, including mobile homes and manufactured homes;
- (b) Multi-family residences;
- (c) Accessory buildings, including garages;
- (d) Home occupation;
- (e) School, public or private;
- (f) Public park or recreational facilities; and
- (g) Signs.

(2) *Special uses.* The following uses may be permitted by special use permit and are subject to all the applicable requirements and procedures appearing in the zoning ordinance.

- (a) Borrow pits to be reclaimed for residential and/or recreational use;
- (b) Clinics;
- (c) Church or temple;
- (d) Country club or golf course;
- (e) Fire or police station;
- (f) Kindergarten, day nursery, day care home (other than as a part of a school providing other grades);

- (g) Private swimming pool;
- (h) Planned unit development;
- (i) Public water wells, pumping stations, filtration plants, reservoirs, and storage tanks;
- (j) Sewage disposal plants; and
- (k) Transmission lines for gas, oil, electricity, or other utilities and necessary substation and distribution centers.

(B) *IB Interchange Business District.* The IB District is established to assure the desirable development of high quality highway user facilities with their related uses and other commercial enterprises.

(1) *Permitted uses.* The following uses shall be permitted in the IB District plus any other uses as the governing body may deem to be similar in nature. All uses shall be subject to property development standards found in this zoning chapter.

(a) Highway service facilities such as service stations, truck stops, motels, restaurants, taverns, drive-in eating places, and similar establishments;

(b) All retail sales and personal service activities that are conducted entirely within a building; the uses shall be housed in a shopping center or group of contiguous buildings which are incidental to the retail sales;

(c) Other retail sales establishments such as building supply sales, new and used car sales, nurseries and garden centers, boat and marina sales, and mobile and travel trailer sales and rentals;

(d) Professional services and offices such as doctors, lawyers, engineers, and architects;

(e) Tourist information centers;

(f) Parking facilities;

(g) Residential use only when an integral part of a commercial use; and

(h) Accessory uses and structures, including signs.

(2) *Uses not permitted.* The following uses shall not be permitted in the IB District.

(a) Residential uses (unless an integral part of a commercial use);

(b) Industrial uses;

(c) Drive-in theaters, go-cart tracks, race tracks, and carnivals;

(d) Commercial kennels and veterinarians; and

(e) Church or temple.

(3) *Special uses.* The following uses may be permitted by special use permit and are subject to all the applicable requirements and procedures appearing in this chapter:

(a) Borrow pits to be reclaimed for residential and/or recreational use;

(b) Outdoor commercial recreational facilities;

(c) Private swimming pool;

(d) Public water wells, pumping stations, filtration plants, reservoirs, and storage tanks;

(e) Sewage disposal plant;

(f) Rental and service of trucks and trailers in combination with filling or service stations; and

(g) Transmission lines for gas, oil, electricity, or other utilities and all necessary substation and distributing centers.

(C) *IM Interchange Industrial District.* The IM District is established to accommodate light industrial uses that are relatively "clean" activities, such as the manufacture and storage of products within entirely enclosed buildings and which require freeway access and prestige frontage.

(1) *Permitted uses.* The following uses shall be permitted in the IM District, plus any other uses the governing body may deem to be similar in nature. All uses shall be subject to the property development standards found in this chapter.

(a) Industrial park;

(b) Printing and publishing enterprises;

(c) Parcel delivery services;

(d) Storage and warehouse facilities;

(e) Railroad right-of-way and necessary related uses; and

(f) Most production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products are

permitted, except those which are of a flammable or explosive nature. These activities shall not be injurious or offensive to the occupants of adjacent premises by reason of emission or creation of noise, vibration, smoke dust, toxic materials, odors, fire, or glare.

(2) *Uses not permitted.* The following uses shall not be permitted in the IM District:

- (a) Residential uses;
- (b) Drive-in theaters, go-cart tracks, race tracks, carnivals, shooting ranges;
- (c) Commercial kennels and veterinarian;
- (d) Church and temple; and
- (e) Landfills.

(3) *Special uses.* The following uses may be permitted by special use permit and are subject to all the applicable requirements and procedures appearing in that section of the zoning ordinance of the governing body having jurisdiction of the area:

- (a) Borrow pits to be reclaimed for residential and/or recreational uses;
- (b) Public water wells, pumping stations, filtration plants, reservoirs, and storage tanks;
- (c) Planned unit developments;
- (d) Sewage disposal plant;
- (e) Transmission lines for gas, oil, electricity, or other utilities and necessary substations and distribution centers; and
- (f) Truck freight terminal.

(D) *IA Interchange Agriculture District.* The IA District is established as a zone in which agriculture and certain related uses are encouraged as the proper use of lands best suited for agriculture, thus preventing the admixture of urban and rural land uses which creates incompatibility and conflict.

(1) *Permitted uses.* The following uses shall be permitted in the IA District plus any other uses the governing body may deem to be similar in nature. All uses shall be subject to the property development standards found in this chapter.

- (a) General farming, including dairying, livestock, and poultry raising;
- (b) Nurseries and greenhouses;
- (c) Farm dwellings;
- (d) Conservatory areas and lakes; and
- (e) Wetland and lakes.

(2) *Uses not permitted.* The following uses shall not be permitted in the IA District.

- (a) Residential uses (unless incidental to agricultural activities);
- (b) Commercial uses;
- (c) Industrial uses;
- (d) Drive-in theaters, go-cart tracks, race tracks, carnivals, shooting ranges;
- (e) Commercial kennels and veterinarians;
- (f) Church and temple; and
- (g) Landfill.

(3) *Special uses.* The following uses may be permitted by special use permit and are subject to all applicable requirements and procedures appearing in this chapter.

- (a) Borrow pits to be reclaimed for recreational use;
- (b) Public water wells, pumping stations, filtration plants, reservoirs, and storage tanks;
- (c) Sewage disposal plant;
- (d) Transmission lines for gas, oil, electricity, or other utilities and necessary substation and distribution centers; and
- (e) Signs.

(E) *Property development standards in IR District.* The following property development standards shall apply to all land and structures in the IR District.

(1) *Minimum lot area.* A lot on which a dwelling is erected or changed may not be smaller in area than the prescribed

requirements for that residential district.

(2) *Minimum lot width and minimum lot depth.* All lots in approved subdivisions shall have the minimum width and depth requirements as prescribed for that residential district.

(3) *Ground floor area in square feet per dwelling unit.* No dwelling unit may be established, erected, or changed so that its ground floor area, in square feet, is less than that prescribed for that residential district.

(4) *Building height.* No main building or structure may be established, erected, or changed in this IR District so as to have a height greater than that prescribed for that residential district.

(5) *Setback distances.* All buildings and structures shall be set back at least 80 feet from the right-of-way line of the intersecting highway, or 160 feet from the centerline, whichever is more restrictive, 30 feet from the local or internal circulation roads, and 100 feet from the freeway right-of-way. A variance for lesser setback distance from the intersecting highway or local road may be granted if the application of this requirement is determined to cause undue hardship.

(6) *Yard requirements.* All minimum yard requirements shall conform to those established for that residential district.

(7) *Screen and sound buffer.* A dense compact evergreen planting not less than eight feet in height within three years and eight feet in width shall be provided along the rear lot line of lots backing on the intersecting highway or freeway. This planting strip shall be designated as a "no access" strip and maintained in an orderly manner.

(8) *Lot coverage.* All buildings on a lot shall not exceed in coverage the percentage of total lot area as prescribed for that residential district.

(9) *Off-street parking.* The provisions for off-street parking for that residential district as established in this chapter.

(10) *Outdoor advertising.* All provisions for outdoor advertising for that residential district as established in this chapter.

(11) *Underground utilities.* All utilities such as electric, telephone, cable television and other communication cables shall be installed underground and comply with the National Electrical Code and Chapter 3 of N.F.P.A., Standard 501A. The methods of constructions shall be those commonly used by the utility industry with above ground access points for distribution and maintenance. All lines shall be installed in compliance with the regulations of the State Commerce Commission pursuant to the State Public Utilities Act. All transformer boxes shall be located so as not to be unsightly or hazardous to the public.

(F) *Property development standards in IB District.* The following property development standards shall apply to all land and structures in the IB District.

(1) *Minimum lot area.* A lot on which a structure or building is erected or changed may not be smaller in area than the prescribed requirements for that commercial district.

(2) *Minimum lot width and minimum lot depth.* All lots in approved subdivisions shall have the minimum lot width and depth requirements as prescribed for that commercial district.

(3) *Ground floor area in square feet per dwelling unit.* No building or structure may be established, erected, or changed so that its ground floor area, in square feet, is less than that prescribed for that commercial district.

(4) *Building height.* No main building or structure may be established, erected, or changed in this IB District so as to have a height greater than that prescribed for that commercial district.

(5) *Setback distances.* All buildings and structures shall be set back at least 80 feet from the right-of-way line of the intersecting highway, or 160 feet from the centerline, whichever is more restrictive, 30 feet from the local or internal circulation roads, and 100 feet from the freeway right-of-way. A variance for a lesser setback distance from the intersecting highway or local road may be granted if the application of this requirement is determined to cause undue hardship.

(6) *Yard requirements.* All minimum yard requirements shall conform to those established for that commercial district.

(7) *Screen and sound buffer.* A dense compact evergreen planting not less than eight feet in height within three years, and eight feet in width, shall be provided along the rear lot line of lots backing on the intersecting highway or freeway. This planting strip shall be designated as a "no access" strip and maintained in an orderly manner. All service areas shall be screened either by fencing or compact planting.

(8) *Lot coverage.* All buildings on a lot shall not exceed in coverage the percentage of the total lot area as prescribed for that commercial district.

(9) *Off-street parking.* The provisions for off-street parking for that commercial district.

(10) *Outdoor advertising.* There shall be no signs, with the exception of traffic control and directory signs, within 660 feet of the freeway right-of-way. The following restrictions shall apply to the remainder of the interchange area plus any other restrictions for outdoor advertising for that commercial district.

(G) *Property development standards in IM District.* The following development standards shall apply to all land and structures in the IM District.

(1) *Minimum lot area.* A lot on which a dwelling is erected or changed may not be smaller in area than the prescribed requirements for that industrial district.

(2) *Minimum lot width and minimum lot depth.* All lots in approved subdivisions shall have the minimum width and depth requirements as prescribed for that industrial district.

(3) *Ground floor area in square feet per dwelling unit.* No dwelling unit may be established, erected, or changed so that its ground floor area, in square feet, is less than that prescribed for that industrial district.

(4) *Building height.* No main building or structure may be established, erected, or changed in this IM District so as to have a height greater than that prescribed for that industrial district.

(5) *Setback distances.* All buildings and structures shall be set back at least 80 feet from the right-of-way line of the intersecting highway, or 160 feet from the centerline, whichever is more restrictive, 30 feet from the local or internal circulation roads, and 100 feet from the freeway right-of-way. A variance for a lesser setback distance from the intersecting highway or local road may be granted by the governing body if the application of this requirement is determined to cause undue hardship.

(6) *Yard requirements.* All minimum yard requirements shall conform to those established for that industrial district.

(7) *Screen and sound buffer.* A dense compact evergreen planting not less than eight feet in width shall be provided along the rear lot line of lots backing on the intersecting highway or freeway. This planting strip shall be designated as a "no access" strip and maintained in an orderly manner.

(8) *Lot coverage.* All buildings on a lot shall not exceed in coverage the percentage of total lot area as prescribed for that industrial district.

(9) *Off-street parking.* The provision for off-street parking for that industrial district.

(10) *Outdoor advertising.* All provisions for outdoor advertising for that industrial district.

(11) *Underground utilities.* All utilities such as electric, telephone, cable television, and other communications cables shall be installed underground and comply with the National Electrical Code and Chapter 3 of N.F.P.A., Standard 501A. The methods of construction shall be those commonly used by the utility industry with above ground access points for distribution and maintenance. All lines shall be installed in compliance with the regulations of the State Commerce Commission pursuant to the State Public Utilities Act. All transformer boxes shall be located so as not to be unsightly or hazardous to the public.

(H) *Property development standards in IA District.* The following property development standards shall apply to all land and structures in the IA District.

(1) *Minimum lot area.* A lot on which a structure or building is erected or changed may not be smaller in area than the prescribed requirements for that agricultural district.

(2) *Minimum lot width and minimum lot depth.* All lots in approved subdivisions shall have the minimum width and depth requirements as prescribed for that agricultural district.

(3) *Ground floor area in square feet per dwelling unit.* No building or structure may be established, erected, or changed so that its ground floor area, in square feet, is less than that prescribed for that agricultural district.

(4) *Building height.* No main building or structure may be established, erected, or changed in this IA District so as to have a height greater than prescribed for that agricultural district.

(5) *Setback distance.* All buildings and structures shall be set back at least 80 feet from the right-of-way line of the intersecting highway, 30 feet from the local or internal circulation roads, and 100 feet from the freeway right-of-way. A variance for a lesser setback distance from the intersecting highway or local road may be granted if the application of this requirement is determined to cause undue hardship.

(6) *Yard requirements.* All minimum yard requirements shall conform to those established for that agricultural district.

(7) *Lot coverage.* All buildings on a lot shall not exceed in coverage the percentage of the total lot area as prescribed for that agricultural district.

(8) *Outdoor advertising.* There shall be no signs, with the exception of traffic control and directory signs, within 660 feet of the freeway right-of-way. The following restrictions shall apply to the remainder of the interchange area plus any other restrictions for outdoor advertising for that agricultural district.

(a) No sign shall resemble or approximate the size, shape, form, or color of official traffic control signs, signals, or devices.

(b) No sign should be so placed as to obstruct or interfere with the visibility or effectiveness of an official traffic control sign or signal, or with the driver's vision at any access point or intersection.

(c) No sign should contain, include, or be composed of any distracting animated or moving part or parts.

(d) No sign should contain, include, or be illuminated by a flashing light or lights.

(e) No sign should contain more than 300 square feet of area.

(f) No billboard or other large advertising sign should be located in the interchange area.

(g) No more than two signs in each interchange area should be allowed for any single business when the signs are located off the premises of that establishment.

(9) *Underground facilities.* All utilities such as electric, telephone, cable television, and other communications cables shall be installed underground and comply with the National Electrical Code and Chapter 3 of N.F.P.A., Standard 501A. The methods of construction shall be those commonly used by the utility industry with above-ground access points for distribution and maintenance. All lines shall be installed in compliance with the regulations of the State Commerce Commission pursuant to the State Public Utilities Act. All transformer boxes shall be located so as not to be unsightly or hazardous to the public.

(Ord. O-95-2-12, passed 2-9-2012)

SPECIAL REGULATIONS

§ 155.180 SPECIAL USES.

(A) The County Board may grant a special permit, for the following special uses in certain district(s), unless otherwise prohibited by this chapter.

(B) Any special use (permit) may include a specified period of time and may be limited to the applicant or owner, in order, to comply with the intent of this chapter and to conserve and protect the property and property values in the neighborhood:

- (1) Private landing field, or landing strip for aircraft and heliports owned and operated by the property owner thereof;
- (2) Cemetery, including animal, or mausoleum;

(3) A hospital, clinic, nursing home, sheltered care home, or similar institutions which may be permitted in a residential district, shall be located on a site of not less than five acres, shall not occupy more than 10% of the total lot area, and shall be set back from all yard lines at least two feet for each foot of building height. A special use permit shall not be available in the agricultural district;

- (4) Privately operated community building or recreation field, except in agricultural and residential districts;

(5) A public or government building and public use of any publicly owned and operated property, except in the agricultural and residential districts;

- (6) Radio and television broadcasting tower or station;

(7) Mobile home parks, mobile home developments, and travel trailer camp. (The definition of the term **MOBILE HOME** shall be expanded, for the purpose of this section, to also include manufactured homes.)

(a) *A mobile home park.* A mobile home park may be permitted by a special permit in any residential or business zone on areas topographically or locationally well suited, when it can be found that the granting of the permit to allow construction of the mobile home park will not adversely affect public health, safety, or surrounding property values. Mobile home park facilities shall comply with the following and any additional requirements as may be deemed necessary of surrounding areas.

1. All appropriate state and county sanitary regulations shall strictly be observed.
2. With the request for zoning shall be submitted a plat showing the lot sites, streets, utilities, easements, and open spaces.
3. The development density will not exceed 14 units per acres and the minimum lot size for any single unit will be 3,000 square feet.
4. Both community water and community sewer shall be provided for each and every lot in a mobile home park.
5. No mobile home shall be parked closer to any street or highway than the required front yard setback, nor shall any mobile home be parked closer than 35 feet to any property line, except in the B2 Districts. The perimeter of the park shall be planted in evergreen shrubs or have constructed a site-break fence not less than six feet in height; a clearance of not less than 15 feet shall be maintained between the mobile homes on all sides.
6. Service buildings or other facilities for bathing, laundry, and sanitation shall be provided as required by the state and local health regulations, except that mobile home sales shall not be considered part of the service area unless the park is located in a business zone. The services shall be located at least 35 feet from the side and rear lot lines and shall be accessible to mobile home spaces by means of the access drives or hard-surfaced walks.
7. A fenced, protected recreation and playground area shall be established and maintained and shall comprise at least 8% of the total park area.
8. Each lot shall contain a driveway or parking space of sufficient size to accommodate at least two vehicles on the trailer site.
9. All mobile home spaces shall abut upon a hard-surfaced driveway or access way of not less than 25 feet in width.
10. All mobile home parks shall be constructed in accordance with standards developed for the construction as

adopted by the County Board, and no unit shall be placed on any addition to a mobile home park until streets and improvements are constructed and have been inspected by the building and health inspectors of this county.

(b) *A tourist or trailer camp.* A trailer camp may be allowed in any B or Agriculture Zone, provided that there are at least ten acres in the proposed development tract, subject to approval of a special permit development plan, and provided that the following and any additional requirements as may be deemed necessary for proper development and the protection of surrounding areas are met.

1. All appropriated state and county sanitation regulations shall be strictly observed.

2. Exclusive of all drives, at least 2,000 square feet of lot area per dwelling shall be provided; no trailer shall be parked closer to the street or highway than 20 feet to any property line. All the parks shall be buffered by a planted hedge or site-screened fence constructed around their perimeter. Clearance of not less than 15 feet shall be maintained between trailers.

3. All trailer spaces shall abut upon a hard-surfaced driveway or access way of not less than 25 feet in width.

4. Service buildings or other facilities for bathing, laundry, and sanitation shall be provided as required by state and local health regulations and shall be located at least 35 feet from the side and rear lot lines and shall be accessible to spaces by means of the access drives or hard-surfaced walks.

5. A protected recreation and playground area shall be established and maintained.

(8) A special permit may be issued by the County Board to operate a refuse disposal area in any district other than an R District on areas topographically or locationally well suited, when it can determine that the operation of a refuse disposal area on the area will not adversely affect public health, safety, or surrounding property values.

(a) In addition to other requirements governing requests or petitions for such a special use permit, the petitioner shall submit with the request or petition sufficient information and/or maps concerning the topography, soil conditions, and availability of water to provide a basis for making the above mentioned findings.

(b) The request or petition for a special use permit shall also include information concerning the method to be used in disposing of the refuse; the nature of the refuse to be placed in the area; the approximate amount of refuse to be disposed of weekly; the plans for operation; the equipment to be used in the area; and the proposed reclamation of the area.

(c) The request or petition and the special use permit shall provide for the dumping of one or more of the types of refuse enumerated in § 1 of Article 1 of the County Refuse Ordinance, which are classified as follows; I – Garbage; II – Combustible rubbish; III – Non-combustible rubbish; IV – Street rubbish; V – Ashes; VI – Bulky wastes; VII – Construction and demolition wastes; VIII – Putrescible industrial refuse; IX – Non-putrescible industrial refuse; and X – Household pets, birds, rodents, and the wastes thereof.

(d) The Administrative Officer shall furnish a copy of the petition, together with a copy of each of the supplementary documents or maps submitted therewith, to the Director of the County Regional Planning Commission and to the Director of the County Health Department, who shall submit written recommendations of approval or denial and their reasons thereof to the Board of Appeals and to the Zoning Committee of the County Board.

(e) In addition to any other conditions and safeguards imposed by the Board of this county, all these special permits shall contain the following conditions and safeguards. All refuse disposal operations in the refuse disposal area for which the permit is granted shall be conducted in compliance and conformity with all applicable state statutes and county ordinance, including but not limited to the county refuse ordinance.

(f) Any special use permit issued hereunder shall expire two years from the date of its issuance unless state and county licenses for operation of a refuse disposal area on the real estate for which the permit is granted are obtained within that period of time, unless the request or petition and special permit issued thereafter state otherwise.

(9) Except in the agricultural and residential districts, railroad right-of-way (together with tracks and auxiliary facilities for tracks operations), passenger stations, freight terminals, switching yards, classification yards, repair shops, roundhouses, power houses, interlocking towers, fueling, sanding, and water stations, and other similar facilities not in existence on the effective date of this chapter;

(10) Telephone exchange buildings;

(11) Pumping or booster stations along a pipeline or substations along an electric transmission line; and

(12) Automobile graveyards or automobile wrecking yards (junkyards) may be allowed in any zoning districts except the agricultural and residential districts.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.181 HEARING.

Before authorization of any special uses or any of the special uses delineated in the individual districts, the petition for the special permit shall be referred to the Board of Appeals for public hearing.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.182 COMPLIANCE.

Any proposed special use shall otherwise comply with all the regulations set forth in this chapter for the district in which the use is located.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.183 HEIGHT AND AREA REGULATIONS.

The required height and area regulations for the various districts are hereby established and set forth as follows:

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard		Minimum Rear Yard	Maximum Height ^{1, 2}	Maximum Coverage ³	Maximum Floor Area Ratio
				Per Side	Total				
A1 – Agricultural 5	10 acres	190 ft.	50 ft.	50 ft.	100 ft.	50 ft.	35 ft.	None	None
F1 – Floodplain	None	None	50 ft.	100 ft.	200 ft.	100 ft.	35 ft.	0.20	None
R1 – Single Family Residential	1 acre	100 ft.	35 ft.	15 ft.	20 ft.	50 ft.	35 ft.	0.30	None
R4 – Single Family Residential	1 acre	100 ft.	35 ft.	15 ft.	30 ft.	50 ft.	35 ft.	0.30	None
RE5 – Single Family Estate	2 acres	190 ft.	50 ft.	50 ft.	100 ft.	50 ft.	35 ft.	0.20	None
R6 – Multiple Family Residential	1 acre	100 ft.	35 ft.	15 ft.	12 ft.	50 ft.	35 ft.	0.50	0.60
B1 – Neighborhood Shopping	1 acre	100 ft.	35 ft.	5 ft.	20 ft.	20 ft.	35 ft.	None	None
(Adjacent to an R District)	1 acre	100 ft.	35 ft.	20 ft.	20 ft.	20 ft.	35 ft.	0.35	0.40
B2 – Commercial	1 acre	None	35 ft.	5 ft.	20 ft.	None	45 ft.	None	None
(Adjacent to an R District)	1 acre	None	60 ft.	20 ft.	20 ft.	20 ft.	45 ft.	0.35	0.40
B3 – Planned Shopping Center	3 acres	400 ft.	None	None	None	None	35 ft.	None	None
(Adjacent to an R District)	5 acres	400 ft.	60 ft.	50 ft.	50 ft.	35 ft.	35 ft.	0.35	0.40
M1 – Light Industrial	1 acre	100 ft.	35 ft.	None	None	None	125 ft.5	0.50	0.60
(Adjacent to an R District)	1 acre	100 ft.	100 ft.	20 ft.	40 ft.	25 ft.	125 ft.5	0.50	0.60
M2 – Heavy Industrial	1 acre	100 ft.	35 ft.	None	None	None	125 ft.5	0.50	0.80
(Adjacent to an R District)	1 acre	100 ft.	100 ft.	50 ft.	100 ft.	25 ft.	125 ft.5	0.50	0.80

1 Refer to airport zoning restrictions in vicinity of airport.

2 35-foot height shall be considered to be 3 stories, 45-foot height shall be considered to be 4 stories.

3 Maximum coverage refers to that area of a lot covered by a non-porous surface.

4 Whenever a building in an M District adjoins or abuts an R District, within 100 feet therefrom, the building shall not exceed 45 feet in height unless it is set back 1 foot from the required side and rear yard line for each foot of additional height above 45 feet.

5 Minimum lot area for A1, Agricultural District is as follows: A lot area as small as one acre may be permitted within the conditions set forth in § 155.100(C)(1).

* If in subdivision with a sanitary sewer, or with an approved sanitation system, the lot could remain 20,000 square feet including any commercial lot on a sanitary sewer.

§ 155.184 EXCEPTIONS AND MODIFICATIONS.

(A) *Height.*

(1) Except in the vicinity of the airport, where airport zoning regulations apply, the height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, state towers and scenery lots, cooling towers, ornamental towers and spires, chimneys, grain elevators, elevator bulkheads, silos, smokestacks, conveyors, and flag poles.

(2) Public, semipublic, public utility or public service buildings, hospitals, institutions, or schools where permitted may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, when the required side and rear yards are each increased by one foot for each foot of additional building height above the height regulations for the district in which the building is located; provided, however, that the exceptions shall not be permitted when in conflict with the adopted Airport Zoning Ordinance.

(3) No building or structure or any portion thereof shall be erected or structurally altered so as to be in conflict with the regulations established in the adopted Airport Zoning Ordinance.

(B) *Front yards.*

(1) When more than 40% of the lots on one side of the street between two intersecting streets are improved with buildings that have a front yard different from the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a front yard depth shall not be required to exceed 50% in excess of the front yard otherwise required in the district in which the lot is located.

(2) On lots having double frontage, the required front yard shall be provided on both streets.

(3) In a residential district, no fence, structure, or planting higher than three and one-half feet above the established street grades shall be maintained within 25 feet of any street intersection.

(4) An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than ten feet, but this shall not be interpreted to include or permit fixed canopies. Covered porches on buildings erected prior to the adoption of this amendment, extending into required front yards, shall not be enclosed nor included in computing the front yard requirements for adjoining buildings.

(5) Filling station pumps and pump islands may be located within a required yard, provided they are not less than 40 feet from the boundary of any residential district.

(6) Off-street parking facilities may be located within the required front yard of any B or M District but shall not be nearer than 50 feet to any R District, and no off-street parking shall be permitted in the required front yard of any R District.

(7) Merchandise offered for sale or rent shall not be displayed or stored in the required front yard.

(8) *Signs.*

(a) A freestanding advertising sign relating to the business carried on by the establishment occupying the lot may be located in the front yard if the sign is attached to a standard consisting of not more than three poles or supports, each with a diameter or width of not more than 12 inches, and if no individual face of the sign exceeds an area of 60 square feet plus one additional foot for each additional foot of lot frontage over 60 feet measured along the front lot line.

(b) In addition to a freestanding advertising sign, one sign which projects into the front yard may be attached to the building, provided that no individual face of the sign exceeds 32 square feet plus one-half square foot for each additional foot of lot frontage over 32 feet measured along the front lot line.

(c) Where there are no freestanding advertising signs in the front yard, one sign which projects into the front yard may be attached to the building, provided that no individual face to the sign exceeds 60 square feet plus one additional square foot for each individual foot of lot frontage over 60 feet measured along the front lot line.

(d) Two or more signs may be mounted on the same standard of a freestanding advertising sign, provided that the combined areas of the signs do not exceed the area requirements for a single freestanding sign as provided herein.

(e) Two or more signs which project into the front yard may be attached to the building, provided that the combined area of the signs do not exceed the area requirement for a single projecting sign as set forth above, and provided further, that the signs shall be mounted on one common fixture or support.

(f) Where a lot is occupied by two or more establishments within the same building, they may jointly erect a sign or signs. Two or more freestanding advertising signs may be located in the front yard where the lot is occupied by two or more establishments within the same building, provided that only one sign shall be erected for each 40 feet of lot frontage or fraction thereof, and the area of an individual face of each sign does not exceed 60 square feet, and provided that there shall be only one sign for each establishment occupying the lot. Two or more signs which project into the front yards adjoining the street and are attached to the building shall be permitted on a lot which is occupied by two or more establishments within the same building, provided that only one sign shall be erected for each 40 feet of lot frontage or fraction thereof, and the area of the signs does not exceed 32 square feet, and provided that there shall be only one sign for

each establishment occupying the lot.

(g) In addition to the signs allowed in or to project into a front yard as hereinabove provided, the signs shall also be allowed in the side yard on the street side of a corner lot, subject to the same conditions and restrictions as those permitted in the front yard.

(h) No portion of any sign, exclusive of the standard of a freestanding sign, shall be less than nine feet above the level of the sidewalk; or, if there is no sidewalk, the level of the lot line nearest the sign, except where traffic lights may be obscured, the minimum height shall be 12 feet.

(i) No billboard, poster, flag, pennant, streamer, outdoor display or other advertising device not meeting the requirements above shall be permitted.

(j) Revolving beacons which resemble traffic control devices or emergency vehicle signs shall not be used. No signs employing exterior, brilliant, intermittent, rotating, or flashing lights shall be permitted within 50 feet of the boundary of any R District.

(9) The minimum width of the lot at the street line shall not be less than one-half of the required lot width.

(C) *Side yards.*

(1) On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the street, provided, however, that the buildable width of a lot of record shall not be reduced to less than 26 feet.

(2) Where dwelling units are erected above a commercial establishment, no side yard is required except when required for the commercial building on the side of a lot adjoining a residence district.

(3) A porte-cochere or canopy may project into a required side yard, provided every part of the porte-cochere or canopy is unenclosed and not less than five feet from any side lot line.

(4) For the purpose of side yard regulations, a two-family dwelling or multiple dwelling shall be considered as one building occupying one lot.

(5) Where a lot of record at the time of the effective date of this chapter is less than 50 feet in width, the required side yard may be reduced to 10% of the width of the lot; provided, however, that no side yard be less than three feet.

(D) *Rear yards.*

(1) Where a lot abuts upon an alley, one-half of the alley width may be considered as part of the required rear yard.

(2) Unenclosed parking spaces may occupy not to exceed 90% of the area of a required rear yard.

(3) The ordinary projections of sills, belt courses, cornices, and ornamental features may extend to a distance not to exceed 18 inches into a rear yard.

(4) Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues into a rear yard may be permitted by the Administrative Officer for a distance not to exceed five feet when these are so placed as not to obstruct light and ventilation.

(E) *Lot area per family.* Where a lot of record at the time of the effective date of this chapter has less area or width than herein required in the district in which it is located, and the owner of the lot at the time of the adoption of this chapter does not own any other parcel or tract adjacent thereto, the lot may nonetheless be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located.

(F) *Setbacks.* The County Board may, upon recommendation of the Zoning Board of this county, establish setbacks in excess of those setbacks required by a zone district. The setbacks shall be granted when it is deemed necessary to protect any existing or proposed street, traffic way, freeway, highway, drive, or parkway, or any storm or flood runoff channel within the unincorporated area of the county. The setbacks shall only be valid, however, after the holding of public hearing as required by law in the township in which the special setback is proposed. All special setbacks shall be clearly shown on a map which is displayed in the office of the Zoning Inspector of this county.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.185 SOLAR FARM REGULATIONS.

(A) *Zoning districts.* Agricultural Districts (A-1).

(B) *Permit requirements - special uses.*

(1) *Solar farm.*

(a) Solar farms, also known as solar power plants and solar energy generation facilities, shall be permitted in the (A-1) Agricultural district as a special use, in accordance with the following minimal regulations and design standards.

(b) *Design standards.* The design standards and bulk regulations listed in the (A-1) Agricultural District for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all solar farms and the following regulations shall apply instead. All other design standards and bulk regulations of the district shall apply.

1. *Foundations.* The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

2. *Other standards and codes.* All solar farms shall comply with any applicant local, state, federal regulatory standards, and the National Electrical Code.

3. *Power and communication lines.* Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions or variances may be granted in instances where shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury lines.

4. *Minimum lot size.* No solar farm shall be erected on any lot less than five acres in size.

5. *Height.* Systems, equipment, and ground or pole-mounted solar energy systems shall not exceed 20 feet in height, which oriented at maximum tilt. Excluded from this height requirement, however, are electric transmission lines and utility poles.

6. *Setbacks.* A minimum of 50 feet must be maintained on all property lines. Solar panels shall be kept at least 500 feet from a residence that is not part of the special use permit. This distance is measured from the dwelling foundation.

7. *Lighting.* Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the property upon which the solar farm is located.

8. *Signage.* An appropriate warning sign shall be provided at the entrance of the facility and along the perimeter to the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and a 24-hour emergency contact number.

(C) *Application requirements.* The following information shall be submitted as part of the application:

(1) A site plan with existing conditions showing the following:

(a) Existing property lines and property lines extending 100 feet from the exterior boundaries including the names of adjacent property owners and the current use of those properties.

(b) Existing public and private roads, showing the widths of the road and any associated easements.

(c) Location and size of any abandoned wells, sewage treatment systems.

(d) Existing buildings and impervious surfaces.

(e) A contour map showing topography at two foot intervals. A contour map of surrounding properties may also be required.

(f) Existing vegetation (list type and percentage of coverage: (i.e. cropland/ plowed fields, grassland, wooded areas, etc.).

(g) Any delineated wetland boundaries.

(h) A copy of the current FEMA FIRM map that shows the subject property including the 100-year flood elevation and any regulated flood protection elevation, if available.

(i) Surface water drainage patterns.

(j) The location of any subsurface drainage tiles.

(2) A site plan of proposed conditions showing the following;

(a) Location and spacing of the solar panels.

(b) Location of access roads.

(c) Location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.

(d) New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.

(3) *Fencing and weed/grass control*

(a) The applicant shall submit an acceptable weed/grass control plan for project area inside and outside the fenced area for the entire property. The operating company or successor during the operation of the solar farm shall adhere to the weed/grass control plan.

(b) Perimeter fencing shall have a maximum of eight feet shall be installed around the boundary of the solar farm. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.

(4) *Manufacturer's specifications.* The manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and racks.

(5) *Connection and interconnection.*

(a) A description of the method of connecting the solar array to a building or substation.

(b) Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.

(6) *Aviation protection.* For solar energy systems located within 500 feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the airport traffic control tower cab and final approach paths, consistent with the interim policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version by the FAA.

(7) *Fire protection.* A fire protection plan for the construction and the operation of the facility, and emergency access to the site.

(8) *Endangered species and wetlands.* Solar farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the developer.

(9) *Road use agreements.* All routes on either county or township road that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall be approved subject to the approval of the Macon County Highway Engineer in coordination with the Township Road Commissioners. The solar farm developer shall complete and provide a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The development shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the developer. The developer shall provide a surety bond in an amount and form approved by the highway/road officials when warranted.

(10) *Decommissioning of the solar farm.* The developer shall provide a decommissioning plan for the anticipated service life of the facility or in the event, the facility is abandoned or had reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of 12 months, it will be deemed nonoperational and decommissioning and removal of that facility will need to commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar farm. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar farm. The decommissioning cost shall be made by a surety bond before construction commences. Further, a restoration plan shall be provided for the site with the application. The decommissioning plan shall have the following provided:

(a) Removal of the following within six months:

1. All solar collectors and components, aboveground improvements and outside storage.

2. Foundations, pads and underground electrical wires and reclaim site to a depth of four feet below the surface of the ground.

3. Hazardous material from the property and dispose in accordance with Federal and state law.

(b) The decommissioning plan shall also recite an agreement between the applicant and the county that:

1. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the Planning and Zoning Administrator.

2. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.

3. The county shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six months of the end of project life or facility abandonment.

4. The county is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

5. The county is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the county's right to seek reimbursement from the applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

6. Financial provisions shall not be onerous as to make solar power projects unfeasible.

(Ord. O-131-09-18, passed 9-13-2018)

OFF-STREET PARKING, OFF-STREET LOADING FACILITIES

§ 155.195 SCOPE OF REGULATIONS.

The off-street parking and off-street loading provisions of this subchapter shall apply as follows.

(A) Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of this subchapter, for all buildings and structures erected and all uses of land established in each district, after the effective date of this chapter. However, where a building permit has been issued prior to the effective date of this chapter, and provided that construction is begun within six months of the effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required by this chapter for the intended use shall not be required.

(B) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement 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. However, no building or structure lawfully erected or use lawfully established prior to the effective date of this chapter shall be required to provide any additional parking or loading facilities unless and until the aggregate increase in units of measurement shall equal not less than 15% of the units of measurement existing upon the effective date of this chapter, in which event parking or loading facilities as required herein shall be provided for the total increase; provided, however, that in the case of the expansion or alteration of residential building, required parking or loading facilities shall be provided on the basis of the total required units of measurement for the entire capacity of the buildings.

(C) 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 for the new use.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.196 EXISTING PARKING FACILITIES.

Accessory off-street parking or loading facilities in existence on the effective date of this chapter, and located on the same lot as the building or use served shall not hereafter be reduced below (or if already less than shall not be further reduced below), the requirements for a similar new building or use under the provisions of this chapter.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.197 PERMISSIVE PARKING AND LOADING FACILITIES.

Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities (on the same lot as the establishment it serves) to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operations of the facilities are adhered to.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.198 DAMAGE OR DESTRUCTION.

For any conforming or legally nonconforming building or use which is in existence on the effective date of this chapter, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off-street 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 chapter for equivalent new uses or construction.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.199 CONTROL OF OFF-STREET FACILITIES.

In cases where parking or loading facilities are permitted on land other than the zoning lot on which the building or use served is located, the facilities shall be in the same possession as the lot occupied by the building or use to which the parking facilities are accessory. The possession may be either by deed or long-term lease, the minimum term of the lease to be determined by the Board. The owner of the land on which the parking or loading facilities are to be located shall be bound by covenants, filed on record in the office of the Recorder of Deeds, requiring the owner, his or her heirs, and assignees to maintain the required number of parking and facilities for the duration of the use served or the lease, whichever shall terminate sooner.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.200 OFF-STREET PARKING.

Off-street parking facilities for motor vehicles shall be provided in accordance with regulations set forth hereinafter.

(A) *Use.* Accessory off-street parking facilities required as accessory to uses listed herein, shall be solely for the parking of passenger automobiles of patrons, occupants or employees. (When bus transportation is provided for patrons, occupants, or employees of a specific establishment, additional open or enclosed off-street parking spaces for each bus to be parked on the premises shall be provided in accordance with regulations hereafter for access, in yards, design, and maintenance and area in accordance with size of buses.)

(B) *Computation.* When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

(C) *Collective provision.* Off-street parking facilities for separate uses may be provided collectively if a total number of

spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board in accordance with procedures set forth herein in the variance section of this chapter.

(D) *Area.* A required off-street parking space shall be at least ten feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Enclosed parking spaces shall have a vertical clearance of at least seven feet.

(E) *Access.* Each required off-street parking space shall open directly upon an aisle or driveway of a width and design as to provide safe and efficient means of vehicular access to the parking spaces. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property at the right-of-way line shall exceed a width of 25 feet.

(F) *In yards.* Off-street parking spaces, open to the sky, may be located in any yard except a front yard and a side yard adjoining a street. Enclosed buildings and carports containing off-street parking spaces shall be subject to applicable yard requirements.

(G) *Design and maintenance.*

(1) *Open and enclosed parking spaces.* Accessory parking spaces may be open to the sky or enclosed in a building.

(2) *Surfacing.* All open off-street parking spaces containing four or more parking spaces shall be improved with a compacted base and a permanent wearing surface as approved by the designated engineer.

(3) *Screening and landscaping.* All open parking areas, containing more than four parking spaces, located less than 40 feet from a property line shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence, or densely compact hedge, not less than five feet nor more than eight feet in height.

(4) *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance, and in a parking area containing 40 or more parking spaces the light shall be extinguished one-half hour after the close of business, except as may otherwise be permitted or required by the Board for maintaining illumination with less candlepower after the time specified above.

(5) *Repair and services.* No motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities unless the accessory parking facilities are enclosed in a building, in which case gasoline and motor oil may be sold within the building to the use of the accessory parking facilities; provided that no sign advertising the sale of same is visible from outside, and provided further that all gasoline pumps shall be effectively screened from view from the public way.

(H) *Location.* All parking spaces required to serve buildings or uses erected or established after the effective date of this chapter shall be located on the same lot as the building or use served. Buildings or uses existing on the effective date of this chapter which are subsequently altered or enlarged so as to require the provisions of parking spaces under this chapter, or new uses established in any business district may be served by parking facilities located on land other than the lot on which the building or use served is located, provided that the facilities are within 300 feet walking distance of a main entrance to the use served.

(I) *Employee parking.* 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 any one time.

(J) *Required spaces.* Off-street parking spaces accessory to designated uses shall be provided as follows:

<i>Use</i>	<i>Parking Requirement</i>
<i>Use</i>	<i>Parking Requirement</i>
(1) Dwelling and lodging uses:	
(a) Hotel and apartment hotel	At least one parking space for each three separate lodging rooms and one parking space for each dwelling unit in an apartment hotel
(b) Lodging houses	At least two parking spaces plus one parking space for each lodging room
(c) Motels, tourist homes, or tourist cabins	At least one parking space for each dwelling unit and one parking space for each sleeping room
(d) Multiple-family dwelling	At least two parking spaces for each dwelling unit

(e) Single-family dwelling	At least two parking spaces for each dwelling plus one additional parking space for each two roomers or lodgers accommodated; but no more than four parking spaces for each single-family dwelling
(f) Tourist camps or parks	Automobile parking spaces equal in number to the number of trailers permitted shall be provided
(g) Two-family dwellings	Two parking spaces for each dwelling unit
(2) School, institution, auditorium, or other places of assembly uses:	
(a) Colleges, junior colleges, and universities	One parking space shall be provided for each six students, based upon the maximum number of students that can be accommodated in accordance with design capacity
(b) Convalescent homes, nursing homes, rest homes, institutions for the care of the aged and for children, and sanitariums	One parking space shall be provided for each four beds, plus one parking space for each two employees, (other than staff doctors) plus one parking space for each doctor assigned to the staff
(c) Fraternities, sororities, and dormitories in conjunctions with colleges, junior colleges, and universities	One parking space shall be provided for each three active members or dormitory residents plus one parking space for the manager
(d) Gymnasiums, stadiums, and grandstands	One parking space for each six seats or for each 108 inches of seating space
(e) Hospitals	At least one parking space for each two hospital beds plus one parking space for each two employees (other than doctors) plus one parking space for each doctor assigned to the staff
(f) Libraries and museums	At least one parking space for each 800 square foot of floor area
(g) Medical and dental clinics	At least three parking spaces for each examining or treatment room, plus one for each doctor and employee in the building
(h) Meeting halls, convention halls, and exhibition halls	Not less than the number of parking spaces equal to 30% of the maximum number of people that can be accommodated in accordance with design capacity
(i) Private clubs and lodges	At least one parking space for each lodging room and one parking space for each six seats in accordance with design capacity of the main meeting room
(j) Schools – commercial or trade, music, dance, or business	One parking space shall be provided for each two employees plus one space for each five students based on the maximum number of students that can be accommodated in accordance with design capacity
(k) Schools, high; public or private	At least one parking space for each seven students in accordance with design capacity of the building
(l) School and institutional auditoriums	At least one parking space for each two persons employed on the premises and an additional parking space for each six seats or for each 108 inches of seating space in the main auditorium or assembly hall
(m) Schools; nursery, elementary, or junior high; public or private	At least one parking space for each three faculty members and other full-time employees
(n) Auditoriums (other than incidental to a school), arenas, race tracks of all kinds, or other places of assembly	Parking spaces equal in number to 30% of the capacity in persons shall be provided
(3) Recreational uses – commercial or noncommercial:	

(a) Bowling alleys	At least seven parking spaces for each alley plus any additional spaces as may be required herein for affiliated uses such as restaurants and the like
(b) Health salons, swimming pools, skating rinks, and dance halls; commercial	At least one parking space for each three persons based upon the maximum number of persons that can be accommodated at the same time in accordance with design capacity and one parking space for each three employees
(c) Parks, recreation areas, or community centers; private, semi-public, or public	At least one parking space shall be provided for each three employees, plus spaces in adequate number as determined by the County Board to serve the visiting public
(4) Business, commercial and manufacturing uses:	
(a) All businesses and commercial establishments except those specified hereafter	At least one parking space for each 300 square feet of floor area
(b) Auto laundries	One parking space shall be provided for each three employees, plus one space for the owner or manager, and in addition, reservoir parking spaces equal in number to five times the maximum capacity of the auto laundry for automobiles awaiting entrance to the auto laundry shall be provided. Maximum capacity in this instance shall mean the greatest number of automobiles undergoing some phase of laundering at the same time
(c) Automobile service stations	At least one parking space for each employee, plus two for each service stall
(d) Banks	At least one parking space for each 300 square feet of floor area
(e) Business, professional and administration, or service office buildings	At least one parking space for each two persons employed based upon the designed maximum employee capacity of the building
(f) Cartage, express, parcel delivery, and freight terminal establishments	At least one parking space for each two employees, as related to the working period when the maximum number of persons are employed on the premises and one parking space for each vehicle maintained on the premises
(g) Establishments handling the sale and consumption on the premises of food and refreshment	At least one parking space for each three persons based upon the maximum number of persons that can be accommodated at the same time in accordance with design capacity
(h) Furniture and appliance stores, motor vehicle sales, wholesale stores, stores for repair of household equipment or furniture	At least one parking space for each 400 square feet of floor area
(i) Production, processing, assembly, cleaning, servicing, testing, or repairing of materials, goods, or products	At least one parking space for each three employees as related to the working period when the maximum number of persons are employed on the premises
(j) Theaters	At least one parking space for each four seats up to 400 seats plus one parking space for each six seats over 400
(k) Undertaking establishments and funeral parlor	At least eight parking spaces for each chapel or parlor, plus one parking space for each funeral vehicle maintained on the premises
(l) Warehouses, storage, wholesale, and mail order establishments	At least one parking space for each two employees, as related to the working period when the maximum number of persons are employed on the premises
(5) Miscellaneous uses:	

(a) Planned developments	Parking spaces shall be provided on the basis of the required space for each individual use
(b) Public utility and public service uses	At least one parking space for each two employees, plus spaces in adequate number as determined by the Board to serve the visiting public
(6) Other uses:	
Parking spaces for other permitted or special uses not listed above	Shall be provided in accordance with requirements designated by the Board

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.201 OFF-STREET LOADING REQUIREMENTS.

(A) There shall be provided, at the time any building is erected or structurally altered, off-street loading spaces, logically and conveniently located for bulk pickups and deliveries, of a size and number as to accommodate the delivery vehicles expected, and accessible to those vehicles even when off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

(B) Where off-street loading spaces are provided, they shall be built in accordance with the following regulations:

- (1) All loading spaces shall be located on the same zoning lot as the use served;
- (2) All motor vehicle loading spaces, which abut a residential district, shall be completely screened therefrom by building walls, densely planted compact hedge, or a uniformly painted solid fence, wall, or any combination thereof, not less than eight feet in height;
- (3) No loading space shall be located in a required front or side yard;
- (4) Off-street loading spaces shall be at least ten feet in width by at least 25 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet;
- (5) Each off-street loading space shall be designed with appropriate means of vehicular access to a street in such a manner as to minimize interference with traffic movement, but in no case shall a loading space have an entrance onto a street located within 30 feet of the nearest point of an intersection of any two streets; and
- (6) All open off-street loading spaces shall be improved with a compact base surfaced with an all-weather dustless material as approved by the engineer.

(Ord. O-95-2-12, passed 2-9-2012)

ZONING MAPS

§ 155.215 INCORPORATION OF ZONING MAPS.

The location and boundaries of the districts established in this chapter are shown upon the following zoning maps, which are hereby incorporated into this chapter. These zoning maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as if fully set forth and described verbally herein.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.216 TOWNSHIP INDEX MAP.

This section is to show the township map of the county indicating on which page various zoning maps may be found.

(Ord. O-95-2-12, passed 2-9-2012)

§ 155.217 ZONING MAPS.

This section is to contain 17 zoning maps of the county showing all district boundaries by township. Maps shall be developed once the text and general zoning district classifications are agreed to by the County Board and its Environmental, Education, Health, and Welfare Committee.

(Ord. O-95-2-12, passed 2-9-2012)

CANNABIS BUSINESSES

§ 155.300 CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED.

The following adult-use cannabis business establishments are prohibited in unincorporated areas of Macon County. No person shall locate, operate, own, suffer, allow to be operated or aid, abet or assist in the operation within unincorporated areas of Macon County any of the following:

(A) Adult-use cannabis dispensing organization.

(Ord. O-136-01-20, passed 1-9-2020; Ord. O-137-01-21, passed 1-14-2021)

§ 155.301 PUBLIC NUISANCE DECLARED.

Operation of any prohibited cannabis business establishment within the unincorporated areas of Macon County in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

(Ord. O-136-01-20, passed 1-9-2020)

§ 155.999 PENALTY.

Any person, firm, or corporation, or agents, employees, or contractors thereof, who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of, any provisions of this chapter, shall be subject to a fine of not more than \$500 for each offense; and each week a violation continues to exist shall constitute a separate offense.

(Ord. O-95-2-12, passed 2-9-2012)